

KATE SNYDER (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK N. DION (5)

CITY COUNCIL MEETING - MAY 15, 2023 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

RECOGNITIONS:

Recognizing Chelsea Hoskins and the staff of the Resettlement Program of the City of Portland for receiving the Community Partners Award from Immigrant Legal Advocacy Project - Kate Snyder, Mayor

Recognizing Ryan Gorneau, Social Services Program Manager, for receiving the "Maine Welfare Director of the Year" award - Kate Snyder, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Meeting Minutes from May 1, 2023

PROCLAMATIONS:

Proclamation 22-22/23 Recognizing National EMS Week - Sponsored by Kate Snyder, Mayor

Proclamation 23-22/23 Recognizing National Peace Officers Memorial Day and National Police Week - Sponsored by Kate Snyder, Mayor

Proclamation 24-22/23 Recognizing National Public Works Week - Sponsored by Kate Snyder, Mayor

Proclamation 25-22/23 Recognizing Jewish American Heritage Month - Sponsored by Kate Snyder, Mayor

Proclamation 26-22/23 Recognizing National Skilled Nursing Care Week - Sponsored by Kate Snyder, Mayor

Proclamation 27-22/23 Recognizing Asian American, Native Hawaiian, and Pacific Islander Heritage Month - Sponsored by Pious Ali, Councilor

APPOINTMENTS:

Order 203-22/23 Appointing Sustainability Director Troy Moon Constable - Sponsored by Danielle P. West, Interim City Manager

This order appoints Sustainability Director Troy Moon a Constable for 2023, in order to enforce ordinances in the Portland City Code.

This appointment is effective from 12:01 a.m. on January 1, 2023 until 12:00 midnight, December 31, 2023, and is made pursuant to Portland City Code, Sections 2019 and 2019.5. 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.

Five affirmative votes are required for passage after public comment.

Order 204-22/23 Appointing Danielle P. West City Manager - Sponsored by the City Manager Search Subcommittee, Mayor Kate Snyder, Chair

This order appoints Danielle P. West as the City Manager, effective May 25, 2023, and approves a three-year employment contract. The contract establishes an annual base salary of \$210,000.

This item must be read on two separate days. This is its first reading. The City Council is asked to waive the second reading and approve this appointment as an emergency. To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

Order 205-22/23 Declaring June 17, 2023 the Pride Portland! Parade & Festival - Sponsored by Danielle P. West, Interim City Manager

Pride Portland would like to host their Parade and Festival again in Portland. The event will take place this year on June 17, 2023. There will be a parade down Congress Street, High Street, and Park Avenue followed by a festival in Deering Oaks Park. The parade will start at 1:00 p.m. and the festival will start at 1:00 p.m. and last until 5:00 p.m., with music, speakers, food trucks, non-food vendors and a beer garden.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 206-22/23 Granting Municipal Officers' Approval of The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/11/23. New City and State applications. Establishment currently holds a Class III & IV FSE with Outdoor Dining on Private Property with Indoor Entertainment.

Five affirmative votes are required for passage after public comment.

Order 207-22/23 Granting Municipal Officers' Approval of Scarlet Ribbons LLC, dba The Henry. Application for Class A Restaurant/Lounge at 375 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/11/23. New City and State applications. Location was previously Bull Feeney's.

Five affirmative votes are required for passage after public comment.

Order 208-22/23 Granting Municipal Officers' Approval of Eighteen Exchange LLC, dba Papi Portland. Application for Parklet Outdoor Dining at 18 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/26/23. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL MUNICIPAL BUDGET ORDERS.

A SECOND PUBLIC HEARING WILL BE HELD ON JUNE 5, 2023.

Order 209-22/23 Approving Fiscal Year 2024 Administrative Fees for City Parking Garages and the Parks, Recreation, and Facilities Department - Sponsored by Danielle P. West, Interim City Manager

This order authorizes administrative charges in the Parking Division ((Elm and Spring Street Garage monthly fees) and Parks, Recreation & Facilities (Recreation and Aquatic).

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

Order 210-22/23 Authorizing the City Manager To Enter into Certain Agreements To Implement the Fiscal Year 2024 Human Resources and Certain Fringe Benefits Budgets - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2024 to implement portions of human resources, medical, workers' compensation, and liability budgets.

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

Order 211-22/23 Approving the Fiscal Year 2024 Self-insured Liability Program - Sponsored by Danielle P. West, Interim 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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 212-22/23 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by Danielle P. West, Interim City Manager

This order would authorize the Director of Parks, Recreation and Facilities or their designee to sign rental contracts and set associated fees. This authorization is required

annually.

Staff has historically set fees and signed rental agreements for City facilities including but not limited to Merrill Auditorium, the Portland Exposition Building, Ice Arena, Riverside Golf Course, Portland cemeteries, and Ocean Gateway. These facilities host hundreds of events annually, and fees are determined based on the unique staffing levels and services they require.

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.

Venues/programs overseen by this Department are run in a business-like manner and need the flexibility 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. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 213-22/23 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2024 Health & Human Services Budget - Sponsored by Danielle P. West, Interim 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. This is its first reading.

Order 214-22/23 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

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

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 215-22/23 Authorizing the Director of Parks, Recreation and Facilities to Accept Donations up to \$10,000 for Parks, Recreation & Facilities Department Programs and City Funds

The Parks, Recreation & Facilities Department receives frequent donations for many of the programs it works on and with, like the Land Bank, the Portland Youth Corps, and the Tree Trust. This order will allow the department director to accept donations as much as \$10,000 without needing to receive approval from the City Council.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with the consideration of the Appropriation Resolve.

Order 216-22/23 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Danielle P. West, Interim 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.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 5, 2023 to coincide with consideration of the Appropriation Resolve.

Order 217-22/23 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, Interim City Manager

This Order authorizes the City Manager to utilize a 4.0% Cost of Living Adjustment (COLA) for pay adjustments for non-union employees, elected officials, the City Clerk and Corporation Counsel.

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

Order 218-22/23 Designating Fiscal Year 2024 Funds for Specific Island Services - Sponsored by Danielle P. West, Interim City Manager

The municipal budget includes \$45,000 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 FY24:

- Item A: Peaks Island Summer Bike Ticket Program \$250
- Item B: PI Needs-Based Boat Tickets \$1,000
- Item C: PI Portland Public Middle & High School Student Boat Passes \$3,500
- Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$300
- Item E: PI Children Attending Private Schools Vouchers \$300
- Item F: PI ITS (Island "Taxi"): Island Transportation System \$22,500
- Item G: PI PEAT (PI Environmental Team: Signage and equipment) \$2,000
- Item H: PI Administrative Expenses \$2,150
- Item I: Brackett Church (Community Arts & Play Recreation Programs) \$1,000
- Item J: Island Compost Project \$3,500
- Item K: New Brackett Church for utilities for community programs \$2,000
- Item L: Illustration Institute for Island Resident Programming \$1,500
- Item M: Fifth Maine Museum Institute Program, code compliance \$1,500
- Item N: Peaks Island Children's Workshop building repairs \$3,500

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

Order 219-22/23 Appropriating \$3,611,343 in Fund Balance - Sponsored by Danielle P. West, Interim City Manager

This order appropriates \$2,850,000 from Assigned Fund Balance for pension obligation bond debt service payments due in Fiscal Year 2024. It also appropriates \$761,313 from Unassigned Fund Balance for additional Cumberland County tax payments due in Fiscal Year 2024 resulting from the County's change from a calendar to a fiscal year.

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

Order 220-23/24 Appropriating \$276,000 From Excess Fund for Casco Bay Island Transit District - Sponsored by Danielle P. West, Interim City Manager

Pursuant to the agreement between the lease agreement between the City of Portland and the Casco Bay Island Transit District ("CBITD") dated October 1, 2018, this item appropriates funding from the Excess Fund in the amount of \$276,000. \$250,000 is being requested by CBITD for capital costs associated with their public transportation operations in Casco Bay and \$26,000 is being requested by the City for other mass transportation needs related to summer shuttle service from the Marginal Way Park and Ride lot to the Casco Bay Lines Ferry Terminal.

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

Order 221-22/23 Amendment to Portland City Code Chapters 24 and 28 Re: Various Fee Increases for Fiscal Year 2024 - Sponsored by Danielle P. West, Interim City Manager

This amendment increases the impoundment fee associated with a "boot" immobilizing a vehicle from \$50 to \$70 (Section 28-101 of the Portland City Code). It also allows an increase in the sewer user charges from \$12.30 per hundred cubic feet of volume (hcf) to \$12.75 hcf (Section 24-72 of the Portland City Code) and an increase in the stormwater service charge from \$7.50 per one thousand two hundred (1,200) square feet of impervious surface area to \$7.75 (Section 24-84). All increases would be effective July 1, 2023, the start of Fiscal Year 2024.

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

Order 222-22/23 Fiscal Year 2023-2024 Appropriation Resolve - Sponsored by Danielle P. West, Interim City Manager

The Appropriation Resolve contains the City Manager's recommended budget for Fiscal Year 2024 for general municipal purposes in the amount of \$332,799,323. In addition, it contains the Portland Board of Education's FY2024 recommended budget of \$143,810,343.

The tax levy based upon the City Manager's recommended budget is \$103,559,653 and \$110,850,008 for the Portland Board of Education's recommended School Budget. The City Manager's budget recommendations for municipal purposes and the Portland Board of Education's recommended School Budget result in a combined tax levy of 214,409,661 for Fiscal Year 2024.

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, 2023 and sets 30 Days after Tax Commitment 2023 as the tax due date, which may be paid in two installments due 30 Days after Tax Commitment 2023, and on March 15, 2024.

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

THE CITY COUNCIL HELD A FIRST READ ON THE FISCAL YEAR 2024 SCHOOL BUDGET AT THE MAY 1, 2023 COUNCIL MEETING AND ACCEPTED PUBLIC COMMENT. THE SECOND READ AND A PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD DURING THE MAY 15, 2023 COUNCIL MEETING.

THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 13, 2023.

The City Council Finance Committee voted unanimously (3-0) on April 27, 2023 to recommend passage of the Portland Board of Public Education School Budget, as submitted.

Order 195-22/23 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

The following School Budget Orders are required by 20A M.R.S. §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 \$97,436,781 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 order requires the city to raise \$78,416,798 as the city's contribution to the total cost of funding public education from K12 as described in the EPS law. The City's tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$143,810,343 will be \$110,850,008.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 196-22/23 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

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

This order appropriates \$272,722 for the annual payments on debt service previously approved by the voters or the City Council for nonstate (localonly) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$272,722 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 received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 197-22/23 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order appropriates \$30,238,748 in additional city funds over and above regional Essential Programs and Services amount and the nonstate funded debt service amount.

This exceeds the EPS funding model by \$30,238,748 and 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; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 198-22/23 Approving Total School Operating Budget for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order is required by 20A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The amount recommended for approval by the Finance Committee is \$136,777,421.

That is the amount based on the budget submitted by the Portland Board of Public Education, and would be sent to the voters for approval at a citywide Referendum Election on June 13, 2023. \$108,928,268 of the \$136,777,421 would come from property taxes, \$23,225,115 would come from state subsidy, and \$4,624,038 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 received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 199-22/23 Appropriating and Raising Funds for Adult Education for Fiscal Year 2024 as required by the Maine Revised Statutes, Title 20-a §8603-a(1) - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order appropriates \$2,732,531 for Adult Education for Fiscal Year 2023-2024 and raises the sum of \$1,921,740 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.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

Order 200-22/23 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

This order raises and appropriates \$0 for the Food Service Program for Fiscal Year 2023-2024, as the program is expected to be funded in full by other revenue sources in 2023-24. By this order, 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.

At the May 1, 2023, Council meeting, this item was postponed to May 15, 2023, in order to be considered at the same time as the other School Budget orders. Five affirmative votes are required for passage after public comment.

Order 201-22/23 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2024 Sponsored by the Finance Committee, Councilor Mark Dion, Chair

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.

At the May 1, 2023 Council meeting, this item was postponed to May 15, 2023, in order to be considered at the same time as the other School Budget orders. Five affirmative votes are required for passage after public comment.

COMMUNICATION:

Communication 33-22/23 Regarding Encampment Removal and Remediation - Danielle P. West, Interim City Manager

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

ORDERS

Order 223-22/23 Approving the Agreement between Top Trumps USA, Inc. and the City of Portland for a Portland Monopoly Game - Sponsored by Danielle P. West, Interim City Manager

This Order approves a Promotion Agreement with Top Trumps USA, Inc. which would grant the company a license to use the City's name, images and likeness on an Portland-themed Monopoly board to be released later this year. By approving this agreement, the City authorizes Top Trumps USA, Inc. to place one or more of the name, trademark, logo, artwork and/or an image of the City's on (i) the Light Blue 2 square of the Game, under the name Merrill Auditorium; (ii) the Yellow 2 square of the Game, under the name Riverside Golf Course; and (iii) the Dark Blue 1 square of the Game under the name Eastern Promenade.

Five affirmative votes are required for passage after public comment.

Order 224-22/23 Authorizing Amendment to Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding for Creative Portland

As part of the FY24 City budget process, the Interim City Manager has recommended that Downtown Transit Oriented Development and Omnibus Tax Increment Financing District (DT TOD TIF) funding in the amount of \$200,000 be provided to Creative Portland (CP).

The Downtown TOD TIF currently has a cap of \$100,000 annually to support CP. Currently, costs associated with two full time positions assigned to support the work of the CP Board has primarily been funded through the DT TOD TIF. The Proposed TIF District Amendment would establish an annual level of funding for CP in the amount of \$200,000. CP would use the funding to support staff, programs and services. See below funding table:

CP Funding Table		
Timeframe and Use	Source	Total
Existing – City Staff Costs - CP Programs and Services	\$172,496 – DT TOD TIF \$25,000 - DT TOD TIF	\$197,496
Budget Amendment Request: - CP Staff, Programs and Services	\$200,000 – DT TOD TIF	\$200,000

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

ADJOURNMENT:

ZOOM INFORMATION:

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PLEDGE OF ALLEGIANCE:

Mayor Snyder led all present in the Pledge of Allegiance.

ROLL CALL:

Mayor Snyder called the meeting to order at 5:03pm.

City Councilors Present: Councilor Fournier, Councilor Rodriguez, Councilor Dion, Councilor Zarro, Councilor Trevorrow, Councilor Pelletier, Councilor Phillips, Mayor Snyder.

City Councilors Absent: Councilor Ali.

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Mayor Snyder opened the floor for public comment. The following individuals spoke:
Matt Walker (District 2), George Rheault (Hanover Street), Viviando (231 State Street)

ANNOUNCEMENTS:

Mayor Snyder opened the floor for announcements. The following individuals spoke:
Mayor Snyder

RECOGNITIONS:

Recognizing Ryan Gorneau, Social Services Program Manager, for receiving the "Maine Welfare Director of the Year" award - Kate Snyder, Mayor

This item was delayed to May 15, 2023.

Recognizing Kevin Fahrman, Portland's Valentine's Day Bandit - Kate Snyder, Mayor

Mayor Snyder recognized Kevin Fahrman, Portland's Valentine's Day Bandit.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Agenda Meeting Minutes from April 24, 2023

Motion was made by Councilor Zarro and seconded by Councilor Fournier for approval of the City Council Meeting minutes, April 24, 2023. Passage 8-0 (Ali absent)

PROCLAMATIONS:

Proclamation 21-22/23 Recognizing the 54th Anniversary of Municipal Clerks Week - Sponsored by Kate Snyder, Mayor

Mayor Snyder read Proclamation 21-22/23 Recognizing the 54th Anniversary of Municipal Clerks Week into the record.

Proclamation 22-22/23 Declaring May 5, 2023 Missing and Murdered Indigenous Women's Day - Sponsored by April Fournier, Councilor

Mayor Snyder read Proclamation 22-22/23 Declaring May 5, 2023 Missing and Murdered Indigenous Women's Day into the record.

LICENSES:

Order 189-22/23 Granting Municipal Officers' Approval of Debra Cantara, dba Maine Ballroom Dancing. Application for Indoor Entertainment at 616 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Zarro and seconded by Councilor Rodriguez for passage. Passage 8-0 (Ali absent).

Mayor Snyder opened the floor for public comment. No one spoke.

Order 190-22/23 Granting Municipal Officers' Approval of Grizzly Bear Inc, dba The Great Lost Bear. Application for Class I FSE at 540 Forest Avenue - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Zarro for passage. Passage 8-0 (Ali absent).

Mayor Snyder opened the floor for public comment. No one spoke.

Order 191-22/23 Granting Municipal Officers' Approval of Cherished Pub, Inc, dba Cherished Pub. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 64 Auburn Street - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Fournier for passage. Passage 8-0 (Ali absent).

Mayor Snyder opened the floor for public comment. The following individuals spoke: Councilor Rodriguez, Councilor Phillips.

Order 192-22/23 Granting Municipal Officers' Approval of Hot Liquor Tank LLC, dba Hot Liquor Tank. Application for Class XI Restaurant/Lounge with Outdoor Dining on Public Property at 43 Wharf Street - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Fournier for passage. Passage 8-0 (Ali absent).

Mayor Snyder opened the floor for public comment. No one spoke.

Order 193-22/23 Granting Municipal Officers' Approval of Taco A Go Go LLC, dba Taco A Go Go. Application for Class I FSE with Outdoor Dining on Private Property at 0 Canal Plaza - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Zarro for passage. Passage 8-0 (Ali absent).

Mayor Snyder opened the floor for public comment. The following individuals spoke: Kevin Doyle (Owner of Taco a Go Go).

Order 194-22/23 Granting Municipal Officers' Approval of Novel LLC, dba Novel. Application for Class A Lounge with Outdoor Dining on Private Property and Indoor Entertainment at 643 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Zarro and seconded by Councilor Rodriguez for passage. Passage 8-0 (Ali absent).

Mayor Snyder opened the floor for public comment. No one spoke.

BUDGET ITEMS:

THE CITY COUNCIL WILL HOLD A FIRST READ ON THE FISCAL YEAR 2024 SCHOOL BUDGET AT THIS COUNCIL MEETING (MAY 1, 2023) AND WILL ACCEPT PUBLIC COMMENT. THE SECOND READ AND A PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD ON MAY 15, 2023 AT 5:00 PM.

Order 195-22/23 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

*Point of Order, Orders 195-22/23 through 201-22/23 were read into the record at the same time. Public comment was taken together for these items.

Mayor Snyder opened the floor for public comment. The following individuals spoke: Brad Hanscombe (District 5), Sylvia (no last name/address given), Steven Scharf (Brackett Street), Sam (no address given), Christian Milneil (no address given)
This is the first reading.

Order 196-22/23 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

*Point of Order, Orders 195-22/23 through 201-22/23 were read into the record at the same time. Public comment was taken together for these items.

Mayor Snyder opened the floor for public comment. The following individuals spoke: Brad Hanscombe (District 5), Sylvia (no last name/address given), Steven Scharf (Brackett Street), Sam (no address given), Christian Milneil (no address given)
This is the first reading.

Order 197-22/23 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

*Point of Order, Orders 195-22/23 through 201-22/23 were read into the record at the same time. Public comment was taken together for these items.

Mayor Snyder opened the floor for public comment. The following individuals spoke: Brad Hanscombe (District 5), Sylvia (no last name/address given), Steven Scharf (Brackett Street), Sam (no address given), Christian Milneil (no address given)
This is the first reading.

Order 198-22/23 Approving Total School Operating Budget for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

*Point of Order, Orders 195-22/23 through 201-22/23 were read into the record at the same time. Public comment was taken together for these items.

Mayor Snyder opened the floor for public comment. The following individuals spoke: Brad Hanscombe (District 5), Sylvia (no last name/address given), Steven Scharf (Brackett Street), Sam (no address given), Christian Milneil (no address given)
This is the first reading.

Order 199-22/23 Appropriating and Raising Funds for Adult Education for Fiscal Year 2024 as required by the Maine Revised Statutes, Title 20-a §8603-a(1) - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

*Point of Order, Orders 195-22/23 through 201-22/23 were read into the record at the same time. Public comment was taken together for these items.

Mayor Snyder opened the floor for public comment. The following individuals spoke: Brad Hanscombe (District 5), Sylvia (no last name/address given), Steven Scharf (Brackett Street), Sam (no address given), Christian Milneil (no address given)

This is the first reading.

Order 200-22/23 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair.

Motion to postpone Order 200-22/23 to May 15, 2023 was made by Councilor Dion and seconded by Councilor Zarro for passage. Passage 8-0 (Ali absent).

Item postponed to May 15, 2023

Order 201-22/23 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2024 Sponsored by the Finance Committee, Councilor Mark Dion, Chair

Motion to postpone Order 201-22/23 to May 15, 2023 was made by Councilor Dion and seconded by Councilor Zarro for passage. Passage 8-0 (Ali absent).

Item postponed to May 15, 2023

UNFINISHED BUSINESS:

Order 171-22/23 Amendment to Portland City Code Chapter 9 Re: Clean Elections - Sponsored by Kate Snyder, Mayor

Motion was made by Councilor Rodriguez and seconded by Councilor Trevorrow for passage as amended. Passage 5-3. (Fournier, Rodriguez, Trevorrow, Pelletier, Phillips-Yes. Dion, Zarro, Snyder- No)

Motion was made by Councilor Trevorrow and seconded by Councilor Fournier on the original order.

Mayor Snyder opened the floor for Council Discussion. The following individuals spoke: Councilor Trevorrow, Councilor Rodriguez, Mayor Snyder, Councilor Dion, Councilor Zarro, Councilor Phillips, Councilor Pelletier.

Motion to Move floor amendment, to send all finance decisions to the Finance committee. Moved by Councilor Dion, seconded by Mayor Snyder. Motion Failed 2-6. (Dion & Snyder-Yes, Fournier, Rodriguez, Zarro, Trevorrow, Pelletier, and Phillips-No)

Motion to move amendment titled "Amendment #2 Councilor Trevorrow/Rodriguez" that is in the back up materials. Moved by Councilor Trevorrow and seconded by Councilor Rodriguez for passage. Passage 5-3. (Fournier, Rodriguez, Trevorrow, Pelletier, Phillips-Yes. Dion, Zarro, Snyder- No)

Additionally, adding a friendly amendment, changing the 23 days to 22 days (Section F), and change the word resolution to "order", (Section F).

Mayor Snyder opened the floor for Council Discussion. The following individuals spoke: Councilor Zarro, Brandon Mazer (Perkins Thopson), Mayor Snyder

5-3 (Dion, Zarro, Snyder -no)

**Order 176-22/23 Appointing Members to Various Boards & Commissions -
Sponsored by the Legislative/Nominating Committee, Mayor Kate Snyder, Chair**

Motion was made by Councilor Zarro and seconded by Councilor Fournier for passage.
Passage 8-0 (Ali absent).

Mayor Snyder opened the floor for public comment. The following individuals spoke:
Matt Walker (District 2), Councilor Fournier

ORDERS:

**Order 202-22/23 Approving Modification 1 to the Agreement between the Maine
Department of Transportation and Portland re: the Union Branch Trail Connector
- Sponsored by Danielle West, Interim City Manager**

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for
passage. Passage 8-0 (Ali absent).

Bruce Hyman (Transportation Program Director) gave an overview of this item.
Mayor Snyder opened the floor for public comment. No one spoke.

ADJOURNMENT:

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez to adjourn. Passage 8-0 at
7:21pm.

A TRUE RECORD

Ashley Rand, City Clerk

**CITY OF PORTLAND
IN THE CITY COUNCIL**

**PROCLAMATION RECOGNIZING
NATIONAL EMS WEEK MAY 21 - 27, 2023**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out-of-hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, we value the emergency medical services professionals who serve on the frontline, and we remember and honor those who have lost their lives while protecting ours; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Kate Snyder, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby proclaim the week of May 21 through May 27, 2023 as Emergency Medical Services Week, and encourage all residents to honor and celebrate our EMS professionals this week and recognize the contributions they make every day.

Signed and sealed this 15th day of May, 2023



**Kate Snyder, Mayor
City of Portland**

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA PELLETIER (2)
REGINA PHILLIPS (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**PROCLAMATION RECOGNIZING
NATIONAL PEACE OFFICERS MEMORIAL DAY MAY 15, 2023
AND NATIONAL POLICE WEEK MAY 14 - 20, 2023**

WHEREAS, the Congress and President of the United States have designated May 15 as National Peace Officers Memorial Day, and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the Portland Police Department play an essential role in safeguarding the rights and freedoms of our residents; and

WHEREAS, it is important that all residents know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that the members of our law enforcement agency recognize their duty to serve the people by safeguarding their life and property, protecting them against violence and disorder, and protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the Police Department of the City of Portland has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Kate Snyder, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby proclaim May 14 through May 20, 2023 as National Police Week in the City of Portland, Maine and honor police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their community and, in doing so, have established for themselves an enviable and enduring reputation for preserving rights and security of all residents.

Signed and sealed this May 15th day of May, 2023



**Kate Snyder, Mayor
City of Portland**

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA PELLETIER (2)
REGINA PHILLIPS (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**PROCLAMATION RECOGNIZING
NATIONAL PUBLIC WORKS WEEK
MAY 21-27, 2023**

WHEREAS, Portland Public Works employees focus on the maintenance, upkeep, and construction of the public infrastructure of the City of Portland; and

WHEREAS, Portland Public Works employees deliver core services that are of vital importance to the health, quality of life, and well-being of the people of the City of Portland; and

WHEREAS, these core services and infrastructure improvements could not be provided without the efforts of Portland Public Works, which includes a workforce of 148 dedicated people assigned to the following divisions: Public Works and Water Resources Administration, Streets and Sidewalks, Solid Waste, Dispatch, Portland Downtown District, Island Operations, Traffic, Fleet Services, Transportation Engineering, Public Works Engineering, Water Resources Sewer and Stormwater Engineering, and Water Resources Operations; and

WHEREAS, it is in the public interest for the people of Portland to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective neighborhoods; and

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Kate Snyder, Mayor of the City of Portland, and members of the Portland City Council do hereby designate the week of May 21-27, 2023 as Public Works Week, and do hereby further extend our appreciation to the employees of the Public Works Department for the vital core services they perform for the residents and visitors of Portland and their dedication to our city.

Signed and sealed this 15th day of May, 2023



**Kate Snyder, Mayor
City of Portland**

P R O C L A M A T I O N

RECOGNIZING JEWISH AMERICAN HERITAGE MONTH

MAY 2023

- WHEREAS:** the United States has many heritage months that celebrate the various communities that form the mosaic of our country, encouraging us to learn about one another, honor the richness of our diverse nation, and strengthen the fabric of our society; and
- WHEREAS:** Jewish American Heritage Month originated in 1980 when Congress passed a resolution that authorized and requested the President to issue a proclamation designating April 21-28, 1980, as Jewish Heritage Week; and
- WHEREAS:** the American Jewish community dates back to 1654 when a group of 23 Jews, fleeing persecution at the hands of the Portuguese Inquisition, fled Brazil and found refuge in New Amsterdam (now New York). Today, American Jews represent approximately 2% of the total American population; and
- WHEREAS:** over the past 369 years, Jewish Americans have given to their communities and this nation as loyal and patriotic citizens. Jewish Americans have served in government and the military, have won Nobel prizes, headed universities and corporations, advanced medicine, created and performed in enduring works of performing and visual art, written great American novels, and become emblems of justice as members of the Supreme Court; and
- WHEREAS:** the AJC's State of Antisemitism in America 2022 report revealed that 89% of Jewish respondents believe antisemitism is a problem in the U.S. Four in 10 American Jews have changed their behavior in at least one way out of fear of antisemitism; and
- WHEREAS:** the strength of a society can be measured by how it protects its minority populations and celebrate their contributions; and

NOW THEREFORE, I, Kate Snyder, Mayor of Portland, Maine, and the members of the Portland City Council, do hereby proclaim May 2023 as Jewish American Heritage Month in our great city. We call upon all Portland residents to learn more about the heritage and contributions of Jewish Americans and to observe this month with appropriate programs, activities, and ceremonies.

Signed and sealed this 15th day of May, 2023



Mayor, City of Portland, Maine

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA PELLETIER (2)
REGINA PHILLIPS (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**PROCLAMATION RECOGNIZING
NATIONAL SKILLED NURSING CARE WEEK
May 14 - May 20, 2023**

WHEREAS, The Barron Center, with origins dating back to the late 1800s, cares for Portland's chronically ill, disabled, and elderly community; and

WHEREAS, The Barron Center provides comprehensive health care in a fiscally responsible manner; and

WHEREAS, The Barron Center provides care without regard to age, race, religion, gender, national origin, sexual orientation or financial status; and

WHEREAS, The Barron Center provides care that recognizes the unique value of each person it serves; and

WHEREAS, The Barron Center strives to provide a workplace that values the contributions employees make to its residents' quality of life; and

WHEREAS, The Barron Center employees continued to work tirelessly during the three-year pandemic to ensure the safety and good health of its residents; and

WHEREAS, The Barron Center recognizes that the elderly population is growing and that older residents' health is improved with access to strong community assets; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Kate Snyder, Mayor of the City of Portland, and members of the Portland City Council do hereby recognize the week of May 14 through May 20, 2023 as National Skilled Nursing Care Week and further extend appreciation to our Barron Center employees for the vital services they perform and their exemplary dedication to the senior community.

Signed and sealed this 15th day of May, 2023



**Kate Snyder, Mayor
City of Portland**

**CITY OF PORTLAND
IN THE CITY COUNCIL**

**PROCLAMATION RECOGNIZING
ASIAN AMERICAN, NATIVE HAWAIIAN, AND PACIFIC ISLANDER
HERITAGE MONTH
MAY 2023**

WHEREAS, the people of the United States and Maine join together each May to pay tribute to the contributions of generations of Asian Americans, Native Hawaiians, and Pacific Islanders who have enriched the history of our country and state; and

WHEREAS, the history of Asian Americans, Native Hawaiians, and Pacific Islanders in the United States and Maine is inextricably tied to the story of our country and state; and

WHEREAS, the Asian American, Native Hawaiian, and Pacific Islander community is an inherently diverse population, composed of more than 45 distinct ethnicities and more than 100 language dialects; and

WHEREAS, according to the Bureau of the Census, the Asian American population in the United States has been one of the fastest growing over the last decade, doubling between 2000 and 2020; and

WHEREAS, in Maine there are over 26,000 residents who identify as Asian and over 1,000 residents who identify as Native Hawaiian or other Pacific Islander; and

WHEREAS, the United States government selected the month of May to recognize this community because the first Japanese immigrants arrived in the United States on May 7, 1843, and the first transcontinental railroad was completed on May 10, 1869, with substantial contributions from Chinese immigrants; and

WHEREAS, Section 102 of Title 36, United States Code, officially designates May as Asian American, Native Hawaiian, and Pacific Islander Heritage Month and requests the President to issue an annual proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Kate Snyder, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby recognize Asian American, Native Hawaiian, and Pacific Islander Heritage Month as an important time to celebrate their significant contributions in the United States and Maine.

Signed and sealed this 15th day of May, 2023



**Kate Snyder, Mayor
City of Portland**

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPOINTING
TROY MOON CONSTABLE FOR 2023**

ORDERED, that Sustainability Director Troy Moon is hereby appointed constable for the 2023 calendar year; and

BE IT FURTHER ORDERED, that this appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2023; and

BE IT FURTHER ORDERED, that this appointment is pursuant to Sections 20-19 and 20-19.5, Portland City Code, and this constable is not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPOINTING DANIELLE P. WEST
AS CITY MANAGER, APPROVING HER CONTRACT AND
AND SETTING ANNUAL SALARY**

ORDERED, that Danielle P. West is hereby appointed City Manager for the City of Portland effective May 15, 2023; and

BE IT FURTHER ORDERED, that the annual salary of City Manager is hereby set at \$210,000; and

BE IT FURTHER ORDERED, that the contract with the City Manager is hereby approved in substantially the form attached hereto; and

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

BE IT FURTHER ORDERED, that this appointment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

Danielle P. West, Esquire

Portland, Maine

PROFESSIONAL EXPERIENCE

Interim City Manager, Portland, Maine

November 2021 – present

- Supervise, manage, lead, and advise 13 Department Directors, 3 Executive Department staff members, and oversee 1200+ City employees;
- Collaborate, communicate, and work with community partners, businesses, the general public, neighborhood organizations, city employees, and elected officials to address various issues;
- Coordinate, manage, and implement all City programs and day-to-day operations of the City;
- Oversee enforcement of all City ordinances and policies;
- Attend City Council and Council Committee meetings and other events on behalf of the City;
- Support and assist the City Council and staff with policy creation and implementation;
- Fully advise the City Council on the financial condition and future needs of the City;
- Annually develop, present, secure passage of, and implement a Capital Improvement Plan, Community Development Block Grant budget, and City operating budget; and
- Respond and timely address City Council, general public, and other inquiries.

Corporation Counsel, City of Portland, Portland, Maine

September 2012 – November 2021

- Supported, supervised, and advised a staff of 6 including 3 in-house attorneys, 2 administrative staff/paralegals, and 1 insurance claims manager;
- Annually developed, reviewed, and managed the legal and liability/insurance budgets;
- Oversaw and managed the liability/insurance program for the City;
- Collaborated and worked with many outside attorneys hired to address various legal matters;
- Researched and drafted ordinances, memoranda, opinions, rules and regulations, policies, and all City Council orders and resolutions;
- Counseled and advised City staff, Department Directors, the Mayor and City Council, and City boards and committees on the applicability, meaning, and interpretation of state and federal case law, rules, regulations, local ordinances, and statutes;
- Litigated/resolved legal disputes through mediation, trial, and negotiated settlements; and
- Served as Associate Corporation Counsel (2008-2012) and as Acting Corporation Counsel during my tenure as Associate Corporation Counsel.

Associate Attorney, Bergen & Parkinson, LLC, Kennebunk, Maine

September 2004 – September 2008

- Counseled and advised municipal and individual clients on the applicability, meaning, and interpretation of case law, statutes, ordinances, deeds, and contract provisions;
- Represented municipal and individual clients at various administrative hearings, municipal and agency proceedings, and in court;
- Researched and drafted legal opinions, ordinances, pleadings, and briefs;
- Prepared clients and witnesses for depositions, hearings, and trial;

- Litigated and resolved municipal, land use, employment, and personal injury disputes; and
- Appointed as Trustee to the Heartwood College of Art (2006-2008) while at the firm.

Law Clerk, Maine Superior Court, Portland/Alfred, Maine

August 2003 – August 2004

- Comprehensively reviewed and analyzed briefs and legal filings in assigned civil and criminal matters for Justice Bradford, Justice Brennan, and Justice Cole;
- Prepared bench memoranda for my 3 assigned Justices summarizing facts, law, and recommended case outcomes; and
- Drafted court decisions, orders, and opinions for my 3 assigned Justices.

EDUCATION

University of Maine School of Law, Portland, Maine

Juris Doctor, *Cum Laude*, May 2003

- Ocean and Coastal Law Journal, Managing Editor
- University of Maine School of Law Marine Law Institute, Legal Research Associate
- Maine Unemployment Insurance Commission, Student Staff Member
- University of Maine Corporation Counsel's Office, Extern

Oswego State University, Oswego, New York

Bachelor of Arts, Political Science, *Magna Cum Laude*, May 2000

- Highest G.P.A. and Most Service to the Political Science Department Awards' Recipient
- Peer Advisor, Political Science Department
- Teaching Assistant, History Department
- Student Orientation Leader/Student Orientation Coordinator (Managed/Trained a Staff of 10)
- University College Dublin, Senior Year Abroad, Dublin, Ireland
- Member, Oswego State Sailing and Racing Team
- Listed in "Who's Who Among Students in American Universities & Colleges"

BAR ADMISSIONS

State of Maine, 2003

Commonwealth of Massachusetts, 2004

United States District Court, District of Maine, 2009

United States Court of Appeals for the First Circuit, 2014

PROFESSIONAL ASSOCIATIONS

Maine Bar Association

Phi Kappa Phi, National Honor Society

Omicron Delta Kappa, National Leadership Honor Society

INTERESTS

Running, surfing, alpine skiing, hiking, traveling, reading, listening to music/attending live music events, enjoying good food, relaxing on the beach, and spending quality time with family and friends.

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (hereinafter referred to as “Agreement”), is by and between the City of Portland, Maine, a municipal corporation organized under the laws of the State of Maine (hereinafter referred to as “City”), and Danielle P. West of Portland, Maine (hereinafter referred to by name or as “City Manager”).

W I T N E S S E T H:

WHEREAS, the City desires to employ Danielle P. West as City Manager of the City of Portland, Maine, as provided for in the City Charter of the City of Portland; and

WHEREAS, the City, through its City Council, desires to provide for certain benefits and compensation for the City Manager and to establish conditions of employment applicable to the City Manager; and

WHEREAS, Danielle P. West desires to accept employment as City Manager of the City of Portland under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises as set forth in this Agreement, the parties agree as follows:

Section 1. Employment and Term of Agreement

A. The City of Portland hereby hires and appoints Danielle P. West as its City Manager, under the terms established herein, to perform the duties and functions specified in the City’s Charter and the City Code of Ordinances and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

B. The City’s employment of Danielle P. West as City Manager under this Agreement shall be effective May ___, 2023 (the “Effective Date”), after review and approval by at least five (5) members of the City Council at a duly noticed City Council meeting. The period from May ___ of a given year under this Agreement to May ___ of the following year shall be referred to herein as a “Contract Year.” The term of this Agreement shall be three (3) Contract Years or until terminated by the City or by the City Manager as provided herein. No later than six months prior to the Agreement’s expiration, the City and the City Manager shall notify each other concerning whether or not each party desires to renew this Agreement. Should the City decide to renew the Agreement, negotiations shall be commenced no later than three (3) months prior to the Agreement’s expiration. The City may decide not to renew this Agreement for any reason or for no reason. The City Manager acknowledges and agrees that she has no right to renewal of this Agreement.

Section 2. Salary, Other Compensation, Sabbatical, and Evaluation.

A. For the performance of services pursuant to this Agreement for the first Contract Year, the City agrees to pay the City Manager an annual base salary of Two Hundred and

Ten Thousand Dollars (\$210,000.00) (the “Base Salary”), payable in installments at the same time and in the same manner as other City employees are paid. For the second and third Contract Years, the City Manager’s Base Salary shall be subject to cost of living adjustments at the same time and in the same manner as all other non-union City employees.

B. Sign-On Bonus. The City shall pay to the City Manager a one-time sign-on bonus in the amount of \$7,500.00 (the “Sign-On Bonus”), payable upon the City’s first regular payroll date following the Effective Date and subject to all applicable tax reporting and withholding requirements. Notwithstanding the foregoing, the City Manager acknowledges and agrees that if she voluntarily resigns or the City terminates her employment for cause prior to the first anniversary of the Effective Date, the City Manager shall repay the Sign-On bonus to the City within 30 days of such termination without reduction for any taxes withheld by the City upon its payment of the Sign-On Bonus.

C. Sabbatical. In recognition of the City Manager’s many years of dedicated service to the City, including her service as Interim City Manager since November 2021, which occurred during a period of substantial uncertainty at the City, the City Manager may take one four-week paid sabbatical during the months of June through August 2023. Prior to beginning her sabbatical, the City Manager shall take steps to designate appropriate staff to act on her behalf as may be necessary for City business to continue uninterrupted during the City Manager’s absence. During the sabbatical, although the City Manager will not be required to perform the duties of her position, the City Manager shall remain officially employed by the City, the relationship between the City Manager and the City will remain subject to this Agreement, the City Charter, City Personnel Policies and Procedures, and applicable laws, rules, and regulations. The City Manager shall not be required to use her own accruals for this paid sabbatical.

D. Merit Payment. Prior to the beginning of each Contract Year, the City Council, in consultation with the City Manager, shall identify criteria that the City Manager must satisfy in order to be eligible for the merit payment described in this paragraph. Such criteria are subject to the approval of a majority of the Councilors, but in light of the City Council’s goal to always use a lens that prioritizes racial, social, and justice equity, the criteria will include, without limitation, evidence of satisfactory completion of justice, diversity, equity, and inclusion training during each contract year. Provided that the City Council determines, in its discretion, that the City Manager has satisfied the applicable merit payment criteria in a given Contract Year, the City Manager shall receive a merit payment at the end of the contract year in the amount set forth below:

1. Up to 3% of Base Salary at the end of the first Contract Year.
2. Up to 4% of Base Salary at the end of the second Contract Year.
3. Up to 5% of Base Salary at the end of the third Contract Year.

E. Additionally, the City may increase the Base Salary and/or other benefits of the City Manager in such amounts and to such an extent as the City Council may determine desirable on the basis of a 6-month check-in or an annual performance evaluation of the City Manager. Such check-in or evaluation shall be in such form as the Council deems appropriate per the City Charter.

F. Except as specifically set forth herein, nothing in this Section shall require the City to increase the Base Salary or other benefits of the City Manager. Furthermore, the City’s failure to conduct any of the scheduled evaluations shall not constitute non-compliance with a material

provision of this Agreement.

Section 3. Duties and Obligations.

A. The City Manager shall have the duties, responsibilities and powers of said office under the Charter and Ordinances of the City of Portland. The City Manager agrees to perform all duties and responsibilities faithfully, industriously, and to the best of her ability and in a professional and competent manner.

B. The City Manager shall remain in the exclusive employ of the City and shall devote all such time, attention, knowledge and skills necessary to faithfully perform her duties under this Agreement. The City Manager shall dedicate no less than an average of forty (40) hours per week in the performance of her duties hereunder. The City Manager shall not teach, consult, or conduct any other non-City connected business without first notifying the City Council in writing of her intent to do so. Any such activities shall not interfere with her primary obligations to the City as its City Manager.

C. In no case shall the City Manager serve on the boards or be in the employ of organizations which either have a history of or are likely to be before the City, its boards or committees, for funding, permits, approvals or regulatory activities.

In the event the City Manager shall serve on any other appointed boards or elected boards of any professional organization, or serve on any committees related to her professional activities as City Manager, in the event any monies are paid, or gifts received, by the City Manager related to such service, such money or property shall be paid over to or delivered to the City, unless otherwise provided by the City Council.

D. In the event the City Manager is temporarily unable to perform her duties, she shall designate an Acting City Manager for up to sixty (60) days per the City Charter. The City Council shall appoint an acting City Manager in the event of an absence in excess of sixty (60) days.

Section 4. Automobile Allowance and Communications Equipment

The City Manager is required to be on-call for twenty-four (24) hours a day, seven (7) days per week service. In recognition thereof:

A. The City shall provide the City Manager an automobile allowance of \$750.00 per month. The City Manager acknowledges and agrees that she is not and shall not be eligible for any mileage reimbursement in connection with her employment with the City during the term of this Agreement.

B. The City shall also provide computer equipment and services for home base connectivity available 24/7, a cell phone or other City provided resources on the same terms as applicable to Department Heads.

Section 5. Dues and Subscriptions

The City agrees to pay the City Manager's professional dues for membership in the International City/County Management Association, and the Maine Municipal Association. The City shall also pay other dues and subscriptions on behalf of the City Manager as are approved in the City's annual budget (on a line item basis) or as authorized separately by the City Council.

Section 6. Professional Development

Each contract year during the term of this Agreement, the City will pay the City Manager's costs for annual Maine bar registration and continuing legal education programs up to the amount that the Office of Corporation Counsel includes in its annual budget for each attorney in that department, and which amount shall be included in the City Manager's proposed annual budget for the Executive Office. Notwithstanding the foregoing, the City Manager and the City acknowledge and agree that the City Manager shall not provide legal advice or otherwise act as counsel to the City. The City Manager shall include any other expenses for professional development or related travel and subsistence expenses in her proposed annual budget for the Executive Office, which shall be subject to the City Council's approval through the course of the annual budget process.

Section 7. Community Involvement

The City recognizes the desirability of representation in and before local civic and other organizations, and encourages the City Manager to participate in these organizations to foster a continuing awareness of the City's activities as well as the community's attitudes and ideas, subject to the limitation in Section 3C above.

Section 8. Vacation and Sick Leave

The City Manager shall carry over all accrued but unused vacation leave into her first contract year and shall have enough vacation leave hours added to that amount to bring her up to a total of 25 days of vacation. In contract years two and three, subject to the 30-day limit below, the City manager shall be awarded 25 days of vacation leave annually on the anniversary of the Effective Date. At the end of each Contract Year, the City Manager may cash out up to 5 days of vacation time or carry over 5 days of vacation time into the following Contract Year; provided, however, that in no event shall the City Manager's vacation time balance exceed 30 days.

Accrual of sick leave and earned paid leave, and payout of sick, personal, earned paid leave, and vacation leave upon termination, resignation, or death, shall be on the same terms as applicable to full time non-union employees under the City's Personnel Policies and Procedures. The City Manager may convert sick leave to personal leave under the same terms as applicable to full time non-union employees under the City's Personnel Policies and Procedures.

Section 9. Holidays

The City Manager is entitled to the same paid holidays as non-union City employees working a Monday-Friday work week.

Section 10. Health, Dental, Life and Income Protection, Insurance

The City agrees to provide health insurance for the City Manager in the same manner as it provides insurance for its non-union employees and shall pay the cost of life insurance in the value of twice her annual salary, such insurance to be provided through the plan available to non- union employees and subject to the rules governing participation in such policies. Such coverage will be effective as provided by those plans.

The City Manager may also participate in the City's dental and income protection insurance programs on the same terms as other non-union City employees.

Section 11. Retirement.

The City Manager shall continue in the primary retirement plan that she has previously elected, and may participate at her own cost and expense in the City's 457 deferred compensation plan.

The City shall also execute the necessary agreement allowing the Manager to enroll in the ICMA Retirement Corporation's 401(a) Executive Deferred Compensation Plan. The City agrees to contribute to such plan 13% of the Manager's Base Salary during the first Contract Year, 15% of the Manager's Base Salary during the second Contract Year, and 16% of the Manager's Base Salary during the third Contract Year, provided said amount shall not exceed the maximum dollar amount permissible under federal and state law. Payment of this sum shall be made in accordance with the City's normal salary payment schedule.

Section 12. Termination by the City and Severance Pay

A. The City Manager shall serve at the pleasure of the City Council, and the City Council may terminate this Agreement and the City Manager's employment with the City at any time, for any reason or for no reason.

B. Should a majority of the entire Council (five members) vote to terminate the services of the City Manager "without cause" or for City convenience, then the following applies:

1. Within ten (10) business days following such vote, the Council shall cause the City Manager to be paid any accrued and unpaid salary and benefits earned, including any vacation, sick, personal, and earned paid leave time per the City's Non-Union personnel policies, but excluding such items and allowances as are used in conducting City business such as, but not limited to, the use of the City computer, the automobile allowance and any cell phone, prior to the date of termination.
2. Provided that the City Manager executes and delivers to the City a general release of the City and its Council members and its officers, agents, and employees for all acts and actions (whether accrued or subsequently accruing) from the beginning of time until the date of release, said release to be prepared by, and in a form satisfactory to the Corporation Counsel, the City Council

shall, within forty-five (45) calendar days following the vote to terminate the City Manager's employment, cause the City Manager to be paid a lump sum severance pay equal to twelve (12) months of her Base Salary if employment is terminated in the first Contract Year, thirteen (13) months of her Base Salary if employment is terminated in the second Contract Year, or fourteen (14) months of her Base Salary if employment is terminated in the third Contract Year, together with a lump sum equal to the amount of twelve (12) months of COBRA payments for her own health insurance. The payment of the amounts described above, which the City Manager acknowledges she would not otherwise be entitled to receive, shall be in full and complete payment and satisfaction of any claims of the City Manager of whatsoever nature arising out of this Agreement, its termination, her City employment or otherwise.

C. In the event the City Manager is terminated for "just cause," the City shall have no obligation to pay the amounts outlined in Section 12, Paragraph B of this Agreement, other than any accrued unused vacation time. For purposes of this Agreement, "just cause" is defined and limited for purposes of this Agreement to any of the following:

1. Misfeasance, malfeasance and/or nonfeasance in performance of the City Manager's duties and responsibilities.
2. Being charged with or conviction or a plea of guilty or no contest to any Class A, B, C, or D crime.
3. Neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of office.
4. Violation of any substantive City policy, rule, or regulation, which would subject any other City employee to termination.
5. A finding by the Council of any fraudulent act against the interest of the City.
6. A finding by the Council of any act which involves moral turpitude, or which causes the City disrepute.
7. Violation of the International City/County Management Association Code of Ethics.
8. Any other act of a similar nature of the same or greater seriousness.

D. In the event the Council, at any time during the employment term, reduces the salary or other benefits of the City Manager, as identified herein, in a greater percentage than an equivalent across-the-board reduction for all full-time, non-union City employees, or in the event the City allegedly refuses to comply with any other material provision of this Agreement benefiting the City Manager, the City Manager shall notify the Council in writing of the alleged violation. The Council shall have forty-five (45) days from such notice within which to cure the violation.

Section 13. Termination by the City Manager

The City Manager may terminate this Agreement at any time by delivering to the City Council a written notice of termination not later than sixty (60) days prior to the effective date of the termination. If the City Manager terminates this Agreement, then the provisions of Section 12, Paragraph B(2) above, shall not apply. If the City Manager voluntarily resigns pursuant to this Section, the City shall pay to the City Manager all accrued compensation, benefits, vacation, sick, personal, and earned paid leave time due the City Manager up to the City Manager's final day of employment in accordance with the City's Personnel Policies and Procedures. The City shall have no further financial obligation to the City Manager pursuant to this Agreement. This subsection shall not prevent the City Manager from collecting any money earned as a result of participation in the City's retirement program, which shall be governed by the applicable rules for such plan.

Section 14. Disability

If the City Manager becomes permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health for a period of four (4) consecutive weeks beyond any accrued leave, up to a maximum of sixty (60) days, the City shall have the option to terminate this Agreement, subject to the severance pay provision outlined in Section 12, Paragraph B of this Agreement, except that the City's Manager's severance pay shall be limited to six (6) months of her salary in effect at the time of termination.

Section 15. Residency

The City Manager agrees to maintain legal residence within the City during the term of this Agreement. By this residence requirement, it is the parties' intent that the City Manager will not merely obtain and maintain a legal residence in the City, but that she will also generally be present and reside in the City seven (7) days per week. The City acknowledges, however, that the City Manager will not be in breach of this residency requirement while occasionally travelling outside of the City for City business, for vacation, or for personal or family reasons.

Section 16. Indemnification.

A. City shall defend, save harmless, and indemnify the City Manager against any action for any injury or damage suffered as a result of any act, event, or omission of action within the scope of her duties or function, unless she acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The City shall not be liable for the acts or omissions of the City Manager committed while acting outside the course and scope of her agreed duties or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. In such instance, the City Manager shall reimburse the City for any legal fees and expenses the City has incurred or otherwise paid, for or on her behalf, in connection with the charged conduct.

B. Said indemnification shall extend beyond the termination of employment and the

expiration of this Agreement to provide protection for any such acts undertaken or committed in her capacity as City Manager, regardless of whether the notice of claim or filing of a lawsuit occurs during or following employment with the City.

C. Nothing herein is intended, nor shall it be construed to waive or modify any immunity or limitation of liability available to the City and/or the City Manager under applicable state law, including but not limited to the Maine Tort Claims Act.

Section 17. Bonding

The City agrees to bear the full cost of any fidelity or other bonds required of the City Manager under any policy, regulation, ordinance or law.

Section 18. Code of Ethics and Conflicts of Interest

Upon becoming an active full member of the International City/County Management Association (ICMA), the “Code of Ethics” promulgated by ICMA is incorporated herein, and by this reference made a part hereof. Said “Code of Ethics” shall furnish principles to govern the City Manager’s conduct and actions as City Manager of the City.

The City Manager is responsible for ensuring her compliance with any and all federal, state, and local conflict of interest laws relating to her employment.

Section 19. Attorney’s Fees

If any litigation is commenced between the parties concerning any provision of this Agreement or the rights and duties of any person in relation thereto, the party substantially prevailing in such litigation will be entitled, in addition to such other relief as may be granted, to reasonable attorney’s fees and expenses incurred in connection therewith, including appellate fees and expenses.

Section 20. General Terms and Conditions

A. If any provision, or any portion thereof, contained in this Agreement is held by a court of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

B. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

C. This Agreement contains the entire Agreement of the parties. It may not be changed verbally, but only by an Agreement in writing signed by the parties.

D. Maine law shall govern this Agreement and any litigation that may arise from this Agreement, shall be filed and litigated in the state courts in Portland.

E. Upon City Manager’s death, the City’s obligations under this Agreement shall terminate except for:

1. Transfer of ownership of retirement funds, if any, to his designated beneficiaries;
2. Payment of accrued leave balances in accordance with this Agreement;
3. Payment of all outstanding hospitalization, medical and dental bills by City insurance policies or plans; and
4. Payment of all life insurance benefits in accordance with the life insurance plan.

F. The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party than the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.

G. This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.

H. The effective date of this Agreement shall be the last date it is executed by either of the parties to this Agreement.

I. Unless otherwise provided herein, the City Manager shall be eligible for all benefits provided to department heads in the City's Non-Union Personnel Policies and Procedures.

J. The City Manager shall fully cooperate with the City in any claim, lawsuit or potential claim or lawsuit, by or against the City regardless of whether the City Manager works for the City at the time that the claim is filed. "Full cooperation" hereunder shall include, without limitation, providing information to the City and its attorneys (including attorneys designated or hired by the City), appearing and/or participating as a witness in the case when requested to do so by the City, including, without limitation, participating in all pre-trial and trial proceedings. "City" as used under this section shall include officers, employees and agents of the City, including without limitation, attorneys designated or hired by the City. Except in those circumstances where such full cooperation is in conflict with the advice of the employee's legal counsel or is in violation of the employee's constitutional rights, failure to fully cooperate with the City in any case may result in disciplinary action against the employee. City Manager shall fully cooperate whether or not she is a named defendant, when the City and its representatives, in their sole discretion, determine that the City Manager has information relevant to the claim or the defense of the claim against the City or another employee of the City. The City shall reimburse the City Manager for reasonable documented travel expenses required in order to meet the obligations of this section.

Signature page follows.

Executed by the CITY this _____ day of _____, 2023

WITNESS

CITY OF PORTLAND

Print Name: By: _____
Kate Snyder, Mayor

Executed by Danielle P. West this _____ day of _____, 2023

WITNESS

Print Name By: _____
Danielle P. West

MEMORANDUM
City Council Agenda Item

FROM: Rusty Groh
DATE: May 3, 2023
SUBJECT: Order 205-22/23 Declaring June 17, 2023 the Pride Portland! Parade & Festival - Sponsored by Danielle P. West, Interim City Manager
SPONSOR: Danielle P West; Interim 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 5/15/2023

Final Action 5/15/2023

Can action be taken at a later date: No organizer needs event approval for planning purposes.

Does this item involve a new contract with the City: No

PRESENTATION: Andrew J Downs; Director of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order declaring June 17th 2023, as Pride Portland! Parade & Festival.

II. AGENDA DESCRIPTION

Pride Portland would like to host their Parade and Festival again in Portland. The event will take place this year on June 17, 2023. There will be a parade down Congress Street, High Street, and Park Avenue followed by a festival in Deering Oaks Park. The parade will start at 1:00 p.m. and the festival will start at 1:00 p.m. and last until 5:00 p.m., with music, speakers, food trucks, non-food vendors and a beer garden.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Pride Portland! has hosted their parade & festival for many years within the City of Portland.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council will declare June 17th, 2023 as Pride Portland! Parade & Festival.

V. FINANCIAL IMPACT

All City staffing, permits and equipment usage fees will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers of this event for years and we are confident in their ability to host this event.

VII. RECOMMENDATION

It is recommended that this order be declared.

VIII. LIST ATTACHMENTS

1. Pride Portland! festival 5.15.2023
2. 2023 Parade Route
3. 2023 Pride Street Closures
4. Pride 2023 Festival Layout
5. PRIDE Portland 2023 Application

6. Pride Festival City Council Memo 2023

Prepared by:

Rusty Groh

Date: 05/03/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER DECLARING JUNE 17, 2023
THE PRIDE PORTLAND! PARADE AND FESTIVAL**

ORDERED, that June 17, 2023, from 9:00 a.m. to 6:00 p.m. is hereby declared to be the Pride Portland! Parade and Festival, sponsored by Pride Portland!; and

BE IT FURTHER ORDERED, that the Pride Portland! Parade and Festival area shall be Monument Square, One City Center sidewalk, Preble Street (from Cumberland Ave. to Congress Street), Federal Street Extension, and Center Street (Free Street to Congress Street) for the Parade, 11:00 a.m. to 1:00 p.m., and Deering Oaks Park for the Festival, 1:00 p.m. to 6:00 p.m.; and

BE IT FURTHER ORDERED, that Congress Street (Elm Street to High Street, 12:30 to 2:00 p.m.), High Street (Spring Street to Park Avenue, 1:15 to 2:00 p.m.), Park Avenue (from Forest Avenue to Deering Avenue, 12:30 to 2:00 p.m.) and Interstate 295 Exit 6A (12:30 to 2:00 p.m.) shall be closed on Festival day for the Parade,

BE IT FURTHER ORDERED, that Congress Street (Elm Street to High Street), High Street (Spring Street to Park Avenue), Park Avenue (from Forest Avenue to Deering Ave.) and State Street Extension may be posted No Parking on Festival day for the Parade, 9:00 a.m. to 1:00 p.m. and; and Deering Oaks Park (Park Avenue side of the Park) for the Festival from 9:00 a.m. to 6:00 p.m.; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the Pride Portland! Parade and Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

BE IT FURTHER ORDERED, that the Interim City Manager is authorized to issue a revocable permit to Pride Portland! under §§25-26—25-28 of the Portland City Code to conduct said Festival, subject to the direction and control of the Interim City Manager and to the following specific conditions:

1. Pride Portland! shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Pride Portland! shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. Pride Portland! will operate a Beer Garden in Deering Oaks Park, vending wine and beer, from 1:00 p.m. to 6:00 p.m. on the day of the Festival, with Portland Public Assembly staff monitoring the entrance and exit; Shipyard Brewing Company Limited Liability Company is applying for the Off-Premises Liquor Catering License;
3. Pride Portland! shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, but the Public Assembly Facilities Division fees for the use of the park are waived;
4. Pride Portland! shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Pride Portland! Parade and Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors Pride Portland! has agreed shall participate; and
6. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

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



CONGRESS STREET

(Closed 1230-1400 hours)

Congress Street east and westbound will be closed from Elm Street to High Street

HIGH STREET

(Closed 1315-1400 hours)

High Street will be closed from Spring Street to Park Avenue

PARK AVENUE

(Closed 1230-1400 hours)

Park Avenue will be closed in both directions (east / west) from Forest Avenue to Deering Avenue

I-295, EXIT 6A

(Closed 1230-1400 hours)

Additionally, there will be "NO PARKING" signs posted along Park Avenue (Deering Oaks side) between State and Deering, as well as along State Street Ext.





Public Assembly Facilities Division

USE of PUBLIC SPACE

APPLICATION

212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5435 • rgroh@portlandmaine.gov

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

\$25 APPLICATION FEE MUST BE PAID WHEN SUBMITTING APPLICATION

(This is a transferrable/non-refundable fee. If your event is permitted, the \$25.00 will be credited toward your permit fee.)

TODAY'S DATE		March 27, 2023		ORGANIZATION NAME		Pride Portland!	
ADDRESS (Street/City/State/Zip)							
CONTACT NAME(S)		Sebastiane Ravenscroft and Liz Bahl		TITLE(S)		Sebastiane, Chair and Parade – Liz, Festival Team Lead	
PHONE	Sebastiane – 207-749-1981		PHONE	Liz – 402-817-9992		PHONE	
EMAIL	chair@prideportland.org		EMAIL	festival@prideportland.org		EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Portland Streets (Mon Square/Preble St/Fed St Ext) – PARADE Deering Oaks Park (north side of Pond & Ravine) – FESTIVAL Congress Square sidewalk area – Small stage (reviewing stand) situated there.		
EVENT DAY(S) & DATE(S)	June 17 th , 2023	RAIN DAY(S) & DATE(S) (50% added fee)	
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	7am set up- 7pm strike down	EVENT START & END TIME	Parade starts at 1pm – Festival to finish at 6pm

EVENT NAME	EXPECTED ATTENDANCE

DESCRIPTION OF EVENT: Please be specific regarding area of public space/park requested and describe EVENT in detail. Please include a detailed map of the proposed event area, proposed route &/or proposed street closures when applicable.

Pride Parade: Saturday, June 17, 2023 1pm Kick-Off. Parade forms up on Preble Street (between Cumberland and Congress), Center Street (from Free to Congress), and Monument Square. Parade goes down Congress Street to High Street, Park Avenue to Mellen Street intersection, onto sidewalk and pathway to Deering Oaks. Organizers will hire some Police Officers and PCO's to assist with traffic control. Many volunteers will staff the parade route intersections (barricades). A few of the streets will need to be posted "No Parking." SOUND PERMIT needed. **Street closers needed:** Federal Street, Preble Street, Brown Street, Center Street, Casco Street, Free Street, Oak Street, Forest Avenue, High Street, Congress Street.

Pride Festival: Saturday, June 17, 2023 1 – 6pm. Festival is held in Deering Oaks Park (located on the Park Avenue and Bowling Green Path side of the Oaks) and includes the use of the grass areas and Bowling Green Path, a large stage will be erected on the grass beside the path (near the pond), and electricity at nearby green box for entertainment (DJ's and bands). SOUND PERMIT and ELECTRICITY needed.

Stage comes in on the Friday before, gets removed on Sunday or Monday. Many tables are set up on the grass as well as some canopies.

We will have food trucks and non-food vendors at the festival. There will also be some gas grills used for cooking. The food trucks will park on the main thorough path through the park (NOT on grass). The Bowling Green will be used only for blanket seating.

Organizers will rent a number of porta-restrooms with 10+ to be positioned on the grass area just to the side of the Bowling Green Path. Parking spaces along Park Avenue, park side from State Street and extending to Deering Avenue will need to be set aside for the festival.

A Beer Garden will be set up in the park, past the vendor tables, separate from the stage area. The festival organizers will secure a licensed vendor to serve alcohol. Only guests 21+ will be admitted to the beer garden. It will run from 1:00-4:00, with a last call. Additionally, 2 porta-restrooms will be inside of the beer garden. A small riser for a DJ will be set up on grass. Generator for power.

The Farmers Market will also be in Deering Oaks, therefore the area could be congested with pedestrians as well as vehicles.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: Y e s ☐ FEE ☐ PLEDGES ☐	
IF YES FOR FEES, HOW MUCH?	FEE	\$ TBD

	STUDENT FEE	\$
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WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

We will need parking for Pride Portland Staff and Event Suppliers on the day. Requested parking locations are the boat launch at Deering Oaks Pond for staff and Mellen Street and Park for Event Supplier POD units, Hannaford snack truck, and VA RV.

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X - two		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874- 8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X - Stage		
* Will you be setting up tables and/or chairs ? How many tables: chairs:	X -TBD		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	X – Beer Garden		
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X – Food trucks		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:	X – T-shirts, crafts, and artworks		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X – Main Stage performance and Beer Garden DJ		
* Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X – Deering Oaks park and Congress Square Park		
* Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.	X - TBD		
* Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X - 150		
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X - Barricades		
* Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetro.com) to discuss.	X - Listed under event description		
* Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit:	X		

	https://www.portlandmaine.gov/FormCenter/Police-Department-3/Portland-Police-Overtime-Request-128			
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.	X		
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.	X		
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.		X	

INSURANCE CERTIFICATE INFORMATION				
*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions. ♦ Both the Certificate of Insurance and Additional Insured Endorsement shall be sent to rgroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).				

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW
The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY
All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

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

PORTA-RESTROOMS / BATHROOM FACILITIES
Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$25 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$32.50/each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

Event must be cancelled with PAFD prior to event date in order to be eligible for a refund. If cancelled within 2 weeks of scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
 If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage.
 If you need assistance, please contact the Police Department at (207) 874-8574.
 Please ask Portland newspapers to run an article alerting the public to the event.
 You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
 Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place.
 Please notify any nearby businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If event impacts METRO Buses, organizer (in advance) must discuss detour plans with METRO.

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES**TYPE INITIALS**

SSR

DATE 3/22/23**ASSUMPTION OF RISK & LIABILITY**

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

I have read the Assumption of Risk & Liability Agreement**TYPE INITIALS**

SSR

DATE

3/22/23

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr.	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr.	Entertainment License: \$50
Film/Photo Shoot: \$150/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Public Space/Park Security Deposit: \$100 - \$1000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Staff Fee (on site event support): \$37/hr.	Safety Vests: \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hr. (or more)	Keys: \$50/ea. Security Deposit
"No Parking" Signs: \$32.50/ea.	Equipment Delivery Fee: \$100 (or more)
Event Cancellation Fee: \$75	Fortification Fee: TBD

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT

Checks should be made payable to City of Portland
There will be a 2.65% processing fee added to all Debit / Credit Card transactions.

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)

Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/de-activation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

FOR OFFICE USE ONLY

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

Ethan Hipple Director Department of Parks, Recreation & Facilities Management	Andrew J. Downs Director Public Assembly Facilities Division
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TO: Danielle West, Interim City Manager
 FROM: Andrew Downs, Director of Public Assembly Facilities Division
 DATE: May 3, 2023
 RE: PRIDE Festival

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

**Order authorizing and declaring Pride Festival and Parade 2023
to be held Sunday, June 17,2023 as a Festival.**

Date: June 17, 2023

Pride Parade: Saturday, June 17, 2023, 1pm Kick-Off. The parade forms up on Preble Street (between Cumberland and Congress), Center Street (from Free to Congress), and Monument Square. Parade goes down Congress Street to High Street, Park Avenue to Mellen Street intersection, onto sidewalk and pathway to Deering Oaks. Organizers will hire some Police Officers and PCO's to assist with traffic control. Many volunteers will staff the parade route intersections (barricades). A few of the streets will need to be posted "No Parking." SOUND PERMIT needed. Street closers needed: Federal Street, Preble Street, Brown Street, Center Street, Casco Street, Free Street, Oak Street, Forest Avenue, High Street, Congress Street.

Pride Festival: Saturday, June 17, 2023 1 – 6pm. Festival is held in Deering Oaks Park (located on the Park Avenue and Bowling Green Path side of the Oaks) and includes the use of the grass areas and Bowling Green Path, a large stage will be erected on the grass beside the path (near the pond), and electricity at nearby green box for entertainment (DJ's and bands). SOUND PERMIT and ELECTRICITY needed.

Stage comes in on the Friday before, gets removed on Sunday or Monday. Many tables are set up on the grass as well as some canopies.

We will have food trucks and non-food vendors at the festival. There will also be some gas grills used for cooking. The food trucks will park on the main thorough path through the park (NOT on grass). The Bowling Green will be used only for blanket seating.



Gregory A. Mitchell
Director, Economic Development Department

Ethan Hipple Director Department of Parks, Recreation & Facilities Management	Andrew J. Downs Director Public Assembly Facilities Division
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Organizers will rent a number of porta-restrooms with 10+ to be positioned on the grass area just to the side of the Bowling Green Path. Parking spaces along Park Avenue, park side from State Street and extending to Deering Avenue will need to be set aside for the festival.

A Beer Garden will be set up in the park, past the vendor tables, separate from the stage area. The festival organizers will secure a licensed vendor to serve alcohol. Only guests 21+ will be admitted to the beer garden. It will run from 1:00-4:00, with a last call. Additionally, 2 porta-restrooms will be inside of the beer garden. A small riser for a DJ will be set up on grass. Generator for power.

The Farmers Market will also be in Deering Oaks, therefore the area could be congested with pedestrians as well as vehicles.

Trash Plan: The organizer will provide trash and recycling containers and will be responsible for the removal and site clean.

Security: Portland Police Department will be hired. Beer gardens will be staffed with staff hired from the Parks, Recreation, and Facilities Department and one Event Manager for the event.

Emergency Medical Service: Portland Fire Department will be hired.

Power: The majority of the power will use existing sources around the site as well as portable generators.

Stages: One stage will be erected on the grass beside the path (near the pond), and electricity at nearby green box for entertainment (DJ's and bands). SOUND PERMIT and ELECTRICITY needed.

Food Services: The food trucks will park on the main thorough path through the park (NOT on grass).



Gregory A. Mitchell
Director, Economic Development Department

Ethan Hipple Director Department of Parks, Recreation & Facilities Management	Andrew J. Downs Director Public Assembly Facilities Division
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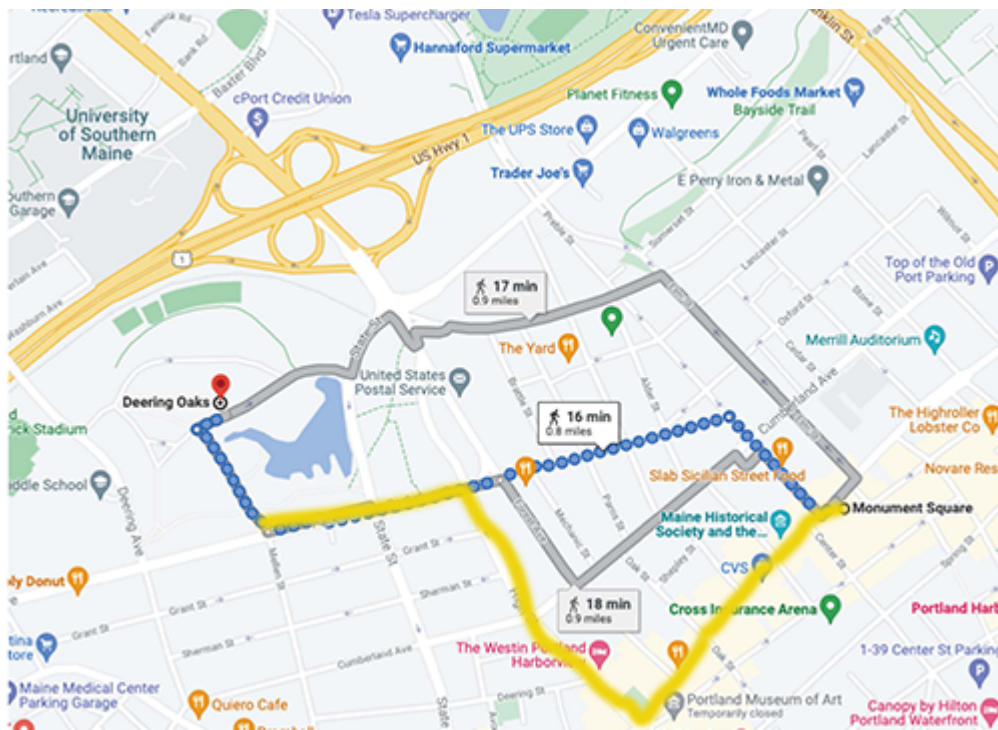
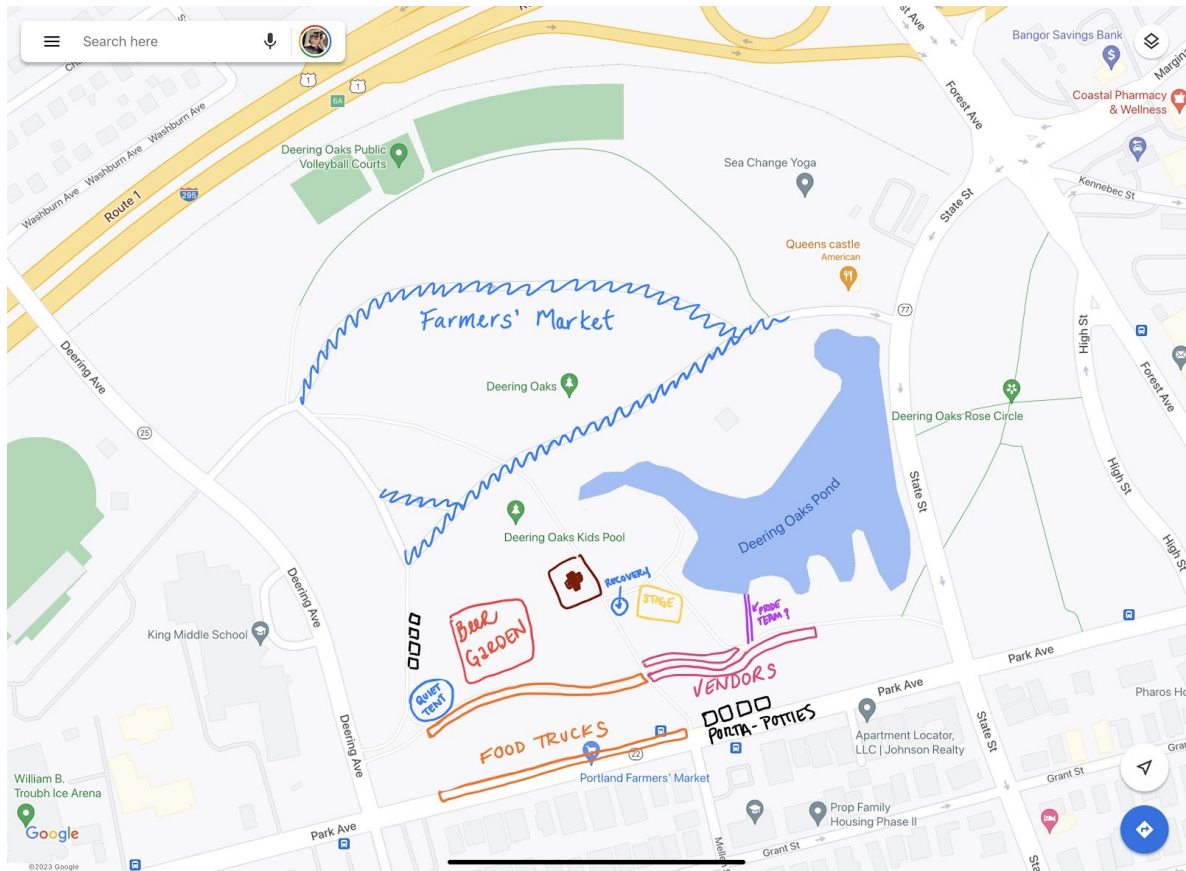
Alcohol: One beer garden will be located inside **Deering Oaks Park**. The beer garden will have a secure entry/exit and will be staffed by Parks, Recreation, and Facilities Department staff.

Portable Restrooms: The organizers will provide a bank of portable restrooms in the food truck area and inside the beer garden.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Pride 2023 organizer, for the use of the above-described area for said events, subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council – taking place in the designated beer garden.
- PA Systems will be used at the stage (voice & music). Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained under 85 dB A's and be configured by the event organizer and the City to focus volume away from residential housing, limiting any sound impacts in residential areas;
- Organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in a contract and permit issued from the Public Assembly Facilities Division, shall be adhered to;
- Organizer shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festival; • City permit fees, license fees, and costs for city staff assistance will be paid by the organizer (organizer will hire Police Officers and Medical Officers to assist with the festival and hire Public Assembly Facilities staff to oversee Festival; • Times are subject to change depending on weather etc.

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



Parade route in yellow.

CONGRESS STREET

(Closed 1230-1400 hours)

Congress Street east and westbound will be closed from Elm Street to High Street

HIGH STREET

(Closed 1315-1400 hours)

High Street will be closed from Spring Street to Park Avenue

PARK AVENUE

(Closed 1230-1400 hours)

Park Avenue will be closed in both directions (east / west) from Forest Avenue to Deering Avenue

I-295, EXIT 6A

(Closed 1230-1400 hours)

Additionally, there will be "NO PARKING" signs posted along Park Avenue (Deering Oaks side) between State and Deering, as well as along State Street Ext.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 18, 2023

SUBJECT: Order 206-22/23 Granting Municipal Officers' Approval of The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 4/11/23. New City and State applications. Establishment currently holds a Class III & IV FSE with Outdoor Dining on Private Property with Indoor Entertainment.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2023.05.15_Thirsty Pig

2. 2023.05.15_Thirsty Pig_Council Packet
3. 206 Public Comment

Prepared by:

Date: 04/18/2023

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA PHILLIPS (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street

To whom it may concern,

I am writing on behalf of the Thirsty Pig at 37 Exchange Street in Portland, ME to submit an application for an outdoor entertainment license. We have been working with sound Engineer Andrew Roseman, who has 10+ years of experience in live sound, to devise an appropriate noise mitigation plan as to not disturb any of our lovely Old Port neighbors. Our intention is to provide an extension of our indoor concerts on our back deck during the summer to provide additional entertainment for both residents and tourists to the city. We pride ourselves in bringing talented musicians to our stage to really showcase local New England music in a respectful restaurant atmosphere and would love to be able to host shows outdoors during the beautiful summer months to augment this vision. With that in mind, our shows would never run past 9 pm and we will always have someone on sight with a decibel meter to make sure we are conscientiously being respectful. We'd also love to host charity events, with proceeds going back to some of the wonderful non-profit businesses and the city that we adore so much and are proud to call home. I've included letters of support from other local businesses and citizens for your consideration. In addition to upgrading our entertainment license, we are also applying for a full liquor license in order to be able to broaden our guest's experience. We are regarded as a primarily local craft beer bar, but would also like the opportunity to offer other beverages. I look forward to working with you to help make this a wonderfully fun, music-rich summer.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Kristin Clark', with a stylized, flowing script.

Kristin Clark
Special Projects Leader
Thirsty Pig



CITY OF PORTLAND
Permitting and Inspections Department
Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Establishment Name (d/b/a):	The Thirsty Pig	Phone:	207-773-2469
Location Address:	37 Exchange Street		Zip: 04101
If new, what was formerly at this location:			
Mailing Address:	Suml		Zip:
Contact Person:	Evan Roscia	Phone:	207-773-2469
Contact Person Email:	thirstypigoffice@gmail.com		
Manager of Establishment:	Dave Nowers	Date of Birth:	10/31/73
		Phone:	207-239-1819
Owner of Premises (Landlord):	Joseph Palacci		
Address of Premises Owner (Landlord):	102 Exchange Lower Level 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	
The Pig Exchange LLC		37 Exchange Street Portland Zip: 04101	
Contact Person:	Evan Roscia	Phone:	207-773-2469
Principal Officers	Title	Date of Birth	Residence Address
Allison Stevens	Owner	10/11/80	25 Upper A St. Peaks Island 04108
Class of Liquor License:		Class 1 FSE	

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Hot Dogs / Sausages / Snack Food	
Please circle all that will be served:	Beer (X) Wine (X) Liquor (X)	
Projected percentage of sales:	Generated from Food: 45%	Generated from Alcohol: 55%
Hours & days of operation:	M-Th 11a-9p Fri-Sat 11a-10 ³⁰ p Sun 11a-8p	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N (X)N
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		Y/N (X)N
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		Y/N (X)N
Will you permit dancing after 1:00 a.m.?		Y/N (X)N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		Y/N (X)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 (X)N
If yes, please list: # of amusements: _____ # 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 (X)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 (X)N
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?		Y/N (X)N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		Y/N (X)N
If Yes, please explain:		

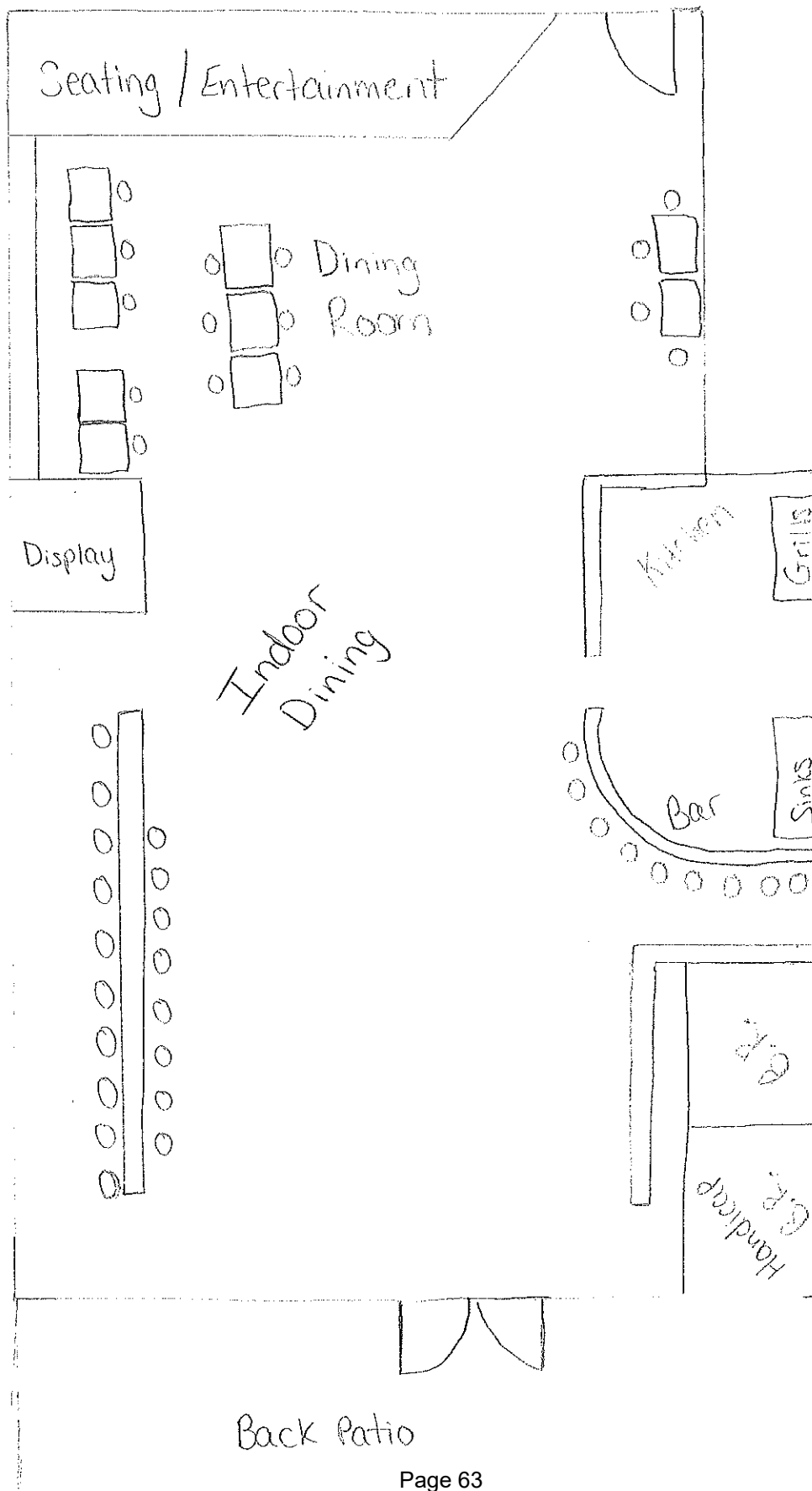
I, Evan J Roscia do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require 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 4/5/23

←
Exchange Street

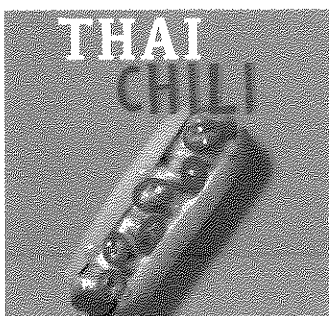


HOUSEMADE SAUSAGES

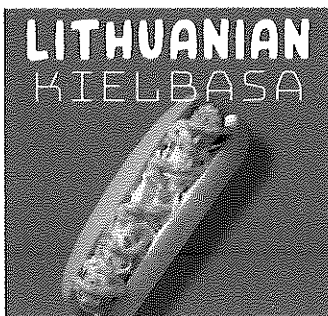
served on a toasted bun or a la carte \$11, gf available

SAUSAGE SAMPLER

four, six or eight sausages, served a la carte with toppings. chefs choice \$35 / \$52 / \$64



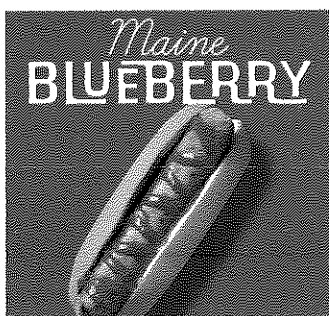
THAI CHILI
sweet and spicy pork sausage made with asian chili sauce, topped with thai aioli and pickled thai chills



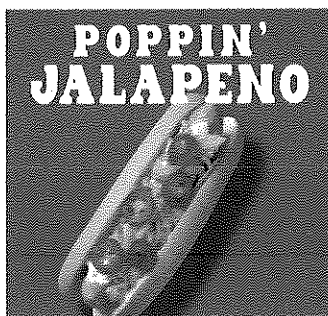
LITHUANIAN KIELBASA
savory pork sausage made with whole grain mustard and beer, topped with sauerkraut and spicy mustard



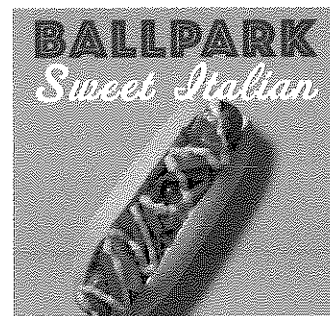
HOT ITALIAN
spicy pork sausage made with toasted fennel and crushed red pepper, topped with hot relish and fiery mustard



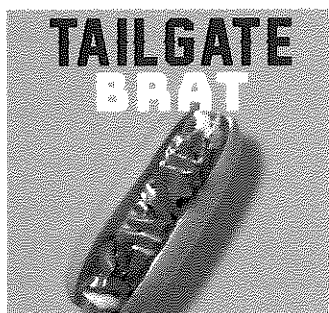
Maine BLUEBERRY
chicken sausage made with maine blueberries and whole grain mustard, topped with blueberry honey mustard



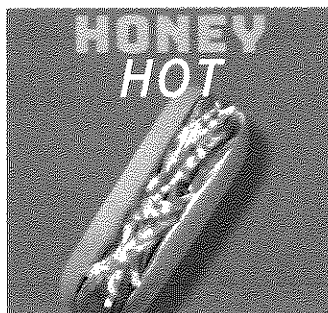
POPPIN' JALAPENO
spicy chicken sausage filled with roasted jalapenos, topped with party dip, crispy fried onions and pickled jalapenos



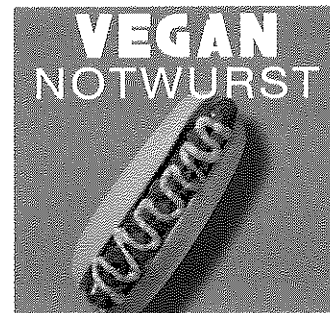
BALLPARK Sweet Italian
classic sweet Italian style pork sausage topped with caramelized onions, grilled peppers and spicy mustard



TAILGATE BRAT
savory pork sausage topped with roasted butternut squash, topped with caramelized onions, roasted peppers & cheese sauce



HONEY HOT
spicy chicken sausage made with honey and hot spices, topped with honey hot sauce, pickled carrots and ranch



VEGAN NOTWURST
vegan sausage made with cannellini beans and oats, topped with caramelized onions and spicy mustard

SANDWICHES

served on a toasted bun \$12

Porkland Philly

thinly sliced pork butt grilled with roasted peppers, caramelized onion, topped with cheese sauce

Pulled Pork

pork butt smoked and slow cooked, topped with housemade bbq sauce and diced onion

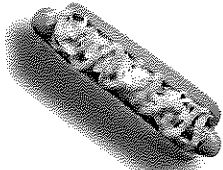
Sweet Heat

grilled chicken thighs, sweet heat sauce, topped with cheddar, pickled jalapenos, crispy fried onions and ranch

SPECIALTY HOT DOGS

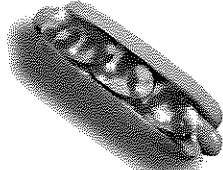
classic hot dog or veggie dog on toasted bun \$7.50

two specialty dogs for \$14



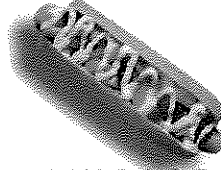
ACADIA

sauerkraut, spicy mustard,
sweet relish



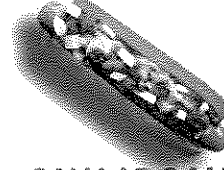
BBQ BAHN MI

pickled carrot, b&b
pickles, thai aioli, bbq
sauce



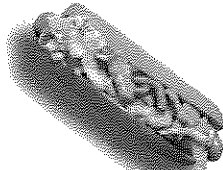
CHICAGO

neon relish, onion, dill pickle,
tomato, sport pepper, yellow
mustard, celery salt



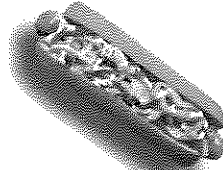
CHILIBOMB

sausage chili, onion,
cheddar cheese



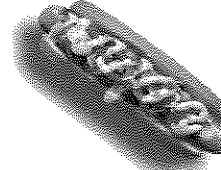
ICELANDIC

ketchup, mustard, onion,
remoulade, crispy onion



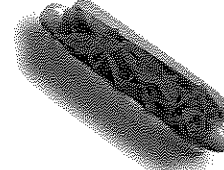
KIND OF A BIG DILL

pickled onion, banana
pepper, dill pickle,
dill ranch, crispy onion



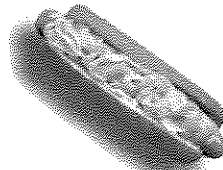
MARKET STREET

pulled pork, pickled jalapeno,
thai aioli



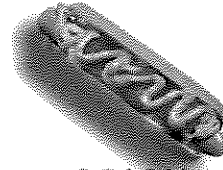
NEW ENGLANDER

pickled beet slaw, bbq
baked beans



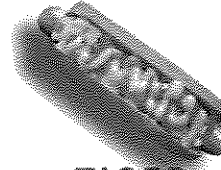
REUBEN

sauerkraut, swiss cheese,
1000 Island



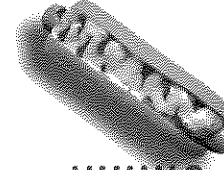
SPICY McFIREPANTS

hot relish, banana pepper,
pickled jalapeno, firey
mustard



TIGER

buffalo chicken dip, pickled
onion, honey mustard



VIKING

caramelized onion, bacon,
cheddar cheese, thai aioli,
bbq sauce

SIDES & OTHER

choice of corn tortilla chips or fresh baguette

BBQ Baked Beans slow cooked with bacon, hot dogs, beans and bbq sauce...\$5 gf

Buffalo Chicken Dip served with pickled onion and ranch...\$7 / \$14 gf

Chili Verde roasted serrano, tomatillos, cannolini beans and spinach...\$8 gf/v

Chorizo Queso pork chorizo crumbles, cheese sauce, tomato and chives...\$7 / \$14 gf

Party Dip hot & sweet pepper relish & whipped cream cheese spread...\$6 / \$12 gf

Pickled Beet Slaw morse's pickled beets...\$5 gf/v

Pickletizer assortment of housemade pickles...\$6 / \$10 gf/v

Sausage Chili pork and chicken sausage chili, topped with raw onion...\$8 gf

Soft Pretzel Sticks served with cheese sauce & honey mustard...\$7

LOCAL DRAFTS

Sample
beer menu -
changes
daily

Red Ale red ale

4.2% - nonesuch brewing, scarborough (6 mi) - 16oz \$8

AOK Kolsch kolsch

4.7% - orono brewing, orono (137 mi) - 16oz \$8

Dark Orb schwarzbier

5.0% - banded brewing, biddeford (15 mi) - 16oz \$8

Allagash White witbier

5.2% - allagash brewing, portland (7 mi) - 16oz \$8

Peeper american pale ale

5.5% - maine beer company, freeport (14 mi) - 16oz \$8

Prime new england ipa

6.1% - goodfire brewing, freeport (14 mi) - 16oz \$8

Another One american ipa

7.0% - maine beer company, freeport (14 mi) - 16oz \$8

Tubular new england ipa

7.2% - orono brewing, orono (137 mi) - 16oz \$8mi

Satiator dopplebock

7.4% - cushnoc, augusta (51 mi) - 16oz \$8

Barn Hex double new england ipa

8.5% - belleflower brewing, portland (1.2 mi) - 12oz \$9

Gunner's Daughter NITRO pb milk stout

5.5% - mast landing, westbrook (5.9 mi) - 16oz \$8

Georgie sour ale with orange, pomegranate & rosemary

5.6% - goodfire brewing, portland (1 mi) - 12oz \$9

Guava Passionfruit cider

5.0% - downeast cider house, east boston, MA (98 mi) - 12oz \$8

Glera semi-sparkling wine -- ask about our fruitsecco!

11.0% - giuliana rosati, vazzola, italy (3,864 mi) - 10oz \$11



CITY OF PORTLAND
Permitting and Inspections Department

Outdoor Dining Permit on Private Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☐ Outdoor Dining on Private Property \$125.00 ☐ Legal Advertisement Deposit \$100.00

Business Information					
Business Name (d/b/a):	The Thirsty Pig	Phone:	207-773-2469		
Location Address:	37 Exchange Street Portland	Zip:	04101		
Mailing Address:	Zip:				
Contact Person:	Evan Roscia	Phone:	207-773-2469		
Contact Person Email:	thirstypigoffice@gmail.com				
Manager of Establishment:	Dave Nowers	Date of Birth:	10/31/73	Phone:	207-239-1819
Owner of Premises (Landlord):	Joseph Palacci				
Address of Premises Owner:	102 Exchange Street Lower Level	Zip:	04101		

Owner Information

Corporate Name		Corporate Mailing Address			
The Pig Exchange LLC		37 Exchange Street		Zip:	04101
Contact Person:	Evan Roscia	Phone:	207-773-2469		
Principal Officers	Title	Date of Birth	Residence Address		
Allison Stevens	owner	10/11/80	25 Upper A St Peaks Island 04108		



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class 1 FSE
Type of food served:	Hot Dogs Sausages Snack foods
Please circle all that will be served:	(Beer) (Wine) (Liquor)
Hours & days of operation:	M-Th 11a-9p Fri-Sat 11a-10 ³⁰ p Sun 11a-8p
Number of Tables	12
Number of Chairs	80

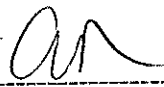
Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

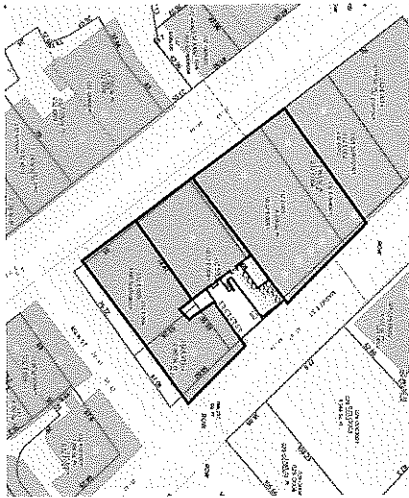
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature  Title Office Manager Date 4/5/23

For Administrative Use Only

Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	_____	_____
CC _____ CA _____ CK _____	Health: _____	_____	_____
	PD: _____	_____	_____
Amount: _____	PR: _____	_____	_____
Date Paid: _____	Treasury: _____	_____	_____
CC _____ CA _____ CK _____	Zoning: _____	_____	_____



PORTLAND GIS

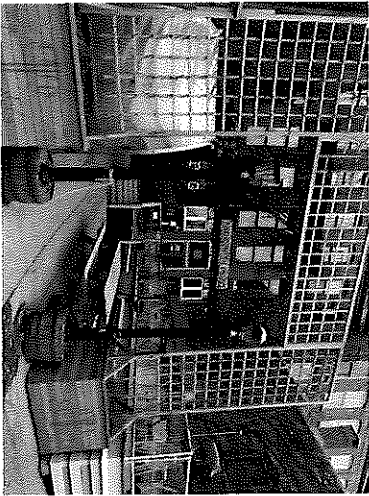
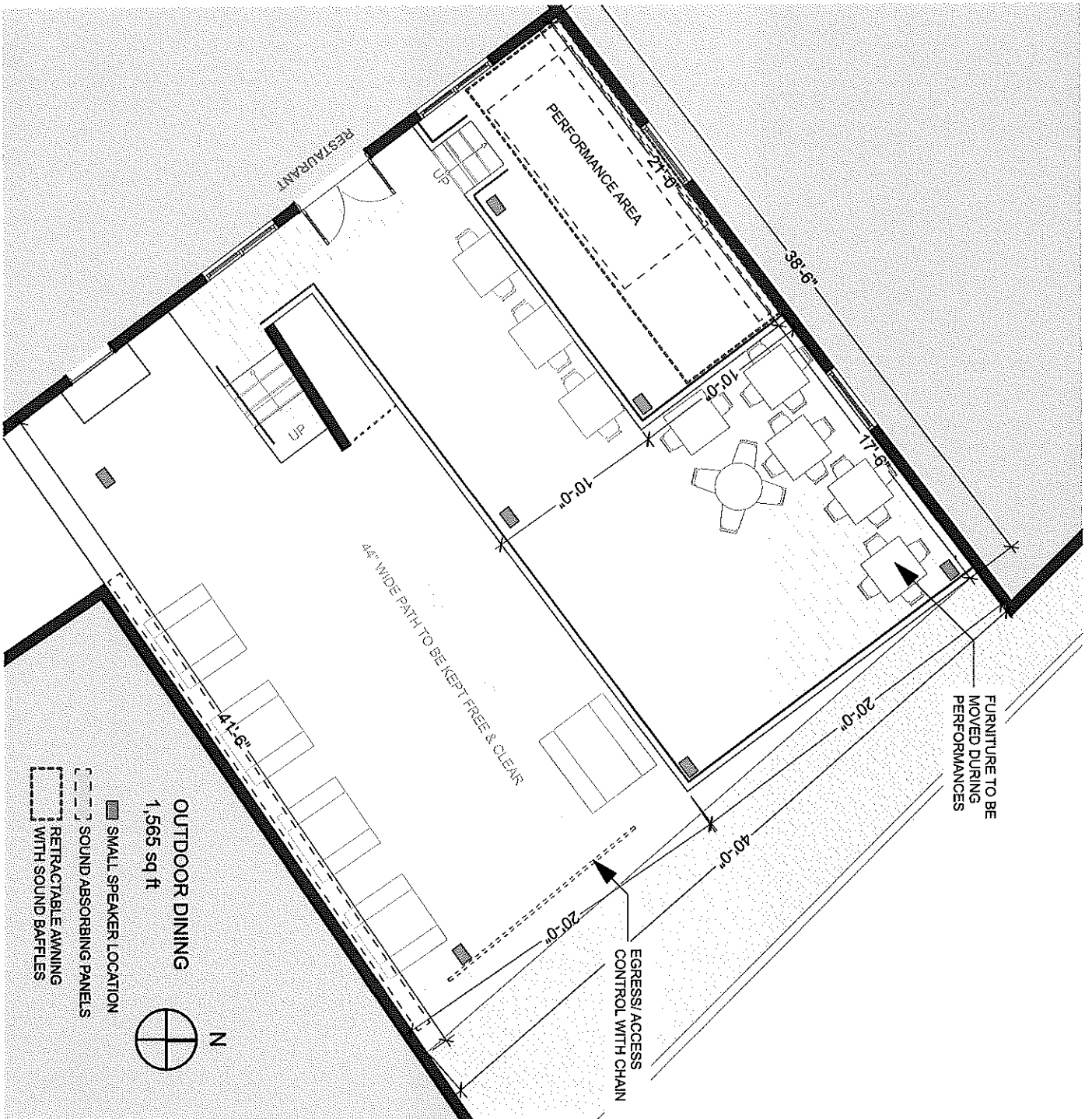


PHOTO OF REAR ENTRY, CONTROL ACCESS BARRIERS



WOODHULL

PREPARED FOR THIRSTY PIG BY WOODHULL
37 EXCHANGE ST, PORTLAND, ME 04101





CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

☐ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☒ Combined Entertainment \$800.00
☒ Sound Mitigation Fee \$150.00		

Business Information	
Establishment Name (d/b/a):	The Thirsty Pig
Location Address:	37 Exchange Street Portland, ME
Owner Name:	Allison Stevens
Owner Email:	thirstypigoffice@gmail.com
Contact Person responsible for Entertainment:	Kristin Clark
Contact Person Email:	events@thirstypigportland.com
Manager of Establishment:	Dave Nowers
Manager Email:	thirstypigoffice@gmail.com

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:

Counter-service restaurant / bar. Hot dogs + Sausages paired w/ local beer + wine.

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.

Signature CW Title manager Date 4/5/2023

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

Sound Engineer

Andrew Roseman

Phone: (203) 464-0272

3/30/23

Sound Mitigation Plan

Thirsty Pig / 37 Exchange St.

This sound mitigation plan has been prepared by Andrew Roseman, who is a freelance sound engineer with over 10 years of practical experience at various music venues in and around the greater Portland area. Thirsty Pig, which opened in 2012, seeks to renew their outdoor license with appropriate sound mitigation techniques applied.

Thirsty Pig currently utilizes an indoor sound system designed to provide simple straight-forward operation typical of most small venues/listening rooms. The system consists of (one) Yamaha MG16XU mixer and two Mackie 12" powered monitors mounted on stage left and right. Audio is introduced via industry standard dynamic and condenser microphones (Shure SM58, AT2020, etc.) and instrument/amp outputs, as well as direct-wired auxiliary sends (iPad, cell phone, etc). **For outdoor use, Thirsty Pig plans to utilize a smaller system, with sound mitigation in place.**

Sound mitigation measures to include:

- Retractable awning above stage area (see diagram for placement in field) to mitigate sound traveling above
- (2) sound absorbing panels rated for outdoor use to be located along opposite walls of stage and behind (see diagram for placement in field)
- 10" powered speakers for stage monitors - smaller speakers will be placed throughout deck to increase spread of sound and reduce overall dynamic

As the speakers are located to provide even disbursement of sound throughout the deck, the primary direction of the sound projection is towards the sound absorption panels. Speaker locations are illustrated on the provided diagram. Thirsty Pig primarily serves as a listening room at audio levels considerably quieter than standard music venues. Events primarily consist of singer/songwriters, but also extends into folk and other genres characteristically performed at lower volumes. Some performers opt not to use any PA for their performances, resulting in a lower overall volume. Sound levels are maintained to the same volume used for house music, which should indicate that these performances should have no impact on decibel levels. Thirsty Pig does keep a portable on-premise sound reading device in the event of a noise complaint. Tests have demonstrated that all exterior sound levels have read well below the

City of Portland construction guidelines.

In conclusion, Kristin Clark will be maintaining the current system in place.

It is my opinion that this system, and the building's construction, should suffice for the expectations of the City of Portland.

With your Consideration,



Andrew Roseman

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on May 15, 2023 at 5:00 P.M., virtually The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

City of Portland | Permitting and Inspections

Zachary Lenhart, Licensing and Housing Safety Manager



May 10, 2023

The Pig Exchange LLC
37 Exchange Street
Portland, ME 04101

Re: The Pig Exchange LLC, dba The Thirsty Pig. Application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street

Dear The Pig Exchange LLC :

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday May 15, 2023 at 5:00 p.m., for the review of application for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 37 Exchange Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on May 12, 2023.

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 item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

Sound Mitigation Review

Applicant Allison Stevens

kschneck@portlandmaine.gov



Zachary Lenhart <zlenhart@portlandmaine.gov>

Thirsty Pig - 37 Exchange

Zoning <zoning@portlandmaine.gov>

Tue, May 9, 2023 at 9:45 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Robert McPartlan <mcpartlanr@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>

A Class I FSE license is a permitted use at 37 Exchange St.

Thanks,
Jon

[Quoted text hidden]



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): <u>The Pig Exchange LLC</u>	Business Name (D/B/A): <u>The Thirsty Pig</u>
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: <u>37 Exchange Street</u>	Email Address: <u>thirstypigoffice@gmail.com</u>
Telephone # Fax #: <u>207-773-2469</u>	Business Telephone # Fax #:
Federal Tax Identification Number: <u>45-3969465</u>	Maine Seller Certificate # or Sales Tax #: <u>1154 094</u>
Retail Beverage Alcohol Dealers Permit:	Website address: <u>thirstypigportland.com</u>

1. New license or renewal of existing license? ☐ New Expected Start date: _____
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: 500,000 Beer, Wine or Spirits: 550,000 Guest Rooms: 0

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☐ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☒ Other: <u>Class 1 FSE</u> | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

37 Exchange Street Portland, ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☒ No

☐ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Allison Stevens	10/11/80	New York

Residence address on all the above for previous 5 years

Name	Address:
Allison Stevens	25 Upper A St. Peaks Island, ME 04108
Name	Address:
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Joseph Palacci 102 Exchange Street Lower Level Portland, ME
04101

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: 0

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

12 indoor tables + 14 outdoor tables
80 total seats (indoor + outdoor)

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: 1/4 mile away First Parish Portland

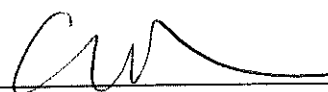
Distance: Unitarian & Universalist Church

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/5/2023


Signature of Duly Authorized Person

Evan Roscra
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

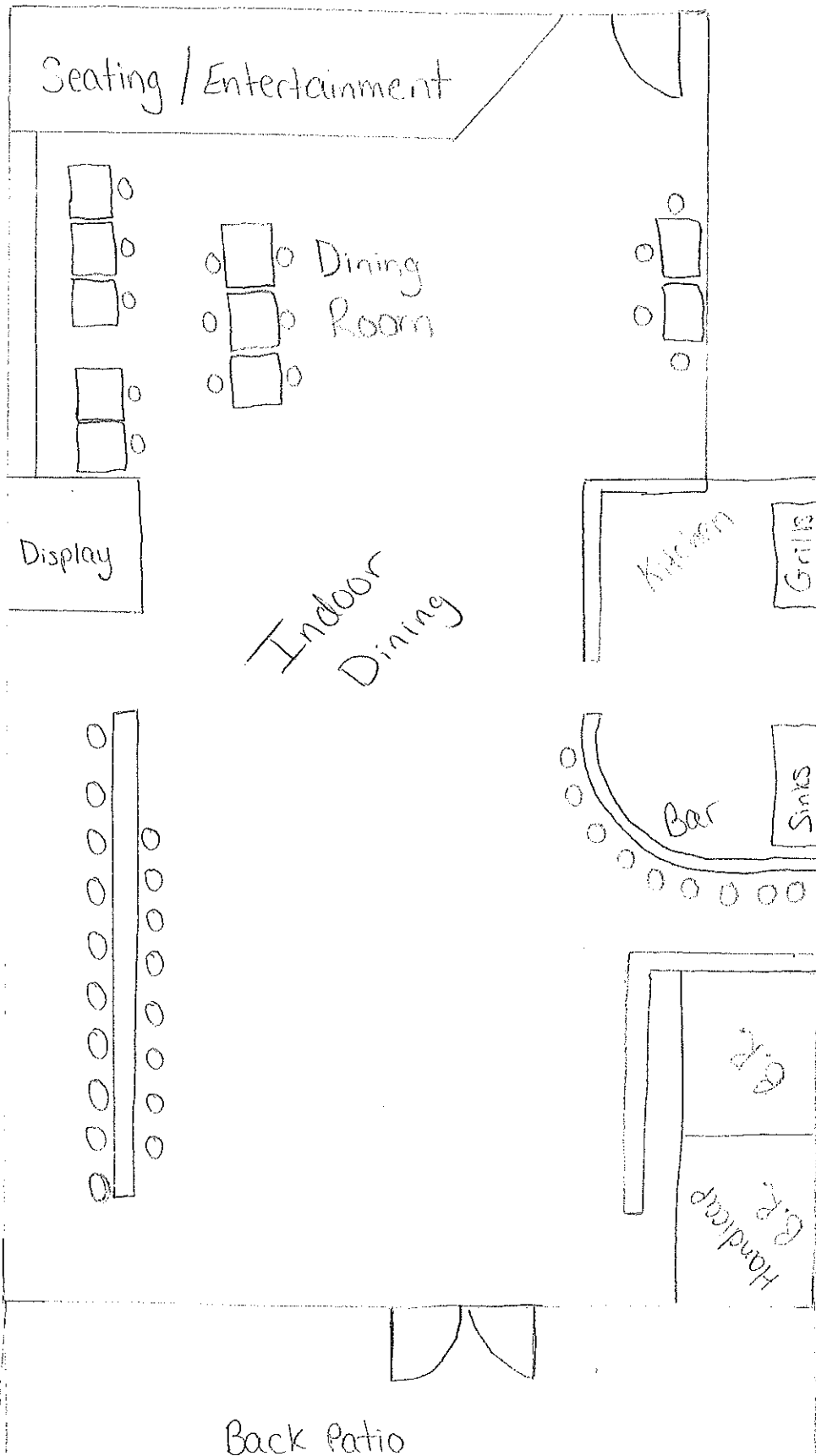
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

See
Attached

←
Exchange Street



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: The Pig Exchange LLC
2. Doing Business As, if any: The Thirsty Pig
3. Date of filing with Secretary of State: 12/2011 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Allison Stevens	25 Upper A Street Peaks Island	10/11/80	Owner	100%

(Ownership in non-publicly traded companies must add up to 100%.)

INVOICE

**CITY OF PORTLAND
LICENSING & REGISTRATION**
389 Congress Street
Portland, Maine 04101
(207) 756-8131



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00081795	04/11/2023	05/11/2023	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
LL-005346-2023	Class I FSE	\$967.00
	Combined Entertainment	\$300.00
	Health Inspection New	\$150.00
	Legal Advertisement Deposit	\$100.00
	New Application Fee	\$45.00
	Outdoor Dining - Private Deposit	\$125.00
	SBI Background Check New	\$21.00
The Thirsty Pig - 39 Exchange St Portland, ME 04101		SUB TOTAL \$1,708.00

TOTAL

\$1,708.00

pd
4.11.23

BILLING CONTACT

PIG EXCHANGE, LLC
37 Exchange St
Portland, Me 04101

Make checks payable to the City of Portland, ATTN: Licensing & Registration, 389 Congress Street, Portland, ME 04101



Dena Libner <dlibner@portlandmaine.gov>

ORDER # 206-22/23

William Harding <whardingmd@gmail.com>
To: publiccomment@portlandmaine.gov

Thu, May 11, 2023 at 10:41 AM

Dear Mayor Snyder and City Council Members,

Today I heard from a neighbor that the owner of the Thirsty Pig is applying for an outdoor entertainment license. Checking online, I noticed a 31-page application, and that this issue is on the City Council's agenda just four days from today.

For several years, the residential neighborhood was exposed to outdoor music at the Thirsty Pig. Despite repeated assurances that it would be limited in time and volume, it continued many evenings for several summers.

After contacting our district representative, and after a public hearing about the outdoor music, we learned that the Thirsty Pig never had a license for outdoor music. A license was applied for, which included reassurances of noise mitigation and monitoring, but that license was denied. We have been able to enjoy peace in our neighborhood ever since.

The area that surrounds the outdoor deck at the back of the Thirsty Pig acts as an echo chamber, amplifying the music and affecting the residents living in the two buildings along Silver Street, 99 Silver Street and 150 Middle Street. Even with windows closed and air conditioning turned on, the noise was disturbing.

What if the Thirsty Pig had an outdoor deck at the FRONT of the building instead of the REAR? Imagine the music—even with "noise mitigation"—echoing up and down Exchange Street, disturbing other businesses and the tourists that these businesses rely on.

Allowing music at the rear of the building will create a significant disturbance to the residents of the Old Port along Silver Street. The many residents of this section of Old Port deserve at least the same kind of consideration as the tourists who visit the many other businesses along Exchange Street.

I strongly object to granting such a license.

Thank you for your consideration,

William E. Harding MD

150 Middle Street apt. 3i
Portland, ME 04101

305-613-6382
whardingmd@gmail.com



Dena Libner <dlibner@portlandmaine.gov>

Thirsty Pig # 206-22/23

1 message

Rachel Henderson <rachelcyrhenderson@gmail.com>
To: publiccomment@portlandmaine.gov

Thu, May 11, 2023 at 6:26 PM

Good Day,

Please include these comments into the discussion regarding the entertainment license application from the Thirsty Pig.

We are writing in opposition to a license for outdoor music at the Thirsty Pig. We are two of the Thirsty Pig's "lovely neighbors". The Thirsty Pig does not have a history of being a good neighbor. We have been through this before...the noise produced on the deck of the Thirsty Pig is a nightmare of noise for their neighbors. The way the buildings around them are configured means that the music moves past our windows as if we lived in a canyon. The music in the past met the decibel level permitted but we were unable to hear our television, talk on the phone, or have visitors in our home. It was a nightmare and rendered our homes uninhabitable. Past attempts to speak with the Thirsty Pig over the noise issue resulted in rude responses and being hung up on.

I would ask that you look at the history of this problem. The last time it came before the council I believe the vote to deny a license was unanimous. Two large condominium associations are in the 'blast' area of the Thirsty Pig and are negatively impacted. Please VOTE NO.

Thank you for your consideration.
Hal and Rachel Henderson
207 319 7656



Dena Libner <dlibner@portlandmaine.gov>

Thirsty Pig Entertainment License hearing on 5/15

Art Johns <johns_art@msn.com>

Thu, May 11, 2023 at 2:46 PM

To: "publiccomment@portlandmaine.gov" <publiccomment@portlandmaine.gov>

Hello,

Please include this in the discussion regarding the entertainment license applied for by the Thirsty Pig.

Previous applications for outdoor music in any form were denied because of the huge adverse affect to numerous residences and other businesses near the outside deck area. Two large condo buildings (99 Silver and 150 Middle Street) as well as surrounding businesses are subjected to intolerable noise levels. The votes were, as I recall unanimous because of the affects on the community. It makes life in these condos intolerable.

The area is a natural amphitheater and even small amounts of noise are extremely disruptive. Police were dispatched many times to investigate. I have no confidence that mitigation efforts are going to do anything due to the design of the area. The Thirsty Pig has been aggressively trying to get this type of permit and it is not essential to their business. The simple solution is to have music indoors.

The Thirsty Pig operated initially with no permit years ago and was extremely rude to the surrounding neighbors (myself included). Their claim of having a good relationship with the community is not accurate.

Noise has been a huge problem in Portland and I took a leadership role in keeping the quality of life for the residents and businesses last time this license was considered and I cannot emphasize enough how important this is to deny outside music in this particular specific area. Again, the decision to deny was, if memory serves unanimous last time..

In no way, shape or form should ONE business selfishly destroy the quality of life for a huge group of residents and businesses.

I urge you to deny any ability to have outside music at the Thirsty Pig as was done in the previous instance several years back. I cannot emphasize enough how important this vote is.

I am happy to speak with anyone regarding this long history of this issue. Thank you for your consideration.

Art Johns
207 329-5725

Sent from my iPad

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 1, 2023

SUBJECT: Order 207-22/23 Granting Municipal Officers' Approval of Scarlet Ribbons LLC, dba The Henry. Application for Class A Restaurant/Lounge at 375 Fore Street - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 4/11/23. New City and State applications. Location was previously Bull Feeney's.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2023.05.15_The Henry
2. 2023.05.15_The Henry_Council Packet

Prepared by:

Date: 05/01/2023

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA PHILLIPS (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

**Scarlet Ribbons LLC, dba The Henry. Application for Class A Restaurant/Lounge at 375
Fore Street**

Date: April 6th, 2023

To:

Kate Snyder, Mayor
Pious Ali, At-Large
April Fournier, At-Large
Roberto Rodriguez, At-Large
Anna Trevorrow, District 1
Vitoria Pelletier, District 2
Tae Chong, District 3
Andrew Zarro District 4
Mark Dion, District 5
City of Portland
389 Congress St, Portland, ME 04101

From:

Scarlet Ribbons LLC
375 Fore Street
Portland, ME 04101

Subject: Letter of intent for new liquor license.

Dear Sir and Madame's,

We hereby submit a letter of intent for a liquor license for the new concept at 375 Fore Street (formerly Bull Feeneys). The space is now owned and operated by Scarlet Ribbons LLC, dba The Henry. The Henry will be a pub/ tavern similar in concept to Bull Feeneys.

Sincerely,

Joshua Miranda



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Scarlet Ribbons ^{LLC} aka The Henry
Location Address:	375 Fore Street Portland ME 04101
If new, what was formerly at this location:	Bull Feeneys
Mailing Address:	375 Fore Street Portland ME 04101
Contact Person:	Joshua Miranda
Contact Person Email:	jmiranda@glythandburrows.com
Manager of Establishment:	Dwayne Roberts
Owner of Premises (Landlord):	Joe Soley, 11 Exchange St. LLC
Address of Premises Owner (Landlord):	P.O. Box 4894 Portland, ME 04112

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Scarlet Ribbons	P.O. Box 4835 Portland ME 04112

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

Contact Person:	Joshua Miranda	Phone:	207-318-7115
Principal Officers	Title	Date of Birth	Residence Address
Joshua Miranda	owner	8/20/72	5 Vagabond Way Windham ME 04062
Class of Liquor License:	Class A Restaurant/Lounge		

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	pub fare	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 60%	Generated from Alcohol: 40%
Hours & days of operation:	Mon, Tues, Wed, Thurs, Fri, Sat, Sun 4pm - 11pm	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		Y/N Y/N
If No, please explain:		
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 Entertainment is required.)		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: _____ # of pool tables: _____		
What is your targeted opening date?		7/4/23
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):		Blyth & Burrows, Via Vecchia, Papi Portland
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:		Josh Miranda, trafficking, suspended license, 2000

I Joshua Miranda 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

Joshua Miranda

Title

owner

Date

4/7/23

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov

- Menu

- Bites

- Scotch Egg\$13.00

Sage and chive breaded, banger sausage wrapped whole egg, Dijon mustard, honey, aged cheddar.

- Fried Pickles\$7.00

Lager batter fried dill pickle spears, house made chipotle mayo.

- Haddock Tacos\$12.00

Two mini tortilla, local haddock, house chipotle mayo, radicchio, citrus aioli.

- Surf & Turf Sliders\$12.00

Local haddock, spicy house slaw, sirloin tip with pickled onions.

- Soups

- Seafood Chowder\$10.00

Seasonal local scallops, shrimp, haddock, bacon.

- Lamb Chili\$9.00

Gluten-free. Fresh ground lamb, robust housemade chili broth, sour cream, monterey jack. Dairy free without cheese and sour cream.

- Salads

- Caesar Salad\$14.00

Gluten-free. House made caesar, hearts of romaine, garlic baguette crostini, moroccan anchovies.

- Field Greens\$10.00

Dairy-free, gluten-free. Mesclun, spinach, julienne carrots, grape tomatoes, housemade balsamic vinaigrette.

- **Shares**

- Powers Irish Whiskey Steamed Mussels\$22.00

Gluten-free. PEI mussels, herb, butter, and garlic broth, flambéed in powers Irish whiskey, warm baguette.

- Poutine\$11.00

Gluten-free. Hand-cut Maine potato fries, cheese curd, house lager gravy. Gluten-free without gravy.

- Boneless Chicken Tenders\$12.00

Herb coated with housemade honey mustard or house wing sauce with blue cheese dressing. Hand breaded, fresh, deep-fried, hand cut chicken breasts, celery, carrots.

- Irish Nachos\$16.00

Gluten-free. House fried russet crisps, cherry peppers, onions, tomato, monterey jack cheese, lamb chili, sour cream.

- Spinach Artichoke Dip\$14.00

Artichoke hearts, fresh spinach, jack, Parmesan, cream cheese, garlic, baguette crostini. Gluten-free without crostini.

- Pub Wings\$13.00

Tangy and sweet house wing sauce or housemade guinness barbecue sauce. Deep-fried, plump chicken wings, celery, carrots, blue cheese, or peppercorn dressing.

- Stuffed Zucchini\$16.00

- **Hearty**

- Maine's Best Fish & Chips\$16.00

Lager battered local haddock, hand-cut fries, dipping sauce, ketchup.

- Irish Lamb Stew\$17.00

Lamb chunks, parsnips, carrots, Maine potatoes, onions braised in lager and guinness.

- Shepherd's Pie\$14.00

-
- Small Bucket Fries with Sandwich\$3.00

Gluten-free.

-
- Small Bucket Fries with Burger\$3.00

Gluten-free.

-
- Small Bucket Fries with Entree\$3.00

Gluten-free.

- Sides

-
- Garlic Mashed Potatoes\$5.00
 - Colcannon\$10.00
 - Daily Vegetable\$3.00
 - House Spicy Slaw\$3.00
 - Black Pepper Dill Fingerlings\$6.00
 - Pancetta Brussel Sprouts\$8.00
 - Housemade Cole Slaw\$3.00
 - House Spicy Pickles\$3.00

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on May 15, 2023 at 5:00 P.M., virtually Scarlet Ribbons LLC, dba The Henry. Application for Class A Restaurant/Lounge at 375 Fore Street - Sponsored by Danielle P. West, Interim City Manager

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



May 10, 2023

Scarlet Ribbons LLC
375 Fore Street
Portland, ME 04101

Re: Scarlet Ribbons LLC, dba The Henry. Application for Class A Restaurant/Lounge at 375 Fore Street

Dear Scarlet Ribbons LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday May 15, 2023 at 5:00 p.m., for the review of application for Class A Restaurant/Lounge at 375 Fore Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on May 12, 2023.

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 item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager



Zachary Lenhart <zlenhart@portlandmaine.gov>

The Henry

Zoning <zoning@portlandmaine.gov>

Mon, May 1, 2023 at 2:26 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erich@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>

Good Afternoon,

The current legal use for 375 Fore St is restaurant. Zoning Approves.

Thank you,

Mac

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes ☐ No ☐	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): <i>Scarlet Ribbons LLC</i>	Business Name (D/B/A): <i>The Henry</i>
Individual or Sole Proprietor Applicant Name(s): <i>Joshua Miranda</i>	Physical Location: <i>375 Fore Street, Portland ME 04101</i>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: <i>"</i>
Mailing address, if different from DBA address:	Email Address: <i>jmiranda@hlytandborrows.com</i>
Telephone # Fax #: <i>n/a</i> <i>207-318-7815</i>	Business Telephone # Fax #: <i>n/a</i> <i>207-318-7815</i>
Federal Tax Identification Number: <i>92-3308614</i>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: <i>Thehenryportland.com</i>

1. New license or renewal of existing license? ☒ New Expected Start date: 7/4/23
☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: 2,100,000 Beer, Wine or Spirits: 1,400,000 Guest Rooms: X

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|---|---|
| ☐ Restaurant
(Class I, II, III, IV) | ☒ Class A Restaurant/Lounge
(Class XI) | ☐ Class A Lounge
(Class X) |
| ☐ Hotel
(Class I, II, III, IV) | ☐ Hotel – Food Optional
(Class I-A) | ☐ Bed & Breakfast
(Class V) |
| ☐ Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | ☐ Auxiliary | ☐ Mobile Cart |
| ☐ Tavern
(Class IV) | ☐ Other: _____ | |
| ☐ Qualified Caterer | ☐ Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

26 Exchange Street Portland ME 04101

6. Is the licensee/applicant(s) citizens of the United States? ☒ Yes ☐ No

7. Is the licensee/applicant(s) a resident of the State of Maine? ☒ Yes ☐ No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

☒ Yes ☐ No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

☐ Yes ☐ No

☒ Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

☐ Yes ☒ No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Blyth and Burrows	CRP 2016-1214	26 Exchange St Portland ME 04101
Via Vecchia	CRP 2019-12353	10 Dana Street Portland ME 04101
Papi Portland	CRP 2022-14730	18 Exchange St. Portland ME 04101

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Joshua Miranda	8/20/72	Portland Maine

Residence address on all the above for previous 5 years

Name Joshua Miranda Address: 5 Vagabond Way Windham, ME 04062

Name Address:

Name Address:

Name Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

☐ Yes ☒ No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? ☐ Yes ☒ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? ☒ Yes ☐ No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: Joshua Miranda Date of Conviction: 2000

Offense: trafficking Location: Maine

Disposition: suspended sentence, probation

16. Has the licensee/applicant(s) formerly held a Maine liquor license? ☒ Yes ☐ No

17. Does the licensee/applicant(s) own the premises? ☐ Yes ☒ No

If No, please provide the name and address of the owner:

Joe Soley, 11 Exchange St. LLC P.O. Box 4894 Portland ME 04112

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Two floor establishment. Bar and tables on first floor. 20 bar seats and 12 tables. Upstairs 20 seat bar with three separate dining rooms. One room has five tables, one room has three tables and the third has soft seating and lounge area for 5 different groupings.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Portland High School

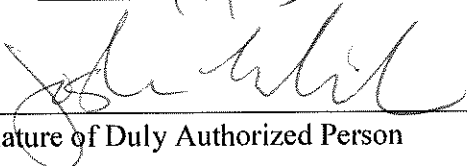
Distance: .3 miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/7/23


Signature of Duly Authorized Person

JOSHUA MIRANDA
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

- ☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine's liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

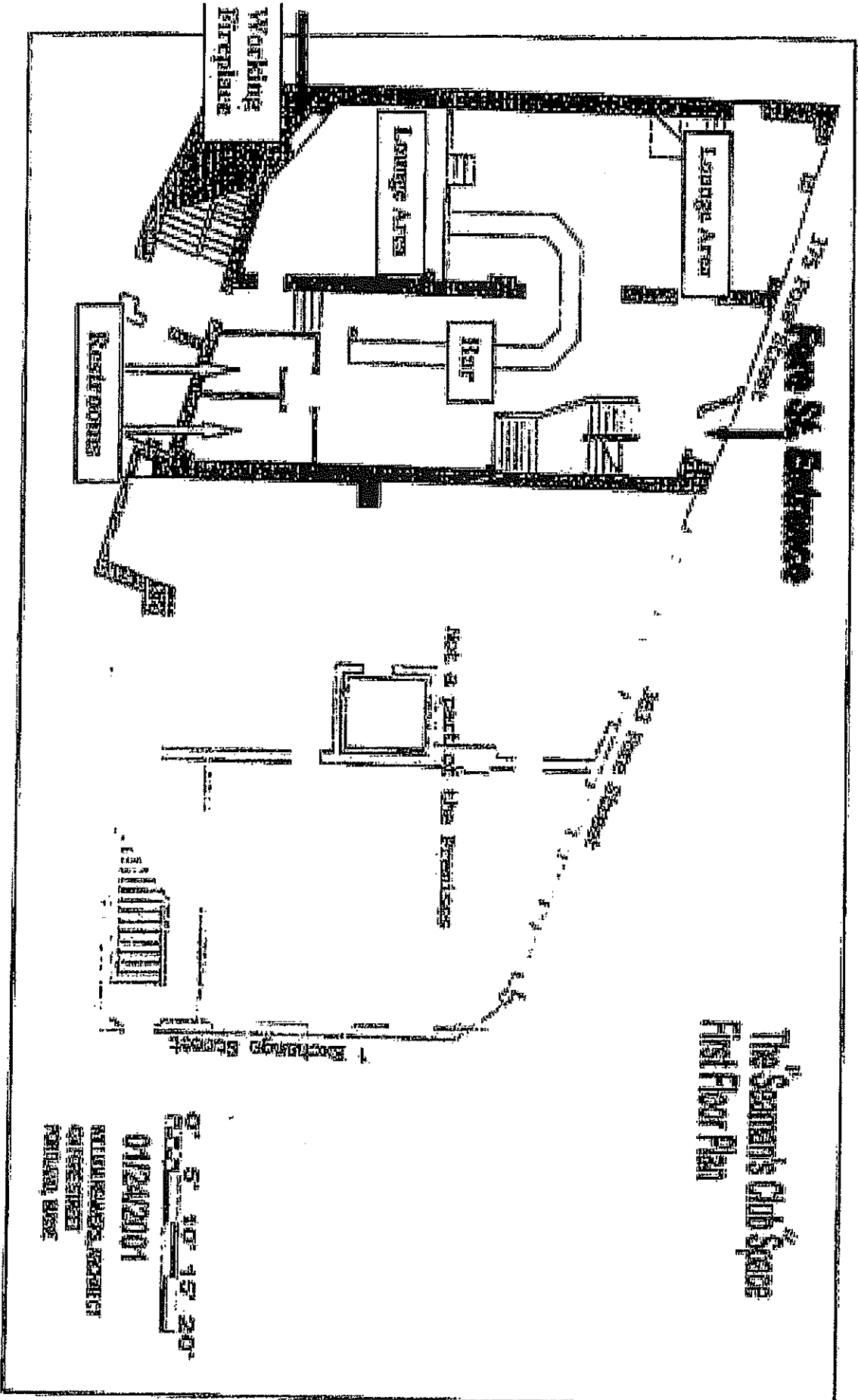
Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Exhibit A Page 1

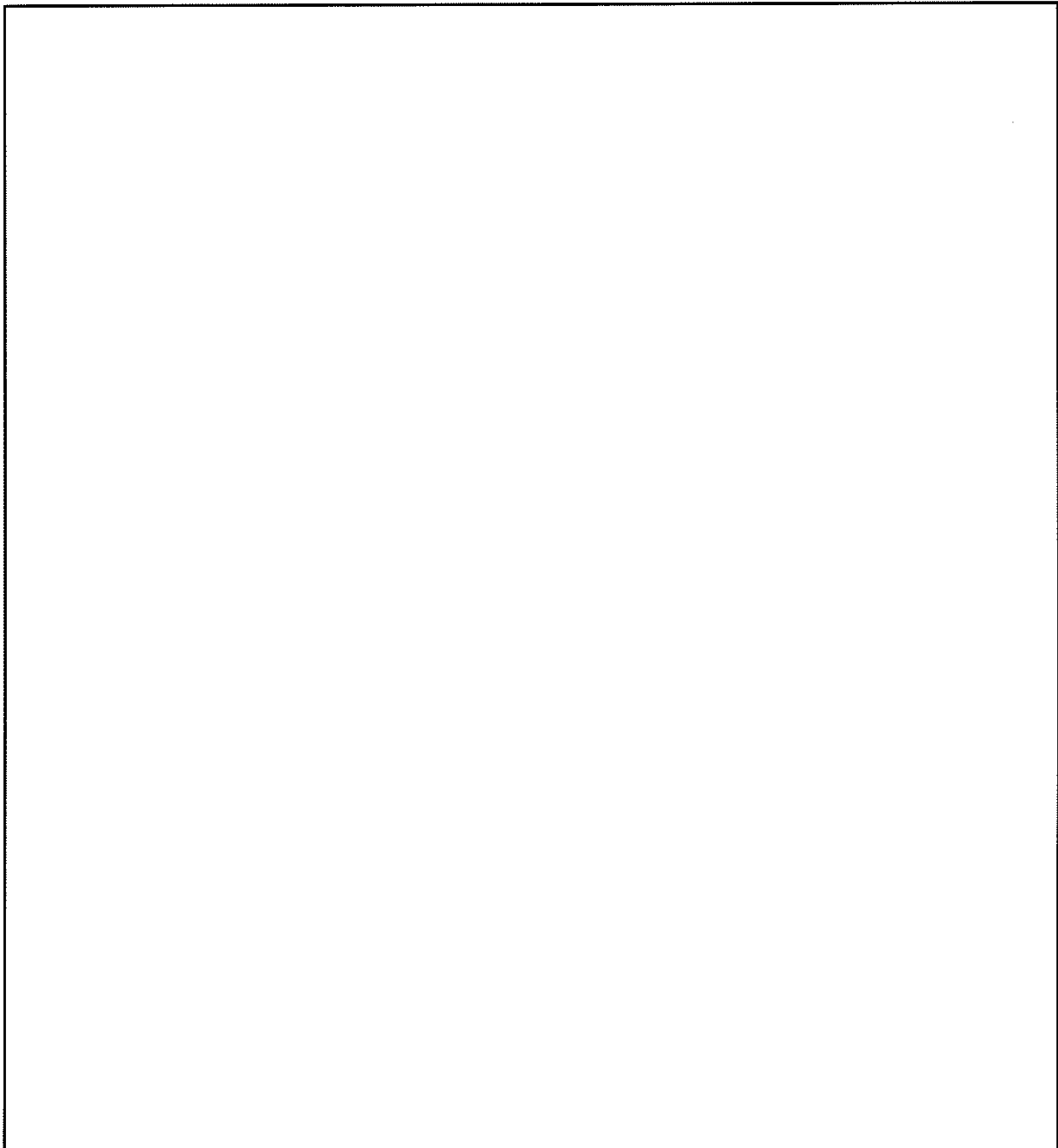


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Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Scarlet Ribbons
2. Doing Business As, if any: The Henry
3. Date of filing with Secretary of State: 4/9/23 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Joshua Miranda	5 Vagabond Way W. Scarborough ME 04062	8/20/72	owner	50%
Joe Soley	10 Exchange St. Portland ME 04101	2/5/1971	owner	50%

(Ownership in non-publicly traded companies must add up to 100%.)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 5, 2023

SUBJECT: Order 208-22/23 Granting Municipal Officers' Approval of Eighteen Exchange LLC, dba Papi Portland. Application for Parklet Outdoor Dining at 18 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 4/26/23. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2023.05.15_Papi
2. 2023.05.15_Papi_Council Packet

Prepared by:

Date: 05/05/2023

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA PHILLIPS (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

**Eighteen Exchange LLC, dba Papi Portland. Application for Parklet Outdoor Dining at 18
Exchange Street**



CITY OF PORTLAND
Permitting and Inspections Department

**Parklet Outdoor Dining
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License
Valid April 15-November 1

☒ Legal Advertisement Deposit \$100.00
☒ 1 Parklet space \$3,000.00 ☐ 2 Parklet spaces \$5,000.00

Business Information	
Establishment Name (d/b/a):	Eighteen Exchange dba Vapi Portland Phone: 207-808-8008
Location Address:	18 Exchange St. Portland, ME Zip: 04101
Mailing Address:	18 Exchange St. Portland, ME Zip: 04101
Contact Person:	Joshua Miranda Phone: 207-318-7815
Contact Person Email:	jmiranda@blythandburrows.com
Manager of Establishment:	Randa Vashon Date of Birth: 10/15/82 Phone: 207-831-2901
Owner of Premises (Landlord):	10 Exchange St. LLC
Address of Premises Owner (Landlord):	10 Exchange St. Portland, ME Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
Eighteen Exchange LLC		18 Exchange St. Portland ME Zip: 04101	
Contact Person:		Phone:	207-808-8008
Principal Officers	Title	Date of Birth	Residence Address
Joshua Miranda	Owner	8/20/72	5 Vagabond Way Windham, ME 04062

About Your Establishment

Class of License:	FSE / 1 hr
Type of food served:	Latin
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	M, T CLOSED W, Th, Su 4pm - 10pm Fri, Sat 4pm - 11pm
Number of Tables	7
Number of Chairs	40

Parklet Regulations

Pursuant to Chapter 25 of the City's Code of Ordinances, a permit is required for expanding food service to the outside of all properties. Outdoor dining permits for parking and other alternative public spaces will be issued under Chapter 25 and these regulations pursuant to the following requirements:

- Any food service operation located on City property pursuant to a permit issued hereunder must comply with state and local laws with respect to service of food and/or alcohol;
- For any outdoor dining operation located in a public parking space, the permit holder shall construct a platform, on which tables and chairs will sit. The platform must be built of durable, slip resistant materials such as composite plastic or construction-grade lumber. This platform may remain for the entire outdoor dining season (April 15-November 1) but must be removed upon conclusion;
- Any space occupied hereunder must be laid out in such a way that it complies with the requirements of the Americans with Disabilities Act. Including 5% of handicap seating. The required platform must be flush with any abutting sidewalk.
- Any movable items on the outdoor dining area must be secured against wind and theft and locked or removed when the business is closed.
- Any outdoor dining spaces permitted hereunder must be located immediately in front of the business. Where parking spaces are not striped (such as in multi-space meter areas) the location of any outdoor dining space must be located to minimize loss of effective parking spaces
- Only 2 hour metered parking spots can be utilized. Parking spot size is 8 feet by 20 feet.
- Any outdoor dining space must provide railings or other substantive barriers *along the edges* to protect patrons;
- Wheel stops satisfactory to the Permitting & Inspections Director must be placed at the front and rear sides of the outdoor dining platform, no less than 4 feet from the edges of the platform. In addition, flexible bollards shall be provided at the corners of the platform.
- Construction of the platform must allow water runoff to easily flow under platform;
- No attachments to the pavement or curbing are permitted;
- No covers are permitted over the outdoor dining space other than umbrellas;
- No advertising other than labels identifying the business is permitted on the outdoor dining space;
- No outdoor dining space in the vehicular right of way is permitted within 15' of an intersection;
- No outdoor dining space will be permitted within the vehicular right of way on a high traffic street, as determined by Public Works. Generally, these streets have a speed limit of over 25 miles per hour, a traffic volume of over 5,000 AADT, or a functional classification of Arterial or above;
- No outdoor dining space will be permitted on a street that does not have 12' clear in the middle after all parking and platforms are accounted for; and
- In any street that is entirely closed to traffic at certain times of the day, the street may be used for outdoor dining subject to relevant requirements listed above, adjusting for the unique condition of an entirely closed street.
- Street Closures include: Wharf Street, Dana Street, and Milk Street (between Exchange and Market only)
- After 4/15/22, Middle Street will go back to normal and the businesses will need to apply for a regular Parklet

Barriers

- Shall not include commercial signage.

Maintenance and Operations

- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.



I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

Signature _____

Title _____

Date _____

For Administrative Use Only

Fire: _____

Health: _____

Parking: _____

Permitting: _____

Police : _____

Treasury: _____



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Request for Extension of License Privileges for an On-Premises Establishment

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): <u>Eighteen Exchange LLC</u>	Business Name (D/B/A): <u>Pap: Portland</u>
Individual or Sole Proprietor Licensee Name(s): <u>Joshua Miranda</u>	Physical Location: <u>18 Exchange St. Portland, ME</u>
License Number: <u>CAL-2022-14730</u>	Mailing address, if different: <u>04101</u>
Mailing address, if different from DBA address: <u>P.O. Box 4835 Portland, ME 04112</u>	Email Address: <u>jmiranda@hlythandburrows.com</u>
Telephone # <u>207-318-7815</u>	Business Telephone # <u>207-808-8008</u>
Fax #:	Fax #:

Section II: Extension of Privileges Information:

1. Name, Address, and Contact Information of Property Owner (if property is rented or leased, please provide a copy of rental/lease agreement):

Name: 10 Exchange St. LLC

Complete mailing address: 10 Exchange St.
Portland, ME 04101

Telephone/Mobile Number: 207-233-1607

Email Address: plewis010022000@yahoo.com

2. Type of Extension of Privileges: (check only one)

a. Temporary ☒ Inside ☐ Outside ☐
b. Permanent ☒ Inside ☐ Outside ☒

continue to next page

3. Start Date: April 15th, 2023 End Date (if applicable): November 1st, 2023

4. Will dancing be permitted in this area? Yes ☐ No ☒

a. If yes, does the establishment have a dance license? Yes ☐ No ☒

b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

5. Will there be live entertainment in this area? Yes ☐ No ☒

6. Reason for this request:

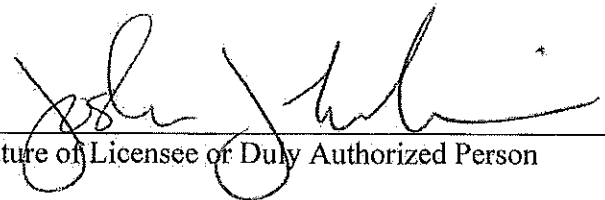
to extend liquor license to outside area

Section III: Signature of Licensee

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 4/5/23



Signature of Licensee or Duly Authorized Person

JOSHUA J MIRANDA

Printed Name of Licensee or Duly Authorized Person

Submit completed forms to: Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement

Mailing address: 8 SHS, Augusta, ME 04333-0008

Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

Please note: The municipal/county officers where your establishment is located must approve all requests for extension of license privileges prior to filing with the Bureau. If your license is issued in an unorganized township, the county commissioners must approve this request, otherwise, it would be your municipal (town or city) officials.

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this extension of privileges for this on-premises licensee on this date: _____.

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? ☐ Municipal Officers
☐ County Commissioners of _____ County

☐ **Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Continued to next page

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the extension area of premises who would be able to control and monitor the area.

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary / permanent license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your where consumption will occur including methods of monitoring and containment of the area(s).

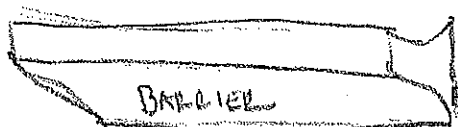
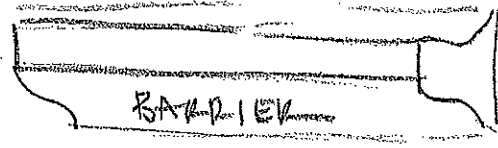
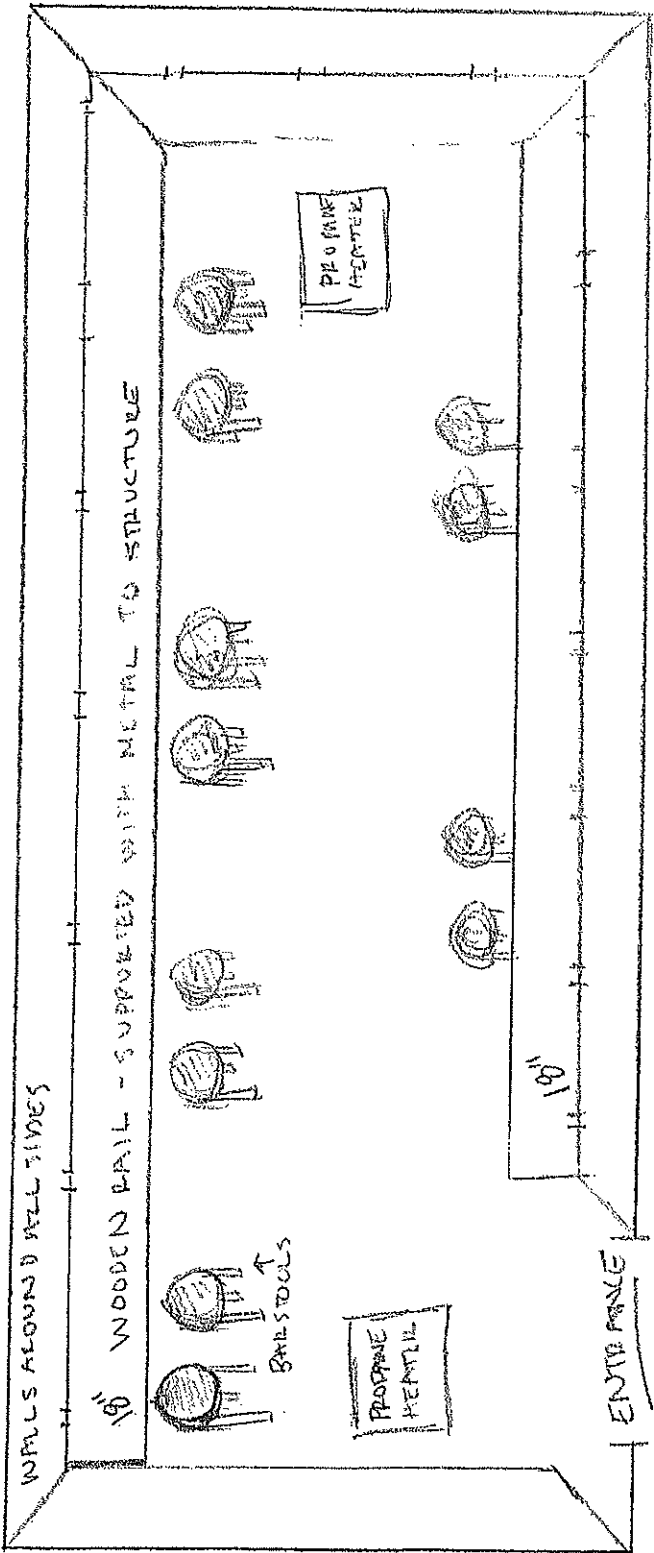
SEE ATTACHMENT

For Office Use Only:

Date Filed: _____ Date Issued: _____ Issued By: _____

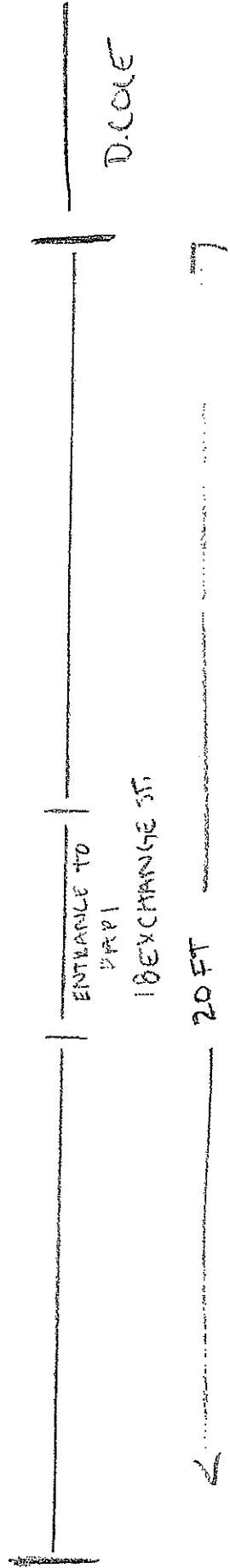
☐ Approved ☐ Not Approved

9'10" 2 ft for hallway
 EXCHANGE ST. 16 FT
 about 2 ft for hallway



160 sq. ft

SIDEWALK



RETHBOUND

W

MILK STREET

W

W

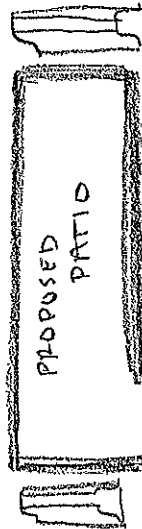
PAVING

SIDEWALK



ONEWAY
→

EXCHANGE ST.



SIDEWALK

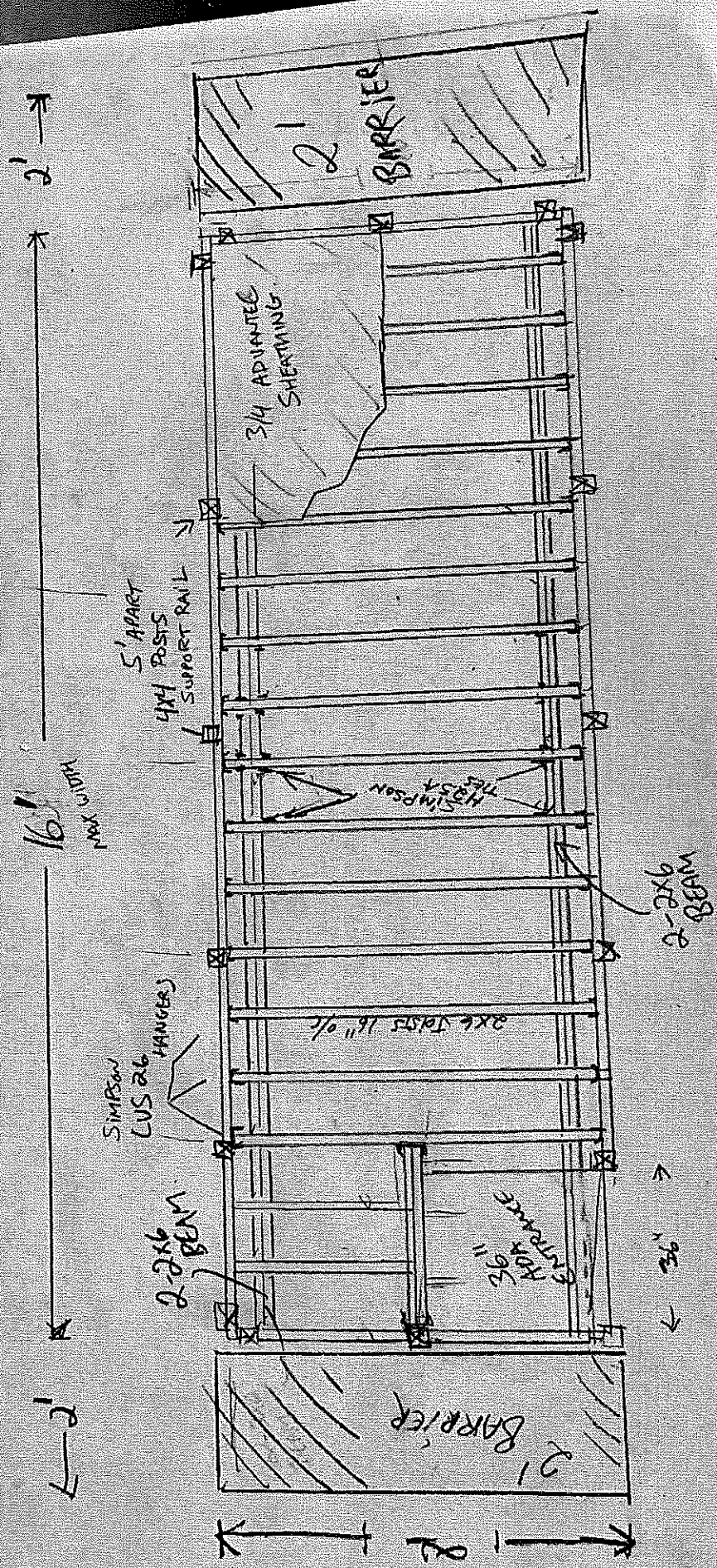
WALK

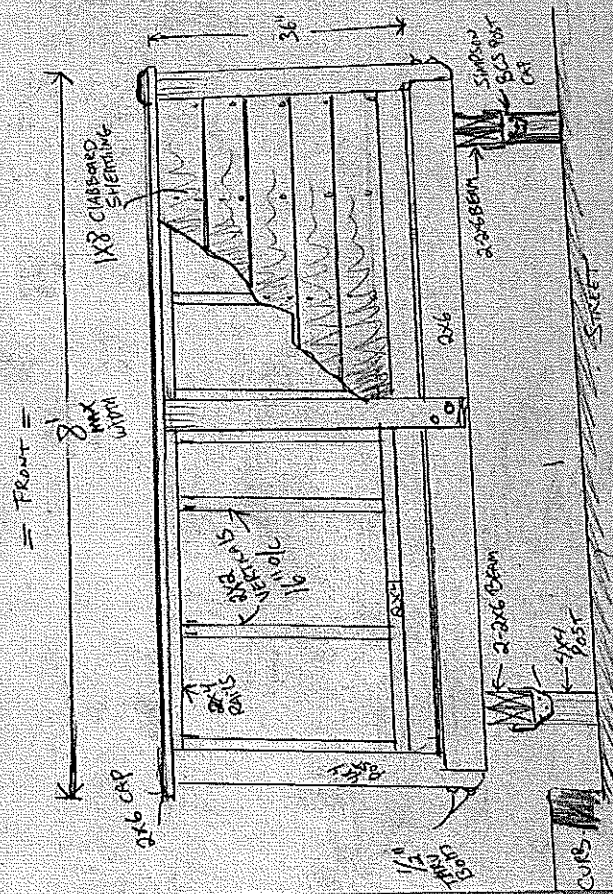
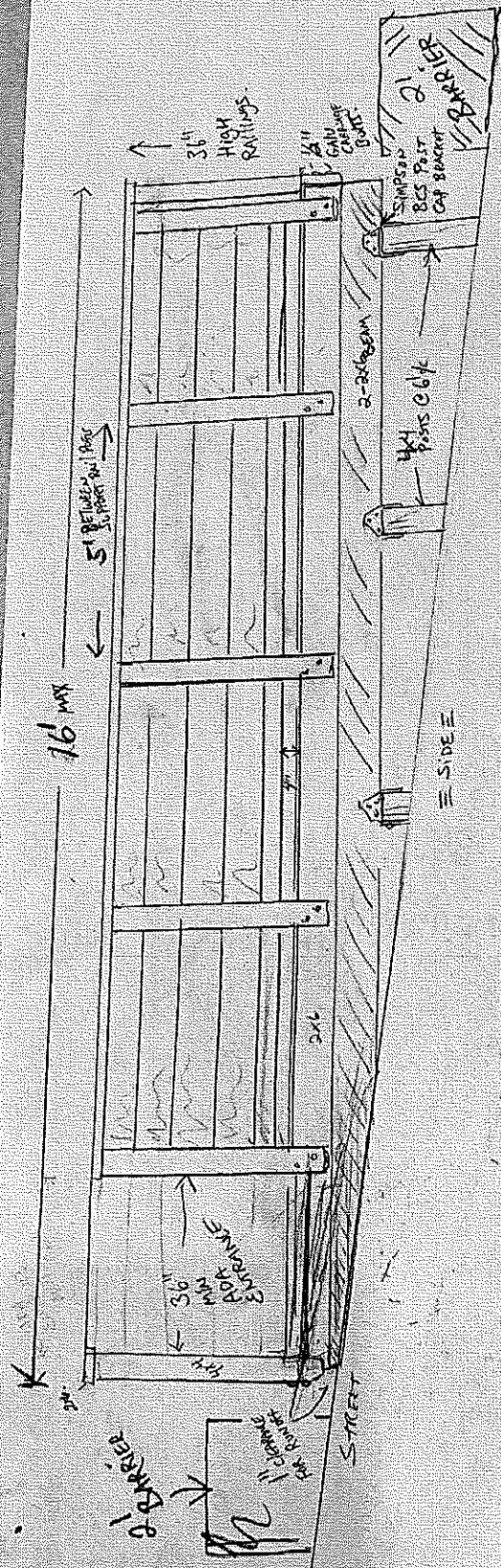
BLUTH
&
BUZZARDS

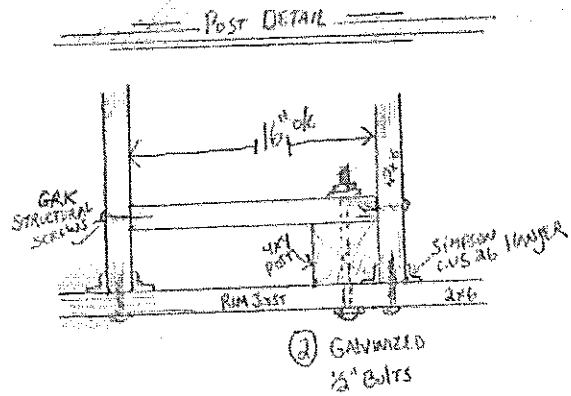
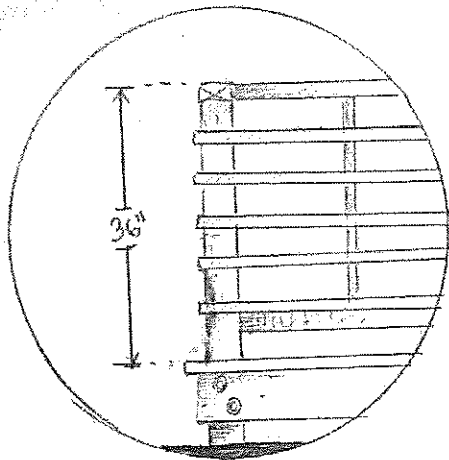
ELIZABETH
BOYD

PAT
PORTLAND

D. COLE
JEWELERS







City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



May 10, 2023

Eighteen Exchange LLC
18 Exchange Street
Portland, ME 04101

Re: Eighteen Exchange LLC, dba Papi Portland. Application for Parklet Outdoor Dining at 18 Exchange Street

Dear Eighteen Exchange LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday May 15, 2023 at 5:00 p.m., for the review of application for Parklet Outdoor Dining at 18 Exchange Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on May 12, 2023.

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 item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Z Lenhert".

Zachary J. Lenhert
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on May 15, 2023 at 5:00 P.M., virtually Eighteen Exchange LLC, dba Papi Portland. Application for Parklet Outdoor Dining at 18 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 3, 2023

SUBJECT: **PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL MUNICIPAL BUDGET ORDERS.**

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: n/a

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

I. SUMMARY

II. AGENDA DESCRIPTION

A SECOND PUBLIC HEARING WILL BE HELD ON JUNE 5, 2023.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

None

Prepared by:

Date: 05/03/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPROVING FISCAL YEAR 2024 ADMINISTRATIVE FEES
FOR CITY PARKING GARAGES AND THE PARKS, RECREATION, AND
FACILITIES DEPARTMENT**

ORDERED, that the monthly parking garage fee increase for city-owned Elm and Spring Street Garages, as shown in the schedule attached hereto as Exhibit A from the Parking Division, is hereby approved; and

BE IT FURTHER ORDERED, that various recreation fees, as shown in the schedule attached hereto from the Parks, Recreation & Facilities Department as Exhibit B, are hereby approved; and

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2023.

**FY24 REVENUE FEE SCHEDULE CHANGE
GARAGES
MONTHLY PARKING**

Department: Parking

*Administrative Fee

Account #	Revenue Description	FY24	
		Current Fee	Proposed Fee
100-18-200-364020	Garages, Lots, Meters Elm St. Monthly Parking	\$140.00 / mo	\$150.00 / mo
100-18-300-364020	Garages, Lots, Meters Spring St. Monthly Parking	\$140.00 / mo	\$150.00 / mo

Last Revision:

FY23 Administrative Fee:
CO #245-21/22

Updated: 03/17/23

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

1/30/2023



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 1/30/2023
Re: FY24 Recreation Fee Changes

The Recreation Division is proposing to increase select fees as of July 1, 2023 to keep up with increasing operating, staffing, and supply costs. This division runs multiple sites for Before & After care, four community centers, multiple summer camps and various recreational activities throughout the year.

In FY24 we are proposing to increase the daily fee for After Care by \$2 or \$10 per week and select Community Center fees. These increases will keep us in line with market rates and will also cover some of the additional costs of the programs caused by inflation.

Select fees were last increased in FY23 to help offset the cost of wage increases that were necessary due to a shortage of employees to run the Before and After Care sites. We operate a significant fee-waiver program for those who are not able to pay the full rate.

Fee Description	Current FY23 Fees	Proposed FY24 Fees
After School Program, Per Week (East End, Longfellow, Ocean Ave & Talbot)	\$103	\$113
After School Program, Per Week (Lyseth, Prosempscot, Reiche & Rowe)	\$66	\$76
Community Center Fees - East End & Riverton Adult	\$85	\$125

Non-Resident Per Hour		
Community Center Fees - East End & Riverton Youth Per Hour	\$25	\$30
Community Center Fees - Reiche Adult Non-Resident Per Hour	\$85	\$125
Community Center Fees - Reiche Youth Per Hour	\$25	\$30
Community Center Fees - Adult Drop-In Fees - Resident	\$4	\$5
Community Center Fees - Adult Drop-In Fees - Non-Resident	\$5	\$10
Community Center Fees - East End & Riverton Non-Portland Non-Profit Per Hour	\$50	\$75
Community Center Fees - Reiche Non-Portland Non-Profit Per Hour	\$50	\$75
Community Center Fees - For Profit Adult Leagues Long Term Rentals	\$45	\$55
Community Center Fees - Small Recreation Community Center Room Per Hour	\$30	\$35

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY24 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Recreation
 Fee Schedule Change is Administrative

Effective: 7/1/2023

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY24 Proposed Rates</u>
Camp Fees			
10033302 347100	Camp Play All Day (K - 1st Grade) Per Week	\$225	\$225
10033302 347100	Camp Xperience (2nd - 5th Grade) Per Week	\$225	\$225
10033302 347100	Camp Cast Away (6th - 8th Grade) Per 3 Day Week	\$215	N/A
Before & After The Bell Program Fees			
10033302 347200	After School Program, Per Week (East End, Longfellow, Ocean Ave & Talbot)	\$103	\$113
10033302 347200	After School Program, Per Week (Lyseth, Prosempscot Reiche & Rowe)	\$66	\$76
10033302 347200	Before School Program, Per Week (Lyseth, Presumpscot, Reiche & Rowe)	\$35	\$35
Community Center Fees			
Community Center Gyms (For Profit)			
10033302 363000	East End & Riverton Adult Resident Per Hour	\$80	\$80
10033302 363000	East End & Riverton Adult Non Resident Per Hour	\$85	\$125
10033302 363000	East End & Riverton Youth Per Hour	\$25	\$30
10033302 363000	Reiche Adult Resident Per Hour	\$80	\$80
10033302 363000	Reiche Adult Non-Resident Per Hour	\$85	\$125
10033302 363000	Reiche Youth Per Hour	\$25	\$30
10033302 363000	Adult Drop-In Fees Resident	\$4	\$5
10033302 363000	Adult Drop-In Fees Non Resident	\$5	\$10
Community Center Fees			
Community Center Gyms (All Other)			
10033302 363000	East End & Riverton Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	East End & Riverton Non Portland Non-Profit Per Hour	\$50	\$75
10033302 363000	Reiche Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	Reiche Non Portland Non-Profit Per Hour	\$50	\$75
10033302 363000	For Profit Adult Leagues Long Term	\$45	\$55
Community Center Fees			
Community Center Room Rental			
10033302 363000	Large Recreation Community Center Room Per Hour	\$50	\$50
10033302 363000	Small Recreation Community Center Room Per Hour	\$30	\$35
10033302 363000	Recreational Staff Fees if Needed Hourly Rate	\$25	\$25
10033302 363000	School Custodial Fees if Needed Hourly Rate	\$81	\$81
	***Three Hour Minimum		

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

1/31/2023



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 1/31/2023
Re: FY24 Aquatics Fee Changes

The Aquatics Division is proposing to increase select fees as of July 1, 2023 to keep up with operating costs of running three pools. The cost of pool chemicals, general maintenance, repairs to aging mechanical units and staff wages have increased greatly over the past 2 years so these fee increases are set to reflect those changes. Since the swimming lesson market is very competitive, some of the fees could not be raised without pricing ourselves out of the market.

We are proposing to increase fees for select swimming lessons, punch cards, and hourly rentals in FY24. As the pools within the City of Portland continue to age, we are seeing more frequent mechanical breakdowns. These increases will help offset some of those costs as well as provide some additional revenue to cover increased wages and supply costs. Please see attached fee schedule for details.

Fees were last increased in FY23 for our lifeguard courses and pool rentals.

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY24 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2023

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY24 Proposed Rates</u>
Swimming			
10033303 347080	Child - Resident	\$1.00	\$2.00
10033303 347080	Child - Non Resident	\$2.00	\$5.00
10033303 347080	Teen - Resident	\$1.00	\$2.00
10033303 347080	Teen - Non Resident	\$2.00	\$5.00
Swimming Kiwanis Pool			
10033303 347080	Adult - Resident	\$5.50	\$5.50
10033303 347080	Adult - Non Resident	\$6.00	\$6.00
Swimming Reiche & Riverton Pools			
10033303 347080	Adult - Resident	\$5.00	\$5.50
10033303 347080	Adult - Non Resident	\$5.50	\$6.50
10033303 347080	Senior - Resident (62 & Older)	\$3.50	\$4.00
10033303 347080	Senior - Non Resident (62 & Older)	\$4.00	\$5.00
10033303 347080	Masters - Resident	\$6.75	\$7.00
10033303 347080	Master - Non Resident	\$7.25	\$8.00
Swimming Punch Cards			
10033303 347080	Adult - Resident - 12 Punch Pass	\$60.00	\$65.00
10033303 347080	Adult - Non Resident - 12 Punch Pass	\$66.00	\$80.00
10033303 347080	Adult - Resident - 20 Punch Pass	\$100.00	\$110.00
10033303 347080	Adult - Non Resident - 20 Punch Pass	\$110.00	\$125.00
10033303 347080	Adult - Resident - 40 Punch Pass	\$200.00	\$210.00
10033303 347080	Adult - Non Resident - 40 Punch Pass	\$220.00	\$245.00
10033303 347080	Kiwanis - Adult - Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Kiwanis - Adult - Non Resident - 12 Punch Pass	\$72.00	\$72.00
10033303 347080	Kiwanis - Adult - Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Kiwanis - Adult - Non Resident - 20 Punch Pass	\$120.00	\$120.00
10033303 347080	Kiwanis - Adult - Resident - 40 Punch Pass	\$220.00	\$220.00
10033303 347080	Kiwanis - Adult - Non Resident - 40 Punch Pass	\$240.00	\$240.00
10033303 347080	Senior Adult - Resident - 12 Punch Pass (62 & Older)	\$42.00	\$42.00
10033303 347080	Senior Adult - Non Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Adult - Resident - 20 Punch Pass (62 & Older)	\$70.00	\$70.00
10033303 347080	Senior Adult - Non Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Adult - Resident - 40 Punch Pass (62 & Older)	\$140.00	\$140.00
10033303 347080	Senior Adult - Non Resident - 40 Punch Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - 6 Month Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - Yearly Pass (62 & Older)	\$280.00	\$280.00
10033303 347080	Adult Aerobics - Resident - 12 Punch Pass	\$66.00	\$70.00
10033303 347080	Adult Aerobics - Non Resident - 12 Punch Pass	\$72.00	\$75.00
10033303 347080	Adult Aerobics - Resident - 20 Punch Pass	\$110.00	\$115.00
10033303 347080	Adult Aerobics - Non Resident - 20 Punch Pass	\$120.00	\$130.00
10033303 347080	Senior Aerobics - Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Aerobics - Non Resident - 12 Punch Pass (62 & Older)	\$57.00	\$57.00
10033303 347080	Senior Aerobics - Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Aerobics - Non Resident - 20 Punch Pass (62 & Older)	\$95.00	\$95.00
10033303 347080	Masters - Resident - 10 Punch Pass	\$67.50	\$70.00
10033303 347080	Masters - Non Resident - 10 Punch Pass	\$72.50	\$80.00
Swimming Swimming Instruction			
10033303 347080	Infant/Toddler/Preschool - Resident	\$8.00	\$8.25
10033303 347080	Infant/Toddler/Preschool - Non Resident	\$8.50	\$8.76
10033303 347080	Level 1 - Level 3 - Resident	\$8.75	\$9.00
10033303 347080	Level 1 - Level 3 - Non Resident	\$9.25	\$10.00
10033303 347080	Level 4 - Level 6 - Resident	\$9.00	\$9.25
10033303 347080	Level 4 - Level 6 - Non Resident	\$9.50	\$10.25
10033303 347080	Adult Aerobics - Daily - Resident	\$5.50	\$5.75
10033303 347080	Adult Aerobics - Daily - Non Resident	\$6.00	\$6.50
10033303 347080	Senior Adult Aerobics - Daily - Resident (62 & Older)	\$4.00	\$4.00
10033303 347080	Senior Adult Aerobics - Daily - Non Resident (62 & Older)	\$4.75	\$5.00
Swimming			
10033303 347080	Water Safety Instruction Course - Resident	\$302.00	\$302.00
10033303 347080	Water Safety Instruction Course - Non Resident	\$302.00	\$302.00
10033303 347080	Private Lessons - 1/2 Hour - Resident	\$30.00	\$30.00
10033303 347080	Private Lessons - 1/2 Hour - Non Resident	\$35.00	\$35.00

FY24 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2023

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY24 Proposed Rates</u>
10033303 347080	Semi - Private Lessons - 1/2 Hour - Resident	\$45.00	\$45.00
10033303 347080	Semi - Private Lessons - 1/2 Hour - Non Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Non Resident	\$60.00	\$60.00
10033303 347080	Semi - Private Lessons - 1 Hour - Resident	\$70.00	\$70.00
10033303 347080	Semi - Private Lessons - 1 Hour - Non Resident	\$85.00	\$85.00
10033303 347080	Lifeguard Course - Resident	\$260.00	\$260.00
10033303 347080	Lifeguard Course - Non Resident	\$275.00	\$275.00
Swimming	Pool Rentals		
10033303 347080	Pool Rental - Portland Porpoise - Per Hour	\$40.00	\$60.00
10033303 347080	Pool Rental - Portland Porpoise - Guard Per Hour	\$45.00	\$65.00
10033303 347080	Pool Rental (One Guard) - Resident, Per Hour/Additional Guard \$25 Per Hour	\$90.00	\$90.00
10033303 347080	Pool Rental (One Guard) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$115.00	\$115.00
10033303 347080	Pool Rental (Two Guards)- Resident, Per Hour/Additional Guard \$25 Per Hour	\$105.00	\$105.00
10033303 347080	Pool Rental (Two Guards) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$125.00	\$125.00

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2024 HUMAN RESOURCES
AND CERTAIN FRINGE BENEFITS BUDGETS**

WHEREAS, each year, the City of Portland enters into agreements to obtain services that the Human Resources Department requires to administer various City programs and benefits, which benefits and programs are provided for in the City budget; and

WHEREAS, the Human Resources administrative budget includes funds for services such as professional coaching and training; physical fitness testing and written examinations as required by the Employment Subcommittee of the Civil Service Commission; and similar professional services; and

WHEREAS, the Human Resources benefit budget includes contracted services for claims administration for its health plan, administration of other benefits, administration of the City's wellness program, benefits brokerage and consulting services, and similar services necessary to administer the City's health and benefits programs; and

WHEREAS, the Human Resources workers' compensation budget includes contracted services for claims administration, drug and alcohol testing, safety related consulting services, and similar services necessary to implement the City's workers' compensation, drug testing, and safety programs;

NOW, THEREFORE, BE IT ORDERED, that the City Manager is hereby authorized to enter into such agreements as necessary to implement the programs provided for the Human Resources budgets.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
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MARK DION (5)

**ORDER APPROVING THE FISCAL YEAR 2024
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 | Office of Corporation Counsel
Michael Goldman, Acting Corporation Counsel



To: Danielle P. West, Interim City Manager
From: Michael Goldman, Acting Corporation Counsel
Date: May 4, 2023
Re: Re: Self-Insured Liability Program

MG

STATEMENT OF FACT:

This proposed Order outlines the City's Self-Insurance Liability Program and clearly indicates 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. The Office of Corporation Counsel strongly recommends Council adoption of this Order. This item should be given a first reading on May 15, 2023 and then postponed to the June 5, 2023 meeting along with other budget related items.

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

MIG: jlr 05/04/23

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
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ANDREW ZARRO (4)
MARK DION (5)

**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 their designee is hereby authorized to set fees, enter and sign rental lease agreements or contracts for City facilities.

CITY OF PORTLAND, MAINE

MEMORANDUM

City Council Agenda Item

TO: Danielle P. West, Interim City Manager

FROM: Ethan Hipple, Deputy Director of Parks Recreation & Facilities

DATE: May 4, 2023

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

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

Also these venues and others, such as the Riverside Golf Course, Cemeteries and the Trough 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.

 5/8/23

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

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
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ANDREW ZARRO (4)
MARK DION (5)

**ORDER AUTHORIZING THE CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2024 HEALTH & HUMAN SERVICES BUDGET**

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

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2024 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: Danielle P. West, Interim City Manager
From: Brendan O'Connell, Finance Director
Date: 05/04/23
Re: FY24 Budget Council Order – HHS Agreements

BTU

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 15, 2023 agenda.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
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ANDREW ZARRO (4)
MARK DION (5)

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

ORDERED, that the City Manager is authorized to accept and to appropriate new scholarship funds, and bequests from wills and trusts in amounts of up to \$50,000 in Fiscal Year 2024; and

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

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
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ANDREW ZARRO (4)
MARK DION (5)

**ORDER AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND
FACILITIES TO ACCEPT DONATIONS UP TO \$10,000
FOR PARKS, RECREATION & FACILITIES DEPARTMENT PROGRAMS
AND CITY FUNDS**

ORDERED, that the Director of Parks, Recreation & Facilities is authorized to accept and to appropriate donations in amounts of up to \$10,000 in Fiscal Year 2024 for the following:

- The Land Bank Fund, Chapter 2, Section 2-45; and
- The Tree Trust Fund, Chapter 29, Section 29-14; and
- The Portland Youth Corps; and

BE IT FURTHER ORDERED, that City-funded Parks, Recreation & Facilities Department gift catalog and program donations in amounts of up to \$10,000 in Fiscal Year 2024 may also be accepted.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
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ANDREW ZARRO (4)
MARK DION (5)

**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: Danielle P. West, Interim City Manager

From: Brendan O'Connell, Finance Director

Date: May 4, 2023

BTO

Re: FY24 Budget Council Order Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading on May 15th and second reading and passage on June 5, 2023. 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.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
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ANDREW ZARRO (4)
MARK DION (5)

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that an overall wage increase of four percent (4%) for non-union employees is hereby approved effective July 2, 2023; and

BE IT FURTHER ORDERED, that the Mayor, the City Council, the City Clerk and Corporation Counsel shall receive a four percent (4%) wage increase effective July 2, 2023.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

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ANDREW ZARRO (4)
MARK DION (5)

**ORDER DESIGNATING FISCAL YEAR 2024 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$45,000 from the Fiscal Year 2024 municipal budget is hereby designated to pay for the Peaks Island services specified as follows:

Item A: Peaks Island Summer Bike Ticket Program \$250
Item B: PI Needs-Based Boat Tickets \$1,000
Item C: PI Portland Public Middle & High School Student Boat Passes \$3,500
Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$300
Item E: PI Children Attending Private Schools Vouchers \$300
Item F: PI ITS (Island “Taxi”): Island Transportation System \$22,500
Item G: PI PEAT (PI Environmental Team: Signage and equipment) \$2,000
Item H: PI Administrative Expenses \$2,150
Item I: Brackett Church (Community Arts & Play Recreation Programs) \$1,000
Item J: Island Compost Project \$3,500
Item K: New Brackett Church for utilities for community programs \$2,000
Item L: Illustration Institute for Island Resident Programming \$1,500
Item M: Fifth Maine Museum Institute Program, code compliance \$1,500
Item N: Peaks Island Children's Workshop building repairs \$3,500

TOTAL: \$45,000



Peaks Island Council
FY 2024 Budget Request
As Approved for Submission
February 22, 2023

Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the Peaks Island Council FY2024 Parking and Transportation Fund in the amount of \$45,000 in accordance with the following items:

Item A: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase bicycle tickets for a summer bike ticket program on Peaks Island. The total is not to exceed \$250.00.

Danielle West, Portland City Manager

Date

Item B: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents. To receive Needs-Based tickets, recipients must fit defined criteria developed by the Peaks Island Council. The total is not to exceed \$1,000.00

Danielle West, Portland City Manager

Date

Item C: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation fund payable to Casco Bay Lines to purchase tickets for Peaks Island public middle and high school students. The total is not to exceed \$3,500.00.

Danielle West, Portland City Manager

Date

Item D: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$300. For the purposes of PIC transportation support, a college student shall be defined as a full-time island resident carrying a full-time course load (12 credits) at a Portland-area institution of higher education.

Danielle West, Portland City Manager

Date

Item E: The Peaks Island Council requests the City Manager or her designee to issue vouchers in the amount of \$82.45 per voucher per student to the parents of children attending private schools off-island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$300.00.

Danielle West, Portland City Manager

Date

Item F: ITS: a.k.a., Island "Taxi" The Peaks Island Council requests the City Manager or her designee to provide an allocation of \$22,500 to the Island Transportation System for continued support of the only public transportation service available on Peaks Island.

Danielle West, Portland City Manager

Date

Item G: The Peaks Island Council requests the City Manager or her designee to provide an allocation of \$2,000.00 to the Peaks Island Environmental Team (PEAT)/Friends of Little John Trott for the purposes of improvements to enhance the immediate usability of the park. These include signage to provide useful information to park visitors (maps indicating trailheads and trails, park history, and identification of special features such as the pollinator garden). Funds will also support purchase of equipment (containers, clean-up sticks and buckets) to enable volunteers to assist DPW's efforts to manage trash and recyclable removal.

Danielle West, Portland City Manager

Date

Item H: The Peaks Island Council requests the City Manager, or her designee to provide an allocation of \$2,150.00 to the Peaks Island Council for Administrative Expenses.

Danielle West, Portland City Manager

Date

Item I: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,000.00 to the New Brackett Church in support of the Community Arts and Play (CA&P) program which provides a summer curriculum of arts, music and structured play for elementary-aged Island children. This project will provide lifeguards and swimming instruction to children ages 5-12 during the summer 2023.

Danielle West, Portland City Manager

Date

Item J: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$3,500.00 to support Phase I of the Island Compost Project, developed in collaboration with the City of Portland's Sustainability Office, to create an island-wide composting solution on Peaks Island. Beginning in the summer of 2023, drop-off points will be established for compostable waste on Peaks Island for island residents to use voluntarily. Project volunteers will transport the waste to Portland weekly for inclusion in Portland's municipal composting program. Phase II of the Project will include fundraising and securing the necessary permits to create a permanent, on-island composting facility.

Danielle West, Portland City Manager

Date

Item K: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$2,000 to the New Brackett Church. The Church supports community organizations on the Island which are in need of year-round space to hold their recurring meetings and special events. These include organizations like Alcoholics Anonymous (Al-Anon), Cook Club, and space for the Peaks Island Community Food Pantry and Community Arts and Play, among many others. These funds will assist in defraying some of the costs of janitorial services and utilities so that space can continue to be provided to local groups on a year-round basis.

Danielle West, Portland City Manager

Date

Item L: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,500.00 to the Illustration Institute for the presentation of 5 lectures and workshops for island residents.

Danielle West, Portland City Manager

Date

Item M: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,500.00 to the Fifth Maine Museum Institute to support design work for the restoration and improvement in the safety of the porch railings on this historic structure, bringing them in compliance with current code.

Danielle West, Portland City Manager

Date

Item N: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$3,500 to the Peaks Island Children’s Workshop, the only licensed and accredited childcare facility on the island, to support needed repairs (windows, siding, doors) to the physical structure of the Workshop’s building and playground.

Danielle West, Portland City Manager

Date

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
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ANDREW ZARRO (4)
MARK DION (5)

ORDER APPROPRIATING \$3,611,343 IN FUND BALANCE

ORDERED, that \$2,850,000 is hereby appropriated from Assigned Fund Balance for pension obligation bond debt service payments due in Fiscal Year 2024; and

BE IT FURTHER ORDERED, that \$761,313 is hereby appropriated from Unassigned Fund Balance for additional Cumberland County tax payments due in Fiscal Year 2024 resulting from the County's change from a calendar to a fiscal year.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
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MARK DION (5)

**ORDER FOR FISCAL YEAR 2023-2024 APPROPRIATING
\$276,000 FROM EXCESS FUND FOR
CASCO BAY ISLAND TRANSIT DISTRICT**

ORDERED, that the City Council hereby authorizes and appropriates \$276,000 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, \$250,000 of which is for capital costs associated with Casco Bay Island Transit District's public transportation operations in Casco Bay and \$26,000 of which is for the City for other mass transportation needs related to summer shuttle service between the Marginal Way Park and Ride lot and the Casco Bay Lines Ferry Terminal.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
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MARK DION (5)

**AMENDMENT TO PORTLAND CITY CODE CHAPTERS 24, AND 28
RE: VARIOUS FEE INCREASES FOR FISCAL YEAR 2024**

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

*1. That Sections 24-72 and 24-84 are hereby amended, which
said sections read as follows:*

Sec. 24-72. Sanitary sewer user charges.

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

...

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, 20222023, user charges under this section for both dwelling units and commercial units shall be twelve dollars and thirty-seventy-five cents (~~\$12.30~~12.75) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

...

Sec. 24-84. Stormwater Service Charge.

(a) There is levied upon all developed land stormwater service charges for the cost of providing stormwater services. All developed land shall be charged seven dollars and ~~twenty-~~

~~five~~seventy-five cents (~~\$7.50~~7.75) per month per one thousand two hundred (1,200) square feet of impervious surface area, rounded to the nearest one thousand two hundred (1,200) square feet of impervious surface area.

...

2. That Section 28-101 is hereby amended, which said section reads as follows:

Sec. 28-101. Applicability.

(a) *In general.* ...

(b) *Scofflaw.* Any vehicle which has accumulated three (3) or more notices of violation of any parking regulation or regulations made pursuant to this chapter for which there has been neither payment of waiver fees nor issuance of court process and which is then parked in violation of any such provision may, at the option of any city police, parking control or other officer authorized to enforce the parking regulations of the city, be immobilized in place or may be removed and stored pursuant to the provisions of this chapter until all waiver fees established pursuant to 30-A M.R.S.A. § 3009 for all such outstanding notices of violations and also the charges authorized by article IV have been paid or until the requirements of section 28-103(b) or (c) have been met. If impoundment by immobilization is utilized, a charge of ~~fifty~~seventy dollars (~~\$50.00~~70.00) shall be charged and paid prior to such release.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2023.

FY24 REVENUE FEE SCHEDULE CHANGE
Parking Administration
Denver Boot

Department: Parking

*Ordinance Fee

Account #	Revenue Description	Current Fee	FY24
			Proposed Fee
100-18-100-351100	Code Violations Denver Boot	\$50	\$70

Last Revision:
FY06 City Code Section 28-101:
CO #248-04/05

Updated: 03/17/23

FY24 REVENUE FEE SCHEDULE CHANGE

Department: Sewer Fund (0570)

Ordinance Chapter 24 § 72(c)

<u>Account #</u>	<u>Revenue Description</u>	FY24	
		<u>Current Fee</u>	<u>Proposed Fee</u>
570-31-000 344xxx	Sewer User Fees	\$12.30 hcf	\$12.75 hcf

FY24 REVENUE FEE SCHEDULE CHANGE

Department: Stormwater Fund (571)

Ordinance Chapter 24 § 84(a)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	FY24
			<u>Proposed Fee</u>
571-31-000 344650	Stormwater Service Charges	\$7.50	\$7.75
	*per 1,200 sf of impervious surface area		

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
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FISCAL YEAR 2023-2024 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$332,799,323** is hereby appropriated for Fiscal Year 2024 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$143,810,343**, is hereby appropriated for Fiscal Year 2023 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, 2023 and not exempt from taxation, to the aggregate amount of **\$103,559,653** for municipal purposes and **\$110,850,008** for school purposes for a total tax levy of **\$214,409,661** for Fiscal Year 2024, 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 30 days after the City's Tax Commitment 2023, and payable in two equal installments, the first due 30 days after the City's Tax Commitment 2023, and the second installment due on the 15th day of March, 2024. The delinquency rate of interest shall be eight percent (8%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be four percent (4%) per annum.

City of Portland, Maine

City Manager's Recommended Budget



FY24 Budget

July 1, 2023 – June 30, 2024

City of Portland | Executive Department

Danielle P. West, *Interim City Manager*



To: Mayor and Members of the Portland City Council

CC: City of Portland Leadership Team and City Staff

From: Danielle P. West, Interim City Manager

Date: April 24, 2023

Re: City Manager's FY24 Recommended Budget

Pursuant to Article VI, Section 5(e) and Article VII, Sections 5 and 6 of the City of Portland Charter, I am hereby submitting the City Manager's Recommended \$332.8 million FY24 Municipal Operating Budget. I'm humbled and honored to continue leading our dedicated group of public servants during this time of transition as they work tirelessly each day to provide excellent municipal services to and for the City of Portland and its residents.

As we continue to work through the realities of post-pandemic life there are several major challenges that we continue to face. Inflation continues to affect all of our departmental budgets in one way or another through higher costs for goods and services, fuel, and labor. We also face significant reductions in revenues including, but not limited to, the expiration of \$7.4 million in one-time funding to address asylum seeker related expenditures and an estimated reduction of \$1.7 million in State of Maine Revenue Sharing dollars for the upcoming fiscal year. Additionally, we continue to deal with a high number of staff vacancies, roughly 250 over the last year. In order for us to continue performing the high quality of services that our community has come to expect, we must work to reduce and prevent these staff vacancies. This is why the leadership team and I have made the retention and recruitment of staff our top goal for the year.

The other – larger and more unique – challenge we face in Portland is a national one with regional and statewide implications. The State of Maine and the City of Portland continue to attract record numbers of asylum seeking families from the southern U.S. border, as well as California and New York, and circumstantially and chronically homeless individuals, all seeking emergency shelter services. Portland is proud to be a welcoming city, we take our General Assistance (GA) obligation under state law very seriously, and we understand the value and benefits of having new residents in Maine. But we are in a dire situation that we cannot continue to manage on our own. The one time \$7.4 million of revenue we received from the State of Maine in FY23 was intended to address what was anticipated to be a temporary increase in asylum seeker intakes and the lack of available housing. But the volume of arrivals and intakes has not declined and instead has continued to increase over the past year. We are now sheltering almost 1,200 people on a nightly basis between our single adult shelter, family shelter, and overflow spaces. As a result, our staff is stretched thin, our shelters are beyond their capacity, we are currently unable to guarantee shelter for any new arrivals, and available permanent housing is extremely limited.

We recently even had to open the James A. Banks Portland Expo building as a temporary emergency shelter. After its first week in operation, we reached capacity with a census of 300 people. We expect to use this space through this summer until a planned transitional housing space by a private developer can open and help alleviate some of the need. I can't stress enough how more transitional housing is needed in communities around the State of Maine other than just Portland as our staff and community partners are at their maximum capacity and we have no other physical locations available to us.

In an effort to not increase the property tax rate too significantly or make major cuts to City services, the Mayor, myself, the City's Legislative Committee, and other members of City staff have

been working diligently with our State and Federal delegations, as well as the Governor's Office, to find solutions and alternative sources of funding for increased GA reimbursement, transitional housing for asylum seekers, and resettlement coordination. Due to these circumstances, the budget I'm presenting continues to dedicate a significant amount of money and staff resources to providing social services, emergency shelter, public health, and long-term care to our neediest populations.

It is important to note that under the State's GA law, municipalities are currently reimbursed for 70% of the GA costs described above, and the municipality is required to cover the remaining 30%. There are currently, however, several bills before the State Legislature that seek to increase this reimbursement to 90% in an attempt to avoid further adverse impacts on municipal budgets across the State. In order to present you with a budget within the guidance you provided, this budget includes a presumption that the GA reimbursement formula will change and/or one-time funding will be provided to the City to address the significant needs it faces in response to this dire situation. Therefore, if we do not secure one of these funding sources, we will need to make cuts to core municipal services or push our municipal tax rate increase up to at least 10.4% or more.

Another important factor in our ability to be able to close our budget gap this year is the third installment and use of the federal American Rescue Plan Act (ARPA) funds. As you know, in addition to using ARPA funds to fund specific one-time necessary public priority projects, the City Council approved a phased plan to help cover revenue losses over the course of three budget cycles. We used \$8.75 million in FY22 to cover revenue losses, \$5.5 million in FY23, and this FY24 recommended budget includes the use of \$2.75 million plus pulls in an additional \$2 million of ARPA funds which had been intended for use in FY23, but are being held in part for FY24 to help address the revenue shortfall. It's important to note that next year we will not have any significant remaining City ARPA funds to help close any budget gaps we may face.

In addition to revenue losses, GA budget increases, and inflation, we continue to face many other cost increases including debt service costs (an approximately \$1.2 million increase in our pension obligation bond debt service alone), Cumberland County's tax, our required METRO contribution, and in contractually obligated union wage increases.

While we always ask our Department Directors to take a hard look at their budgets every year and achieve any cost savings, there are things they need in order to be able to continue to provide core municipal services. Facing a tax rate increase in excess of 14% just to maintain existing levels of those core City services, we were required to make many tough decisions in order to present you with a recommended budget that contains a property tax rate increase lower than inflation.

We worked hard to reduce existing expenses, respond to required full-time equivalent (FTE) employee increases and staffing changes, while at the same time increasing revenue streams to avoid having to cut any existing FTE staff positions. We, however, continue to defer adding most new position requests that were not offset by associated revenues and addressing other needs. In most cases, Department Directors are still struggling with workloads that exceed pre-COVID levels with staff headcounts that are below pre-COVID levels. With very limited exceptions we have been unable to restore or add positions within most Departments. Despite these realities, we have worked to address some of the Council's stated priorities including additional funding for our Justice, Diversity, Equity and Inclusion work, more than doubling our funding for homeless shelter operations (an over 100% increase from \$5.25 million in FY23 to in excess of \$10.6 million for FY24), significantly increasing investment in other asylum seeker transitional housing options, all while attempting to maintain other levels of core services and not bring forward a tax rate increase above inflation.

In light of all this, I'm presenting you with a recommended budget that includes a **6.1% increase in the tax rate** on the city side of the overall budget with a new city-side mill rate of **\$6.96 per \$1,000 of assessed property value**. It is important to note that should there be any additional priorities or services the Council would like to address in this year's budget, I felt it most appropriate for those

decisions to be made by the Finance Committee/Council during the upcoming budget review process.

To provide some context on changes in the City budget over the last several fiscal years, the following is a chart that outlines the City, County, and School portions of the tax levy since FY16:

FY16 - FY24 City of Portland Tax Levy History & Breakdown							
	MUNICIPAL PORTION				SCHOOL PORTION		OVERALL
Fiscal Year	City Tax Levy	City % of Total	County Tax Levy	County % of Total	School Tax Levy	School % of Total	City of Portland Tax Levy
FY16	\$75,785,193	47.6%	\$5,240,009	3.3%	\$78,073,211	49.1%	\$159,098,413
FY17	78,445,570	47.8%	5,417,119	3.3%	80,331,376	48.9%	164,194,065
FY18	80,187,454	47.5%	5,907,743	3.5%	82,787,921	49.0%	168,883,118
FY19	83,323,749	46.9%	6,288,845	3.5%	88,003,431	49.5%	177,616,025
FY20	86,173,337	46.3%	6,640,316	3.6%	93,345,139	50.1%	186,158,792
FY21	86,743,535	46.1%	7,011,159	3.7%	94,338,744	50.2%	188,093,438
FY22	83,867,622	44.1%	7,147,309	3.8%	99,083,251	52.1%	190,098,182
FY23	89,023,703	44.4%	7,563,215	3.8%	103,851,071	51.8%	200,437,989
FY24 Rec	94,353,230	44.0%	9,206,423	4.3%	110,850,008	51.7%	214,409,661
The City portion of the overall tax levy has increased by \$18.6M or 24.5% since FY16 (2.8% CAGR)							
The County portion of the overall tax levy has increased by \$2.3M or 75.7% since FY16 (11.1% CAGR)*							
The School portion of the overall tax levy has increased by \$32.8M or 47.0% since FY16 (4.5% CAGR)							

* Note: FY24 County Tax Levy includes (and FY25 through FY28 will include) an additional \$761,342.80 due to County change to 6/30 year end

CAGR = Compound Annual Growth Rate

FY23 RECAP

While our outlook remains hopeful, I'm cognizant of the toll the pandemic and the current labor market continues to have on our workforce. They have had to do more with less given budget constraints, but also due to major staff vacancies in many of our front-line service departments. We've also had several vacancies in our Department Director positions, which means many staff members have been doing multiple jobs at any one given time.

First, our Health & Human Services Department has faced many challenges this year, but continues to respond impressively when confronted with these complex situations. Despite these challenges, there have also been many proactive successes worthy of highlighting.

The Oxford Street Shelter placed a total of 96 clients, 34 of whom were long-term stayers into permanent housing. The 96 housing placements represent 20,418 bed nights or 56 years. The 34 long-term stayer placements represented 15,394 of those bed nights or 75%. The Family Shelter placed 42 families representing 146 individuals into housing placements. It's important to keep in mind that this number represents those families staying in the Family Shelter buildings proper, and not the multiple overflow spaces we are currently occupying such as hotels.

I'm also pleased to report that we opened the new Homeless Services Center at 654 Riverside Street (which replaces the now shuttered Oxford Street Shelter) last month with 208 beds. While this emergency shelter was full on night one, clients now have access to a facility that was specifically designed to serve as an emergency shelter facility all with on-site access to critical wrap-around services like meals, a Greater Portland Health medical and dental clinic, and housing counseling. We also established a neighborhood advisory group to ensure our commitment to being a good neighbor while operating this facility.

Over the past year, the Public Health Division has continued its efforts in responding to the ongoing COVID-19 pandemic, notably with the reinvigoration of the Immunization Program as part of the Portland Public Health Clinic. In November 2022, the Public Health Clinic celebrated one year in the new space at 39 Forest Avenue, where they have continued to provide STD, primary care, and harm

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reduction services to Portland's underserved communities. The Immunization Program organized City staff and community vaccination clinics and prevention efforts, resulting in the administration of 1,188 COVID-19 vaccinations given since July 1, 2022. In March 2022, the Harm Reduction Program expanded its services to include the distribution of Fentanyl Test Strip kits. Since the start of this expanded service, staff has distributed 1,292 Fentanyl Test Strip kits, amounting to 3,876 individual strips distributed. These new initiatives reflect the Public Health Division's commitment to providing essential services and responding to the evolving public health needs of the community.

For our Planning & Urban Development Department, 2022 included a significant amount of both development review and long range planning activity. With regard to new housing within the city, 317 housing units (not including single and two family homes) were approved, 65 of them on-site affordable units. Currently, approximately 1,500 housing units are under construction, the product of thousands of approvals over the previous five years. Significant approvals shepherded through the planning review process in 2022 included 129 housing units on a former City-owned property at 57 Douglass Street, a Master Development Plan at 385 Congress Street that includes 297 housing units, a hotel, and a publicly accessible pocket park, a new teen shelter, creation of an Institutional Overlay Zone to accommodate a new campus for the Roux Institute, as well as campus expansions for both the University of Southern Maine and the University of New England. A total of \$707,916 was committed to the Jill C. Duson Housing Trust as a result of Hotel Inclusionary approvals. As a result of the Impact Fee Ordinance created by Planning & Urban Development and adopted by the Council in 2018, \$825,790 was collected through development review to support parks & recreation, wastewater, and transportation infrastructure.

In addition to review of new developments, Planning & Urban Development has a host of long range and policy initiatives under way. Planning for significant open spaces, such as Congress Square Park, Portland Harbor Common, and Western Promenade improvements occurred in 2022, and numerous transportation planning initiatives such as the launch of the City's first bikeshare program, design of the union branch trail, community engagement for the Better Bikeways Initiative, the Libbytown Safety & Accessibility Project, East Coast Greenway/Veranda Street Bikeway design, and further implementation of the Neighborhood Byways network. Significant progress was made in 2022 on projects that will be rolled out for public review starting in the first half of 2023, including ReCode Phase II, a proposal for climate resiliency zoning tools, shoreland zoning amendments, and the Historic Preservation Impact Study, each with implications for sustainability, equity, housing opportunities, and Portland's economy.

Our small business community, which is the backbone of Portland's economy and contributes so much to its authenticity and character, has faced and continues to face challenges from the pandemic. In response, the City created various pandemic related business assistance loan and grant programs which resulted in an investment of over \$330,000 in 61 businesses during FY22. In FY23, the focus returned to non-pandemic related business assistance programs and, to date in FY23, the Portland Development Corporation has approved four new loan applications, providing a total of \$490,000 in funding for these Portland businesses. This focus will continue for FY24.

The ARPA funded Microenterprise Program launched in the Spring of 2022, supporting 51 low-moderate income small business owners with approximately \$270,000 in funding. Our Housing & Economic Development Department was awarded additional ARPA funding in the Fall of 2022 for business program grants due to the success of the first round of funding. ARPA funds are also being utilized to offer grants to aspiring day care providers and existing centers to open or expand, adding much needed day care slot openings to Portland. To date with use of \$145,000 in funds, 49 new slots for care have been documented.

The Housing and Economic Development Department also administers the Brownfields Program, which provides funding for assessment and cleanup of environmentally contaminated properties to facilitate redevelopment. The City's Brownfields Assessment Fund and Revolving Loan Fund are important tools available to assist redevelopment projects in the city. Staff is awaiting the results of

a recent application to EPA for additional assessment grant funding of up to \$500,000. The EPA should be announcing grant awards later this Spring. The City recently received an additional \$3 million to recapitalize the City Brownfields Revolving Loan Fund.

Housing availability and affordability continue to be a focus for City officials. To that end, the Council's Housing and Economic Development Committee (HEDC) recently recommended approval of the 2023 Affordable Housing Development and TIF Application. The application was drafted by staff in the Housing and Economic Development Department and includes guidance from the HEDC on goals and priorities for the use of the available funds. When approved by the Council, the application will be released and will make over \$9 million dollars from the City's HOME Program and the Jill C. Duson Housing Trust Fund available to housing developers.

Our Permitting and Inspections Department continues to see its workload increase. The department continues to be impacted by recent citizen-initiated referendum questions passed by voters. This includes the Green New Deal, Rent Control ordinance, and regulations related to Marijuana retail establishments. In FY22, the Department managed an increase in workload, staff shortages, and dealing with returning to more of a pre-pandemic model. In FY23, the Department is continuing to manage record breaking numbers on top of additional Rent Control Referendum amendments that have impacted its workload.

In FY22, permitting staff processed 2,399 building permits, 1,692 electrical permits and 464 plumbing permits. Permit numbers continue to increase each year, and during the current fiscal year we are continuing on that same trend for permit numbers. The City's four Building Inspectors performed 5,976 inspections in FY22, which was an increase from FY21. So far in FY23 (7/1/2022-3/31/2023), they have executed 5,180 inspections. Zoning has also had an increase in permit reviews due to the sheer number of permit applications. In FY22, they reviewed 958 permits and so far in FY23 they have reviewed 768 permits.

In FY22, staff issued 1,469 business licenses and performed 1,322 Health Inspections. So far in FY23 (7/1/2022-3/31/2023), 1,038 business licenses have been issued and 937 Health Inspections have occurred. The city currently has 65 licensed marijuana businesses and 15 pending, of those are 35 licensed marijuana retail stores.

In our Housing Safety Office, the division was required to collect data on more than 20,000 units, staff a Rent Board, investigate illegal rent increases, and to educate the public on both of the voter-approved Tenants Rights ordinances. This work is in addition to the safety inspections they conduct of rental units in Portland. The City's four inspectors are both Certified Code Enforcement and Certified Fire Inspectors. They handle Long-Term, Short-Term, Complaints, and now Rent Inspections. In FY22, the Inspectors performed 3,204 inspections. The office issued 4,639 Long-Term licenses and 744 Short-Term licenses. So far in FY23 (7/1/2022-3/31/2023), they have executed 2,835 inspections and issued 3,550 Long-Term and 673 Short-Term Registrations.

The Portland International Jetport continued its record for customer service in 2022, winning the Airports Council International's Easiest Airport Journey & Most Dedicated Staff in North America awards. The Jetport also saw significant improvement in passenger volumes despite lingering negative pandemic related impacts on air travel nationwide early in 2022. The Jetport saw all-time record passenger volume in June and October 2022 but remained down 9.3% in passenger boardings in 2022 compared to pre-pandemic 2019 levels. Leisure travel continued to outpace business travel, and thanks to Maine's strong leisure tourism market, the Jetport was nearly back to 2019 levels during the summer season. The busy June - October summer travel season saw the Jetport down just 1% from 2019 levels. Although passenger recovery was strong in 2022, pandemic related reductions were still present and kept operating revenues below 2019 levels. Operating revenues were 9.1% below FY19 in FY22. Thankfully federal relief funding for airports remained available to overcome this reduction. Revenues are expected to fully recover and exceed pre-pandemic levels in FY24 with outbound seat capacity for 2023 up 5% over 2022 and 3% over 2019, our busiest year. Breeze Airways will begin its inaugural service to the Jetport on May 17, 2023. The Jetport's FY24

operating revenues are budgeted at \$28.9 million, which is up 23.1% from FY23 and up 10.7% over FY19. This is a good indicator of the strength of Portland and Maine's economy.

We also remain committed to our sustainability goals outlined in our climate action plan, One Climate Future. Over this past year we've achieved successes in implementing components of it. The first phase of Electrify Everything! concluded last fall and helped residents implement more than 100 electrification projects in their homes. During our Earth Day celebration on April 22 the Sustainability Office announced the launch of Electrify Bikes!, which will help income eligible residents purchase an e-bike in order to provide reliable transportation that does not require fossil fuels. Later this spring they will launch DIY Electrify!, which will provide incentives for residents to purchase induction cooktops and energy saving tools such as clothes drying racks. We have also built on the successful community composting program to expand the number of public composting sites and bring composting to City facilities for the first time. City facilities include City Hall, the new Homeless Services Center, and the Barron Center. We plan to add additional City buildings during upcoming months.

We continue to deploy EV charging infrastructure as part of our partnership with EVgo. Four stalls of fast charging recently came online in the parking lot at the corner of Spring Street and High Street. The neighborhood charging hubs at East End School and Deering Oaks are now complete and will be operational before the end of April. The Sustainability Office is working closely with EVgo to site an additional hub with DC fast chargers and additional community charging hubs that will be installed during the upcoming fiscal year.

Later this Spring the Sustainability Team will also launch a summer long campaign to educate the public about the City's Landcare Ordinance and offer tips on how to manage property sustainably. In addition to public events it will include lawn signs members of the public can display that promote Mow Tall Until Fall – encouraging neighbors to keep grass between 3.5" - 4" tall in order to promote healthy roots and to allow lower growing plants such as clover to feed pollinators.

We are additionally pleased to be launching our Sustainable Neighborhood Program, through which the Sustainability Team will work directly with neighborhood organizations to help them select and implement sustainable actions in their neighborhoods. The goal of the program is to build community resilience by connecting neighbors and helping them collaborate on projects that will make their neighborhood more sustainable. Earlier this spring we called for neighborhood groups to apply to be participants in the inaugural year of the program. We were pleased to announce during our Earth Day celebration that Parkside and Libbytown developed the most thorough and responsive applications and we look forward to working with them this year. Next spring we will invite additional neighborhoods to apply for the program with the goal of onboarding two neighborhoods each year.

Furthering our commitment to our environment and open spaces, our Parks, Recreation and Facilities Department budget supports many community and Council priorities, from maintaining 67 parks and 30 city and school playgrounds, to planting 150 trees annually. The budget supports beautification and enjoyment of the city through the Parks Division, which oversees planting of perennial plants, tulip beds, urban meadows and orchards, oversight of 8 miles of multi-use bike paths, and basic maintenance of our 67 parks and open spaces spread over 1,300 acres.

The budget also supports Recreational activities for the community such as the Before and After School Program with 1,000 participants, a youth basketball league with 500 participants, a Senior Adult program with over 500 participants, three city pools, and the Riverside Golf Course. Our Public Assembly Division runs our city venues and cultural institutions such as Merrill Auditorium, The Portland Expo, Troubh Ice Arena, and Ocean Gateway. Our Custodial Division cleans all City buildings, and cleans our public park toilets daily. And our Cemetery Division budget supports maintenance and operation of 13 City cemeteries, including 11 historic cemeteries that are largely full, and Evergreen Cemetery and Forest City Cemetery which are still active and offer families a beautiful location to bury and remember loved ones.

FY23 BUDGET GOALS & REALITIES

Over the last several months we have had several workshops and budget discussions with the Council and Finance Committee to set shared expectations for the upcoming budget year. During those discussions the Council was clear that they would consider any tax rate increase above inflation to be unacceptable and set guidance on an increase of between 5 and 7%. The majority of the Council also noted they did not want to see cuts to core municipal services. Based on this guidance, I asked Departments to prepare their budgets conservatively. However, due to the significant challenges facing the City, most of them revenue related, the requested year-over-year tax levy increase based on Department requested budgets was over 17%.

It was incredibly difficult to close the budget gap from the requested 17% down to within Council guidance. Ultimately, I had to make revisions to their proposals, set aside certain requests, and recommend fee increases to help balance the budget and double down on our lobbying efforts in Augusta to highlight the incredible work the City is doing to shelter asylum seekers and request additional funding and assistance. It was also important for me to balance the needs of our workforce in the budget since retention and recruitment has been a major issue. As a result, this budget does include funding for some retention strategies and wage adjustments given the extremely tight labor market and the significant number of vacancies we have had.

Portland prides itself on having the most diverse revenue base in Northern New England with nearly 58% of our FY24 estimated general fund revenue coming from non-property tax sources (charges for services, licenses and permits, intergovernmental revenue and more). As was stated before, balancing the budget with a 6.1% increase this year is only due to the use of those diverse revenue funds, ARPA funds, and debt service reserves. Otherwise, we'd be facing a much higher tax rate increase or a reduction in the level of core municipal services we would be able to provide.

DEPARTMENT HIGHLIGHTS

Health & Human Services: In FY22 our total City HHS budget was \$35.9 million and that figure is rising to nearly \$55.2 million for FY24. Despite a decrease in anticipated spending from FY23 to FY24, HHS still remains our largest Department budget by a significant margin. Our budget for sheltering is of particular note - we are more than doubling our homeless shelters budget (FY23 Oxford Street Shelter budget was \$5.25 million and FY24 Homeless Services Center budget is \$10.66 million) and our Family Shelters budget is also rising by over 35%.

Public Works: The Public Works Department continues to have a challenging time with managing the number of vacancies they have due to the current labor market. This budget does not include any new staffing requests nor any major operational changes in services provided.

Parks, Recreation & Facilities: This budget includes a 7% increase or roughly \$750,000, and specifically includes the hiring of an Assistant Parks Director to help with the significant number of parks projects that the Department has on its agenda.

Planning & Urban Development: This budget includes a 20% increase in FY24 or roughly \$300,000 due to the inclusion of the \$150,000 bike share program expense which is fully reimbursable from outside revenue sources for the next two years.

Police: Of note with this budget is a reminder that the recently approved Community Development Block Grant (CDBG) budget recommendations for this year included a change in the funding plan for our \$150,000 community policing program. Instead of funding this program with CDBG revenue, we recommended and have now made those dollars available for public CDBG applicants, and therefore are funding the community policing program in this budget via the property tax levy.

Dispatch: This budget includes a 53% increase due to the addition of contracting service and a Deputy Director position to help with the staffing challenges. We are working incredibly hard to

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increase staffing at the dispatch center and reduce use of overtime which is one of the main factors of the increase. It is worth noting that the City is reimbursed for a portion of our costs from our dispatch partners in South Portland and Cape Elizabeth.

Fire: The Fire Department includes an almost 6% increase related to two new required positions at the Jetport. In 2022, due to an increase in flight volume, the Jetport moved to an Index C level Airport. In order to meet FAA requirements at the Index C level, the Fire Department's Air Rescue Station is required to respond with additional resources to emergencies. As such, four additional firefighters had to be added in the middle of the FY23 budget. The Department was able to fund two of these positions from the FY23 budget and the FY24 budget includes the addition of the two other positions to meet the requirements.

Assessor: This budget includes a 14% increase for contract and temporary staff assistance to help process work related to LD 290 and complex commercial valuations and appeals.

Public Buildings & Waterfront: Includes an approximately \$662,000 increase due to an estimated \$340,000 in facility upgrades being required by the US Customs and Border Protections and a variety of other budget inflationary pressures on parts and labor.

Permitting & Inspections: This budget includes a 15% increase mostly due to the increase in work from the recent voter-approved referendum questions. This marks several consecutive years of increased workload for the Department at the same time that the overall volume of permitting and inspections work continues to increase. We are continuing to assess how to best handle the increased workload and volume and will discuss the work in progress to address those issues during our Finance Committee reviews next month.

City Council: The Council's budget includes a 26% increase partly due to an increase in funds for the City's legislative lobbying efforts and \$50,000 for the design phase for a future MLK memorial in the city.

City Clerk: This budget includes a 59% increase due primarily to the City Charter amendment which required incorporating funds for launching a clean elections campaign program.

City Manager: The budget includes a 26% increase due primarily to the new Justice, Diversity, Equity and Inclusion director and funds to hire an associate for that director during the upcoming fiscal year.

Information Technology: This budget includes a 16% increase due to several critical new position requests that have been repeatedly requested by the Department and the many Departments supported by IT. We currently have just under one IT staff for every 100 City employees and this is far below industry and municipal standards. IT network and cybersecurity has also become increasingly important over the last several years and the budget includes an IT security position.

Wage Adjustment: This budget includes funding for potential future wage and contract increases from various Departments, which are anticipated to be needed in the upcoming fiscal year. The City has eight labor unions along with the non-union workforce and three Council appointed positions.

BUDGET CHALLENGES

During this budget cycle the City of Portland faced several significant budget challenges which made our budget goals incredibly difficult to achieve. The immensity of the challenges highlighted the fantastic work of our budgeting team who were able to limit the City tax levy increase to just 40 cents via offsetting budget reductions and revenue additions. This was in spite of the fact that our four largest budget challenges alone represented more than triple the amount of tax increase that is being proposed to be passed along to the taxpayers.

Loss of \$7.4M in State of Maine Funding: In FY23 the City received \$7.4 million of lump sum payment from the State of Maine to support the regional efforts to house asylum seekers. The funding was provided in light of historic levels of asylum seeker intakes into the State via Portland. This funding is not currently continued in the State of Maine's upcoming budget, but the historic levels of asylum seeker arrivals in Portland persists with roughly 1,200 arrivals during 2023 to date. The loss of this revenue triggered a 50-cent increase in the local mill rate, an approximately 7.6% increase from this line item alone.

State Revenue Sharing: Our State revenue sharing projection from the State of Maine is projected to decrease by \$1.7 million from the prior year projection. This presents a significant budget challenge for the City. This decrease triggered a 12-cent increase in the local mill rate.

Increase in Cumberland County Tax: The budget for payments to Cumberland County for their tax assessments to the City is increasing by over \$1.6 million. The increase is related to higher costs for County operations and a County switch from a calendar year to a fiscal year. This increase in expense triggered an 11-cent increase in the local mill rate.

Reduction in Programmed American Rescue Plan Act (ARPA) Revenues: The City utilized a participatory budgeting process to allocate our ARPA funds. Funding for sheltering the unhoused was set at \$7.5 million in the FY23 budget and this was set to decrease to \$2.75 million in the FY24 budget and \$0 in FY25. At this point our ARPA funds have been fully allocated towards the public priorities from our participatory process and the vast majority of the funds have been for social services/addressing homelessness/housing. The decrease in programmed ARPA funds from FY23 to FY24 of \$4.75 million represented a 32-cent increase to the mill rate.

Health Insurance: There is a nearly \$1.9 million increase in the estimated cost of our health insurance plan. We are raising premiums for employees by 4% to help partially offset this increase.

Debt Service: Our debt service is up 3.9% or roughly \$2.05 million overall. This is mostly attributable to an increase in debt service related to our 2001 pension obligation bonds, enterprise fund debt, and estimated interest expense on our upcoming 2023 bond issue.

METRO: The FY24 budget includes a 3.35% increase in our METRO contribution or an additional \$105,000.

Portland Public Library: The Portland Public Library has requested a 5% increase in FY24 funding or \$215,649.

POSITIVE BUDGET DRIVERS

Excise Tax: Excise taxes are still a significant source of revenue for the city's transportation needs. Despite rising interest rates and car prices, we are projecting excise taxes to rise to \$11.25 million in FY24, a budgeted increase of \$750,000.

Property Valuation: Property valuation is estimated to grow by \$150 million resulting in nearly \$1 million in additional revenue for municipal use and \$1.1 million for School use.

Interest Income: The City has a strict investment policy which prioritizes safety and capital preservation. The City has taken advantage of the rising interest rate environment and expanded our portfolio of fully insured certificates of deposit. As a result, we are expecting an increase in interest income to help offset the property tax levy of approximately \$2 million.

Credit Rating Upgrade: Last year Standard & Poor's Global Ratings (S&P) raised its credit rating on all of Portland's general obligation debt up to 'AAA' from 'AA+'. This elevated the City rating to the highest available measure of creditworthiness from S&P. The highly coveted 'AAA' rating significantly reduces debt service costs on bonds issued with the rating in place and creates additional demand for City municipal bonds. The rating increase is due to continued growth in the

local economy, very strong financial management and financial policies, and very well managed debt metrics. The upgrade marks the second rating increase from the S&P in the last five years. The reduction in debt service costs continues to be significant during a time when cost savings for both the City and Schools is badly needed. The AAA rating typically reduces total interest costs on a debt issue by an estimated 10 to 15 basis points when compared to similar costs prior to our recent upgrades (savings of \$10,000 to \$15,000 per million of debt issued).

BALANCING THE BUDGET

At this time, the growth of non-tax revenues and property valuation results in a City side tax rate increase for municipal services of 6.1%. This means the city-side mill rate is \$6.96 per \$1,000 of assessed property value. The impact of this increase on an average homeowner with a property valued at \$375,000 would be \$150.

CONCLUSION

I would like to thank the Finance Director Brendan O'Connell, the Finance Department staff, Human Resources Director Anne Torregrossa, and Communications Director Jessica Grondin for their assistance in developing this budget recommendation and presentation, as well as the hard work and diligence of all of the Department Directors and their staff in developing their budget requests.

I'd also like to thank all City employees for the work they've done in helping us accomplish the many goals we've achieved over the last several years, as well as the exemplary municipal services they provide each and every day. And I'd like to express my sincere gratitude for the way in which they have continued to perform top-notch public service in light of the many challenges we face including staffing shortages. It has been a long and ever-changing year in which we've faced many obstacles, and I'm proud of how we all worked together to keep our community strong and continue to provide excellent services to and for our City.

Finally, I'd like to thank the Council for advising us on your priorities and working collaboratively with staff over the last year. We look forward to reviewing this proposed budget in more detail with you in the weeks ahead.

Sincerely,

Danielle P. West
Interim City Manager

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2022 - June 30, 2023

July 1, 2023 - June 30, 2024

City Manager's Recommendation

		FY24-CM / FY23			
		FY23	FY24	\$ +/()	%
CITY GENERAL FUND REVENUES					
31	Property Taxes	\$96,586,918	\$103,559,653	\$6,972,735	7.2%
31	Other Local Taxes	6,078,477	5,588,477	(490,000)	-8.1%
32	Licenses & Permits	7,079,950	7,312,873	232,923	3.3%
33	Intergovernmental Revenue	64,392,196	40,158,019	(24,234,177)	-37.6%
34	Charges for Services	38,696,672	40,723,175	2,026,503	5.2%
35	Fines, Forfeits and Penalties	1,966,254	2,085,204	118,950	6.0%
36	Use of Money and Property	10,882,236	13,028,881	2,146,645	19.7%
39	Other Sources	43,163,239	48,113,223	4,949,984	11.5%
	Fund Balance Use / (Restoration)	-	761,343	761,343	
Total General Fund Revenues		\$268,845,942	\$261,330,848	(\$7,515,094)	-2.8%
GENERAL FUND EXPENDITURES					
100-11	City Council	\$426,699	\$532,220	\$105,521	24.7%
100-12	City Clerk	681,447	1,085,708	404,261	59.3%
100-13	Executive	1,047,862	1,328,780	280,918	26.8%
100-14	Assessor	478,268	547,107	68,839	14.4%
100-15	Finance Administration	1,320,399	1,392,938	72,539	5.5%
	Treasury	731,669	823,920	92,251	12.6%
	Total Finance	2,052,068	2,216,858	164,790	8.0%
100-16	Legal	1,050,737	1,081,002	30,265	2.9%
100-17	Human Resources	1,261,163	1,368,502	107,339	8.5%
100-18	Parking Administration	1,534,970	1,561,443	26,473	1.7%
	Elm Street Garage	304,572	293,774	(10,798)	-3.5%
	Spring Street Garage	516,845	506,836	(10,009)	-1.9%
	Temple Street Garage	117,800	119,120	1,320	1.1%
	Total Parking/Garages	2,474,187	2,481,173	6,986	0.3%
100-19	Economic Development Admin	883,824	979,625	95,801	10.8%
	Portland Development Corp	28,522	39,122	10,600	37.2%
	Housing & Community Development	574,738	778,390	203,652	35.4%
	Total Housing & Economic Development	1,487,084	1,797,137	310,053	20.8%
100-21	Police Administration	1,329,925	1,371,288	41,363	3.1%
	Uniformed Operations Group	10,837,455	11,506,750	669,295	6.2%
	Bureau Investigative Services	2,047,944	2,272,627	224,683	11.0%
	Operations Support Services	966,425	997,159	30,734	3.2%
	Jetport Security	580,738	503,433	(77,305)	-13.3%
	Total Police	15,762,487	16,651,257	888,770	5.6%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2022 - June 30, 2023

July 1, 2023 - June 30, 2024

City Manager's Recommendation

		FY24-CM / FY23		
		FY23	FY24	\$ +/- (%)
100-22	Fire Administration	769,636	899,791	130,155 16.9%
	Code Enforcement & Comm Svcs	326,899	359,553	32,654 10.0%
	Field Operations	15,878,547	16,492,965	614,418 3.9%
	Operations Support Services	935,001	1,045,755	110,754 11.8%
	Air Rescue	1,263,589	1,474,498	210,909 16.7%
	Total Fire	19,173,672	20,272,562	1,098,890 5.7%
100-23	Dispatch Services	2,418,809	3,694,113	1,275,304 52.7%
100-24	Planning & Urban Dev. Admin	255,084	282,684	27,600 10.8%
	Planning	1,316,183	1,616,527	300,344 22.8%
	Total Planning & Urban Development	1,571,267	1,899,211	327,944 20.9%
100-25	Permitting & Inspections Administration	193,366	206,737	13,371 6.9%
	Inspections	1,254,118	1,381,204	127,086 10.1%
	Housing Safety	653,111	824,333	171,222 26.2%
	Business Licensing	356,150	372,004	15,854 4.5%
	Total Permitting & Licensing	2,456,745	2,784,278	327,533 13.3%
100-29	Information Technologies	2,892,962	3,212,243	319,281 11.0%
100-31	Public Works Administration	787,173	830,122	42,949 5.5%
	Streets	1,906,294	1,948,821	42,527 2.2%
	Solid Waste	2,807,094	3,055,233	248,139 8.8%
	Communications	199,907	214,763	14,856 7.4%
	Portland Downtown District	411,055	474,349	63,294 15.4%
	Winter Operations	1,504,853	1,450,785	(54,068) -3.6%
	Island Services	823,097	956,062	132,965 16.2%
	Traffic & Transportation Operations	1,667,028	1,758,878	91,850 5.5%
	Transportation Engineering	484,194	511,808	27,614 5.7%
	Engineering	1,346,075	1,392,734	46,659 3.5%
	Fleet Services	4,376,633	4,482,128	105,495 2.4%
	Total Public Works	16,313,403	17,075,683	762,280 4.7%
100-33	Parks Rec & Facilities Admin	514,589	528,648	14,059 2.7%
	Parks	1,057,088	1,199,129	142,041 13.4%
	Forestry	834,291	883,527	49,236 5.9%
	Athletic Facilities	942,489	1,031,807	89,318 9.5%
	Cemeteries	785,723	696,000	(89,723) -11.4%
	Recreation	1,809,159	1,859,046	49,887 2.8%
	Aquatics	536,670	564,029	27,359 5.1%
	Golf Course	1,050,902	1,186,340	135,438 12.9%
	Golf Course Restaurant	29,660	32,960	3,300 11.1%
	Ice Arena	531,153	570,647	39,494 7.4%
	Public Assemblies	924,265	1,038,567	114,302 12.4%
	Concessions	532,466	583,436	50,970 9.6%
	Custodial Services	1,003,164	1,031,921	28,757 2.9%
	Merrill Auditorium	147,514	221,519	74,005 50.2%
	Total Parks Rec & Facilities	10,699,133	11,427,576	728,443 6.8%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024

July 1, 2022 - June 30, 2023

July 1, 2023 - June 30, 2024

City Manager's Recommendation

		FY24-CM / FY23			
		FY23	FY24	\$ +/-	%
100-35	Public Bldgs & Waterfront Admin	458,517	479,394	20,877	4.6%
	Trades	617,991	657,625	39,634	6.4%
	School HVAC	618,574	735,454	116,880	18.9%
	Public Safety Bldg.	317,100	390,120	73,020	23.0%
	City Hall	778,587	851,356	72,769	9.3%
	Merrill Auditorium (PB)	207,455	281,815	74,360	35.8%
	Hadlock Stadium	299,395	319,495	20,100	6.7%
	Expo Building	207,870	273,580	65,710	31.6%
	Canco Road Buildings	407,130	408,730	1,600	0.4%
	Other Public Buildings	321,627	223,567	(98,060)	-30.5%
	Waterfront	1,504,009	1,779,944	275,935	18.3%
	Total Public Buildings & Waterfront	5,738,255	6,401,080	662,825	11.6%
100-44	HHS - Administration	508,407	539,378	30,971	6.1%
	Public Health	2,877,587	2,988,798	111,211	3.9%
	Social Services	60,000,745	36,827,723	(23,173,022)	-38.6%
	Barron Center	17,076,665	14,829,605	(2,247,060)	-13.2%
	Total HHS	80,463,404	55,185,504	(25,277,900)	-31.4%
100-47	Debt Service	52,546,994	54,596,478	2,049,484	3.9%
100-48	Public Library	4,312,969	4,528,618	215,649	5.0%
100-51	Pension	9,448,120	10,911,142	1,463,022	15.5%
100-52	Health Insurance	18,154,207	20,018,555	1,864,348	10.3%
	Workers' Comp	1,697,605	1,722,605	25,000	1.5%
	FICA	1,325,660	1,578,873	253,213	19.1%
	Group Life	230,240	260,451	30,211	13.1%
	Unemployment	100,000	100,000	-	0.0%
	Total Employee Benefits	21,507,712	23,680,484	2,172,772	10.1%
100-61	Contingency	350,000	250,000	(100,000.00)	-28.6%
100-62	Liability Insurance	901,907	971,678	69,771	7.7%
100-65	Regional Transportation Program	67,939	66,522	(1,417.00)	-2.1%
	Contributions	709,645	488,416	(221,229)	-31.2%
	Total Memberships/Contributions	777,584	554,938	(222,646)	-28.6%
100-67	Wage Adjustment	(150,000)	2,346,263	2,496,263	-1664.2%
	Total General Fund Expenditures	258,144,938	248,881,595	(9,263,343)	-3.6%
100-63	County Tax	7,563,215	9,206,423	1,643,208	21.7%
100-65	Metro Assessment	3,137,789	3,242,830	105,041	3.3%
Total General Fund and Assessments		\$268,845,942	\$261,330,848	(\$7,515,094)	-2.8%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2024
July 1, 2022 - June 30, 2023
July 1, 2023 - June 30, 2024
City Manager's Recommendation

		FY24-CM / FY23			
		FY23	FY24	\$ +/()	%
ENTERPRISE FUND REVENUES					
31	Property Taxes, Current Year	-	-	-	
32	Licenses & Permits	\$8,700	\$7,200	(\$1,500)	-17.2%
33	Intergovernmental	5,716,660	2,577,283	(3,139,377)	-54.9%
34	Charges for Services	38,302,827	39,552,717	1,249,890	3.3%
36	Use of Money and Property	24,484,568	29,145,565	4,660,997	19.0%
39	Other Sources	523,596	520,821	(2,775)	-0.5%
	Fund Balance Use / (Surplus)	(3,893,155)	(335,111)	3,558,044	-91.4%
Total Enterprise Fund Revenues		\$65,143,196	\$71,468,475	\$6,325,279	9.7%
ENTERPRISE FUND EXPENDITURES					
530	Fish Pier	\$427,217	\$421,638	(\$5,579)	-1.3%
570	Sewer Finance Admin	101,027	97,248	(3,779)	-3.7%
	Sewer Public Works Admin	883,910	918,110	34,200	3.9%
	Sewer Operations	2,987,120	2,913,802	(73,318)	-2.5%
	Sewer Communications	65,992	70,886	4,894	7.4%
	Sewer Engineering	635,197	661,115	25,918	4.1%
	Sewer Debt Service	9,234,630	9,805,378	570,748	6.2%
	Sewer Fringe Benefits	1,531,681	1,571,738	40,057	2.6%
	Sewer PWD Assessment	13,879,425	16,588,680	2,709,255	19.5%
	Total Sewer	29,318,982	32,626,957	3,307,975	11.3%
571	Stormwater Finance Admin	280,160	299,211	19,051	6.8%
	Stormwater Management	1,853,709	2,455,063	601,354	32.4%
	Stormwater Debt Service	2,660,693	3,405,428	744,735	28.0%
	Stormwater Fringe Benefits	351,984	440,212	88,228	25.1%
	Total Stormwater	5,146,546	6,599,914	1,453,368	28.2%
583	Jetport Admin	1,239,982	1,254,338	14,356	1.2%
	Jetport Marketing	429,390	462,130	32,740	7.6%
	Jetport Fringe, Indirects & Chargebacks	4,587,702	4,971,391	383,689	8.4%
	Jetport Field	4,617,834	5,242,086	624,252	13.5%
	Jetport General Aviation	18,576	19,072	496	2.7%
	Jetport Operations	2,773,732	3,044,191	270,459	9.8%
	Jetport Terminal	7,624,682	8,575,374	950,692	12.5%
	Jetport Parking	5,074,541	5,192,557	118,016	2.3%
	Jetport Airfield Deicing	713,945	729,414	15,469	2.2%
	Jetport Anticipated Surplus	3,170,067	2,329,413	(840,654)	-26.5%
	Total Jetport	30,250,451	31,819,966	1,569,515	5.2%
Total Enterprise Fund Expenditures		65,143,196	\$71,468,475	\$6,325,279	9.7%
TOTAL CITY EXPENDITURES		\$333,989,138	\$332,799,323	(\$1,189,815)	-0.4%

TAX RATE COMPUTATION--FY2024
City Manager's Recommendation

	General Fund	County Tax	City General Fund	Enterprise Funds	TOTAL CITY
Total Expenditures	\$252,124,425	\$9,206,423	\$261,330,848	\$71,468,475	\$332,799,323
Less: Revenues	(157,009,852)	-	(157,009,852)	(71,803,586)	(228,813,438)
Surplus	(761,343)	-	(761,343)	335,111	(426,232)
Tax Levy	\$94,353,230	\$9,206,423	\$103,559,653	-	\$103,559,653
Valuation	<i>14,879,000,000</i>				
Tax Rate:					
FY24	\$6.34	\$0.62	\$6.96	\$0.00	\$6.96
FY23	\$6.05	\$0.51	\$6.56	\$0.00	\$6.56
\$ Increase	0.29	0.11	0.40	-	0.40
% of Total Increase	4.4%	1.7%	6.1%	0.0%	6.1%

CITY OF PORTLAND, MAINE
FY2024 Non-Tax Revenue
Excludes Taxes & Surplus
City Manager's Recommendation

Department	FY22 Collected	FY23 Est (budget)	FY24 Est (budget)	FY24 Est vs FY23 Est (budget)	%
General Fund Revenues:					
City Council	\$5,000	\$5,000	\$55,000	\$50,000	1000.0%
City Clerk	219,334	183,643	178,383	(5,260)	-2.9%
Executive	867,776	915,794	1,011,867	96,073	10.5%
Assessor	985	500	500	-	0.0%
Finance	28,424,153	28,763,280	29,980,688	1,217,408	4.2%
Legal	185,352	201,587	233,537	31,950	15.8%
Human Resources	53,692	56,388	71,420	15,032	26.7%
Parking	12,244,477	9,965,776	10,367,220	401,444	4.0%
Housing & Economic Dev	1,137,685	1,487,084	1,697,137	210,053	14.1%
Police	2,586,986	2,350,462	2,141,946	(208,516)	-8.9%
Fire	5,157,274	5,305,845	5,716,754	410,909	7.7%
Dispatch Services	1,088,296	1,127,544	1,791,996	664,452	58.9%
Planning & Development	555,337	683,322	855,350	172,028	25.2%
Permitting & Inspections	7,009,718	5,282,589	5,512,512	229,923	4.4%
Information Technology	299,942	322,599	380,407	57,808	17.9%
Public Works	6,477,465	5,896,834	6,215,651	318,817	5.4%
Parks, Rec & Facilities	8,790,526	7,538,313	8,155,210	616,897	8.2%
Public Bldgs & Waterfront	3,654,835	2,092,379	4,061,084	1,968,705	94.1%
HHS--Administration	-	-	-	-	-
HHS--Public Health	1,526,014	1,869,838	1,884,824	14,986	0.8%
HHS--Social Services	27,503,382	49,606,117	27,770,151	(21,835,966)	-44.0%
HHS--Barron Center	18,423,283	20,852,437	19,100,566	(1,751,871)	-8.4%
Employee Benefits	6,941,837	7,046,332	8,083,301	1,036,969	14.7%
Insurance	432,049	216,063	237,377	21,314	9.9%
Debt Service Reimb.	20,125,991	24,982,556	27,316,928	2,334,372	9.3%
Memberships / Other	640,266	640,265	563,566	(76,699)	-12.0%
Total General Fund:	\$154,351,655	\$177,392,547	\$163,383,375	(\$14,009,172)	-7.9%
Enterprise Funds Revenue:					
Fish Pier Authority	686,100	643,448	676,628	33,180	5.2%
Sewer	28,910,905	30,197,514	31,192,953	995,439	3.3%
Stormwater	7,117,032	7,944,938	8,114,039	169,101	2.1%
Jetport	30,703,557	30,250,451	31,819,966	1,569,515	5.2%
Total Enterprise Funds:	\$67,417,593	\$69,036,351	\$71,803,586	\$2,767,235	4.0%
Total City Revenue	\$221,769,249	\$246,428,898	\$235,186,961	(\$11,241,937)	-4.6%

FY2024 CITY BUDGET SUMMARY

by category

City Manager's Recommendation

	FY23 Approp.	FY24 Proposed	FY24 / FY23		% Of Total
			\$ +/-	% +/-	
01 Personnel--General Fund	\$91,947,482	\$100,113,935	\$8,166,453	8.9%	38.3%
--Ent Funds	7,866,336	8,405,324	538,988	6.9%	11.8%
Total	99,813,818	108,519,259	8,705,441	8.7%	32.6%
02+ Contractual--General Fund	112,934,961	93,467,607	(19,467,354)	-17.2%	35.8%
--Ent Funds	31,643,667	35,788,210	4,144,543	13.1%	50.1%
Total	144,578,628	129,255,817	(15,322,811)	-10.6%	38.8%
55+ Supplies--General Fund	6,752,993	7,989,862	1,236,869	18.3%	3.1%
--Ent Funds	1,283,813	1,337,384	53,571	4.2%	1.9%
Total	8,036,806	9,327,246	1,290,440	16.1%	2.8%
63 Utilities--General Fund	3,884,487	4,257,601	373,114	9.6%	1.6%
--Ent Funds	1,559,010	1,256,150	(302,860)	-19.4%	1.8%
Total	5,443,497	5,513,751	70,254	1.3%	1.7%
70 Capital--General Fund	779,025	905,365	126,340	16.2%	0.3%
--Ent Funds	3,822,300	5,221,020	1,398,720	36.6%	7.3%
Total	4,601,325	6,126,385	1,525,060	33.1%	1.8%
75 Debt Svc--Total GF	52,546,994	54,596,478	2,049,484	3.9%	20.9%
--Ent Funds	11,702,503	13,017,624	1,315,121	11.2%	18.2%
Total	64,249,497	67,614,102	3,364,605	5.2%	20.3%
75 Jetport Rev Bond Debt Svc	4,095,500	4,113,350	17,850	0.4%	5.8%
Jetport Surplus	3,170,067	2,329,413	(840,654)	-26.5%	3.3%
Total General Fund	268,845,942	261,330,848	(7,515,094)	-2.8%	100.0%
Total Enterprise Funds	65,143,196	71,468,475	6,325,279	9.7%	100.0%
Total	\$333,989,138	\$332,799,323	(\$1,189,815)	-0.4%	100.0%

City of Portland
FY24 Staffing FTE Change
City Manager's Recommendation

Department	FY19	FY20	FY21	FY22	FY23	FY24	+/- Chg
General Fund:							
City Council	-	-	-	-	-	-	-
City Clerk	7.9	7.9	7.9	7.9	8.6	8.7	0.1
Executive	10.5	9.5	8.5	8.5	10.5	11.5	1.0
Assessor	5.9	5.9	5.7	5.9	5.9	5.9	-
Finance	25.0	25.0	24.4	25.0	25.0	25.0	-
Legal	7.0	7.0	7.0	8.0	9.0	9.0	-
Human Resources	11.0	10.5	11.3	11.5	12.0	12.60	0.6
Parking	29.6	30.0	29.0	29.2	29.2	29.0	(0.2)
Housing & Economic Dev.	7.1	7.0	16.0	16.0	16.8	15.8	(1.0)
Police	226.3	227.0	224.0	189.0	187.0	187.0	-
Fire	226.0	226.0	224.0	224.0	226.0	229.0	3.0
Dispatch Services				36.0	36.0	37.0	1.0
Planning & Urban Dev.	24.0	24.0	17.0	17.0	17.0	17.0	-
Permitting & Inspections	28.0	28.5	30.8	35.0	36.0	40.0	4.0
Information Technologies	17.3	16.0	16.0	15.8	16.0	19.0	3.0
Public Works	131.0	131.5	122.1	126.5	129.0	129.5	0.5
Parks & Recreation	142.0	141.7	116.4	113.7	126.7	130.4	3.7
Public Bldgs & Waterfront	24.5	24.5	22.0	24.0	24.4	24.6	0.2
HHS Administration	5.0	4.0	4.0	4.0	5.0	5.0	-
Public Health	27.1	28.3	32.3	32.8	38.4	36.6	(1.8)
Social Services	87.8	93.5	94.5	96.2	118.0	163.6	45.6
Barron Center	244.0	246.8	237.6	245.0	244.8	201.4	(43.4)
<i>Total HHS:</i>	<i>363.9</i>	<i>372.6</i>	<i>368.4</i>	<i>378.0</i>	<i>406.2</i>	<i>406.6</i>	<i>0.4</i>
General Fund Subtotal:	1,287.0	1,294.6	1,250.5	1,271.0	1,321.3	1,337.6	16.3
Enterprise Funds:							
Sewer Fund	33.0	33.0	34.0	34.0	34.0	34.0	-
Stormwater Fund	10.0	10.0	9.0	10.0	10.0	10.0	-
Jetport Fund	56.0	59.0	57.0	57.0	58.0	58.0	-
Enterprise Subtotal:	99.0	102.0	100.0	101.0	102.0	102.0	-
Total City Employees:	1,386.0	1,396.6	1,350.5	1,372.0	1,423.3	1,439.6	16.3

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: **THE CITY COUNCIL HELD A FIRST READ ON THE FISCAL YEAR 2024 SCHOOL BUDGET AT THE MAY 1, 2023 COUNCIL MEETING AND ACCEPTED PUBLIC COMMENT. THE SECOND READ AND A PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD DURING THE MAY 15, 2023 COUNCIL MEETING.**

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: n/a

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

I. SUMMARY

II. AGENDA DESCRIPTION

THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 13, 2023.

The City Council Finance Committee voted unanimously (3-0) on April 27, 2023 to recommend passage of the Portland Board of Public Education School Budget, as submitted.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

None

Prepared by:

Date: 05/02/2023

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: Order 195-22/23 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

The following School Budget Orders are required by 20A M.R.S. §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 \$97,436,781 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 order requires the city to raise \$78,416,798 as the city's contribution to the total cost of funding public education from K12 as described in the EPS law. The City's tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$143,810,343 will be \$110,850,008.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given

fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 1. State and Local EPS Funding

Prepared by:

Date: 05/02/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPROVING STATE/LOCAL EPS FUNDING ALLOCATION
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12
FOR PORTLAND PUBLIC SCHOOLS FOR FISCAL YEAR 2024**

ORDERED, that under and pursuant to the City's Fiscal Year 2023-2024 Appropriation Resolve and applicable state law the City hereby approves the following school budget article for Fiscal Year 2023-2024:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of \$97,436,781 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of \$78,416,798 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.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: Order 196-22/23 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

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

This order appropriates \$272,722 for the annual payments on debt service previously approved by the voters or the City Council for nonstate (localonly) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$272,722 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 received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given

fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 2. Non-state funded School Construction Debt
2. Public Comment - Order 196-22_23_ Lack of Line Item Details on School-Related Debt Service
3. Order 196 Memo (Portland School District)

Prepared by:

Date: 05/02/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPROVING NON-STATE FUNDED SCHOOL CONSTRUCTION DEBT
SERVICE FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2024**

ORDERED, that under and pursuant to the City's Fiscal Year 2023-2024 Appropriation Resolve and applicable state law the City hereby approves the following school budget article for Fiscal Year 2023-2024:

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

That the City raise and appropriate \$272,722 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.*



Dena Libner <dlibner@portlandmaine.gov>

Public Comment - Order 196-22/23: Lack of Line Item Details on School-Related Debt Service

1 message

George Rheault <george.rheault@gmail.com>

Fri, May 12, 2023 at 10:18 AM

To: Public Comment <publiccomment@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Anna Trevorow <atrevorow@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>, Andrew Zarro <Azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Michael Goldman <mig@portlandmaine.gov>, Brendan T O'Connell <boconnell@portlandmaine.gov>

There is no back up detail in this order that allows the public to understand the discrete origins of the debt service appropriations here.

In order to arrive at the dollar figure provided, the current principal balance and interest payments due in the upcoming fiscal year had to be estimated.

Therefore each project that generates non-state funded debt service would have been quantified and added up to obtain the overall figure.

The spreadsheet of all of these projects including the overall calculations should be available to the public.

This is important as many taxpayers are under the impression that school construction debt service is a major contributing factor to higher property taxes. Therefore it is critical for the Council and Board of Education to educate everyone on the components that go into annual debt service.



To: Portland City Council
From: Portland Public Schools
Date: May 15, 2023
Subject: Response to Public Comment - Order 196-22/23: Lack of Line Item Details on School-Related Debt Service

Order 196 contains only a small subset of our total debt service based on what we have been advised to include per the state's definition of major capital, less state funding we received for debt service in our ED279. Debt service not included in Order 196 is included as Additional Local Funds in Order 197 (rather than Order 196). BFOF funding is categorized as renovation and is not represented in Order 196. It is represented in Order 197.

Orders [195](#) (the amount *raised*), [196](#), and [197](#) together equal the total tax levy required for the general fund budget (\$108,928,268).

Total debt service is shown in our [posted budget document](#) on page 4 (\$12,453,027); how much of that is state-reimbursed is shown on page 2 (\$3,214,721).

A summary of what constitutes the \$12,453,027 is below.

Riverton/Talbot	149,684
East End	363,749
Ocean Ave	798,100
Hall/Rowe	1,898,813
Lyseth (BFOF)	1,213,127
Longfellow (BFOF)	749,475
Presumpscot (BFOF)	1,360,154
Reiche (BFOF)	814,867
BFOF City Reimburse	250,000
Capital Impr/Other	2,057,978
Central Office	197,482
School Lunch Facility	229,300
Pension Bonds	2,370,299
	12,453,027

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: Order 197-22/23 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order appropriates \$30,238,748 in additional city funds over and above regional Essential Programs and Services amount and the nonstate funded debt service amount.

This exceeds the EPS funding model by \$30,238,748 and 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; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 3. Appropriating additional Local Funds for Schools

Prepared by:

Date: 05/02/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR
PORTLAND SCHOOLS FOR FISCAL YEAR 2024**

ORDERED, that under and pursuant to the City’s Fiscal Year 2023-2024 Appropriation Resolve and applicable state law the City hereby approves the following school budget article for Fiscal Year 2023-2024:

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 \$30,238,748 in additional local funds, which exceeds the State’s Essential Programs and Services allocation model by \$30,238,748 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; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

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

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: Order 198-22/23 Approving Total School Operating Budget for Portland Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order is required by 20A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The amount recommended for approval by the Finance Committee is \$136,777,421.

That is the amount based on the budget submitted by the Portland Board of Public Education, and would be sent to the voters for approval at a citywide Referendum Election on June 13, 2023. \$108,928,268 of the \$136,777,421 would come from property taxes, \$23,225,115 would come from state subsidy, and \$4,624,038 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 received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not

limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 4. Total School Operating Budget

Prepared by:

Date: 05/02/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPROVING TOTAL SCHOOL OPERATING BUDGET
FOR PORTLAND SCHOOLS FOR FISCAL YEAR 2024**

ORDERED, that under and pursuant to the City's Fiscal Year 2023-2024 Appropriation Resolve and applicable state law the City hereby approves the following school budget article for Fiscal Year 2023-2024:

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend \$136,777,421 for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024 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.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: Order 199-22/23 Appropriating and Raising Funds for Adult Education for Fiscal Year 2024 as required by the Maine Revised Statutes, Title 20-a §8603-a(1) - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order appropriates \$2,732,531 for Adult Education for Fiscal Year 2023-2024 and raises the sum of \$1,921,740 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.

This item must be read on two separate days. It received its first reading on May 1, 2023. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 5. Funds for Adult Education

Prepared by:

Date: 05/02/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPROPRIATING AND RAISING FUNDS
FOR ADULT EDUCATION FOR FISCAL YEAR 2024 AS REQUIRED
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S. §8603-A(1)**

ORDERED, that the sum of \$2,732,531 is hereby appropriated for Adult Education for Fiscal Year 2023-2024 and that the sum of \$1,921,740 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.*

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: Order 200-22/23 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2024 - Sponsored by the Finance Committee, Councilor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: n/a

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order raises and appropriates \$0 for the Food Service Program for Fiscal Year 20232024, as the program is expected to be funded in full by other revenue sources in 2023-24. By this order, 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.

At the May 1, 2023, Council meeting, this item was postponed to May 15, 2023, in order to be considered at the same time as the other School Budget orders. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 6. Funds for Food Service

Prepared by:

Date: 05/02/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER TO RAISE AND APPROPRIATE LOCAL FUNDS
FOR FOOD SERVICE IN THE PORTLAND PUBLIC SCHOOLS FOR FY2024**

ORDERED, that the sum of \$0 is hereby raised and appropriated for the Food Service Program for Fiscal Year 2023-2024; 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 and appropriates local tax revenues for the food service program.*

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 2, 2023

SUBJECT: Order 201-22/23 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2024 Sponsored by the Finance Committee, Councilor Mark Dion, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(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**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: n/a

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

I. SUMMARY

II. AGENDA DESCRIPTION

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.

At the May 1, 2023 Council meeting, this item was postponed to May 15, 2023, in order to be considered at the same time as the other School Budget orders. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 7. Disposition of Additional State Subsidy

Prepared by:

Date: 05/02/2023

KATE SNYDER (MAYOR)
ANNA TREVOROW (1)
VICTORIA L. PELLETIER (2)
REGINA PHILLIPS (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

**ORDER AUTHORIZING THE DISPOSITION OF
ANY ADDITIONAL STATE SUBSIDY RECEIVED
FOR PORTLAND SCHOOLS IN FISCAL YEAR 2024**

ORDERED, that under and pursuant to the City's Fiscal Year 2024 Appropriation Resolve **Order XXXXX** and applicable state law the City hereby approves the following school budget article for Fiscal Year 2024:

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.

City of Portland | Executive Department

Danielle West, *Interim City Manager*



To: Mayor Snyder and Members of the Portland City Council

From: Danielle P. West, Interim City Manager

Date: May 15, 2023

Re: Encampment Removal and Remediation

In response to requests, and in follow-up to the May 9, 2023 Health and Human Services & Public Safety Committee meeting, we have prepared the following memo to detail the encampment policy guidelines, current encampment conditions, and timeline related to the scheduled removal and remediation of an encampment on the Bayside Trail.

The number of encampments in Portland is growing at a significant rate. While we are working on a number of long-term solutions to create housing and shelter capacity, these solutions will not be available immediately. In recognition of this, and although City ordinances prohibit camping in public areas, staff developed an implementation policy in July 2022 that includes a general “hands-off” approach when City-operated shelters are full as per federal case law.

As part of this “hands-off” approach, encampments are only removed if and when their presence or conditions create public health or safety hazards. The presence of hazards can be determined by calls for service and observations by staff and members of the public, as well as other criteria.

The encampment on the Bayside Trail presents significant health and safety hazards – to campers, the general public, the nearby business community, and City staff. Over the past month, despite multiple warnings that the encampment was scheduled for removal, it has grown in size. Trash receptacles placed onsite to assist campers in properly disposing of waste have not been effective in addressing the hazardous conditions.

As such, and after discussing the alternatives, risks, and necessity with the HHS & PS Committee, we have decided to move forward with the removal of this campsite. Although our policy requires only 24 hours notice prior to the removal of an encampment, we have provided additional notice in the hope that community partners’ outreach efforts may help campers in this transition.

Our scheduled removal timeline is as follows:

Date	Action
May 10 - May 16, 2023	Provide campers with verbal notice
May 10, 2023	Notify community partners and request an increase in outreach efforts
May 11 and 15, 2023	Post written notices of scheduled removal
May 16, 2023	Removal of encampment
May 16, 2023	Post site as an emphasis area
May 17, 2023 - ongoing	Site remediation and restoration

We recommend all unhoused individuals visit the Social Services Division at 39 Forest Avenue to learn about the resources available to them. For example, if unhoused individuals have a friend or family member they can stay with temporarily, we would be happy to pay for any associated transportation costs. In addition, by connecting with our social services staff, unhoused individuals can be directly notified when shelter beds become available.

We recognize that, due to a lack of shelter capacity, some people may have no alternative but to sleep outdoors. In those cases, we recommend that they do not place any tent, structure, or personal belongings on or near a public road or path, and keep their site small, clean, and safe.

In addition and as discussed at the recent HHS & PS Committee meetings, we are in the process of refining and improving our campsite removal policy by establishing an Encampment Removal Task Force. Led by Director Kristen Dow (Department of Health and Human Services), Chief Keith Gautreau (Fire Department) and Acting Chief Heath Gorham (Police Department), this task force will, among other things, work to coordinate outreach efforts to encampments well in advance of scheduled removal dates, facilitating a smoother transition and connection to services for unhoused individuals.

We remain committed to finding short- and long-term solutions to the many challenges facing our city and its residents, and are meeting with the United States Department of Housing and Urban Development this week to receive feedback and technical assistance related to the Task Force. We look forward to providing you with additional updates as this process continues.

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

**ORDER APPROVING THE AGREEMENT BETWEEN
TOP TRUMPS USA, INC. AND THE CITY OF PORTLAND
FOR A PORTLAND MONOPOLY GAME**

ORDERED, that the Agreement with Top Trumps, USA, Inc. is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute the Top Trumps, USA, Inc. Agreement and whatever other documents are necessary to effect the intent and purpose of this order.

Promotion Agreement

This Promotion Agreement (the "**Agreement**") is made between:

- (1) **Top Trumps USA, Inc.**, a Delaware corporation with a mailing address of 150 Chestnut Street, Suite 9, Providence, RI 02903 ("**Top Trumps**"); and
- (2) **City of Portland**, a corporate body politic with a mailing address of 389 Congress Street, Portland, Maine 04101 (the "**Sponsor**");

(each, a "**Party**" and together, the "**Parties**");

WHEREAS

- (A) Top Trumps is designing a Portland Edition of Monopoly (the "**Game**"), which Top Trumps intends to launch and offer for sale on or around September 2023 (the "**Launch Date**"); and
- (B) The Sponsor wishes to be featured in, and Top Trumps has agreed to feature the Sponsor in, the Game on the terms and conditions set out in this Agreement; and
- (C) In order to appear in the Game, the Sponsor agrees to provide Top Trumps with any of the Sponsor's name, trademark, logo, image and/or artwork, which the Sponsor would like to be included in the Game (collectively, the "**Sponsor's IP**"), within a timeframe to be advised by Top Trumps to enable Top Trumps to have sufficient time in which to design and arrange for the manufacture of the Game in advance of the Launch Date.

IN CONSIDERATION for the benefits anticipated for each Party under this Agreement (which constitute good and valuable consideration), Top Trumps and the Sponsor agree as follows:

GRANT OF RIGHT

- 1 The Sponsor hereby grants to Top Trumps a non-exclusive, irrevocable, royalty free license, free from all encumbrance, to use any of the Sponsor's IP (as supplied by the Sponsor to Top Trumps) on and in conjunction with the Game and, without limitation, any promotional, advertising or marketing materials for the Game (together the "**Associated Materials**"). Use of the Sponsor's IP by Top Trumps will be strictly in accordance with the terms of this Agreement and in collaboration between the Parties.
- 2 This license extends to (without limitation), the right for Top Trumps to design, create, manufacture, advertise, market, promote, offer for sale, sell or otherwise distribute copies of the Game (in all cases whether directly or indirectly at Top Trumps' instruction) in accordance with the terms of this Agreement.

PROMOTIONAL PLACEMENT

- 3 Top Trumps will place one or more of the name, trademark, logo, artwork and/or an image of the Sponsor (as may be part of the Sponsor's IP and as agreed with the Sponsor) on (i) the Light Blue 2 square of the Game, under the name Merrill Auditorium; (ii) the Yellow 2 square of the Game, under the name Riverside Golf Course; and (iii) the Dark Blue 1 square of the Game under the name Eastern Promenade.
- 4 Not used.

- 5 The Sponsor agrees to supply to Top Trumps those elements of the Sponsor's IP which the Parties have agreed are to be included in the Game. Top Trumps reserves the right to reject any materials within the Sponsor's IP which Top Trumps considers to be obscene, rude, defamatory, derogatory or likely to adversely affect the goodwill and reputation of the MONOPOLY brand and trademarks. The Sponsor will have the right to reasonably approve the appearance of its square in the Game before the Game is submitted for manufacture. Where more than one image, logo or artwork is supplied by the Sponsor, the Parties shall collaborate on their placement, but Top Trumps shall have final determination of which elements of the Sponsor's IP should be included in the Game and their size and placement, mindful of the overall appearance of the Game. Should the Sponsor fail to provide any necessary artwork or approvals by the dates requested by Top Trumps, Top Trumps reserves the right to remove the Sponsor from the Game without penalty or liability to Top Trumps.
- 6 The Sponsor acknowledges and accepts that similar businesses to the Sponsor may appear on the Game. For reasons of confidentiality, the Sponsor shall not receive disclosure as to the identity of any other sponsor or business which shall be included on the Game ahead of its publication. Ahead of the Game's publication Top Trumps may disclose the identity of the Sponsor, and/or any other sponsors on the Game to whatever third parties it wishes to for the purposes of advertising, promoting, or otherwise commercialising the Game.
- 7 Top Trumps cannot include any copyright, trademark or other intellectual property right notice relating to the Sponsor on the Game, on its packaging, in the instructions, or otherwise in respect of the advertisement, promotion, marketing, offering for sale, sale or other distribution of the Game.

DISTRIBUTION

- 8 Top Trumps will design, manufacture (or arrange the manufacture of), advertise, promote, market, offer for sale, sell or otherwise distribute the Game. Top Trumps anticipates commencing distribution (including the offer for sale) of the Game in or around the Launch Date, although the Launch Date could be later (at Top Trumps' discretion and without liability or penalty for Top Trumps in the event of a delay to the Launch Date). The Game may be advertised, distributed or offered for sale by Top Trumps (directly or indirectly via distributors) or through third party wholesale and retail channels (subject to retail demand) both online and via any other distribution channels. Top Trumps reserves the right to temporarily withdraw the Game from sale and cease distribution (without liability or penalty for Top Trumps) in the event that Top Trumps receives a complaint relating to the infringement of a third party's rights or if Top Trumps reasonably believes that continued sale of a particular edition of the Game may result in the infringement of a third party's rights.
- 9 On or around the Launch Date, the Sponsor will be entitled to purchase copies of the Game from Top Trumps by requesting a quote for such copies from Tim Barney (tim.barney@toptrumps.com).
- 10 The Sponsor may distribute their purchased copies of the Game as gifts and/or may sell their purchased copies through their wholly owned retail channels. The Sponsor may not use the Monopoly trademark, brand or logo in advertising, promotional or marketing material without the prior written permission of Top Trumps (not to be unreasonably withheld).

INTELLECTUAL PROPERTY

- 11 All intellectual property rights, title, interest and goodwill created or arising from any or all of the design, development, manufacture, advertisement, marketing, promotion, offer for sale, sale and/or distribution of the Game, shall vest absolutely and without encumbrance in Top Trumps (whether for Top Trumps to retain or to assign to Hasbro International Inc., owner of all intellectual property rights in and to the Monopoly board game (“**Hasbro**” – which definition shall be deemed to include its group companies, successors and assigns)), save that nothing in this Agreement transfers (or shall be construed as transferring) to a Party any right, title or interest in and to any intellectual property belonging to the other Party (despite its use or inclusion in the Game) and shall remain vested with such Party at all times. All intellectual property rights in and to the Sponsor’s IP shall remain vested in the Sponsor. For the avoidance of doubt, nothing in this Agreement transfers, can or shall be construed as transferring to the Sponsor any right, title or interest in and to any intellectual property or goodwill in the Game or the Monopoly brand or board game more generally, including, by way of example but without limitation, all trademarks, copyright, design right which may subsist in either the Game, the Monopoly board game more generally and/or any other indicia of either game.
- 12 By entering into this Agreement, the Sponsor receives no rights or permission to use the Monopoly trademark, brand, logo, copyright, images, artwork, tokens, design or any other related intellectual property without Top Trumps’ written permission.
- 13 In the event that any intellectual property rights and goodwill of one Party vest in the other Party, the receiving Party shall be deemed to hold such intellectual property rights and goodwill on trust for the other Party and shall promptly do all necessary acts to fully transfer all right, title and interest in such intellectual property rights to the other Party.

CONFIDENTIALITY

- 14 Save as excepted in this Agreement, to the extent permitted by law, each Party agrees and undertakes not to disclose (and undertakes to ensure that its directors, officers, employees, agents, representatives or any third party in that Party’s control will not disclose) to any third party (whether directly or indirectly) (and whether in person, orally, in writing, via social media or otherwise), the existence of this Agreement or details of any of its terms or any other confidential information relating to the other Party (whether or not it was identified as being confidential in nature at the time of disclosure). **The Sponsor agrees and undertakes not to disclose (whether directly or indirectly) the fact that the Sponsor and/or the Sponsor’s IP is or is to be included in the Game prior to the date and time on which the Game has been officially announced by or on behalf of Top Trumps (with reference to images of the Game or details of sponsors included in the Game) or launched for promotion or sale (whichever is the earlier) unless required to do so pursuant to Maine’s Freedom of Access Act 1 M.R.S.A. Sec. 400 et seq.**
- 15 The Sponsor acknowledges and agrees that Top Trumps may disclose this Agreement to Hasbro. In addition, the Sponsor acknowledges and agrees that Top Trumps may disclose the Sponsor’s inclusion in the Game to its officers, directors, employees, consultants, manufacturers, sub-contractors, agents and representatives as may be necessary to design, manufacture, advertise, promote and market the Game.
- 16 For the avoidance of doubt, the Parties acknowledge that all financial information pertaining to the Sponsor’s inclusion in the Game and Top Trumps’ prices, packages, discounts and payment structures are sensitive business information, the disclosure of which may not outweigh disclosure being in the public interest. In the event that the Sponsor receives any disclosure request (i) under the Freedom of

Access Act (1 M.R.S.A. Sec. 400 et seq.) or its equivalent (as amended from time to time); (ii) from any applicable regulatory authority; or (iii) in connection with any applicable litigation; the Sponsor agrees to promptly notify Top Trumps of such disclosure request (no later than three business days following receipt of such disclosure request), orally and in writing, to permit Top Trumps to seek a protective order or to take other appropriate action. If Top Trumps informs the Sponsor that it intends to seek a protective order or take other appropriate action to prevent disclosure, the Sponsor will refrain from making the requested disclosure until the disclosure deadline (in order to afford Top Trumps as much time as possible to take action to protect its information within the given timeframe). The Sponsor will also cooperate with Top Trumps (to the extent legally possible) to ensure that confidential information will remain confidential or, where disclosure is required, to ensure that the minimum amount of confidential information is disclosed in order to comply with any such disclosure request.

- 17 These confidentiality provisions are intended to survive termination of this Agreement.

REPRESENTATIONS, WARRANTIES AND INDEMNITY

- 18 The Sponsor represents, warrants and undertakes that, for as long as the Game is being created, manufactured, marketed, promoted, advertised, offered for sale, sold or otherwise distributed by or on behalf of Top Trumps (i) it has the right to enter into and bind the Sponsor in respect of this Agreement; (ii) it owns all rights, title and interest (free from all encumbrances) in and to all elements of the Sponsor's IP which are to be included in the Game and any Associated Materials; (iii) the use of the Sponsor's IP in the Game and/or Associated Materials does not infringe any third party rights and/or will not do so; and (iv) it will not do, cause or enable to be done any action or inaction which could adversely affect the Sponsor, its business or reputation, or those of Top Trumps, Hasbro, the Game and/or the Monopoly brand and trademarks as a result.
- 19 Top Trumps represents and warrants that it derives the right to design, create, manufacture, promote, advertise, market, offer for sale, sell or otherwise distribute (whether directly or by third parties) the Game under license from Hasbro (the "**Hasbro License**"). Top Trumps shall indemnify and hold harmless on demand the Sponsor, its directors, employees, assigns and sub-licensees, against all direct liabilities, costs, expenses, claims, action, damages and losses, interest, costs, penalties and reasonable legal and other professional costs and expenses, suffered or incurred by the Sponsor arising from breach of the warranty in this clause.
- 20 Neither Party makes any representation or warranty to the other concerning the benefits the other Party shall receive with respect to its inclusion in the Game.
- 21 Subject to the limitations, defenses, immunities and conditions of applicable law, including but not limited to the Maine Tort Claims Act, 14 M.R.S. § 8101, the Sponsor shall indemnify and hold harmless on demand Top Trumps, its parent company Winning Moves UK Limited and ultimate holding company Winning Moves International Limited, and their respective directors, employees, assigns and sub-licensees (the "**Indemnified Parties**") against all direct liabilities, costs, expenses, claims, action, damages and losses, interest, costs, penalties and reasonable legal and other professional costs and expenses, suffered or incurred by any of the Indemnified Parties arising from or in connection with (i) the inclusion in the Game and/or any Associated Materials of any of the Sponsor's IP at the Sponsor's request or with the Sponsor's consent; and/or (ii) any action by the Sponsor which causes damage to Top Trumps and/or the Game or which adversely affects the sale, distribution or reputation of the Game; and/or (iii) the Sponsor's breach of this Agreement. The Sponsor will immediately forward to Top Trumps full details of, and will not respond to, negotiate or settle (or attempt to do so), any

action or claim (whether actual or threatened) in respect of the Game and/or the Associated Materials and to which this indemnity applies.

- 22 In the event of breach of any warranty in this Agreement, the Party in breach will immediately on discovery of breach notify the other Party of such breach in writing setting out full particulars (to the best of such breaching Party's knowledge) of such breach.
- 23 In the event that an allegation of intellectual property infringement is received by either Top Trumps or the Sponsor in respect of any element of the Sponsor's IP which has been included in the Game (the "**Infringing Content**"), Top Trumps reserves the right to remove the Infringing Content, and to replace it with equivalent content provided by the Sponsor within the timeframe specified by Top Trumps. Should the Sponsor fail to provide equivalent content within the timeframe specified by Top Trumps, Top Trumps shall have the right to replace the Infringing Content with content of Top Trumps' choosing relating to the Sponsor or to remove the Sponsor from the Game entirely and to replace the Sponsor's IP with a third party's intellectual property. Any equivalent content provided by the Sponsor or relating to the Sponsor shall form part of the Sponsor's IP and the terms and conditions of this Agreement shall apply in respect of it.
- 24 Top Trumps will have the sole right to determine whether and what action should be taken in respect of any infringements or imitations of the Game (irrespective of whether or not such infringement or imitation was first discovered by Top Trumps or the Sponsor). The Sponsor will not institute any claim or action without the prior consent of Top Trumps. The Sponsor will inform Top Trumps promptly of any infringement of Top Trumps' or Hasbro's intellectual property relating to the Game as soon as they become aware of it.

DURATION AND TERMINATION

- 25 This Agreement will commence on the date it has been signed by both Parties and shall remain in force until expiry on December 31, 2026 (the "**Term**"). Except as set forth in clause 28, after the end of the Term, Top Trumps shall have the right (but not the obligation) to continue to manufacture (or have manufactured), advertise, promote, market, offer for sale, sell or otherwise distribute the Game without amendment to the Sponsor's IP as included in the Game and approved by the Sponsor without any liability to the Sponsor beyond the end of the Term. For the avoidance of doubt, nothing in this clause shall prevent or otherwise restrict Top Trumps from its ability to refresh and update the Game after the end of the Term.
- 26 Either Party may terminate this Agreement immediately by notice in writing to the other if: (i) the other Party commits a material breach of this Agreement which is incapable of remedy or, where remediable, is not remedied within 15 calendar days of being given notice to do so; or (ii) the other Party passes a resolution for winding up (other than for the purpose of solvent reorganization or reconstruction), or a court of competent jurisdiction makes an order to that effect; or (iii) the other Party ceases to carry on its business or substantially the whole of its business; or (iv) the other Party is declared insolvent, or convenes a meeting of or makes or proposes to make any arrangement or composition with its creditors; or (v) a liquidator, receiver, administrative receiver, manager, trustee or similar officer is appointed over any of its assets.
- 27 Top Trumps may terminate this Agreement immediately by notice in writing to the Sponsor (without further liability or penalty for Top Trumps) if: (i) the Hasbro License expires without renewal,

terminates or notice to terminate the Hasbro License is given by either Hasbro or Top Trumps; and/or (ii) for convenience prior to the launch of the Game.

CONSEQUENCES OF TERMINATION

- 28 After termination of this Agreement by the Sponsor pursuant to clause 26: (i) all promotion of or by the Sponsor will cease, save that Top Trumps shall have the right to sell off any remaining stock of the Game (at its sole discretion and whether directly or via third parties) until such remaining stock has been sold; and (ii) Top Trumps shall not engage in any further manufacture of the Game using the Sponsor's IP, unless it obtains the Sponsor's prior written consent to do so.

FORCE MAJEURE

- 29 Neither Party shall have any liability under or be deemed to be in breach of this Agreement for any delays or failures in performance of this Agreement which result from circumstances or causes beyond its reasonable control including, by way of example but without limitation, fire, flood, natural disaster, epidemic, pandemic, strikes, lockdown, labour disputes, governmental order, court order, act of God, war, revolution, terrorism, riot or civil commotion, civil commotions, supplier delays, shipping delays, customs delays, malicious or negligent act (other than of, by or on behalf of the Party seeking to rely on the event of Force Majeure, or any of its officers, directors, employees, agents or representatives) or accident, or other similar events (being events of "**Force Majeure**"). Force Majeure events shall not affect a Party's obligation to make payment on time in accordance with the terms of this Agreement.

ANTI-BRIBERY

- 30 In performing their obligations under this Agreement the Parties shall: (i) comply with all applicable laws and regulations relating to anti-bribery and anti-corruption (including but not limited to the U.S. Foreign Corrupt Practices Act 1977), refrain from giving or accepting gifts, entertainment or other financial consideration when such conduct is intended to or could reasonably give the appearance of an intent to influence the recipient, and maintain its own policies and procedures in this respect; (ii) as soon as reasonably practicable report to each other any offer, request or demand for any undue financial or other advantage of any kind received by the other Party in connection with the performance of this Agreement; and (iii) ensure that any person associated with the either Party is providing services or goods in connection with this Agreement does so only on the basis of a written contract including similar anti-corruption terms.

MISCELLANEOUS

- 31 Top Trumps may assign or sub-license any of its rights under this Agreement to any of its group companies or to third parties as it may deem appropriate for the proper performance of Top Trumps' rights under this Agreement. The Sponsor may not assign or sub-license any of its rights hereunder without the prior written consent of Top Trumps, which consent may be granted or denied by Top Trumps in its sole discretion.
- 32 This Agreement constitutes the entire agreement between the Parties and supersedes all previous agreements, assurances, warranties, representations and understandings between them, whether oral or written, relating to its subject matter.
- 33 This Agreement cannot be amended except in writing with the agreement of both Parties.

- 34 No failure or delay by a Party to exercise any right or remedy provided under this Agreement or by law shall constitute a waiver of that or any other right or remedy, nor shall it prevent or restrict the further exercise of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.
- 35 If any provision or part-provision of this Agreement is or becomes invalid, illegal or unenforceable, the Parties shall agree a variation to such wording so as to allow it to become valid, legal and enforceable. Where this is not achievable after a good faith attempt at such remediation by both Parties, such provision or part-provision of this Agreement shall be deemed deleted, but that shall not affect the validity and enforceability of the rest of this Agreement.
- 36 This Agreement may be executed in any number of counterparts (including electronically), each of which when executed shall constitute a duplicate original, but all the counterparts shall together constitute the one Agreement.
- 37 Save in respect of clauses 19 and 21, this Agreement does not give rise to any third-party beneficiary rights which would enable any such third-party who is not a Party to this Agreement to enforce any term of this Agreement.
- 38 Nothing in this Agreement shall be construed as creating or giving rise to a partnership, joint venture, or agency relationship between the Parties.
- 39 Any notice required to be given under this Agreement shall be in writing and delivered by hand or sent by a postal courier service or email to the addresses of the Parties mentioned below or, as to each Party, at such other address as shall be designated by such Party in a written notice to each other Party:

The Sponsor: City of Portland, c/o Parks, Recreation, and Facilities, Ethan Hipple, 212 Canco Rd, Portland, ME 04103, ehipple@portlandmaine.gov; with copy to Office of City Manager and Office of Corporation Counsel 389 Congress Street, Portland, Maine 04101, citymanager@portlandmaine.gov.

Top Trumps: c/o Winning Moves UK Limited, Lyntonia House, 7 Praed Street, London W2 1NJ, United Kingdom (attention: Anoushka Sandry, General Counsel and Benjamin Thompson, benjamin.thompson@toptrumps.com),

A notice shall have been deemed to have been served as follows:

- (i) if delivered by hand, at the time of delivery;
- (ii) on the business day following transmission if sent via email to the email address listed above and a confirmation of receipt is generated; provided that a hard copy of such notice is also sent to the recipient;
- (iii) if delivered by courier, at the expiry of 5 business days after the envelope containing the notice was delivered into the custody of the courier service;
- (iv) if sent by registered post, the notice is deemed to have been served at the time at which the letter would ordinarily be delivered.

In proving the service of any notice it shall be sufficient to show that (i) delivery by hand was made, or (ii) in the case of email delivery, a copy of the electronic delivery receipt, or (iii) in the case of courier delivery, the envelope containing the communication was properly addressed and delivered into the custody of the courier service as a prepaid courier package; or (iv) in the case of registered post, a registered receipt. Service of legal proceedings or papers may not be by email.

LANGUAGE, GOVERNING LAW AND JURISDICTION

- 40 This Agreement and any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with its subject matter or formation shall be governed by and construed in accordance with the laws of the State of Maine, without reference to its conflict of laws principles.
- 41 Each Party irrevocably agrees that the courts of record of the State of Maine or the courts of the United States of America located in such State, shall have exclusive jurisdiction to settle any dispute or claim (including non-contractual disputes or claims) arising out of or in connection with this Agreement or its subject matter or formation.

AGREED AND ACCEPTED BY:

TOP TRUMPS USA, INC.

City of Portland

Signature:

Signature

Name:

Name: Danielle P. West

Title:

Title: Interim City Manager

Date:

Date:

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: May 12, 2023

SUBJECT: Order 224-22/23 Authorizing Amendment to Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Increase Funding for Creative Portland

SPONSOR: Danielle P. West, Interim 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 5/15/2023

**Final
Action 6/5/2023**

Can action be taken at a later date: No This was advertised in the *Portland Press Herald* as a public hearing on the item to be held on June 5, 2023.

Does this item involve a new contract with the City: No new contract involved.

PRESENTATION: Mary Davis/5 Minutes

I. SUMMARY

As part of the FY24 City Budget, the Interim City Manager has recommended that the Downtown Transit Oriented Development (TOD) TIF District be amended to include funding in the amount of \$200,000 for Creative Portland staff, programs, and services.

II. AGENDA DESCRIPTION

As part of the FY24 City budget process, the Interim City Manager has recommended that Downtown Transit Oriented Development and Omnibus Tax Increment Financing District (DT TOD TIF) funding in the amount of \$200,000 be provided to Creative Portland (CP).

The Downtown TOD TIF currently has a cap of \$100,000 annually to support CP. Currently, costs associated with two full time positions assigned to support the work of the CP Board has primarily been funded through the DT TOD TIF. The Proposed TIF District Amendment would establish an annual level of funding for CP in the amount of \$200,000. CP would use the funding to support staff, programs and services. See below funding table:

CP Funding Table		
Timeframe and Use	Source	Total
Existing – City Staff Costs - CP Programs and Services	\$172,496 – DT TOD TIF \$25,000 - DT TOD TIF	\$197,496
Budget Amendment Request: - CP Staff, Programs and Services	\$200,000 – DT TOD TIF	\$200,000

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

III. BACKGROUND

From FY2010 through mid-FY 2020, the City funded Creative Portland \$100,000 annually (to support staff costs) from the Downtown TOD TIF District. Beginning January 2020, Creative Portland's Executive Director and Program Assistant became employees of the City of Portland in the Housing and Economic Development Department. The total annual costs to the City for these two full-time positions, including salary and fringe benefits, is \$172,496. The Housing and Economic Development Department Budget for FY 2024 includes a recommendation to remove the CP staff from the City budget and provide additional funding to CP to support these positions.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result would be for CP to have \$200,000 annually in municipal funding from the Downtown TOD TIF District to support CP staff, programs and services.

V. FINANCIAL IMPACT

The financial impact would be an annual allocation of \$200,000 from the Downtown TOD TIF District to support CP's staff, program and services. The two full-time positions assigned to the CP Board would transition from City employees to employees of CP.

VI. STAFF ANALYSIS AND BACKGROUND

The Interim City Manager's FY2024 City Budget supports the funding to CP of \$200,000 from the DT TOD TIF.

VII. RECOMMENDATION

Approval of the Interim City Manager's FY2024 budget recommendation to amend the Downtown TOD TIF District to include funding in the amount of \$200,000 annually to support Creative Portland staff, programs, and services.

VIII. LIST ATTACHMENTS

1. Amendment of Downtown Transit Oriented Dev and Omnibus TIF re Creative Portland 5.15.2023
2. Narrative Redlines 5-9-2023 for CP Funding
3. Narrative Clean 5-9-2023 for CP Funding

Prepared by:

Mary Davis, Division Director

Date: 05/12/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

ORDER AMENDING
THE DOWNTOWN TRANSIT ORIENTED DEVELOPMENT AND OMNIBUS
TAX INCREMENT FINANCING DISTRICT TO INCREASE FUNDING FOR
CREATIVE PORTLAND

ORDERED, that the Downtown Transit Oriented Development and Omnibus Tax Increment Financing (TIF) District, as adopted by Order 139-14/15 and amended by Order 99-17/18, Order 78-18/19, Order 279-18/19, Order 13-20/21, and Order 297-20/21 is hereby amended to increase the Tax Increment Financing funding from this district for Creative Portland in substantially the form attached hereto; and

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

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~64~~5- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #~~64~~5

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.
- b. District Amendment #2 approved by MDECD February 11, 2019: The purpose of this District Amendment was to increase the allowable uses for Municipal TIF Revenue and increase the percentage capture from up to 22% to up to 100%, all as more detailed in Section II below.
- c. District Amendment #3 approved by MDECD September 18, 2019: The purpose of District Amendment #3 is to remove the parcel designated by the City Assessor as 44-H-1 at 66 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .5087 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District, with Amendment #3, reduced it from approximately 422 to 421.01 acres. The boundaries remain the same, i.e., bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The Downtown Plan includes a listing of current projects and categories of future investment. It is recognized that meeting the infrastructure needs of Portland’s downtown will be a dynamic process that will be updated locally on an annual

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

basis or as needed. Though the specific public projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent.

Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendix.

- d. District Amendment #4 approved by MDECD September 16, 2020: The purpose of District Amendment #4 is to remove the parcels designated by the City Assessor as 28-O-17 at 83 Middle Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .2183 acres, and 28-O-3 at 160 Newbury Street with an OAV of \$281,100 with approximately .0665 acres, which parcels will be turned into a free-standing Affordable Housing TIF District.

~~Proposed~~ District Amendment #4 also included~~s~~ technical amendments as follows:

- CBL 37-B-14, 17 Shepley Street, a tax exempt parcel, was on the original map but needs to be added to original CBL listing attached to the Assessor's Certificate – increasing acreage by .1512, with no change in OAV as tax exempt;
- CBL 39-A-38, 612 Congress Street, was on original map but needs to be added to original CBL listing attached to the Assessor's Certificate, - increasing acreage by .0449, and increasing the OAV by \$282,400;
- CBL 38-G-1, 486 Fore Street, not on original map and needs to be deleted from listing attached to the Assessor's Certificate – decreasing acreage by 1.8419, and decreasing the OAV by \$3,130,830, and it is now in the Waterfront TIF District as approved by MDECD on August 26, 2019; and,
- CBL 43-C-6, 431 Commercial Street, a tax exempt parcel, was on original map and listing attached to the Assessor's Certificate but was transferred to the Waterfront TIF District as approved by MDECD on April 5, 2019 – decreasing acreage by 1.2912, with no change in OAV as tax exempt.

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~64~~⁵- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

With the above removal of 83 Middle Street and 160 Newbury Street, and the technical amendments, the net change to the District's OAV is reduced from \$968,136,850 to \$965,007,320, and the District's acreage is reduced from 421.010 to 417.7882.

- e. ~~Proposed~~ District Amendment #5 approved by MDECD August 18, 2021: The purpose of District Amendment #5 was to remove 73 Winter Street and 91 Winter Street from the District in order for the properties to be their own free-standing Affordable Housing TIF Districts. Those properties were then included in the parcel designated by the City Assessor as 45-C-7 at 120 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately 99,597 sq. ft. or 2.2864 acres. The square footage/acreage being removed for 73 Winter Street footprint was 17,167/.3941 acres, and the square footage/acreage being removed for 91 Winter Street footprint was 15,364/.3527 acres for a total of .7474 acres to be removed from the Downtown TOD TIF District, reducing the current acreage from 417.882 to 417.0408. Once the subdivision is completed, the City will confirm with MDECD the Assessor parcel designations.
- f. Proposed Amendment #6: The City of Portland proposes an amendment to remove the maximum annual cap of TIF Funding for Creative Portland (CP) now at \$100,000 and instead have an annual funding at \$200,000 for its staff, programs, and services, as approved by the City Council annually during its budget process.

II. Development Program Narrative

A. The Development Program as Amended with Amendment #~~6~~⁵

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6. This Amended Development Program now allows for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the "TIF Revenues") to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 7 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program per City TIF Policy (see Table 1 last item and Exhibit B).

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;
- Invest in the Downtown public infrastructure, including public restrooms;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

B. The Projects

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while offering their employees a rich, dynamic, and high quality of life. This includes ~~funding for CP-of-Creative Portland Corporation~~, of which the City of Portland is the Corporator, with annual funding at \$200,000 for its staff, programs, and services of up to \$100,000 annually as approved by the City Council annually during its budget process, as

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms
- Streetscape
- Lighting
- Street Alignment
- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Housing and Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

TABLE 1

NOTE 1: All Citations refer to Title 30-A, Chapter 206, Section 5225

NOTE 2: While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

Project	Downtown Revitalization Plan Reference by page no.	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including Financing Costs, for example:			\$150 Million over the life of the District for these Capital Infrastructure Items.
- Multi-modal surface and structured parking	19, 47	(1)(A)(1)(2)(3)(6)(7)	
- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms	19, 20, 34,35, 48	(1)(A)(1)(2)(3)(4)(6)(7)	
- Roadway	19,20,34,35	(1)(A)(1)(2)(3)(6)(7)	
Realignments/Paving	19, 46	(1)(A)(1)(a)(i)	
	34, 46	(1)(A)(1)(2)(3)	

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~ REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

- Crosswalks - Traffic Signals - Intersection Redesigns - Bicycle lanes, racks, and stations Infrastructure - Stormwater Management, including water and sewer upgrades - Telecommunications, lighting, and electrical distribution upgrades; - Infrastructure improvements/enhancements - Wayfinding (signage) - Public plaza intersection improvements	19,20,34,35 19, 34,47 19, 33 19, 36 19,23, 35,47 22, 46	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(7) (1)(A)(1) (1)(A)(1)(2)(3)(6)(7)	
In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map): - Creation of high frequency bus service on Congress Street at 15-minute intervals between the Portland Transportation Center (PTC) and Washington Avenue; - Enhancing Stevens Avenue- Allen Avenue- Congress Street bus service areas; - Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements. - Transit capital costs including transit vehicles and related equipment; bus shelters and other related structures; benches; signs, and other transit-related infrastructure. - Shuttle service to downtown businesses.	17, 20, 21, 20 20 20 17, 20	(1)(A) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7) (1)(A)(1)(a) and (1)(C)(7)	\$15 Million for Transit in this category.

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

In and out of District: City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District): - In District: Center for the Arts, including rental residential space; - In District: capital, financing, real property assembly and professional service costs; - In and out of District: CPC staffing, administrative and marketing expenses; revolving loan or investment fund.	20, 21,47	(1)(C)(1)(2)	Up to \$200K ^{\$100K} annually <u>beginning FY2024</u> ; \$5.23 Million over life of District
	20, 21,47	(1)(C)(1)(2)	
	20, 21, 47	(1)(C)(1)(2)	
In and out of District: - Housing and Economic Dev. Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager, Finance Director, and Planning Urban Development Director, and Planning staff*; - Professional services costs; - Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained.	21, Also TIF App. P. 3 See TIF App. P.3 See TIF App. P. 3	(1)(A)(5) and (1)(C)(1) (1)(A)(4);(1)(C)(1) (1)(C)(4)	\$15 Million over life of the District.
In District: Small Public Capital Infrastructure and Equipment, for example (Downtown Plan pp. 6 and 7) - Parking meters - Vehicles for Public Works Dept., and Fire Dept., including ambulances	19 21, 36 to 44	(1)(A)(1)(a) (1)(A)(1)(a)	\$10 Million over life of the District

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

In District: Relocation of Displaced Persons (TIF Application, p. 6)	(see TIF application, p. 6)	1(A)(6)	Not budgeted/not anticipated at time of TIF application
In District: CEAs as Approved by City Council (TIF application p. 2) with a maximum average percentage of 65% capture and up to a 20-year term, or the remaining term of this District, pursuant to City TIF Policy (Exhibit B hereto).	(see TIF application p. 2)	(1)(A)(1)(2)(3)(6)(7)	Unknown at time of TIF application
Total Estimate of TIF Revenue Expenditure over 30 year term:			\$195,23,000,000

*This item is not unique to this TIF District, it is also included in the Bayside TIF District and Waterfront TIF District.

C. Strategic Growth and Development

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List (Table 1) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

D. Improvements to the Public Infrastructure

As further set forth in Table 1 hereinabove, the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

E. Operational Components

1. Public Facilities

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in Table 1 hereinabove.

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

2. Commercial Improvements Financed through the Development Program

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program (see Table 1 last item and Exhibit B).

3. Relocation of Displaced Persons

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

4. Transportation Improvements

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Amended Physical Description

Proposed Amendment #6 does not change the acreage numbers for the Downtown TOD TIF.

The 417.7882-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~- REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

IV. Financial Plan

A. Amended Financial Characteristics

Amendment #6 does not change the original assessed value. With Amendment #5, the collective original assessed value of the real property in the District remains at \$965,007,320 as set forth in Exhibit F, Revised Assessor's Certificate. The backup for the Certificate includes revisions from Amendment #3 and #4. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

The City captured 12% in year 1 (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6 of the increased assessed value of the real property located within the District. Amendment 2 provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, including entering into Credit Enhancement Agreements (see Table 1 last item and Exhibit B), which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account") to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the "Project Cost Account"). From the Development Program Fund, the City will deposit the TIF Revenues into the City's Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #~~645~~ REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

B. Costs and Sources of Revenues

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

C. Indebtedness

The City reserves the option to fund the project costs through public indebtedness.

V. Statutory Requirements and Thresholds

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on May ~~24, 2023~~~~5, 2021~~, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on ~~June 5, 2023~~~~May 17, 2021~~, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

B. Minutes of Public Hearing Held by City Council

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on ~~June 5, 2023~~~~May 17, 2021~~, at which time this amended District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on ~~June 5, 2023~~~~May 17, 2021~~.

2021 PROPOSED DOWNTOWN/TRANSIT TIF AMENDMENT #6 REGARDING INCREASED FUNDING FOR CREATIVE PORTLAND

I. Introduction – Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District Amendment #6

On February 9, 2015, the City of Portland (the “City”) designated the Portland Downtown Transit Oriented Municipal Development and Omnibus Tax Increment Financing District (the “District”) and adopted this Development Program (the “Development Program”) for the District in an effort to fully realize the visions and goals of the City of Portland Downtown Revitalization Investment Plan (“Downtown Plan”); the Downtown Plan is attached as Exhibit A. The duration of this District will be 30 years beginning July 1, 2015 (Tax Year 4/1/2015; FY2015-16) ending June 30, 2045 (Tax Year 4/1/2044; FY2044-45).

- a. District Amendment #1 Approved by MDECD February 27, 2018: The purpose of this District amendment was to remove the parcel designated by the City Assessor as 22-F-1 at 54 Lancaster – a tax exempt parcel (so no value attributed to the Original Assessed Value) with approximately .48 acres, which will be turned into a free-standing Affordable Housing TIF District. Portland’s amended District remained the same at approximately 422 acres and bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded.
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basis or as needed. Though the specific public projects prioritized and undertaken from year to year will change, with the exception of this District funding up to \$100,000 annually for the Creative Portland Corporation, categories of investment for the purpose of eligible uses of the TIF Revenues will remain consistent. Actual project selections and prioritization for funding will continue to be made on an annual basis during the City budget and Capital Improvements Plan (CIP) process, based on categories contained in Table 1 hereinbelow. The CIP is the document that presents the City's capital needs in the current year and plans for capital needs in future years. As a five year plan that is annually updated, the CIP is a dynamic planning document; the FY2015 to 2019 CIP document is included in the Downtown Plan as an appendix.

- d. District Amendment #4 approved by MDECD September 16, 2020: The purpose of District Amendment #4 is to remove the parcels designated by the City Assessor as 28-O-17 at 83 Middle Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately .2183 acres, and 28-O-3 at 160 Newbury Street with an OAV of \$281,100 with approximately .0665 acres, which parcels will be turned into a free-standing Affordable Housing TIF District.

District Amendment #4 also included technical amendments as follows:

- CBL 37-B-14, 17 Shepley Street, a tax exempt parcel, was on the original map but needs to be added to original CBL listing attached to the Assessor's Certificate – increasing acreage by .1512, with no change in OAV as tax exempt;
- CBL 39-A-38, 612 Congress Street, was on original map but needs to be added to original CBL listing attached to the Assessor's Certificate, - increasing acreage by .0449, and increasing the OAV by \$282,400;
- CBL 38-G-1, 486 Fore Street, not on original map and needs to be deleted from listing attached to the Assessor's Certificate – decreasing acreage by 1.8419, and decreasing the OAV by \$3,130,830, and it is now in the Waterfront TIF District as approved by MDECD on August 26, 2019; and,
- CBL 43-C-6, 431 Commercial Street, a tax exempt parcel, was on original map and listing attached to the Assessor's Certificate but was transferred to the Waterfront TIF District as approved by MDECD on April 5, 2019 – decreasing acreage by 1.2912, with no change in OAV as tax exempt.

With the above removal of 83 Middle Street and 160 Newbury Street, and the technical amendments, the net change to the District's OAV is reduced from

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\$968,136,850 to \$965,007,320, and the District's acreage is reduced from 421.010 to 417.7882.

- e. District Amendment #5 approved by MDECD August 18, 2021: The purpose of District Amendment #5 was to remove 73 Winter Street and 91 Winter Street from the District in order for the properties to be their own free-standing Affordable Housing TIF Districts. Those properties were then included in the parcel designated by the City Assessor as 45-C-7 at 120 State Street – a tax exempt parcel (so no value attributed to the Original Assessed Value), with approximately 99,597 sq. ft. or 2.2864 acres. The square footage/acreage being removed for 73 Winter Street footprint was 17,167/.3941 acres, and the square footage/acreage being removed for 91 Winter Street footprint was 15,364/.3527 acres for a total of .7474 acres to be removed from the Downtown TOD TIF District, reducing the current acreage from 417.882 to 417.0408. Once the subdivision is completed, the City will confirm with MDECD the Assessor parcel designations.
- f. Proposed Amendment #6: The City of Portland proposes an amendment to remove the maximum annual cap of TIF Funding for Creative Portland (CP) now at \$100,000 and instead have an annual funding at \$200,000 for its staff, programs, and services, as approved by the City Council annually during its budget process.

II. Development Program Narrative

A. The Development Program as Amended with Amendment #6

The Amended Development Program for the Downtown Transit Oriented Municipal Development and Omnibus TIF District is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised TIF Statutes, as amended (the "TIF Statute"). The City's designation of the District, combined with the adoption of this Amended Development Program, creates a single municipal TIF district in order to capture the value of the real property improvements made within the District and enable the use of TIF revenues for various municipal and other development projects.

Under this Amended Development Program, the City captured 12% in year one (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6. This Amended Development Program now allows for the City to capture up to 100% of the new real property value located in the District for remainder of the term of the District, or through Tax Year April 1, 2044/City Fiscal Year 2044/2045. The City may retain those tax revenues generated by the captured assessed value (the "TIF Revenues") to fund infrastructure improvements and other administrative costs, all as further described in Table 1 hereinbelow. The City reserves the right to capture less than the full 100% in years 7 through 30, depending on the then-current needs of the City with respect to the approved project costs. Any reduction in the captured value percentage shall adjust the amount of assessed value eligible for sheltering with respect to the tax shift benefit correspondingly. Although all TIF

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Revenues will be retained by the City at this time, the City reserves the right in the future to negotiate and execute commercial credit enhancement agreements pursuant to City Council approved TIF Policy as may be amended from time to time. CEAs would be limited, however, to the balance of District term at that time. Such future credit enhancement agreements would require a public hearing and City Council approval. Should the City enter into a credit enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program per City TIF Policy (see Table 1 last item and Exhibit B).

In designating the District and adopting this Amended Development Program, the City can accomplish the following goals:

- Maintain existing tax revenues;
- Invest in the Downtown public infrastructure, including public restrooms;
- Invest in the Creative Portland Corporation annually;
- Invest in new and enhanced transit services;
- Enjoy enhanced future tax revenues generated by new development within the District; and
- Create long-term, stable employment opportunities for area residents because of these TIF investments.

In addition, by creating the District, the City will “shelter” the increase in municipal valuation that development in the District will bring about. This tax shift benefit mitigates the adverse effect that the District’s increased assessed property value has upon the City’s share of state aid to education, municipal revenue sharing, and its county tax assessment. An estimate of the tax shift benefits is shown in Revised Exhibit D-2 attached hereto.

The City’s designation of the District and pursuit of this Amended Development Program constitute a good and valid public purpose pursuant to Chapter 206 of Title 30-A because it represents a substantial contribution to the economic well-being of both the City and the region by providing jobs, contributing to property taxes, and diversifying the region’s economic base.

B. The Projects

Development within the District will provide a revenue source for the City’s economic development projects. The City intends to use TIF Revenues to further its overall plan to attract and retain businesses that want to take advantage of Portland’s business-friendly location, while offering their employees a rich, dynamic, and high quality of life. This includes funding for CP, of which the City of Portland is the Corporator, with annual funding at \$200,000 for its staff, programs, and services as approved by the City Council annually during its budget process, as well as City plans to invest in its public infrastructure in these investment focus areas:

- Sidewalk and Other Pedestrian Enhancements, including Public Restrooms
- Streetscape
- Lighting
- Street Alignment

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- Utilities
- Bicycle Improvements
- Public Transit
- Wayfinding
- Multi-modal surface and structured parking
- Work force training
- Professional service costs
- Housing and Economic Development Department administrative costs and staff salaries, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

The District projects at this time are highlighted in Table 1 below:

TABLE 1

NOTE 1: All Citations refer to Title 30-A, Chapter 206, Section 5225

NOTE 2: While this Amended Development Program lists particular projects, the Amended Development Program shall not serve as an appropriation of TIF Revenues for any of these specific purposes, nor shall it commit the City to completing any particular project. The projects will only be undertaken following proper appropriation through the annual budget process and any other applicable required approvals.

Project	Downtown Revitalization Plan Reference by page no.	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including Financing Costs, for example: - Multi-modal surface and structured parking - Sidewalk and Other Pedestrian Enhancements, including Public Restrooms - Roadway Realignments/Paving - Crosswalks - Traffic Signals - Intersection Redesigns - Bicycle lanes, racks, and stations Infrastructure - Stormwater Management, including water and sewer upgrades	19, 47 19, 20, 34,35, 48 19,20,34,35 19, 46 34, 46 19,20,34,35 19, 34,47 19, 33 19, 36	(1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(4)(6)(7) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(a)(i) (1)(A)(1)(2)(3)(6)(7) (1)(A)(1)(2)(3)(7)	\$150 Million over the life of the District for these Capital Infrastructure Items.

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- Telecommunications, lighting, and electrical distribution upgrades; Infrastructure improvements/enhancements	19,23, 35,47	(1)(A)(1)	
- Wayfinding (signage)	22, 46	(1)(A)(1)(2)(3)(6)(7)	
- Public plaza intersection improvements			
In and out of District: New and Enhanced Transit Services, including operational costs, for example (see Exhibit K – Transit Map):			
- Creation of high frequency bus service on Congress Street at 15-minute intervals between the Portland Transportation Center (PTC) and Washington Avenue;	17, 20, 21,	(1)(A) and (1)(C)(7)	\$15 Million for Transit in this category.
- Enhancing Stevens Avenue-Allen Avenue- Congress Street bus service areas;	20	(1)(A)(1)(a) and (1)(C)(7)	
- Corresponding costs for these enhancements, including transit operator salaries; transit vehicle fuel, and transit vehicle parts replacements.	20	(1)(A)(1)(a) and (1)(C)(7)	
- Transit capital costs including transit vehicles and related equipment; bus shelters and other related structures; benches; signs, and other transit-related infrastructure.	20	(1)(A)(1)(a) and (1)(C)(7)	
- Shuttle service to downtown businesses.	17, 20	(1)(A)(1)(a) and (1)(C)(7)	
In and out of District: City Marketing and Promotion through Creative Portland Corporation (CPC), for example (see Exhibit M Arts District Map within Downtown TOD TIF District):			
	20, 21,47	(1)(C)(1)(2)	\$200K annually beginning FY2024; \$5.2 Million over life of District

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- In District: Center for the Arts, including rental residential space; - In District: capital, financing, real property assembly and professional service costs; - In and out of District: CPC staffing, administrative and marketing expenses; revolving loan or investment fund.	20, 21,47 20, 21, 47	(1)(C)(1)(2) (1)(C)(1)(2)	
In and out of District: - Housing and Economic Dev. Dept. administrative costs and staff salaries at 100%, and prorated salaries of City Manager, Finance Director, and Planning Urban Development Director, and Planning staff*; - Professional services costs; - Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained.	21, Also TIF App. P. 3 See TIF App. P.3 See TIF App. P. 3	(1)(A)(5) and (1)(C)(1) (1)(A)(4);(1)(C)(1) (1)(C)(4)	\$15 Million over life of the District.
In District: Small Public Capital Infrastructure and Equipment, for example (Downtown Plan pp. 6 and 7) - Parking meters - Vehicles for Public Works Dept., and Fire Dept., including ambulances	19 21, 36 to 44	(1)(A)(1)(a) (1)(A)(1)(a)	\$10 Million over life of the District
In District: Relocation of Displaced Persons (TIF Application, p. 6)	(see TIF application, p. 6)	1(A)(6)	Not budgeted/not anticipated at time of TIF application
In District: CEAs as Approved by City Council (TIF application p. 2) with a maximum average percentage	(see TIF application p. 2)	(1)(A)(1)(2)(3)(6)(7)	Unknown at time of TIF application

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of 65% capture and up to a 20-year term, or the remaining term of this District, pursuant to City TIF Policy (Exhibit B hereto).			
Total Estimate of TIF Revenue Expenditure over 30 year term:			\$195,200,000

*This item is not unique to this TIF District, it is also included in the Bayside TIF District and Waterfront TIF District.

C. Strategic Growth and Development

This Amended Development Program and the Downtown Plan meld various studies and plans for the District into one document, thereby promoting those studies and plans and making investments at the appropriate time. The studies and plans noted in the Downtown Plan represent a series of community initiatives, both completed and underway, or in planning process. The Amended Development Program and Project List ([Table 1](#)) noted hereinabove represents the best thinking of City staff about current opportunities for realizing the City's longstanding, evolving vision for its Downtown.

D. Improvements to the Public Infrastructure

As further set forth in [Table 1 hereinabove](#), the City may use certain TIF Revenues for sidewalk and other pedestrian improvements including crosswalks, roadway realignments/paving, intersection redesigns, traffic signals, bicycle infrastructure, stormwater management improvements (including water and sewer maintenance), communications infrastructure improvements/enhancements, wayfinding, multi-modal surface and structured parking, and public plaza intersection improvements that are directly related and made necessary by development in the District.

E. Operational Components

1. Public Facilities

The City may use a portion of the TIF Revenues to fund certain projects approved within the District, outlined in [Table 1](#) hereinabove.

2. Commercial Improvements Financed through the Development Program

At this time, no commercial improvements will be financed through the Development Program. The City may, in the future, reimburse a percentage of the TIF Revenues from any particular lot within the District to future developers through a credit enhancement agreement. Future credit enhancement agreements are authorized only if the City Council meets and holds a public hearing and votes to authorize, negotiate, and execute the credit enhancement agreement pursuant to City Council approved TIF Policy. Such credit enhancement agreements would be approved under the City's TIF Policy, as may be amended from time to time, but limited to the balance of the term of this District. Should the City enter into a credit

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enhancement agreement, it will provide the Maine Department of Economic and Community Development a description of the terms and conditions of any agreements, contracts, or other obligations related to the development program (see Table 1 last item and Exhibit B).

3. Relocation of Displaced Persons

It is not anticipated that any persons will be relocated; however, the City has provided that if, in the future, relocation of persons is necessary to accommodate future redevelopment within the District, the one-time relocation costs of such displaced persons can be paid for with TIF Revenues, exclusive of rent.

4. Transportation Improvements

The City may fund road/transportation improvements made necessary by the increased traffic to the District. Please see Table 1 hereinabove for more details.

5. Environmental Controls

The improvements made under this Development Program will meet or exceed all federal, state, and local environmental laws, regulations, and ordinances and will comply with all applicable land use requirements for the City.

6. Plan of Operation

During the term of the District, the City Manager or his designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District.

III. Amended Physical Description

Proposed Amendment #6 does not change the acreage numbers for the Downtown TOD TIF.

The 417.7882-acre District is bounded by Washington Avenue to the east, State Street to the west, following the edges of the adjacent Bayside and Waterfront Capital Improvement TIF Districts to the north and south. The District encompasses the central business district of Portland and the abutting east and west ends of the District. In creating the District, the outlying residential areas of the Eastern and Western Promenades have been purposely excluded. The District is shown on revised Exhibit C. The statutory threshold limits addressing the conditions for approval mandated by 30-A M.R.S.A. Section 5223(3) are set forth in revised Exhibit E.

IV. Financial Plan

A. Amended Financial Characteristics

Amendment #6 does not change the original assessed value. With Amendment #5, the collective original assessed value of the real property in the District remains at \$965,007,320 as set forth in Exhibit F, Revised Assessor's Certificate. The backup for the Certificate includes revisions from Amendment #3 and #4. It is noted that Downtown TOD/TIF acreage and value calculations are exempt from State TIF law limits.

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The City captured 12% in year 1 (City Fiscal Year 2015/2016), 22% in years 2 through 4, 25% in year 5, and 30% in year 6 of the increased assessed value of the real property located within the District. Amendment 2 provided for the City to capture up to 100% for the duration of the 30-year term of the District. Personal property tax value will not be captured within the District. The TIF Revenues so collected will fund and/or contribute to the funding of the approved projects, including each of the projects described on Table 1 hereinabove, including entering into Credit Enhancement Agreements (see Table 1 last item and Exhibit B), which collectively increase the City's ability to stand out in a competitive marketplace as a dynamic municipality in which to grow a business. All assessed real property value captured in the District will be added to the general tax rolls at the end of the District's term. Please note that at any time during the term of the District, the municipality can vote to reduce the captured value percentage and instead deposit the tax revenues into the General Fund so long as the municipality does not receive the tax shift benefit associated with the tax revenues so deposited.

Upon each payment of real property taxes for property located inside the District, the City will deposit into a development program fund (the "Development Program Fund") the entirety of the property tax payments constituting TIF Revenues. The percentage of increased assessed value of real property within the District that will be captured shall be determined annually during the municipal budget process; however, the City may capture up to 100% in Years 5 through 30 of the increased assessed value of real property as captured assessed value. The Development Program Fund is pledged to and charged with the payment of the project costs in the manner and in the order provided in 30-A M.R.S.A. Section 5227(3). The Development Program Fund will consist of a development sinking fund account (the "Sinking Fund Account") to the extent municipal bonded indebtedness is used to pay for projects costs, and a project cost account (the "Project Cost Account"). From the Development Program Fund, the City will deposit the TIF Revenues into the City's Sinking Fund Account and/or the Project Cost Account to be used to fund projects listed in Table 1 hereinabove. If future credit enhancement agreements are approved by the City Council, then a subaccount within the Project Cost Account shall be created for any payments required to be made by the City pursuant to such credit enhancement agreement, dedicated to each credit enhancement agreement.

Estimates of the increased assessed property values of the Amended District, the anticipated TIF Revenues generated by the District, and the estimated tax shifts are shown in Revised Exhibit D-1 and Revised Exhibit D-2.

B. Costs and Sources of Revenues

The current and future developers owning or leasing properties located within the Districted are intended to pay for and/or finance all private improvements located in the District through private sources. Table 1 hereinabove provides estimated costs of the municipal projects costs to be undertaken with TIF Revenues.

C. Indebtedness

The City reserves the option to fund the project costs through public indebtedness.

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V. Statutory Requirements and Thresholds

The statutory requirements and thresholds for approval required by Section 5223(3) of the TIF Statute are set forth in revised Exhibit E.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as Exhibit G hereto is a copy of the Notice of Public Hearing regarding amending the Development Program for the District, published in the *Portland Press Herald*, a newspaper of general circulation in the City, on May 24, 2023, a date at least ten (10) days prior to the public hearing. The public hearing on the amended District was held on June 5, 2023, in accordance with the requirements of 30-A M.R.S.A. Section 5226(1).

B. Minutes of Public Hearing Held by City Council

Attached as Exhibit H hereto is a certified copy of the minutes of the public hearing held on June 5, 2023, at which time this amended District was discussed by the public.

C. Authorizing Votes

Attached as Exhibit I hereto is an attested copy of the City of Portland Order approving this amended District with the results of the vote noted on this Order duly called and held on June 5, 2023.