

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 - SEPTEMBER 6, 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.

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting- August 14, 2023 (4:00pm)
Special City Council Meeting- August 14, 2023 (5:30pm)

APPOINTMENTS:

Order 28-23/24 Appointing Michael Goldman Corporation Counsel - Sponsored by the Search Committee, Mayor Kate Snyder, Chair

This order appoints Michael Goldman as Corporation Counsel, and establishes an annual base salary of \$165,000.

Five affirmative votes are required for passage after public comment.

PROCLAMATIONS:

Proclamation 1-23/24 Recognizing City Staff for the Exemplary Operation of a Temporary Emergency Shelter at the Expo - Sponsored by Kate Snyder, Mayor

Proclamation 2-23/24 Recognizing September 15 to October 15, 2023 as Hispanic Heritage Month - Kate Snyder, Mayor

Proclamation 3-23/24 Recognizing September 8 to September 17, 2023 as Welcoming Week - Sponsored by Kate Snyder, Mayor

LICENSES:

Order 29-23/24 Granting Municipal Officers' Approval of Orange Bike Company, dba Orange Bike Company. Application for B/W/D On-Premise Consumption with Outdoor Dining on Private Property at 31 Diamond Street - Sponsored by Danielle P. West, City Manager

Application was filed on 8/16/23. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 30-23/24 Granting Municipal Officers' Approval of Shipyard Brewing Company LLC, dba Shipyard Brewing Company. Application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Public Property at 27 Hancock Street - Sponsored by Danielle P. West, City Manager

Application was filed on 8/16/23. New City and State applications. License upgrade of existing establishment. Establishment currently holds a B/W/D On Premise Consumption with Indoor Entertainment and Outdoor Dining on Public Property at current location.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 9-23/24 Regarding the 2024 Allowable Increase Percentage for the rent of Covered Units - Jessica Hanscombe, Director of Permitting & Inspections

The enclosed memo communicates the 2024 Allowable Increase Percentage (AIP) for Covered Units, in accordance with Portland City Code. Using the formula described in City Code, staff have determined the 2024 AIP to be 2.0%.

The AIP is the standard amount that the rent of a rental housing unit ("Covered Unit") may be raised within the following Calendar Year, unless a landlord is entitled to additional increases as provided in Sections 6-233 or 6-234 of Portland City Code or the unit is exempt, as defined under Section 6-231.

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

Com 10-23/24 Update re: Encampment Crisis Response Team (ECRT) Resolution at Fore River Parkway Trail Encampment - Kristen Dow, Director (Department of Health and Human Services) and Chief Keith Gautreau (Fire Department)

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

UNFINISHED BUSINESS:

Order 256-22/23 Adopting Development Program for the Portland Tourism Municipal Development District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The budget for Portland Tourism Development District (PTDD), as submitted by Visit Portland for FY2024 at \$2,589,071, would be funded largely from special assessments on all Portland area lodging properties with 40 or more rooms. The revenue raised through the special assessment would fund the PTDD development program expenses for FY2024. The assessment rate is based on a calendar year average short term room rental occupancy percentage and average daily rate multiplied by 1.5%, which is equal to one and one-half percent 1.5% of annual gross short-term room rental revenues. Estimated assessments for each individual lodging house would be established based on a formula using 2022 Smith Travel Report (STR) average daily room rate in Portland hotels ranging from \$146 to \$269 per night, and occupancy rate ranging from 69% to 70% based on standard industry hotel classifications, times 1.5% assessment rate. The City will collect 10% of the assessment for its administrative purposes.

Example Formula: $\text{Number of Rooms} \times 365 = \text{Number of Rooms/Year} \times \text{Occupancy Rate of } 72.1\% \times \text{Average Daily Room Rate (ADR) of } \$227.66 \times 1.5\% \text{ (Assessment Rate)}$.

NOTE: Subsequent to the first reading on June 26, 2023, the terms of the district have been amended and the amendment is in the back-up material. The amendment, if approved, would: change the start date to January 1, 2024; limit assessments to only non-seasonal lodging properties with 40 or more rooms; base the assessment rate on a

formula using June 2023 Smith Travel Report (STR) U.S. average daily room rate per hotel classification ranging from \$77 to \$379 per night and an occupancy rate of 50% multiplied by a 1.5% assessment fee; and implement the district in the 2nd half of FY2024 (Jan.-June) with an approximate budget of \$754,369, with the City receiving a 10% administrative fee.

At the Housing and Economic Development Committee meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 2023. Five affirmative votes are required for passage after public comment.

Order 257-22/23 Establishing Implementation Assessments for Portland's Tourism Municipal Development District for Fiscal Year 2023-2024 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order to the order above establishing Portland's Tourism Municipal Development District, and the order below approving the agreement. An amendment is in the back-up material to update the assessment list according to discussion that followed the first reading in June.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 2023. Five affirmative votes are required for passage after public comment.

Order 258-22/23 Approving the Development Program Manager Agreement between the City of Portland and Convention and Visitors' Bureau of Greater Portland Doing Business as Visit Portland - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order with the two orders above. An amendment is in the back-up material to update the Development Program Manager Agreement according to discussion that followed the first reading in June.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 2023. Five affirmative votes are required for passage after public comment.

Order 26-23/24 Amendment to Portland City Code Chapter 9 Re: Ranked Choice Voting - Sponsored by Ashley Rand, City Clerk

Ballot Question #4, which was approved by the voters in the November 2022 General Election, required the City Council to establish a proportional ranked choice voting system for elections conducted by ranked choice voting where more than one person is to be elected to a single office. As required by Question #4, this order adds a proportional ranked choice voting ordinance to Sections 9-2 and 9-3 in Chapter 9 of the Portland City Code that provides for candidates to be elected on the basis of thresholds determined by the number of seats to be filled plus one, ballots to be counted in rounds, votes to be transferred from defeated candidates, and for votes, in fractions or in whole, in excess of the threshold to be transferred from elected candidates.

If approved by the City Council, the new proportional ranked choice voting ordinance will take effect 30 days after approval. This item must be read on two separate days. It received its first reading on August 14, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 31-23/24 Accepting Herron Road as a Public Easement and Utility Easement - Sponsored by the Sustainability & Transportation Committee, Andrew Zarro, Chair

The Sustainability and Transportation Committee voted 2-0 (Councilor Pelletier absent) on July 12, 2023 to recommend the order.

This order provides the City with the necessary right, title, and interest in the paper street known as Herron Road to install stormwater infrastructure in compliance with the City's MS4 stormwater permit. Herron Road currently has within it a buried storm drain sewer servicing the Barron Center Campus and a publicly accessible foot path. Accepting this limited form of partial easement would provide the necessary right, title, and interest in the property to complete the installation of an underground stormwater sand filtration system to treat stormwater runoff from the City-owned Barron Center property while allowing the existing use of the property to continue.

Five affirmative votes are required for passage after public comment.

Order 32-23/24 Authorizing Loans in the Amount of \$1,684,816 from the School Revolving Renovation Fund and the Issuance of the City's General Obligation Bonds Therefore - Sponsored by Danielle P. West, City Manager

This order authorizes and the companion order below appropriates funding from partially forgivable loans from the State of Maine School Revolving Renovation Fund ("SRRF"). These projects have already been approved by the City Council in prior year City Capital Improvement Plans and these loans will reduce overall cost of these projects to City taxpayers due to the element of principal forgiveness and lower debt service costs.

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

Order 33-23/24 Appropriating \$1,684,816 in Loan Proceeds from the School Revolving Renovation Fund for School Renovation Projects - Sponsored by Danielle P. West, City Manager

This is a companion order with the order above, appropriating \$1,684,816 authorized from the School Revolving Renovation Fund.

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 Pro Tempore Ali led all present in the Pledge of Allegiance.

ROLL CALL:

Mayor Pro Tempore Ali called the meeting to order at 4:00pm.

City Councilors Present: Councilor Fournier, Councilor Rodriguez, Councilor Dioin, Councilor Ali, Councilor Zarro, Councilor Trevorrow (Via Zoom), Councilor Pelletier, Councilor Phillips

Mayor Snyder Absent.

4:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Mayor Pro Tempore Ali opened the floor for public comment.

The following individuals spoke: Grace Nichols (37 Casco Street), Richard Ward (Parkside Neighborhood), George Rheault (Westbayside), Levi Levingston (District 1), Carl Childers (no address given), Bill Higgins (Homeless Advocacy for All Maine), Tom Dillion (no address given)

ANNOUNCEMENTS:

No announcements were made

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting, July 17, 2023 (4:00)

Special City Council Meeting, July 17, 2023 (5:30)

Motion was made by Councilor Zarro and seconded by Councilor Rodriguez for passage.

Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

APPOINTMENTS:

Order 12-23/24 Appointing Members to Various Boards & Commissions - Sponsored by Legislative/Nominating Committee, Mayor Kate Snyder, Chair

Motion was made by Councilor Fournier and seconded by Councilor Zarro for passage as an emergency. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

*Order was passed as an emergency and will take effect immediately.

Order 13-23/24 Appointing Nick Demling Constable for the Parks, Recreation & Facilities Department - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Phillips for passage as an emergency. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

*Order was passed as an emergency and will take effect immediately.

LICENSES:

Order 14-23/24 Granting Municipal Officers' Approval of Angoor Inc, dba Angoor Wine Bar. Application for Class A Lounge with Outdoor Dining on Private Property at 100 Fore Street - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

Order 15-23/24 Granting Municipal Officers' Approval of Bissell Brothers Brewing Company, dba Bissell Brothers Brewing. Application for Class I FSE with Outdoor Dining on Private Property at 38 Resurgam Place - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

Order 16-23/24 Granting Municipal Officers' Approval of 123CZ LLC, dba Porttown Public House. Application for Class I FSE at 129 Commercial Street - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

Order 17-23/24 Granting Municipal Officers' Approval of Good Wind LLC, dba Little Tap House. Application for Class I FSE with Outdoor Dining on Public Property at 106 High Street - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

Order 18-23/24 Granting Municipal Officers' Approval of Maine Irish Heritage Center, dba Maine Irish Heritage Center. Application for Class III & IV with Indoor Entertainment at 34 Gray Street - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. The following individuals spoke: Zach Lenhart (Business Licensing Manager), Steven Scharff (Brackett Street), Maine Irish Heritage Center, Vinny O'Mally (16 Alton Street), George Rheault (Westbayside), Councilor Fournier, Councilor Dion, Councilor Rodriguez, Michael Goldman (Corporation Counsel), Councilor Pelletier

*Order passed without waiving license fees.

COMMUNICATIONS:

Com 5-23/24 The 2023 Fossil Fuel Infrastructure Report - Troy Moon, Sustainability Director

Tory Moon (Sustainability Director) provided a communication on The 2023 Fossil Fuel Infrastructure Report

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

Com 6-23/24 The 2022 Housing Report - Mary Davis, Interim Director, Housing and Economic Development

Mary Davis (Interim Director of Housing and Economic Development) provided a communication on The 2022 Housing Report

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

Com 7-23/24 Update on Encampment Crisis Response Team - Director Kristen Dow (Health & Human Services) and Chief Keith Gautreau (Fire Department)

Kristen Dow (Health & Human Services Director) and Keith Gautreau (Fire Chief) provided an update on Encampment Crisis Response Team

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

Com 8-23/24 Update on the Closure of the Temporary Emergency Shelter at the Expo - Kristen Dow, Director of Health & Human Services

Kristen Dow (Health & Human Services Director) provided an update on the Closure of the Temporary Emergency Shelter at the Expo

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

RESOLUTIONS:

Resolve 1-23/24 in Support of the Fossil Fuel Non-Proliferation Treaty - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

Motion was made by Councilor Fournier and seconded by Councilor Zarro for passage.

Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. The following individuals spoke: Grace Nichols (USM Student), Bill Webber (Portland Climate Action Team), Jim Devine (Homeless Voices for Justice), Mark Stelmak (District 1), Allen Armstrong (105 Spruce Street), Ken Capron (Hanover Street), Priscilla Skerry (95 Emery Street), Sansana Hancock (Spring Street), Tom Colka (Third Act Maine), Maggie Wolf (No address given), Roberta Circleman (South Portland), Sara Southerland (no address), Nancy Nickerson (135 Broadway), George Rheault (Westbayside)

ADJOURNMENT:

Motion was made by Councilor Phillips and seconded by Councilor Fournier to adjourn. Passage 8-0-1 Mayor Snyder absent at 6:00pm.

A TRUE RECORD

Ashley Rand, City Clerk

ZOOM INFORMATION:

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PLEDGE OF ALLEGIANCE:

Mayor Pro Tempore Ali led all present in the Pledge of Allegiance.

ROLL CALL:

Mayor Pro Tempore Ali called the meeting to order at 6:30pm.

City Councilors Present: Councilor Fournier, Councilor Rodriguez, Councilor Dioin, Councilor Ali, Councilor Zarro, Councilor Trevorrow (Via Zoom), Councilor Pelletier, Councilor Phillips

Mayor Snyder Absent.

5:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Mayor Pro Tempore Ali opened the floor for public comment.

The following individuals spoke: Jim Devine (Homeless Justice Services Advocate), Bill Webber (Portland Climate Action Team), George Rheault (Westbayside)

ANNOUNCEMENTS:

No announcements were made.

CONSENT ITEMS:

Order 27-23/24 Declaring Sundays on the Boulevard Festival Days in 2023 - Sponsored by Andrew Zarro, Councilor

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

UNFINISHED BUSINESS:

Order 6-23/24 Designating the 25 Casco Street Affordable Housing Development and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Orders 19-23/24, Order 6-23/24 and Order 7-22/24 were all read into the record together. Mary Davis (Interim Director of Housing and Economic Development) gave an overview of the orders.

Mayor Pro Tempore opened the floor for public comment on orders 19, 6 & 7. The following individuals spoke:

George Rheault (Hanover Street), Matthew Dubios (554 Forest Ave), Ed Carpenter (Owner of 25 Casco Street), Ken Capron (Forest Ave), Elizabeth Pope (Woodfords Street), Betsy Smith (Stroudwater Road), Frank Brooks (Neil Street), Mark Shaw (Free Street), Marvin Ellison (No address), Melanie (Equality Community Center), Chloe (West Minister Ave), Chris O'connor (Executive Director of Equality Community Center)

Motion was made by Councilor Zarro and seconded by Councilor Rodriguez to approve amendment: Return 75% of Tax Revenues to Developer. Passage 7-0-2, Mayor Snyder absent, Councilor Fournier recused.

Copy of amendment is included in the Council packet.

Motion was made by Councilor Rodriguez and seconded by Councilor Zarro for passage as an emergency, as amended. Passage 7-0-2, Mayor Snyder absent, Councilor Fournier recused.

*Order was passed as an emergency as amended and will take effect immediately.

Order 7-23/24 Approving the Credit Enhancement Agreement with Equality Community LP - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Orders 19-23/24, Order 6-23/24 and Order 7-22/24 were all read into the record together. Mary Davis (Interim Director of Housing and Economic Development) gave an overview

of the orders.

Mayor Pro Tempore opened the floor for public comment on orders 19, 6 & 7. The following individuals spoke:

George Rheault (Hanover Street), Matthew Dubios (554 Forest Ave), Ed Carpenter (Owner of 25 Casco Street), Ken Capron (Forest Ave), Elizabeth Pope (Woodfords Street), Betsy Smith (Stroudwater Road), Frank Brooks (Neil Street), Mark Shaw (Free Street), Marvin Ellison (No address), Melanie (Equality Community Center), Chloe (West Minister Ave), Chris O'connor (Executive Director of Equality Community Center)

Motion was made by Councilor Zarro and seconded by Councilor Rodriguez to approve amendment: Return 75% of Tax Revenues to Developer. Passage 7-0-2, Mayor Snyder absent, Councilor Fournier recused.

A copy of the amendment is included in the Council packet.

The following councilors commented: Councilor Pelletier, Councilor Zarro, Councilor Phillips

Motion was made by Councilor Rodriguez and seconded by Councilor Zarro for passage as an emergency, as amended. Passage 7-0-2, Mayor Snyder absent, Councilor Fournier recused.

*Order was passed as an emergency as amended and will take effect immediately.

Order 8-23/24 Accepting and Appropriating a \$20,000 Donation and \$30,000 Grant for the Lincoln Park Fence Project - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. The following individuals spoke: Frank Riley (Friends of Lincoln Park),

Order 9-23/24 Amendment to the Traffic Schedule Re: 2-Hour Parking on Fore Street between Atlantic and St. Lawrence Streets - Sponsored by Sustainability & Transportation Committee, Andrew Zarro, Chair

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 8-0-1 Mayor Snyder absent.

Mayor Pro Tempore Ali opened the floor for Council comment. The following individuals spoke: Barbara Vestal (7 Fore Street)

Order 10-23/24 Amendment to Zoning Map Amendment Re: R-5a Residential for 900 Ocean Avenue and Adjacent Parcels - Sponsored by the Planning Board, Brandon Mazer, Chair

Motion was made by Councilor Zarro and seconded by Councilor Fournier to postpone until the City Council Meeting on Monday, November 20, 2023. Passage 8-0-1 Mayor Snyder absent.

Order 10-23/24 postponed.

Order 11-23/24 Amendment to Portland City Charter Re: Filing Nomination Petitions, and Acceptance of Nomination - Sponsored by Ashley Rand, City Clerk

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 7-0-2 Mayor Snyder and Councilor Zarro absent.
Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

ORDERS:

Order 19-23/24 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 25 Casco Street an Affordable Housing Tax Increment Financing District - Sponsored by Anne McGuire, Assistant City Manager

*Point of order. Order 19-23/24 was taken out of order and read before Order 6-23/24.

Orders 19-23/24, Order 6-23/24 and Order 7-22/24 were all read into the record together. Mary Davis (Interim Director of Housing and Economic Development) gave an overview of the orders.

Mayor Pro Tempore opened the floor for public comment on orders 19, 6 & 7. The following individuals spoke:

George Rheault (Hanover Street), Matthew Dubios (554 Forest Ave), Ed Carpenter (Owner of 25 Casco Street), Ken Capron (Forest Ave), Elizabeth Pope (Woodfords Street), Betsy Smith (Stroudwater Road), Frank Brooks (Neil Street), Mark Shaw (Free Street), Marvin Ellison (No address), Melanie (Equality Community Center), Chloe (West Minister Ave), Chris O'connor (Executive Director of Equality Community Center)

Motion was made by Councilor Dion and seconded by Councilor Trevorrow for passage as an emergency, as amended. Passage 7-0-2, Mayor Snyder absent, Councilor Fournier recused.

*Order was passed as an emergency as amended and will take effect immediately.

Order 20-23/24 Approving the Finance Authority of Maine's State Small Business Credit Initiative Participant Allocation Agreement - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Rodriguez for passage. Passage 7-0-2 Mayor Snyder and Councilor Zarro absent.
Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

Order 21-23/24 Setting an Election Date on a Citizen Initiative Amendment to the Portland City Code Re: An Act to Exempt Small Landlords from Portland's Rent-Control Ordinance - Sponsored by Ashley Rand, City Clerk

Motion was made by Councilor Pelletier and seconded by Councilor Fournier for passage as amended. Passage 6-2-1 (Councilor Dion & Councilor Rodriguez NO, Mayor Snyder absent).

Mayor Pro Tempore Ali opened the floor for Council comment. The following individuals spoke: Jim Devine (Homeless Advocacy for Maine), Buddy Moore, Councilor Ali, Councilor Pelletier, Councilor Dion, Councilor Rodriguez, Councilor Fournier

Motion to amend the Title of Citizens Initiative to: "An Act to Amend Portland's Rent Control Ordinance"

Moved by Councilor Pelletier, seconded by Councilor Fournier for passage. Passage 5-3-1 (Councilor Dion, Rodriguez, Phillips NO, Mayor Snyder absent)
Amendment passed

Order 22-23/24 Accepting a Bus Shelter Easement Agreement from the Portland Housing Authority - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Fournier for passage as an emergency. Passage 8-0-1 Mayor Snyder absent.
Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.
*Order passed as emergency and will take effect immediately.

Order 23-23/24 Approving a Bus Shelter Installation and Maintenance Agreement between Portland Housing Authority, the Greater Portland Transit District (METRO), and Portland - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Dion and seconded by Councilor Fournier for passage as an emergency. Passage 8-0-1 Mayor Snyder absent.
Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.
*Order passed as emergency and will take effect immediately.

Order 24-23/24 Approving Modification 1 to the York Street Sidewalk Project between the Maine Department of Transportation and Portland - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Rodriguez and seconded by Councilor Ali for passage. Passage 8-0-1 Mayor Snyder absent.
Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

Order 25-23/24 Approving the York Street Pavement Improvement Agreement between the Maine Department of Transportation and Portland - Sponsored by Anne McGuire, Assistant City Manager

Motion was made by Councilor Fournier and seconded by Councilor Zarro for passage. Passage 8-0-1 Mayor Snyder absent.
Mayor Pro Tempore Ali opened the floor for Council comment. No one spoke.

AMENDMENTS:

Order 26-23/24 Amendment to Portland City Code Chapter 9 Re: Ranked Choice Voting - Sponsored by Ashley Rand, City Clerk

ADJOURNMENT:

Motion was made by Councilor Phillips and seconded by Councilor Fournier to adjourn. Passage 8-0-1 Mayor Snyder absent at 8:25pm.

A TRUE RECORD

Ashley Rand, City Clerk

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 MICHAEL GOLDMAN
CORPORATION COUNSEL

ORDERED, that Michael Goldman is hereby appointed Corporation Counsel for the City of Portland effective September 16, 2023; and

BE IT FURTHER ORDERED, that Michael Goldman shall be paid an annual salary of \$165,000 starting September 16, 2023.

Michael I. Goldman

Legal Experience

City of Portland, Maine *Associate and Acting Corporation Counsel* August 2014 - present

- Advise Mayor and City Council, Council committees, multiple City boards and commissions, City Manager, City Clerk, and various other department heads and City staff in variety of legal matters affecting the City.
- Manage Corporation Counsel office staff of three associate attorneys and two paralegals, and the City risk manager.
- Represent City and manage retained outside counsel in contract disputes, administrative hearings, and litigation.
- Represent City in negotiations in and draft agreements for real estate transactions, affordable housing loans, small business loans, construction projects, and the City's procurement of goods and services.
- Conduct legal research to advise City staff various statutory, regulatory, and other legal matters affecting the City.
- Draft ordinances for inclusion in the Portland City Code and bylaws and rules for various boards and commissions.

Maine Public Employees Retirement System *Attorney* September 2011 - present

- Represent the System in administrative appeals filed by the System's members; defend the System's decisions at administrative hearings involving a variety of disability and service retirement matters; attend depositions of healthcare providers; prepare briefs and other legal memoranda on behalf of the Executive Director.
- Assist the System's general counsel in drafting and revising agency rules.
- Conduct legal research and advise System staff on statutory and regulatory matters affecting the System.

Lambert Coffin *Associate Attorney* August 2005 - present

- Advised businesses, individuals, and lenders in commercial transactions and real estate matters.
- Drafted, reviewed, and analyzed various commercial and real estate transaction documents such as purchase and sale agreements, retail contracts, leases, notes, assignments, and mortgages.
- Represented banks, businesses, and individuals in collections, foreclosures, bankruptcy, and other creditors' rights matters.
- Represented employers and employees in claims involving workplace discrimination, disability benefits, and other employment matters before state and federal courts and agencies.
- Defended businesses and individuals in various general liability/insurance defense cases.
- Supervised paralegals and legal assistants in preparation of pleadings, commercial and real estate transactional documents, correspondence, and other matters.

Maine Supreme Judicial Court *Law Clerk* August 2004 - August 2005

- Analyzed parties' appellate briefs, conducted legal research, and prepared bench memoranda.
- Assisted Justice Jon D. Levy with opinion writing.

Skelton, Taintor & Abbott *Summer Associate* May 2003 - August 2003

- Assisted attorneys in various areas of legal research.
- Drafted memoranda, motions, briefs, and client letters.

Volunteer Lawyers Project *Summer Fellow* June 2002 - August 2002

- Provided legal assistance to low-income clients through Maine Association For Public Interest Law Fellowship.
- Interviewed clients in family law and bankruptcy matters.
- Advised clients in completion of court forms and preparation for hearings.

Michael I. Goldman

Other Work Experience

Café Uffa! Portland, Maine *Chef/Owner* 1994 - 1998

- Directed all aspects of food preparation, menu design, and inventory maintenance.
- Managed 20 employees and made daily business decisions.
- Negotiated successful sale of business after five years of operation.

Saco Middle School, Saco, Maine *Special Education Technician* March 1999 – June 2000

- Assisted students with behavioral problems and learning disabilities.
- Collaborated with teachers to design and implement lesson plans.

Various Restaurants 1984-1994

- Worked as a cook in various restaurants in Cape Cod; Evanston, Illinois; and Portland, Oregon.

Education

University of Maine School of Law, Portland, Maine 2001- 2004

- J.D. *cum laude*.
- Maine Law Alumni Association Award, 2004.
- Class standing: 8th of 77; Dean's List 5 semesters.
- Maine Law Review, Managing Editor.
- Legal Writing Instructor, 2003-2004.
- Greenberg Memorial Scholarship, 2002-2004.
- Maine Association For Public Interest Law Fellowship, Summer 2002.

Northwestern University, Evanston, Illinois 1986- 1990

- B.A Cultural Anthropology.
- Dean's List, Three Semesters.

Bar Admissions and Memberships

- State of Maine.
- United States District Court for the District of Maine.
- Maine State Bar Association.

Interests

- Cooking, travel, tennis, biking, gardening, skiing.

Human Resources Department
Anne Torregrossa
Director



August 24, 2023

Michael Goldman
[REDACTED]
[REDACTED]

RE: Conditional Offer

Dear Michael,

On behalf of Mayor Snyder and the Portland City Council, I am very pleased to make you a conditional job offer for the position of Corporation Counsel. The terms of this offer are as follows:

1. Starting salary of \$165,000. You will receive all cost-of-living increases on the same basis as other non-union employees and will be eligible for merit-based increases annually based on a performance review.
2. Annual contribution to an executive 401a plan. The contribution for your 2023-2024 service year will be \$5,000 and will be made up front on your anniversary. The contribution shall increase by 5% annually, up to a maximum of 15% of your annual salary at the time of the contribution.
3. 25 days of vacation leave annually, which shall be awarded in one lump accrual at the beginning of each year on your anniversary. At the end of each service year, you may either cash out or carry over five days of vacation time, but your vacation balance may not exceed 30 days at any given time.
4. All other benefits afforded to non-union, City employees and on the same terms.

This offer is contingent upon you being confirmed by the City Council in a public vote, which is scheduled for September 6, 2023, so long as you accept this offer.

Please let me know if you have any questions about this offer or would like to discuss any aspects of your future employment. The Mayor, City Council, and I are very excited to have you in this role.

Sincerely,

A handwritten signature in black ink that reads "Anne Torregrossa".

Anne Torregrossa

C: Mayor Kate Snyder

PROCLAMATION

RECOGNIZING THE EXEMPLARY OPERATION OF TEMPORARY EMERGENCY SHELTER AT THE JAMES A. BANKS, SR PORTLAND EXPOSITION BUILDING

- WHEREAS,** In response to the sudden, significant, and unanticipated increase in demand for emergency shelter, the City of Portland opened the James A. Banks, Sr Portland Exposition Building (the Expo) on April 10, 2023 to serve as a temporary emergency shelter for asylum-seeking families through August 16; and
- WHEREAS,** City of Portland staff from the Health & Human Services Department, Parks, Recreation & Facilities Department, Public Buildings, Fire Department, Police Department, and Executive Department came together quickly to operate this temporary shelter, which served 114 asylum seeking families, representing 381 people, over the course of a four-month emergency response effort; and
- WHEREAS,** City staff took on the operation of this facility in addition to the other existing emergency shelters that the City runs, and set up the wrap-around services that are needed to operate the shelter successfully; and
- WHEREAS,** City staff, 15 community partner organizations, and more than 450 volunteers worked extremely hard to safely and securely provide emergency shelter, basic necessities, medical care, food services, and translation services, as well as to coordinate donations and assistance to find housing opportunities; and
- WHEREAS,** the City established an Emergency Operations Center team, led by Emergency Management Coordinator Caity Hager, to ensure this temporary shelter was run safely, triage issues as they came up in real time, and properly document this work; and
- WHEREAS,** City staff and its partners mobilized to decommission the Expo as an emergency shelter on August 16, 2023, and safely relocated the remaining 60 families to two hotels until they, with the help of City staff, are able to find permanent housing; and
- NOW, THEREFORE, BE IT PROCLAIMED,** that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize City staff, community partners, and volunteers for their extraordinary work in emergency shelter operations.

Signed and sealed this 6th day of September, 2023



Kate Snyder, Mayor
City of Portland

PROCLAMATION

RECOGNIZING SEPTEMBER 15 TO OCTOBER 15, 2023 AS HISPANIC HERITAGE MONTH

- WHEREAS,** each year from September 15 to October 15, America acknowledges the vital contributions of and celebrates our Hispanic/Latinx heritage; and
- WHEREAS,** the date of September 15 is significant as the anniversary of independence for Latin American countries Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua. In addition, Mexico and Chile celebrate their independence days on September 16 and September 18, respectively; and
- WHEREAS,** Hispanic/Latinx Americans have written crucial chapters of our nation's history, honorably defended our country in war and built prosperity during times of peace; and
- WHEREAS,** this community runs successful businesses, teaches our next generation of leaders, and pioneers scientific and technological breakthroughs; and
- WHEREAS,** Hispanic/Latinx Americans represent an array of distinct and vibrant cultures, each of which enriches our communities in valuable ways; and
- WHEREAS,** Hispanic/Latinx leaders like César E. Chávez have marched for social justice and helped advance America's journey toward a more perfect Union; and
- WHEREAS,** there are numerous Hispanic/Latinx students in our City's schools, colleges, and adult education programs, representing one of the fastest-growing segments of our youth; and
- WHEREAS,** we are grateful for the many contributions Hispanic/Latinx American men and women and organizations like Presente Maine add to our community and the vibrancy they weave into the city of Portland;
- NOW, THEREFORE, BE IT RESOLVED,** that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby declare September 15 to October 15, 2023 Hispanic/Latinx Heritage Month and invite residents to exercise inclusiveness and celebrate diversity, this month and every month.

Signed and sealed this 6th day of September, 2023



**Kate Snyder, Mayor
City of Portland**

PROCLAMATION

RECOGNIZING WELCOME WEEK 2023

WHEREAS, The week of September 8 through September 17, 2023 is recognized by organizations and communities across the United States as Welcoming Week; and

WHEREAS, During Welcoming Week and throughout the year, the City of Portland encourages neighbors of all backgrounds to join together, building strong relationships and affirming the importance of welcoming and inclusive places in achieving collective prosperity; and

WHEREAS, For hundreds of years, migrants have added to our community's economic strength and cultural richness; and

WHEREAS, New residents are a vital part of our community, sharing their energy and ideas, starting businesses, providing civic leadership, working in critical industries, and contributing to the vibrant diversity of our city; and

WHEREAS, Hate for and fear of those perceived as different threatens our collective well-being, health, and prosperity. As a welcoming city, we are committed to addressing disparities, countering hate, understanding history, and helping neighbors come together; and

WHEREAS, By fostering a welcoming environment for all we enhance Portland's health, economic prosperity, and well-being for current and future generations; and

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize the week of September 8 through September 17, 2023 as Welcoming Week.

Signed and sealed this 6th day of September, 2023



Kate Snyder, Mayor
City of Portland

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 18, 2023

SUBJECT: Order 29-23/24 Granting Municipal Officers' Approval of Orange Bike Company, dba Orange Bike Company. Application for B/W/D On-Premise Consumption with Outdoor Dining on Private Property at 31 Diamond Street - Sponsored by Danielle P. West, 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 8/16/23. New City and State applications.

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. 2023.09.06_Orange Bike
2. Orange Bike Brewing_Council Packet

Prepared by:

Date: 08/18/2023

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (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:

**Orange Bike Company, dba Orange Bike Company. Application for B/W/D On-Premise
Consumption with Outdoor Dining on Private Property at 31 Diamond Street**

PERKINS THOMPSON

Mailing Address
PO Box 426
Portland, ME 04112
Office 207.774.2635
Fax 207.871.8026

Physical Address
One Canal Plaza
Portland, ME 04101

www.perkinsthompson.com

August 14, 2023

Mayor Kate Snyder and Portland City Council
389 Congress Street
Portland, Maine 04101

Dear Mayor Snyder and City Councilors,

On behalf of our client, Orange Bike Brewing Company ("Orange Bike") please find attached to this letter the following applications:

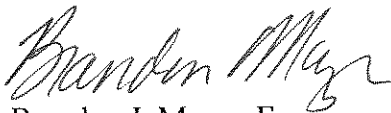
1. Small Brewery Application
2. Brewery On Premise Consumption License
3. Outdoor Dining Permit on Private Property

Orange Bike will be located at 31 Diamond Street and will be Maine's first dedicated gluten-free brewery. They hope to create a mission-oriented business focused on the triple bottom line—social, environmental, and financial good.

The location will have a tasting room and associated outside consumption area, adding to the vibrant brewing and distilling businesses in East Bay Side.

Thank you very much for your consideration of our application.

Kind Regards,



Brandon J. Mazer, Esq.
Attorney



CITY OF PORTLAND

Permitting and Inspections Department

Application for Brewery, Winery and Distillery On Premise Consumption License

License expiration date concurrent with that of State of Maine Dept. of Liquor Licensing & Enforcement License.

Business Information			
Business Name (d/b/a):	Orange Bike Brewing Company	Phone:	207-400-5145
Location Address:	31 Diamond Street, Unit D		Zip: 04101
If new, what was formerly at this location:			
Mailing Address:	31 Diamond Street, Unit D, Portland, ME		Zip: 04101
Contact Person:	Brandon Mazer	Phone:	207-400-8125
Contact Person Email:	bmazer@perkinsthompson.com		
Manager of Establishment:	Thomas Ruff	Date of Birth: 5/5/67	Phone: 310-850-1496
Owner of Premises (Landlord):	31 Diamond Street, LLC		
Address of Premises Owner:	1 Madiston St. Suite 100, South Portland, Maine		Zip: 04106

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	
Orange Bike Brewing Company		31 Diamond Street, Unit D, Portland, ME Zip: 04101	
Contact Person:	Neil Spillane	Phone:	207-400-5145
Principal Officers	Title	Date of Birth	Residence Address
Thomas Ruff	CEO	5/5/67	21 Oakhurst Rd., Cape Elizabeth, ME
Neil Spillane	COO	2/2/87	41 Greenleaf St. Apt. 3F Portland, ME 04101



CITY OF PORTLAND
Permitting and Inspections Department

Type of Establishment:	<u>Brewery</u> Winery Distillery
Hours & days of operation:	11:00 AM-11:00 PM 7 days a week

QUESTIONS

Will food be made, served, and/or sold on the premise by this establishment?	Y/N ☒ Y ☐ N
If yes, please submit a City of Portland Food Service Establishment license application.	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N ☒ 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 ☒ Y ☐ N
Will you permit dancing after 1:00 a.m.?	Y/N ☒ Y ☐ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N ☒ Y ☐ N
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N ☒ Y ☐ N
If yes, please list: # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? September 15, 2023	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N ☒ 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 ☒ Y ☐ N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y/N ☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N ☒ Y ☐ N
If Yes, please explain:	

I, Neil Spillane 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 Neil Spillane Title COO Date 8/14/23

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





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):	Orange Bike Brewing Company	Phone:	207-400-5145
Location Address:	31 Diamond Street, Unit D, Portland	Zip:	04101
Mailing Address:	31 Diamond Street, Unit D, Portland	Zip:	04101
Contact Person:	Brandon Mazer	Phone:	207-400-8125
Contact Person Email:	bmazer@perkinsthompson.com		
Manager of Establishment:	Thomas Ruff	Date of Birth:	5/5/67
		Phone:	310-850-1496
Owner of Premises (Landlord):	31 Diamond Street, LLC		
Address of Premises Owner:	1 Madison St., Suite 100, South Portland	Zip:	04106

Owner Information

Corporate Name		Corporate Mailing Address	
Orange Bike Brewing Company		31 Diamond Street, Unit D, Portland Zip: 04101	
Contact Person:	Neil Spillane	Phone:	207-400-5145
Principal Officers			
Title	Date of Birth	Residence Address	
Thomas Ruff	CEO	5/5/67	21 Oakhurst Road, Cape Elizabeth, ME
Neil Spillane	COO	2/2/87	41 Greenleaf St. Apt. 3F, Portland 04101



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Small Brewery
Type of food served:	Prepackaged Snacks
Please circle all that will be served:	<u>Beer</u> Wine Liquor
Hours & days of operation:	11:00 AM - 11:00 PM 7 days a week
Number of Tables	3 picnic tables, bar, and large group table
Number of Chairs	Approximately 20, excluding picnic tables

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

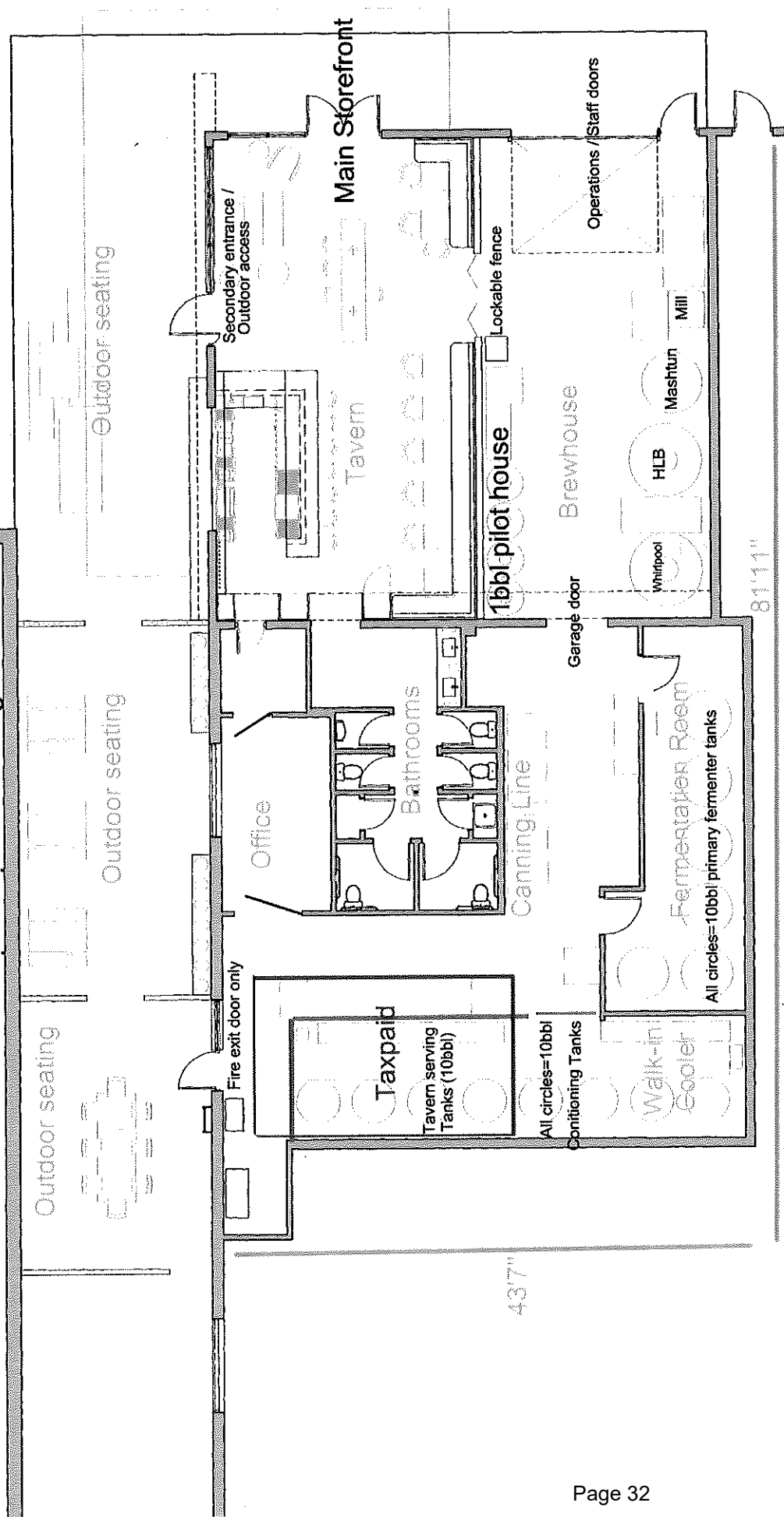
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating 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 *CR. Gule* Title COO Date 8/14/23

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: _____	/	_____





ORANGE BIKE BREWING COMPANY
FOOD AND DRINK MENU

Drink

Full pour (16oz) of OBB gluten-free beer (5% ABV)
\$8.00

Half-pour (6oz) of OBB gluten-free beer (5% ABV)
\$4.00

Vita Coco Coconut Water
\$5.00

Dram Seltzer Water
\$4.00

Food

Hubbard Peanut Co. Hub's Salted Peanuts
\$7.00

Maine Crisp Wild Blueberry Walnut
\$4.00

Every Body Eat Cheese-less Thins
\$4.00

Diggables Buckwheat Puffs Maine Sea Salt
\$6.00

Snyder's of Hanover Gluten-free Pretzel Rods
\$5.00

Choomi Naturals Gluten-free Cookies: Crunchy Chocolate Chip
\$6.00



Zachary Lenhart <zlenhart@portlandmaine.gov>

Orange Bike Brewing - BWD Tasting Room - 31 Diamond St

Eric Nevins <erich@portlandmaine.gov>

Sat, Aug 19, 2023 at 5:08 PM

To: Treasury Division <treasury@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>, Zoning <zoning@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Yes, I approve.

[Quoted text hidden]

--

Eric Nevins

Lieutenant

Portland Police Department

(207) 874-8513

Orange Bike Brewing - BWD Tasting Room - 31 Diamond St

Zoning <zoning@portlandmaine.gov>

Mon, Aug 21, 2023 at 2:00 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 <erickn@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>, Business Licensing <bl@portlandmaine.gov>

Good Afternoon,

I have found the change of use permit, BLDC2022-03010. The legal use for Unit D of BLDC2022-03010 is: Low Impact Industrial: Brewery w/Accessory Tasting Room (Orange Bike Brewing). 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

On Friday, August 18, 2023 at 2:07:38 PM UTC-4 Zachary Lenhart wrote:

[Quoted text hidden]

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



August 25, 2023

Orange Bike Company
31 Diamond Street, Unit D
Portland, ME 04101

Re: Orange Bike Company, dba Orange Bike Company. Application for B/W/D On-Premise Consumption with Outdoor Dining on Private Property at 31 Diamond Street

Dear Orange Bike Company:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday September 6, 2023 at 5:00 p.m., for the review of application for B/W/D On-Premise Consumption with Outdoor Dining on Private Property at 31 Diamond 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 September 1, 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

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on September 6, 2023 at 5:00 P.M., virtually Orange Bike Company, dba Orange Bike Company. Application for B/W/D On-Premise Consumption with Outdoor Dining on Private Property at 31 Diamond Street - Sponsored by Danielle P. West, City Manager



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

Application for Brewer of Malt Liquors

For Annual Malt Liquor Production under 30,000 barrels (930,000 gallons)

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	

Section I: License Status and Information

1. New license or renewal of existing license? ☒ New ☐ Renewal
2. If a renewal, please provide the following information; if a new license, skip to Section II:
- a. Current license expiration date: _____
- b. Number of gallons produced during most recent licensure period: _____
- c. Number of samples (servings) sold during most recent licensure period: _____
See 28-A MRS §1355-A, sub-§2, ¶F regarding paid samples.

Section II: Licensee/Applicant(s) Information

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):
Orange Bike Brewing Company	Orange Bike Brewing Company
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
	31 Diamond Street Unit D
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address:
	neil@orangebikebrewing.com
Telephone # Fax #:	Business Telephone # Fax #:
	207-400-5145
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
88-0840708	1009-7734
Federal Basic Permit Number:	Website address:
Applied For	www.orangebikebrewing.com

1. Is licensee/applicant(s) a business entity like a corporation or limited liability company?
☒ Yes ☐ No If Yes, complete Attachment 1 at the end of this application

2. Business records are located at the following address:

31 Diamond Street, Portland Maine 04101

3. 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

4. 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
Thomas Ruff	05/05/1967	South Bend, IN
Cornelius Spillane IV	02/02/1987	Brunswick, ME

Residence address on all of the above for previous 5 years

Name	Address:
Thomas Ruff	21 Oakhurst Road, Cape Elizabeth, ME; 30 Oakhurst Rd. Cape Elizabeth

Name	Address:
Cornelius Spillane	41 Green Leaf St. Apt. 3F Portland; 15 Lower Alcatraz Pl., Mill Valley, CA;

Name	Address:
	3600 21st St., San Fran. CA

Name	Address:

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

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

7. 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 the entity 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

8. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? ☐ Yes ☒ No

9. 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:

10. 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: _____

11. 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: _____

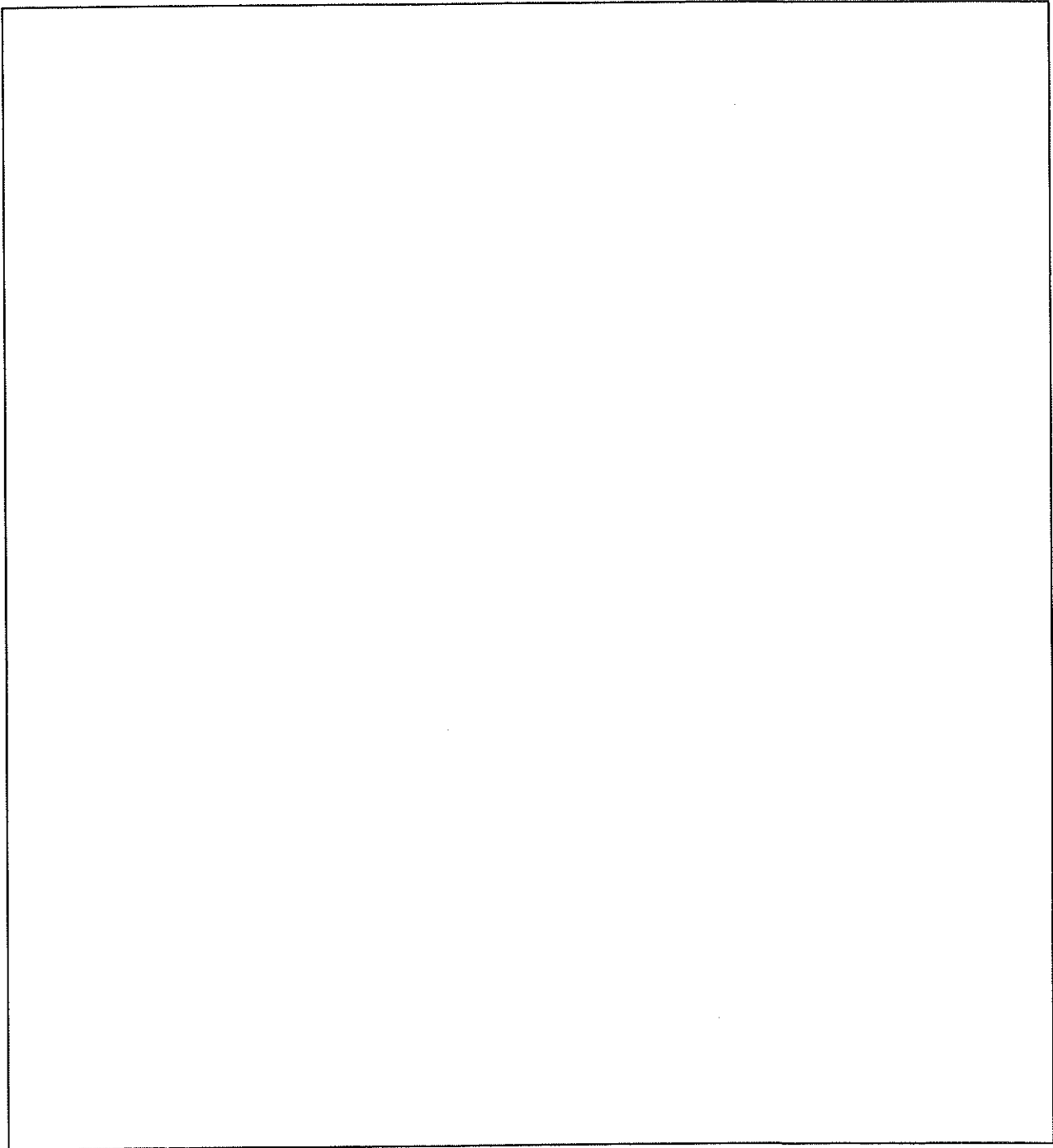
Offense: _____ Location: _____

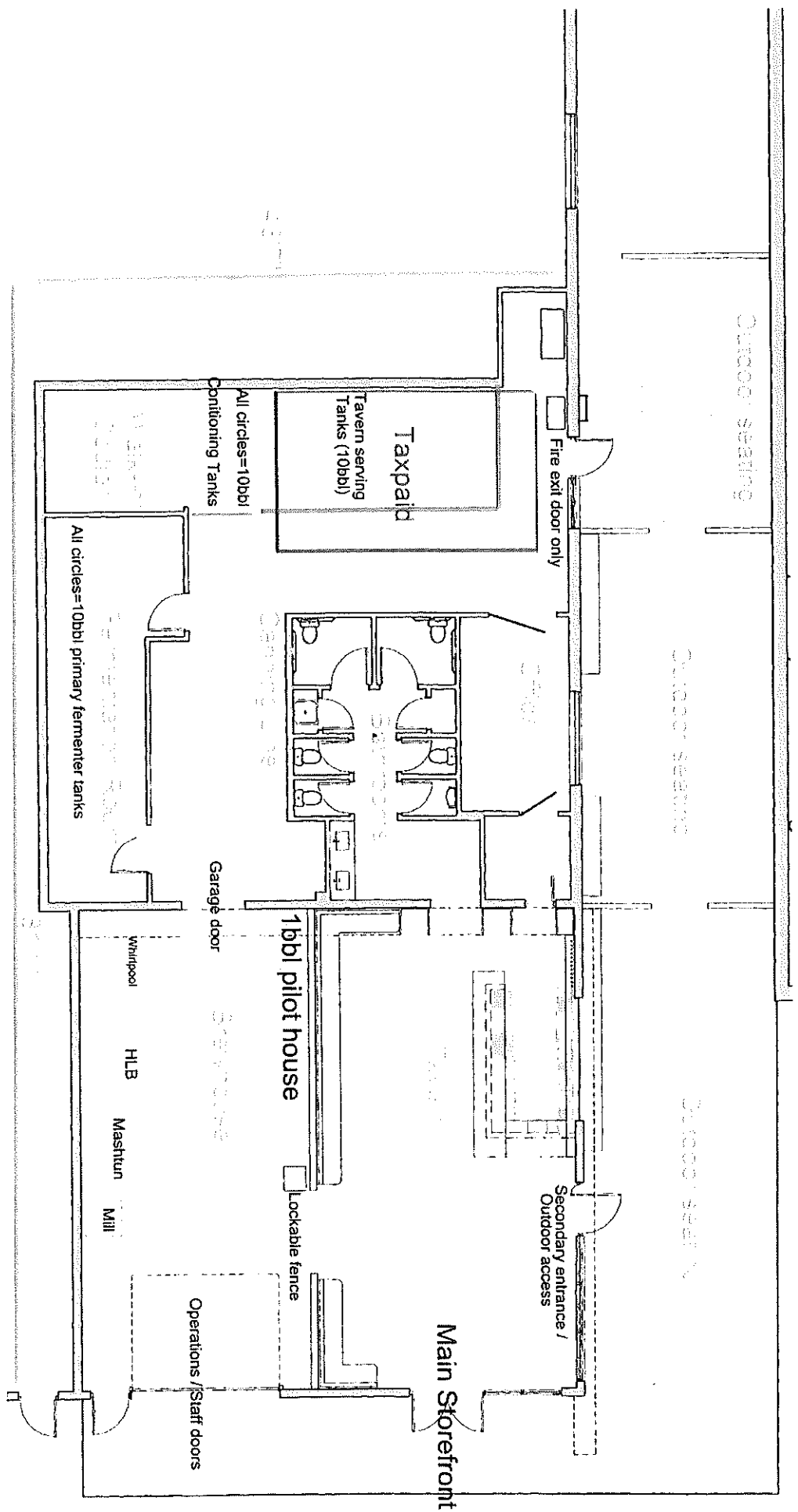
Disposition: _____

Section III Manufacturing Facility Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of malt liquor 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 of manufacturing, area of retail sales, area for on-premise consumption, 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.

A large, empty rectangular box with a thin black border, occupying the central portion of the page. It is intended for the applicant to draw and label a floor plan of their manufacturing facility.



Section IV: Terms and Conditions of Licensure as a Brewer 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 a license to be a brewer 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.
- All manufacturers of alcoholic beverages must be registered with the Alcohol and Tobacco Tax and Trade Bureau (TTB). If you have not already registered, please see TTB.gov for more information to register your business or see https://www.ttb.gov/public_info/5170-2a.htm
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- A wholesale licensee must not purchase alcoholic beverages from other than the primary source of supply within the United States. "Primary sources of supply" means the brewer, the bottler, the brand owner or the designated agent of any brewer or brand owner.
- The licensee/applicant(s) agrees to comply with 28-A MRS §1363 which provides, in part, that a manufacturer shall not, either directly or indirectly, lend any money, credit or equivalent thereof to any wholesaler in equipping, filling out, maintaining or conducting, either in whole or in part, an establishment of business where malt liquor, wine or spirits are sold, with the exception of the usual and customary credit of malt liquor, wine or spirits sold and delivered.
- All manufacturers must register product with the Bureau prior to selling their product in this State.
 - If this application is a **renewal** of your license, you must renew all product using Alcoholic Beverage Industry Portal on our website. There are some exceptions to this registration requirement, for more information, see Chapter 105, Product and Label Registration of the Bureau's administrative rules.
 - For new applicants, the registration has 4 components – product registration that includes your TTB COLA, territory assignment, primary source designation and price posting. Once a manufacturer is ready to sell, you must contact the Bureau at Liquor.Licensing@Maine.gov to have an account created to register your products. The Maine Alcoholic Beverage Industry Portal can be found by using this link.

Section V: Signature; Fee; Delivery of application

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: 08/11/2023


Signature of Duly Authorized Person

Signature of Duly Authorized Person

Brandon J. Mazer, Attorney-in-Fact
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

- A. Your completed application must be accompanied by the appropriate fees of **\$60.00** which includes a \$50.00 application fee and a \$10.00 filing fee. Optional fees include a \$75.00 Farmers' Market Participation fee and \$600.00 for an additional warehouse storage location that is renewable annually. If you opt to add either of these options, please adjust your payment to reflect the additional fees.
1. Please make your check payable to the **Treasurer, State of Maine**
- B. Where to send your application:
1. Mailing address:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
8 State House Station
Augusta, ME 04333-0008
 2. Courier/overnight address:
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
10 Water Street
Hallowell, ME 04347
- C. For questions on this application, please contact the Bureau at (207) 624-7220 or by email at Liquor.Licensing@Maine.gov.

Attachment 1
Required Additional Information for a Brewer's Licensee/Applicant(s)
Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section II 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: Orange Bike Brewing Company
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 02/14/2022 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
See Attached				

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

	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
15 E. Ruff	21 Oakhurst Rd. Cape Elizabeth, Maine 04107	5/5/1967	CEO	62.07%
	30 Oakhurst Rd. Cape Elizabeth, Maine 04107			
	107 Gannet Lane, Duck, NC 27949	9/12/1966	N/A	0.85%
	3312 Lockport Place, Keswick, VA 22947		N/A	3.40%
15 Silvey Venture Fund*	29 Rocky Hill Rd Cape Elizabeth, ME 04107			
	4270 La Salle Ave Culver City, CA 90232	6/17/1984	N/A	0.85%
	5121 Lincoln Ave Los Angeles, CA 90042			
	1 Remington Way, Falmouth, ME 0410			
Moran	589 Anderson St., Portland, ME 04101	2/15/1988	N/A	0.34%
	2 Keyes Lane, Cape Elizabeth, ME 04107			
	312 Columbus Ave. #3, Boston, MA 02116	9/22/1983	N/A	1.70%
	27 Wood Road, Cape Elizabeth, ME 04107	10/16/1957	N/A	0.51%
ey Liston Willis	49 Crosby Street Apt 3, NY, NY 10012			
	250 Mercer Street Apt A202, NY, NY 10012	11/3/1971	N/A	3.40%
	18 Ivie Road, Cape Elizabeth, ME 04107			
	34 Bay Road, South Portland, ME 04106			
th Berlin	10 Riverplace Drive #203, South Portland, ME 04106			
	155 E 26th Street, NY, NY 10010	7/4/1985	N/A	0.85%
	5 Cedar Ledge Road			
	Cape Elizabeth, ME 04107	2/14/1976	N/A	0.85%
ar Gillespie	10 Manor Way, Cape Elizabeth, ME 04107			
	48 Beach Bluff Terrace, Cape Elizabeth, ME 04107			
	6 Lindenwood Rd, Cape Elizabeth, ME 04107	11/27/1965	N/A	0.85%
	64 Mariners Ln, Northport, NY 11768			
Snyder, Jr.	6 Wood Rd, Cape Elizabeth, ME 04107			
	104 Albion St. #1, Somerville, MA 02144	5/28/1968	N/A	0.85%
	24680 Via Valmonte, Torrance, CA 90505	11/12/1958	N/A	0.68%
	23 Columbus Road, Cape Elizabeth, ME 04107			
. Shaps ong	50 W Broadway Apt 106, Boston, MA 02127			
	501 Columbus Avenue Apt 6, Boston, MA 02118	2/4/1987	N/A	0.51%
	1 Cedar Ledge Road, Cape Elizabeth, ME 04107			
	425 Wingate Road, Baltimore, MD 21210	6/22/1985	N/A	1.70%
Glynn				
inie Austin				

Charpentier LLC** Kitchen LLC*** Ruff	31 Park Circle,Cape Elizabeth. ME 04107			
	7 High Bluff Road, Cape Elizabeth, ME 04107	7/30/1983	N/A	0.85%
	87 Pine Street,South Portland, ME 04106		N/A	0.85%
			N/A	0.85%
Marlow Benthien	4409 W. Beach Park Drive,Tampa, FL 33609	8/31/1959	N/A	3.40%
	12 Wood Road,Cape Elizabeth, ME 04107			
	33 Columbus Road,Cape Elizabeth, ME 04107	10/19/1980	N/A	0.85%
	9 Rocky Hill Road,Cape Elizabeth, ME 040107	6/15/1978	N/A	0.85%
Amb Ehder E Revocable Trust**** Veisberger	34 Oakhurst Road, Cape Elizabeth, ME 04107			
	58 Angell Road, South Portland, ME 04106			
	1 Simonton Street, South Portland, ME 04106	4/24/1982	N/A	1.70%
	89 Anderson Street #316,Portland, ME 04101			
Maglio Bushman C Trust***** Nelson teinberg	459 Boston Turnpike Apt 3,Shrewsbury, MA 01545	1/1/1984	N/A	0.85%
			N/A	0.51%
	20 East 9th Street #10E,NY, NY 10003	6/18/1971	N/A	0.85%
	29 Old Hill Road,Westport, CT 06880			
Kriskey able nn Schiffer	5 Stoneboat Road, Westport, CT 06880	4/4/1979	N/A	0.85%
	997 Shore Road,Cape Elizabeth, ME 04017	2/1/1963	N/A	0.68%
			N/A	1.02%
	1590 Fairway Drive, Birmingham, MI 48009	7/3/1967	N/A	0.34%
Saccani White Swift n R. Handy Trust 2017***** Bruce	35 Park Circle, Cape Elizabeth, ME 04107	5/3/1979	N/A	0.85%
	4 Belfield Road,Cape Elizabeth, ME 04107			
	17 Hunts Point Road, Cape Elizabeth, ME 04107	11/15/1971	N/A	0.85%
	2 Fox Place, Newton Center, MA 02459-3040	3/8/1949	N/A	0.85%
Saccani White Swift n R. Handy Trust 2017***** Bruce	1111 Tellem Drive, Pacific Palisades, CA 90272	2/19/1959	N/A	0.34%
	12 Cragmoor, Cape Elizabeth, ME 04107			
	66 Fieldstone Drive, Yarmouth, ME 04096	6/23/1982	N/A	0.34%
	30 Stonybrook Road, Cape Elizabeth, ME 04017			
Saccani White Swift n R. Handy Trust 2017***** Bruce	3 Taylor Street, Portland, ME 04102	7/15/1985	N/A	0.34%
	87 Oakhurst Road, Cape Elizabeth, ME 04107			
	88 Oakhurst Road, Cape Elizabeth, ME 04107	7/19/1972	N/A	0.51%
			N/A	1.70%
Saccani White Swift n R. Handy Trust 2017***** Bruce	14 Codman Street, Portland, ME 04103	7/11/1973	N/A	0.34%
TOTAL				100%

e Venture Fund

der LLC

V. Patel, Member
rika Y. Patel

1791 Hourglass DriveCarmel, IN 46032
1791 Hourglass Drive Carmel, IN 46032

1/23/1972
7/23/1972

ia's Kitchen LLC
Alfond, Manager

143 Vaughn Street, Portland, ME 04102

1/8/1975

FBME Revocable Trust

rlly Ann Rubey, Trustee

3545 OConner Drive,Lafayette, CA 94549
450 Hayes Street # 4E,San Francisco, CA 94102

9/3/1974

Byruck Trust

Allen Byruck, Trustee

2 Webster Farm Road, Cape Elizabeth, ME 04107
2 Hemlock Hill Road, Cape Elizabeth, ME 04107
42 Norman Road, Montclair, NJ 07043
87 East 2nd Street #5c, NY, NY 10003

3/13/1984

Jocelyn R. Handy Trust-2017

Handy, Trustee
Handy, Trustee

34 Beech Tree Lane, Yarmouth, ME 04096
34 Beech Tree Lane, Yarmouth, ME 04096

5/14/1986
5/14/1986

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 18, 2023

SUBJECT: Order 30-23/24 Granting Municipal Officers' Approval of Shipyard Brewing Company LLC, dba Shipyard Brewing Company. Application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Public Property at 27 Hancock Street - Sponsored by Danielle P. West, 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 8/16/23. New City and State applications. License upgrade of existing establishment. Establishment currently holds a B/W/D On Premise Consumption with Indoor Entertainment and Outdoor Dining on Public Property at current location.

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. 2023.09.06_Shipyard Brewing
2. Shipyard Brewing_Council Packet

Prepared by:

Date: 08/18/2023

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (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:

**Approval of Shipyard Brewing Company LLC, dba Shipyard Brewing Company.
Application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Public
Property at 27 Hancock Street**

PERKINS THOMPSON

Mailing Address
PO Box 426
Portland, ME 04112
Office 207.774.2635
Fax 207.871.8026

Physical Address
One Canal Plaza
Portland, ME 04101

www.perkinsthompson.com

August 15, 2023

Mayor Kate Snyder and Portland City Council
389 Congress Street
Portland, Maine 04101

Dear Mayor Snyder and City Councilors,

On behalf of our client, Shipyard Brewing Company ("Shipyard") please find attached to this letter an application for a Class A Lounge (Class XA).

Shipyard has been working with the Bureau of Alcoholic Beverages and Lottery Operations (BABLO) in updating Shipyard and its affiliates liquor licenses cross the state. As part of that process, Shipyard will be converting its brewery license it holds at 27 Hancock Street (formerly 86 Newbury Street) to a Class A Lounge.

We have included all of the associated licenses along with the application, including the indoor entertainment, outside dining on public property, and the food service license. There are no proposed changes to the underlying operations of the location.

Thank you very much for your consideration of our application.

Kind Regards,



Brandon J. Mazer, Esq.
Attorney



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Shipyard Brewing Co Phone: 761 0807
Location Address:	27 Hancock Street Portland ME 04101 Zip:
If new, what was formerly at this location:	Shipyard Brewing Tasting Room / Brewery
Mailing Address:	147 Fore Street Portland ME 04101 Zip:
Contact Person:	Fred Forsley 207 450 1104 Phone:
Contact Person Email:	FFORSLEY@SHIPYARD.COM
Manager of Establishment:	Dale Carter Date of Birth: 6/3/70 Phone: 207 8538
Owner of Premises (Landlord):	Shipyard Brewing Co LLC
Address of Premises Owner (Landlord):	147 Fore St Portland ME 04101 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Shipyard Brewing Co LLC	147 Fore St Portland Zip: 04101

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

Contact Person:	Fred Forsley 147 Fore St Portland 04101		Phone: 207 450 1104
Principal Officers	Title	Date of Birth	Residence Address
Fred Forsley	Pres	7/9/60	185 Fore St Unit 402 Portland ME 04101
Brian Forsley	Pres	8/20/57	5 Kingfisher Drive Scarborough ME 04074
Class of Liquor License:		CLASS A Food / Lounge (CLASS E)	

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:	Pizza, pretzels, hot dogs, popcorn, lobster rolls	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food:	Generated from Alcohol:
Hours & days of operation:	M-TH 10-6, FRI-SAT 10-9, SUN 10-7	
QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		☒
If No, please explain: Will serve pizza, hot dogs, lobster rolls, tableware not needed		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		☒
Will you permit dancing after 1:00 a.m.?		☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		☒
If yes, will the outside dining be on PUBLIC or <u>PRIVATE</u> property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		☒
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date? 30 Days - 8/15/23		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		☒
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?		☒
If Yes, please list business name(s) and location(s): Shipyard Brewing Co, Brewery, Industrial Park, F&B W/PROP		
Is any principal officer under the age of 21? On premise consumption		☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		☒
If Yes, please explain:		

I Fred Fusco 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 Fred Fusco Title Owner Date 8/15/23

SHIPYARD BREWING COMPANY
86 NEWBURY STREET
PORTLAND, ME 04101
1-800-BREW ALE
INFO@SHIPYARD.COM

TASTING ROOM MENU

FRED'S CRISPY THIN CRUST PIZZAS 10"

Traditional – fresh shipyard beer dough crust baked with vine ripened tomato sauce and shredded mozzarella cheese. \$11

Margarita – ripe heirloom cherry tomatoes, olive oil, fresh mozzarella, and basil. \$12

Calabrese - baked with vine ripened tomato sauce, fresh mozzarella, spicy sausage, salami schiacciata picante, sweet drop peppers and arugula. \$13

B.Y.O. Toppings \$1/each: fresh heirloom grape tomatoes, arugula, sweet peppers, roasted garlic, extra cheese, fresh mozzarella, sausage, pesto, basil, bruschetta, olives, aged parmesan.

SNACKS

Pint of Pretzels – hard pretzel sticks with shipyard beer mustard dip \$5

Large Soft Hot Pretzel – served with Shipyard beer mustard dip \$7

Hummus Dip - garlic hummus, everything spice, cherry tomatoes, olives oil, pretzels, and crackers \$7

Popcorn – endless bowl - \$3

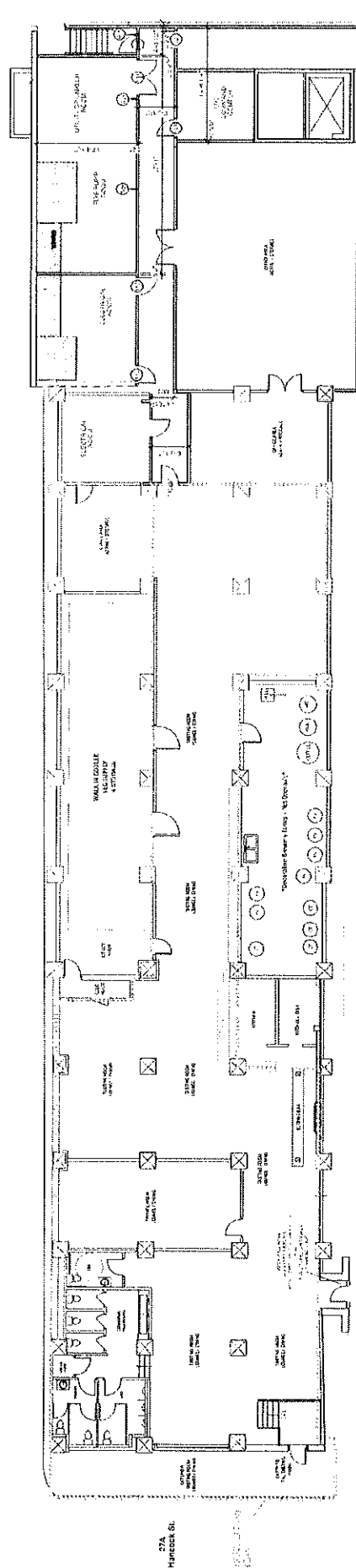
OTHER

Lobster Roll – The best Maine Lobster salad in a New England style roll with lettuce, Served with a bag of potato chips. \$22

Hot Dog – Steamed serviced with a bag of potato chips \$8

Note on menu item ingredient sourcing and preparation

The Shipyard Brewery tasting room will be serving these menu items for guests. There will be little to no food prep done on site. They will be ordering prepared ready to serve or cook ingredients and pizza products from the licensed facilities: Shipyard Commissary Kitchen in Elliot, Sea Dog Brewpub South Portland(pizza dough) and from PFG Northcenter.



Shipyards Brewing Co.
Tasting Room
27A Hancock Street

Tasting Room

27A Hancock Street



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Public Property
Supplemental Application**

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

☒ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>616</u> SF = <u>\$1232</u> Total (inc. \$84.00)
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information	
Establishment Name (d/b/a):	<u>Shipyard Brewing Co</u> Phone: <u>207 761 0807</u>
Location Address:	<u>27 Hancock St Portland Maine 04101</u> Zip: <u>04101</u>
Mailing Address:	<u>147 Fore St Portland Maine 04101</u> Zip: <u>04101</u>
Contact Person:	<u>Fred Forsley</u> Phone: <u>207 450 1104</u>
Contact Person Email:	<u>jtforsley@shipyard.com</u>
Manager of Establishment:	<u>Dale Cawley</u> Date of Birth: <u>6/3/70</u> Phone: <u>207 299 8538</u>
Owner of Premises (Landlord):	<u>Shipyard Brewing Co LLC</u>
Address of Premises Owner (Landlord):	<u>27 Hancock St Portland ME 04101</u> Zip: <u>04101</u>

Owner Information

Corporate Name		Corporate Mailing Address	
<u>Shipyard Brewing Co LLC</u>		<u>147 Fore St Portland ME 04101</u> Zip: <u>04101</u>	
Contact Person:	<u>Fred Forsley</u>	Phone:	<u>207 450 1104</u>
Principal Officers	Title	Date of Birth	Residence Address
<u>Fred Forsley</u>	<u>VP/LS</u>	<u>7/1/60</u>	<u>185 Fore St - Unit 402</u>
			<u>Portland ME 04101</u>
<u>Bruce Forsley</u>	<u>VP/LS</u>	<u>8/20/57</u>	<u>5 King Fisher Drive</u>
			<u>Seabrook ME 04074</u>

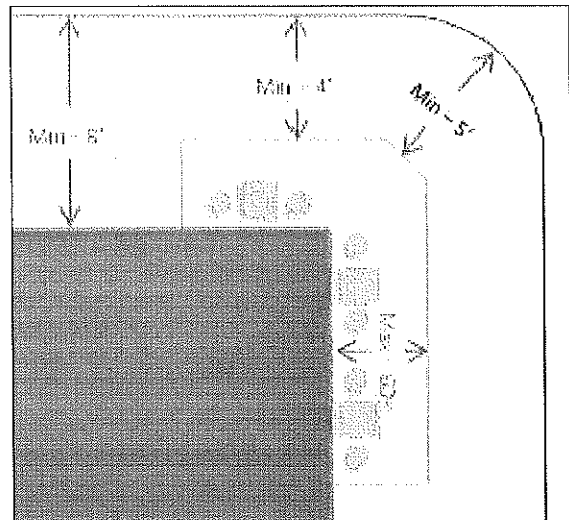


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	FSE w/ P/CP
Type of food served:	Pizza, hot pizzas, popcorn, hot dogs, lobster rolls
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒
Hours & days of operation:	M-THURS 10-6, FRI-SAT 10-6, SUN 10-7
Number of Tables	12
Number of Chairs	44

Design and Construction

Existing Sidewalk Width (property line to curb)	Sidewalk Dining Allowed?
< 8'0"	No
≥ 8'0"	Yes – up to 60% of
Sidewalk Type	Sidewalk Passage Width
Standard sidewalk	4'0"
Street corner	5'0"

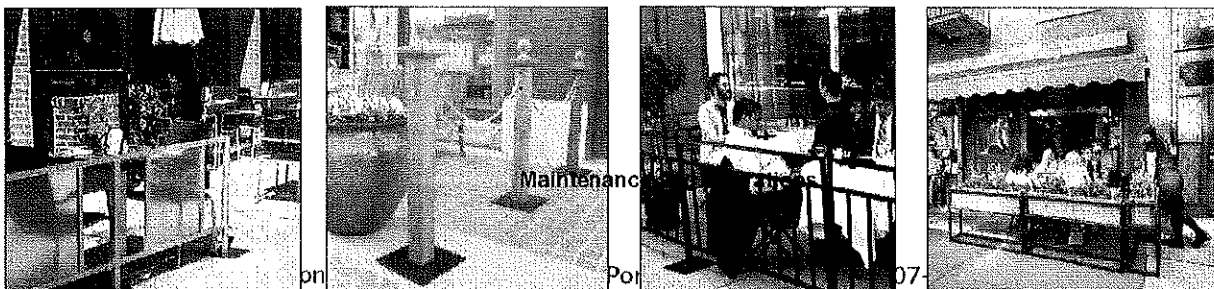


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes to existing straight passage is at the discretion of the City.
- Egress must be maintained free of obstruction.
- Permanent fixtures, such as awnings, require a building permit separate from the Outdoor Dining permit and subject to approval by the Building Authority.
- Umbrellas do not require a permit.
- Umbrellas must be secured and maintain the height clearance for sidewalk passage.

Barriers

- If barriers are proposed, they must be free-standing. Physical attachments to a building are not allowed.
- Stanchions and ropes are encouraged. Sectional fencing is allowed with a high degree of visual transparency (at least 50% open). Solid or opaque barriers are not allowed.
- Shall not exceed 42" in height and may not include commercial signage.

Example barrier types that meet regulation



bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND

Permitting and Inspections Department

- 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.
- 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.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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 [Signature] Title owner/VP Date 8-15-22

For Administrative Use Only

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

SHIPYARD BREWING COMPANY
86 NEWBURY STREET
PORTLAND, ME 04101
1-800-BREW ALE
INFO@SHIPYARD.COM

TASTING ROOM MENU

FRED'S CRISPY THIN CRUST PIZZAS 10"

Traditional – fresh shipyard beer dough crust baked with vine ripened tomato sauce and shredded mozzarella cheese. \$11

Margarita – ripe heirloom cherry tomatoes, olive oil, fresh mozzarella, and basil. \$12

Calabrese - baked with vine ripened tomato sauce, fresh mozzarella, spicy sausage, salami schiacciata picante, sweet drop peppers and arugula. \$13

B.Y.O. Toppings \$1/each: fresh heirloom grape tomatoes, arugula, sweet peppers, roasted garlic, extra cheese, fresh mozzarella, sausage, pesto, basil, bruschetta, olives, aged parmesan.

SNACKS

Pint of Pretzels – hard pretzel sticks with shipyard beer mustard dip \$5

Large Soft Hot Pretzel – served with Shipyard beer mustard dip \$7

Hummus Dip - garlic hummus, everything spice, cherry tomatoes, olives oil, pretzels, and crackers \$7

Popcorn – endless bowl - \$3

OTHER

Lobster Roll – The best Maine Lobster salad in a New England style roll with lettuce, Served with a bag of potato chips. \$22

Hot Dog – Steamed serviced with a bag of potato chips \$8

Note on menu item ingredient sourcing and preparation

The Shipyard Brewery tasting room will be serving these menu items for guests. There will be little to no food prep done on site. They will be ordering prepared ready to serve or cook ingredients and pizza products from the licensed facilities: Shipyard Commissary Kitchen in Elliot, Sea Dog Brewpub South Portland(pizza dough) and from PFG Northcenter.



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):	Shipyard Brewing Co Phone: 207 450 1104
Location Address:	27 Hancock Street Portland ME Zip: 04101
Owner Name:	Fred M Forsley Phone: 207 450 1104
Owner Email:	fforsley@shipyard.com
Contact Person responsible for Entertainment:	Dale Carrier Phone: 207-299-8538
Contact Person Email:	DaleC@seadogbrewing.com
Manager of Establishment:	Dale Carrier Phone: 207 299 8538
Manager Email:	DaleC@seadogbrewing.com

About Your Establishment

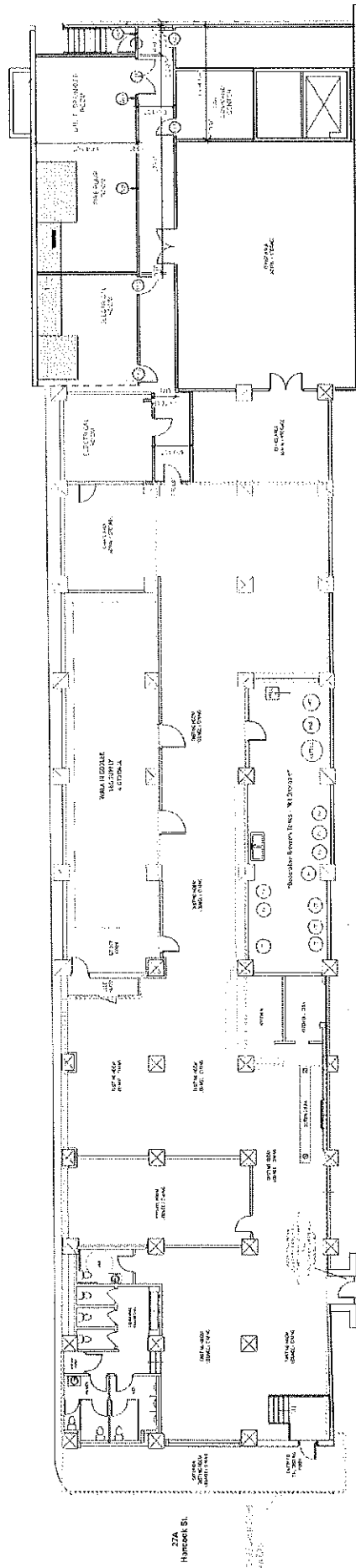
Describe in detail the type and nature of the business and proposed entertainment:

Gift shop / retail / off and on premise - Any entertainment would be non-amplified acoustic music. Solo / duet / trio. We would not have any concerts. Entertainment solely for guests inside.

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 [Signature] Title Owner Date 8-15-23

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



Shipyard Brewing Co.
Tasting Room
27A Hancock Street

PERKINS THOMPSON

Mailing Address
PO Box 426
Portland, ME 04112
Office 207.774.2635
Fax 207.871.8026

Physical Address
One Canal Plaza
Portland, ME 04101

www.perkinsthompson.com

August 16, 2023

SOUND MITIGATION PLAN

On behalf of our client, Shipyard Brewing Company ("Shipyard"), please find below a description of Shipyard's sound mitigation plan in association with its indoor entertainment license.

Shipyard currently holds an indoor entertainment license at its 27 Hancock Street location (formerly 86 Newbury Street). It occasionally holds events with acoustic music with singers sometimes utilizing a microphone, such as dueling pianos.

All acts bring their own instruments and equipment and the performances are held in the interior of the building, away from the entrance. The interior of the building is the former brewery area and does not have any abutters.

It is anticipated that all sound will meet the decibel levels required under the ordinance.

Kind Regards,



Brandon J. Mazer, Esq.
Attorney

Shipyard Brewing - Class Change - 27 Hancock

Eric Nevins <erich@portlandmaine.gov>

Sat, Aug 19, 2023 at 5:09 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: 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>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Approved

On Fri, Aug 18, 2023 at 2:10 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

Eric Nevins
Lieutenant
Portland Police Department
(207) 874-8513



Zachary Lenhart <zlenhart@portlandmaine.gov>

Shipyard Brewing - Class Change - 27 Hancock

Zoning <zoning@portlandmaine.gov>

Wed, Aug 30, 2023 at 12:19 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 <ericn@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>, Business Licensing <bl@portlandmaine.gov>

Hi Zach,

Bar is a use permitted in the IS-FBC zone per §9.1.7 of chapter 14. Shipyard will need to apply for a change of use to bar, but 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

On Friday, August 18, 2023 at 2:10:19 PM UTC-4 Zachary Lenhart wrote:

[Quoted text hidden]

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



August 25, 2023

Shipyard Brewing Company
147 Fore Street
Portland, ME 04101

Re: Shipyard Brewing Company LLC, dba Shipyard Brewing Company. Application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Public Property at 27 Hancock Street

Dear Shipyard Brewing Company:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Monday September 6, 2023 at 5:00 p.m., for the review of application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Public Property at 27 Hancock 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 September 1, 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.

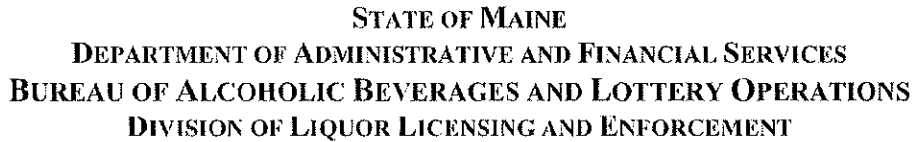
Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on September 6, 2023 at 5:00 P.M., virtually Shipyard Brewing Company LLC, dba Shipyard Brewing Company. Application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Public Property at 27 Hancock Street - Sponsored by Danielle P. West, City Manager



All Questions Must Be Answered Completely. Please print legibly.

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

1. New license or renewal of existing license? ☒ New Expected Start date: 9/15/23

☐ Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above: *n/a new license*

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

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:

86 Newbury Street Portland Maine 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
Fred M Forsley	7/9/60	Portland ME
Bruce R Forsley	8/20/57	Lowell MA

Residence address on all the above for previous 5 years

Name	Address:
Fred M Forsley	8 Western Ave Kennebunk ME 04043
Name	Address:
Bruce R Forsley	5 Kingsbury Drive Scarborough ME 04104
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:

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

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)

area to be licensed includes premises from entrance at 27 Hancock
to the office area and electrical room. The walk-in coolers,
kitchen area and decorative tank areas are excluded. Also the
outside patio area at 27 Hancock will also be licensed as
depicted on diagrams

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: Church

Distance: over 1/4 mile away

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: 8/12/23

[Signature]
Signature of Duly Authorized Person

Fred M. Forsley
Printed Name Duly Authorized Person

[Signature]
Signature of Duly Authorized Person

Bruce R Forsley
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.

Please see attached diagram

This is a detailed architectural floor plan of the first floor of a building, identified as the 'MAYOR'S OFFICE'. The plan is oriented horizontally. At the top (left side of the image), there is a 'GARAGE' area. Moving right, there is a 'DINING ROOM' and a 'KITCHEN'. The central part of the plan features a large 'RECEPTION' area and a 'RESTROOM'. To the right of the reception area is a 'CONFERENCE ROOM' and a 'BOARD ROOM'. At the bottom (right side of the image), there is a 'STAIRS' area. The plan includes various rooms, corridors, and structural elements like walls, doors, and windows. The text 'MAYOR'S OFFICE' and 'FLOOR PLAN' is visible at the top of the drawing.

Shipyard Brewing Co.
Tasting Room
27A Hancock Street

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

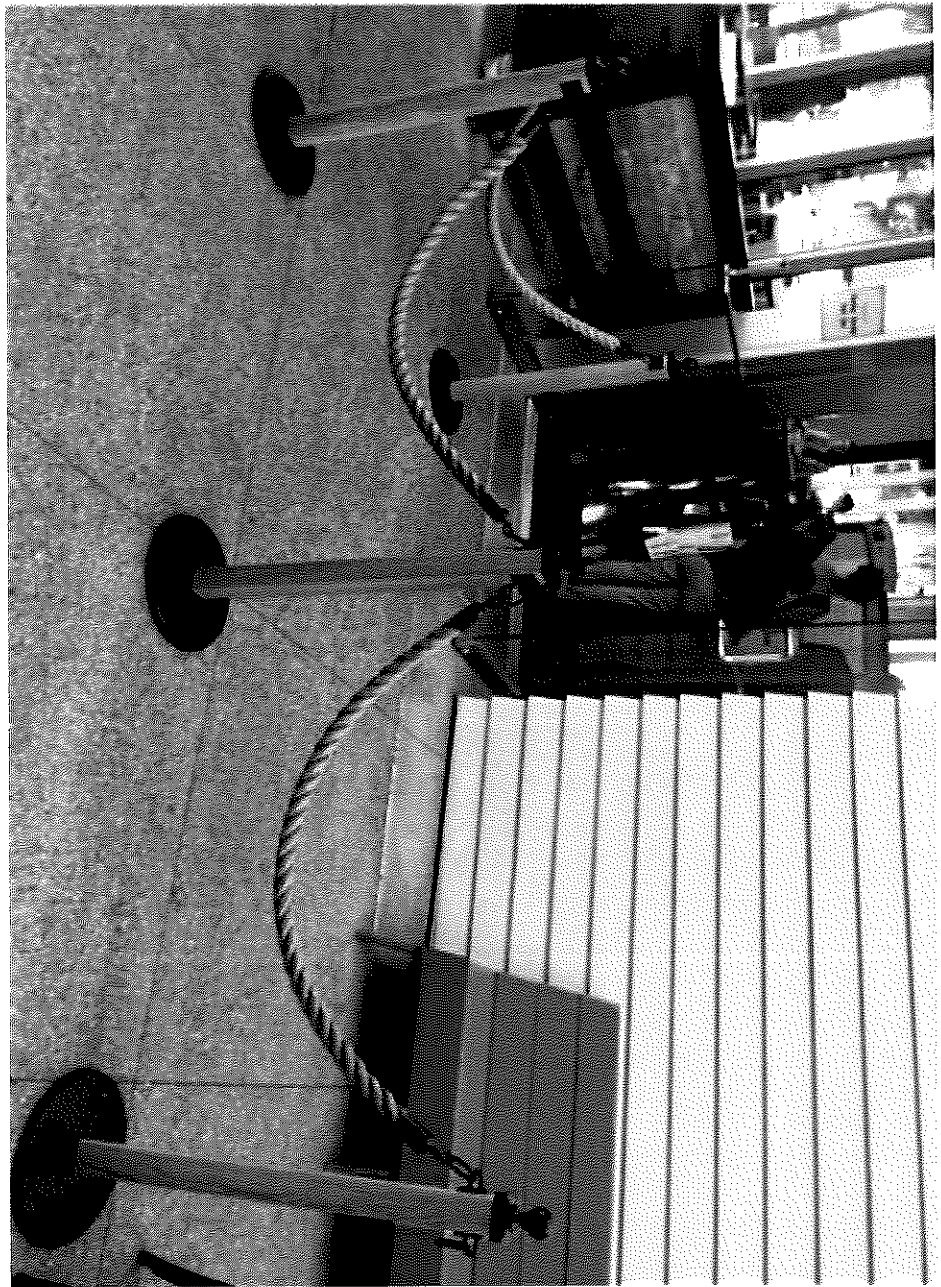
Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207)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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Shipyard Brewing Company LLC
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: 8/16/95 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:
N/A
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
Fred M Forsley	8 Western Ave Kennebunk ME	7/9/60	owner	95%
Bruce R Forsley	5 Kingsway Drive Scarborough ME	8/20/57	owner	5%

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



Google Maps 22 Hancock St

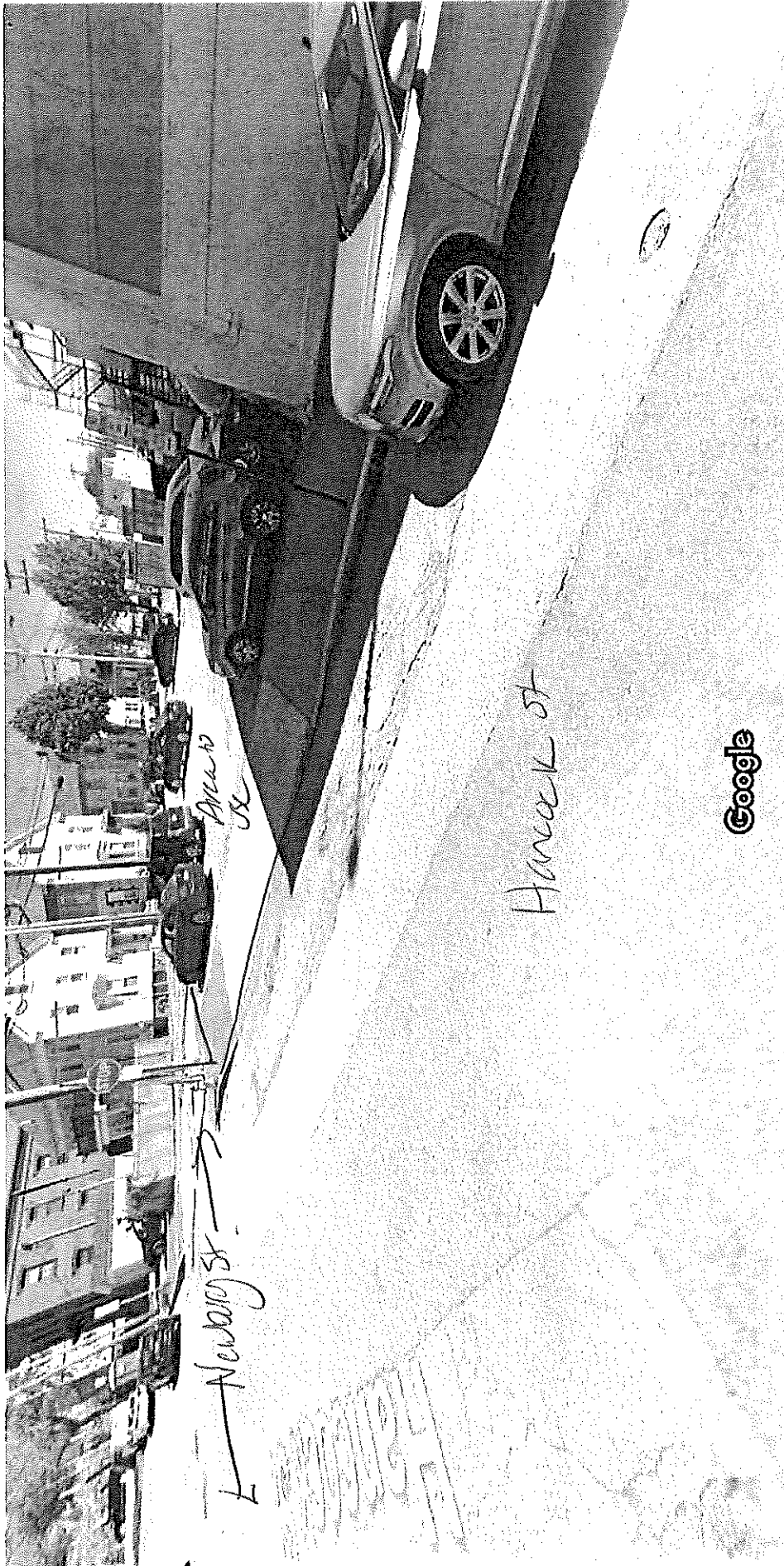
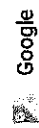
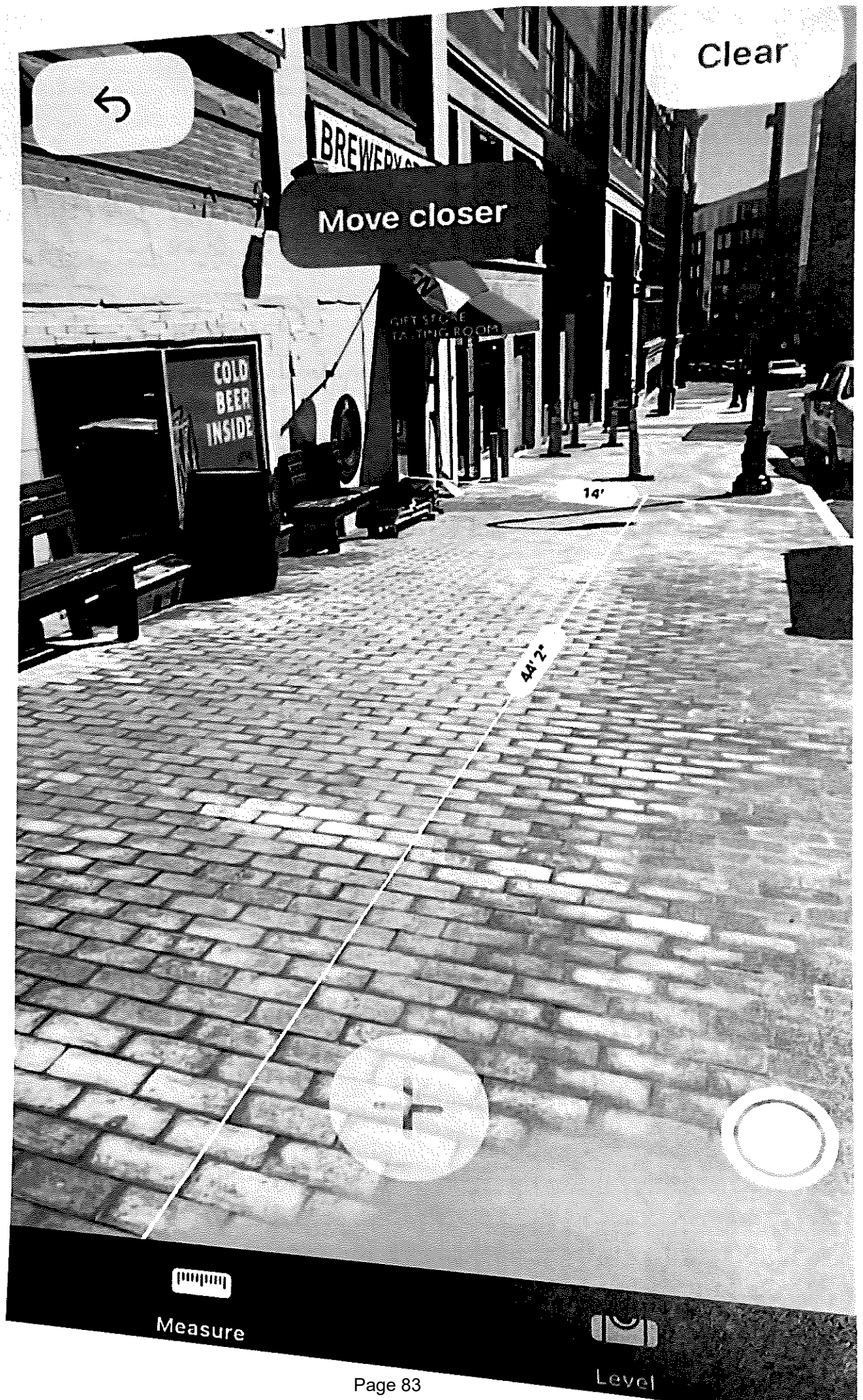


Image capture: Jun 2019 © 2020 Google

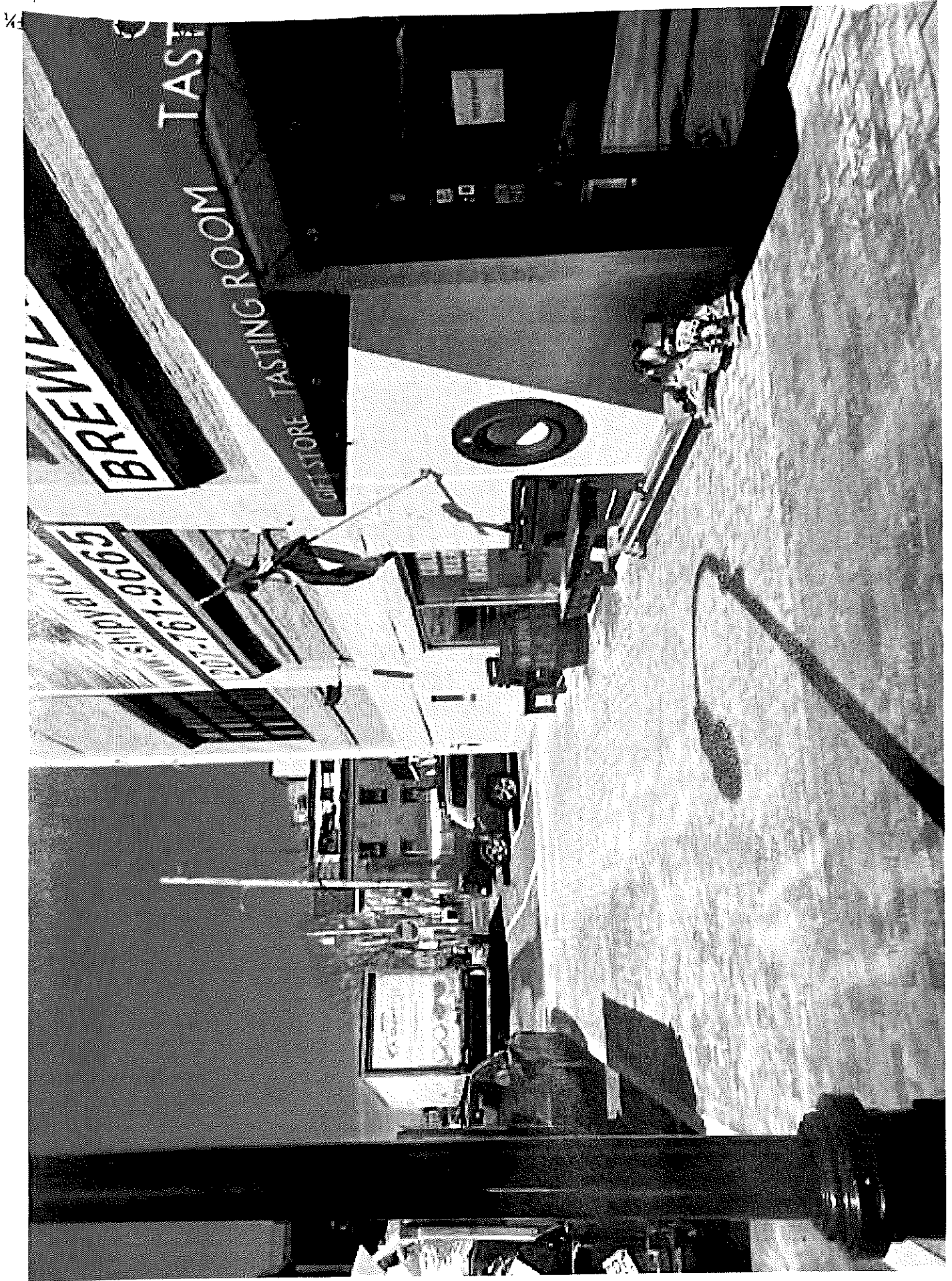
Portland, Maine



Street View







City of Portland | Permitting & Inspections Department

Jessica Hanscombe, *Director*



To: Mayor Snyder and Members of the Portland City Council

From: Jessica Hanscombe, Director of Permitting & Inspections

Date: September 1, 2023

Re: 2024 Allowable Increase Percentage for Covered Units

This memo is intended to communicate the 2024 Allowable Increase Percentage (AIP) for Covered Units, in accordance with Portland City Code. The AIP has been established and published annually since September 2021.

“Allowable Increase Percentage” refers to “the standard amount that the rent of a Covered Unit may be raised within the following Calendar Year, unless a Landlord is entitled to additional increases” (Sec. 6-232). It is defined as being “equal to 70 percent of the change in the Consumer Price Index (CPI-U) for Greater Boston Metro Area for the preceding twelve (12) months, as published in August by the United States Bureau of Labor Statistics or its designee.”

In accordance with that formula, staff have determined the 2024 AIP to be 2.0%. This information was published on the City website on August 31, 2023, included in the September 1, 2023 Weekly Roundup (the digital newsletter distributed to subscribers every Friday), and communicated to the Rent Board at its September 28, 2023 meeting. It will also be included in a letter mailed to all rental licensees in November 2023.

Additional information regarding the City’s Rent Control Ordinance can be found at www.portlandmaine.gov/rentcontrol. Members of the public can also contact Business Licensing at (207) 874-8557 or bl@portlandmaine.gov for general information regarding this increase.

Reports of violations of the City’s Rent Control Ordinance can be made to Housing Safety at rentcontrol@portlandmaine.gov.

To: Mayor Snyder and Members of the Portland City Council
From: Kristen Dow, Director of Health & Human Services
Keith Gautreau, Fire Chief
CC: Danielle P. West, City Manager
Date: September 5, 2023
Re: Encampment Crisis Response Team Update #3



This memo is intended to provide an update on the purpose and progress of the City's Encampment Crisis Response Team (ECRT), established to coordinate resources among public and private partners to effectively transition as many individuals as possible into shelter or housing prior to the scheduled resolution of an encampment.

Since our August 14 update to the Council, the ECRT has continued its housing-focused efforts at the encampment along the Fore River Parkway Trail at Frederic Street. As of September 5, there were a total of 67 tents and approximately 48 individuals remaining at the encampment. City-wide there are currently 216 tents.

ECRT command staff and their sub-groups have continued to meet multiple times per week throughout the past three months. (Updates from the ECRT sub-groups are below.)

At the onset of the ECRT we stated that it was our goal to have some form of shelter or housing offered to those at the Fore River encampment. Between June 28 and September 6, over 170 shelter beds were offered to unhoused individuals at the Fore River encampment. Eighteen (18) individuals at the encampment have been placed in shelter and housing. As determined at the beginning of this process, the Fore River encampment will be resolved on September 6.

On September 18, the ECRT will next focus its resources on the encampment located at the MaineDOT Park & Ride lot, on Marginal Way. In the meantime, we will evaluate its performance at Fore River and, if needed, make operational or structural changes to improve future outcomes.

A resolution date for the Park & Ride encampment will be determined after the ECRT is active at that location and has conducted an initial evaluation.

1) Mobile Engagement Center

The Mobile Engagement Center continues its work to provide collaborative, organized, housing focused outreach amongst 23 group members representing four City of Portland departments and 10 different community partners. Since the last update, we have come together for one meeting with feedback and idea generation that continues to positively refine our efforts. From that meeting and a collaboration of the Basic Needs Group and the Mobile Engagement Center, a medical needs focused subgroup headed by Greater Portland Health was created and met. This group intends to complete focused work to address unmet medical and mental health needs in the encampments. Daily notification and collaboration across all of the outreach teams continues in real time regarding HSC bed availability and has been evolved to include real time feedback as beds are accepted and occupied. This work has helped in many of the successful placements across the ECRT into the HSC from the Fore River encampment. Continued feedback from group members on barriers to accepting shelter has led to a collaboration between

CommonSpace and the HSC to be able to move and store the personal belongings of encampment members accepting shelter at the HSC. Additionally, feedback and subsequent work has organized mental health and crisis resources leading up to and surrounding the September 6 resolution date. As we move forward, we will continue to meet and actively work on innovative ways to maximize information flow and collaboration amongst the many varied organizations to present consistent and effective housing focused outreach efforts.

2) Performance & Data Management

The Data Group has met recently and started talks with Maine State Housing on data that is available through HMIS and the Coordinated Entry Assessments. As we move forward the goal will be to create reports that can be pulled from HMIS in a streamlined process. The recent focus of the Data Group was to identify data points and metrics that could be used, the overall data points the group landed on are set up into 4 Areas of Performance: Number of Encampment Residents, Exit Destinations, Services Offered, and Cross-System Enrollments.

3) Case Conferencing

The Case Conferencing group consists of The Opportunity Alliance, Preble Street, Spurwink, Common Space (Amistad), United Way Southern Maine, Maine State Housing Authority, HUD TA, Northern Light Mercy Hospital, and City of Portland (Public Health and Social Services). We continue to hold two standing weekly meetings (Monday and Friday) with providers coming together to discuss housing opportunities and plans. The shared by name list is a live document that can be updated in real time as progress is made. The goal of this group is to create customized plans resulting in successful placements. We have been successful with assisting 11 individuals into the Homeless Services Center, 2 into Elena's Way and 3 others into housing.

4) Basic Needs

The Basic Needs section continues to coordinate food delivery, medical services, portable toilets, dumpster, and potable water on site. City staff have continued to offer regular dumpster service (as needed), and twice daily porta potty cleaning and restocking. Due to the decommissioning of the site and cleanup on September 6, the dumpster and toilets will be removed so they can be re-deployed at the next ECRT focus area.

5) Housing Inventory

The Housing Inventory Group has been meeting regularly with a standing weekly meeting. The group consists of individuals from CHOM, Preble Street, United Way of Southern Maine, the City of Portland (Social Services), Portland Housing Authority and HUD TA. We have continued much of the early work; maintaining a spreadsheet that tracks anticipated shelter housing placements. This sheet is shared with staff from each of the local shelters (HSC, Milestone, Elena's Way, Joe Kreisler, Florence House, & Through These Doors) with the ability to update in real time. The Inventory Team continues to organize weekly Housing Fairs on site at the Fore River location, with the most recent fairs occurring on August 16th, 24th and 31st. Partners from Greater Portland Health, Homeless Services Center, Public Health, Preble Street RRH, Spurwink, Mobile Medical Outreach, Portland Housing Authority, MSHA were in attendance. Staff were able to meet with 24 individuals, of that group 11 were added or reinstated to Portland Housing

Authority's centralized wait list, 8 applied for Public Housing with PHA, 3 BRAP and 14 other housing applications with various management companies completed.

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: July 17, 2023

SUBJECT: Order 256-22/23 Adopting Development Program for the Portland Tourism Municipal Development District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Housing and Economic Development Committee (HEDC) meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

(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 6/26/2023

Final

Action 9/6/2023

Can action be taken at a later date: No The September 6, 2023, public hearing will be advertised in the Portland Press Herald on August 25, 2023.

Does this item involve a new contract with the City: Yes, and Corporation Counsel has reviewed and approved.

PRESENTATION: Mary Davis/5 Minutes

I. SUMMARY

Lynn Tillotson, Executive Director of the Greater Portland Convention and Visitors Bureau, d/b/a Visit Portland (VP), is requesting the City of Portland create a municipal development district for the tourism industry, i.e., a "Portland Tourism Development District (PTDD)", funded by assessments imposed on non-seasonal Portland area lodging properties with 40 or more rooms.

II. AGENDA DESCRIPTION

The budget for Portland Tourism Development District (PTDD), as submitted by Visit Portland for FY2024 at \$2,589,071, would be funded largely from special assessments on all Portland area lodging properties with 40 or more rooms. The revenue raised through the special assessment would fund the PTDD development program expenses for FY2024. The assessment rate is based on a calendar year average short term room rental occupancy percentage and average daily rate multiplied by 1.5%, which is equal to one and one-half percent 1.5% of annual gross short-term room rental revenues. Estimated assessments for each individual lodging house would be established based on a formula using 2022 Smith Travel Report (STR) average daily room rate in Portland hotels ranging from \$146 to \$269 per night, and occupancy rate ranging from 69% to 70% based on standard industry hotel classifications, times 1.5% assessment rate. The City will collect 10% of the assessment for its administrative purposes.

Example Formula: Number of Rooms x 365 = Number of Rooms/Year x Occupancy Rate of 72.1% x Average Daily Room Rate (ADR) of \$227.66 x 1.5% (Assessment Rate).

NOTE: Subsequent to the first reading on June 26, 2023, the terms of the district have been amended and the amendment is in the back-up material. The amendment, if approved, would: change the start date to January 1, 2024; limit assessments to only non-seasonal lodging properties with 40 or more rooms; base the

assessment rate on a formula using June 2023 Smith Travel Report (STR) U.S. average daily room rate per hotel classification ranging from \$77 to \$379 per night and an occupancy rate of 50% multiplied by a 1.5% assessment fee; and implement the district in the 2nd half of FY2024 (Jan.-June) with an approximate budget of \$754,369, with the City receiving a 10% administrative fee.

At the Housing and Economic Development Committee meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 2023. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

At the HEDC meetings, VP indicated a need for the PTDD as they are underfunded compared with other Destination Marketing Organizations (DMO), the majority of which are funded by lodging taxes and/or tourism improvement districts. Historically, VP has been largely funded by annual membership dues and advertising revenue. VP reported that their current annual budget is less than half-a-million dollars but pre-pandemic budgets exceeded \$1M. Other DMOs of similar size to VP, based on Portland's hotel room count of approximately 3,600, have operating budgets of anywhere from \$2.3 Million to \$14 Million.

HOW WE COMPARE

Below is a sample of destinations with a similar amount of hotel inventory as the City of Portland and Greater Portland.

(Chart organized by budget size, Budgets pre-covid)

DESTINATION	DMO BUDGET	HOTEL ROOM COUNT	\$\$ PER AVAIL. ROOM	TID
COMPARABLE TO CITY OF PORTLAND ROOM COUNT (3,574)				
Visit Portland	\$996,000	3,574	N/A	
Bradenton, FL	\$14.2 million	4,000	\$3,550	
Napa Valley, CA	\$13.9 million	4,900	\$2,837	☒
Sioux Falls, SD	\$4.4 million	4,000	\$1,100	
Newport, RI	\$4.1 million	4,100	\$1,000	☒
Billings, MT	\$3.1 million	4,500	\$689	☒
Newark, NJ	\$2.3 million	4,000	\$575	☒
COMPARABLE TO GREATER PORTLAND REGION ROOM COUNT (6,978)				
Visit Portland	\$996,000	6,978	\$164	
Asheville, NC	\$20 million	7,965	\$2,511	
Charleston, SC	\$17.4 million	6,408	\$2,715	
Mammoth Lakes, CA	\$13 million	5,000	\$2,600	☒
Santa Barbara, CA	\$9.1 million	5,340	\$1,704	☒
Galveston, TX	\$7 million	5,100	\$1,373	
Spokane, WA	\$6.5 million	6,607	\$984	☒
Providence, RI	\$4.2 million	5,500	\$764	
Boise, ID	\$2.2 million	6,000	\$367	

In order to be sustainable, VP is requesting this PTDD. VP has provided a draft budget for the second half FY2024 of approximately \$754,369.

In consultation with Corporation Counsel's office and outside counsel, a PTDD could be established using

assessments similar to Portland Downtown District (PDD). An assessment would be placed on non-seasonal lodging houses with 40 or more rooms, making up the PTDD, at 1.5% per room sold. The larger lodging houses in the PTDD were identified due to the programming that would occur through the PTDD for leisure, meetings, and conferences. Using data of the US Average Daily Rate per hotel classification from June 2023 Smith Travel Report (STR), it is estimated that an assessment rate of 1.5% per room sold would bring in an estimated \$756,000 in assessments for the second half of FY2024. The City's administrative fee would be 10% of assessments collected or \$75,600, which would net VP an estimated \$680,000 for the second half FY2024. See attached listing of the lodging houses and estimated assessments.

With the PTDD in place, VP has indicated it would have sustainable funding to keep Portland competitive as a tourist and convention destination and provide assurances for additional marketing efforts needed during seasonal or economic downturns. VP would target national audiences and capitalize on growth markets to drive high value, overnight, shoulder season travel to the area, and solidify Portland as a year-round destination. This, in turn, would bolster hotels, restaurants, and retail establishments, their employees, and the multitude of local business contracts needed to run these establishments.

VP indicated that it would be able to track results and show a return on investment as a result of the PTDD.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result would be for the Portland City Council to approve the PTDD in a similar fashion as it does annually for the PDD, which would include approving the Annual Agreement, Assessment Fee, and Development Program.

V. FINANCIAL IMPACT

Because of the 10% administrative fee to be retained by the City, negotiated and agreed upon by both parties, there is no financial impact to the City. Administrative fees are intended to cover staff costs associated with the administration of the program, as well as provide funding for City infrastructure needs impacted by increased tourism, including but not limited to, new public restrooms and maintenance, new trash receptacles and maintenance, public benches, and transportation.

At the September 2022 HEDC meeting, staff discussed a potential impact to the City's future TIF capacity. If approved, this project would utilize 19% of the City's remaining TIF capacity (45.4 acres out of 240 remaining). There was a concern that this would limit the City's capacity for future affordable housing TIF's, transit oriented TIF's, area wide TIF's etc.

Since November 2017, the only TIF districts approved by the City Council have been AHTIF districts. There are 17 active AHTIF districts in Portland with a combined total acreage of 14.9936 (average of .882/district). Only four of the 17 districts are one acre or more. The two largest districts are Portland Housing Authority projects (Front Street 3.94 and Washington Gardens 3.6099). The two smallest districts are 0.220 and 0.230 acres.

The City has three area-wide TIF districts – Downtown Transit Oriented Development (TOD) TIF, Waterfront TIF, and the Bayside TIF. Transit Oriented Development (TOD) and Downtown TIF Districts are exempt from state limitations. The downtown area of the city is the city's economic engine. Most of the downtown is already located within an area-wide TIF district.

Based on this information, staff is no longer concerned with the potential impact to the acreage limitation if the PTDD was approved.

VI. STAFF ANALYSIS AND BACKGROUND

Based upon meetings and discussions, terms for the proposed PTDD are recommended by staff as follows:

Agreement Period: Term of the agreement should be one year based on Fiscal Year, and approved annually by the City Council, similar as to how the PDD is approved annually.

Assessment Rate and City's Administrative Fee: The assessment rate will be one and one-half percent (1.5%) per room sold, and the City's administrative fee would be 10% of the assessment. Assessments for each individual lodging house would be established based on the following formula example:

(Number of Rooms x 365 = Number of Rooms/Year) x Occupancy of 50% x Average Daily Room Rate (ADR) of \$77.00 (Economy Classification example) x 1.5% (Assessment Rate) divided by 2 for half of FY2024.

Example/Economy Classification:

100 Rooms x 365 = 36,500
36,500 x 50% = 18,250
18,250 x \$77.00 = \$1,405,250
\$1,405,250 x 1.5% = \$21,079
\$21,079 divided by 2 (half of FY2024) = \$10,540
\$10,540 Assessment to Hotel
City 10% Admin = \$1,054

Please see attached listing of non-seasonal lodging houses with 40 or more rooms, and, with an assessment fee of 1.5% per room sold, it is estimated that the second half of FY2024 assessment would bring in slightly more than \$756,000. With the City's 10% administrative fee of assessments collected, this would yield \$75,600 to the City, and net VP \$680,500 for the second half of FY2024.

The estimated assessment fees (\$756,000) are based on the estimated number of rooms sold. The occupancy percentage of 50% was recommended by VP and Average Daily Room Rate in these estimates was determined using data US Average Daily Rate from the Smith Travel Research (STR) June 2023 Report. The STR 2023 Report indicated the Average Daily Rate for June 2023 ranges from \$77 to \$379 based on standard industry hotel classifications. Should the PTDD be approved, the City will identify what percentage of its 10% administrative fee would be used for administrative costs and infrastructure projects, such as public restrooms, trash receptacles, public benches, etc. after the first full year of administration.

Annual Reporting: Financial reporting will be completed after the first 6 months and at fiscal year-end; with annual reporting for each subsequent year.

The City will complete financial reporting on the 10% administrative fee at the same intervals.

VII. RECOMMENDATION

At the Housing and Economic Development Committee (HEDC), meeting held on April 25, 2023, the vote was 3-1 (Rodriguez) to forward this to the City Council for approval, with Councilor Phillips noting that she favors sending this to the City Council for discussion and would confirm her vote yes or no at that meeting.

VIII. LIST ATTACHMENTS

1. PTDD Council Order Adopting Development Program 062323
2. PTDD Development Program Cln for Council 062323
3. Amend Order 256-FY23 PTDD Adopting Development Program 9.6.23
4. Revised Redlined Dev Program for 9-6-2023 CC Mtg 8292023Fnl
5. Revised Listing of Hotels and Assessment 8-25-2023

6. Public Comment PTDD
7. Order 256 Public Comment

Prepared by:

Mary Davis, Division Director

Date: 07/17/2023

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 DESIGNATING THE PORTLAND
TOURISM MUNICIPAL DEVELOPMENT DISTRICT AND
ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICT**

WHEREAS, the City of Portland (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “Act”), to designate the Portland Tourism Municipal Development District (the “District”) and to adopt a development program for the District (the “Development Program”) pursuant to the Act; and

WHEREAS, there is a need for tourism and economic development in the City; to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to maintain and expand the existing tax revenues flowing from the District properties and improve the economy of the City and the State of Maine; and

WHEREAS, together with the consideration of the designation of the District and adoption of the Development Program, the City is considering an order establishing special assessments to fund implementation costs for the District and the Development Program and to approve an agreement with Visit Portland to administer the Development Plan; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5228, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the District and to adopt the Development Program for the District; and

WHEREAS, the City finds and determines that at least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and that the total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

WHEREAS, this Order will allow the City to approve the assessment and its apportionment for the 2023-2024 Fiscal Year; and

WHEREAS, assessed lodging property owners in the District will receive the benefit of increased sales activity and room night revenue as a result of District services and improvements, which benefit will be equally and uniformly proportional to each property owner's assessment related to the occupancy of the hotel.

NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

BE IT FURTHER ORDERED, that Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program for fiscal year 2023-2024, all as more particularly described in the Development Program, a copy of which is attached to this Order and is hereby incorporated by reference into this Order as the Development Program for the District.

BE IT FURTHER ORDERED, that the City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for its records.

BE IT FURTHER ORDERED, that the foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the designation of the District and adoption of the Development Program by the City Council, without requirement of any further action by the City, the City Council, or any other party.

ECONOMIC DEVELOPMENT PROJECT

CITY OF PORTLAND, MAINE

A Municipal Development District

**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM**

Presented to:

**City Council
City of Portland
_____, 2023**

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Exhibit List

Exhibit A	City of Portland Property Map Showing District Property Relative to City Boundaries
Exhibit B	Notice of Public Hearing
Exhibit C	Minutes of Public Hearing
Exhibit D	City Council Order
Exhibit E	Statutory Requirements and Thresholds Form

Development Program

I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes 24 hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

II. Development Program Narrative

A. The Development District

The District will encompass approximately 49.05689 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), 083E-E460001 (0.3736 acres), 264-A001001 (8.1401 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020-C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only supports tourism-related businesses but also the local artists, lobster/fishing community, cultural

institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by **Exhibit C** and **Exhibit D** hereto.

C. The Projects

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the 2023-2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

TABLE 1
Municipal Projects

Project	FY 23-24 Cost Estimate*
<u>A. Sales, Marketing, Promotions, Destination Development and Special Events.</u> • Promoting and marketing tourism in different periods (for example out of season or shoulder seasons); • Research & Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message; • Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.; • Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings; • Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties; • Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties; • Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties; • Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties; • Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;	\$1,300,000

Project	FY 23-24 Cost Estimate*
• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties; • Research on current and new markets that would result in additional room night sales to assessed lodging properties;	
B. Business Practices & Workforce Initiatives Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services may include: • Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents; • Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods; • Infrastructure or capital improvements that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures; • Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.	\$400,000
C. <u>Administration</u> The administration portion of the budget shall be utilized for administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees. The costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the Visit Portland board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.	\$800,000
D. <u>Return on Investment/ Quarterly and Annual Reporting</u> The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.	\$90,000

Project	FY 23-24 Cost Estimate*
Total	\$2,590,000

* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

D. Strategic Growth and Development

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

E. Improvements to the Public Infrastructure

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

F. Operational Components

1. Public Facilities

No public facilities or maintenance costs will be financed through the District or assessments.

2. Commercial Improvements Financed Through Development Program

No commercial improvements will be financed through the District or assessments.

3. Relocation of Displaced Persons

No persons will be displaced.

4. Transportation Improvements

No transportation improvements will be financed through the District or Assessments.

5. Environmental Controls

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations 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 designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

III. Physical Description

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

IV. Financial Plan

The District will encompass approximately 50.3947 acres of property and will begin for the 2023-2024 fiscal year with an indefinite term of years to be terminated only upon Council action.

A. Cost Estimate and Sources of Revenues

All lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The method and the assessment rate is based on a calendar year short term room rental occupancy percentage and Average Daily Rate (ADR), as reported by the District Property owners or, when unavailable, as reported by STR for the previous calendar year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue. Assuming a July 1, 2023 District begin date, the initial

first-year budget is based on the 2022 calendar year business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. The subsequent annual assessment will be based on the benefits received for the prior year on the parcel, as measured by assessments remitted and business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above.

Assuming a July 1, 2023 District begin date, the District is expected to have a first-year budget (FY2024) of approximately \$2,590,000 in the first year of operations, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

B. Collections and Remittance

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

C. Municipal Indebtedness

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

D. Related Contract, Agreements, and Obligations

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

E. Rollover Funds

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

F. Reserve Policy

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability.

V. Financial Data

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as **Exhibit B** is a certified copy of the Notice of Public Hearing held on _____, 2023 in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

B. Minutes of Public Hearing

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on _____, 2023, at which time the proposed District was discussed by the public.

C. City Council Order

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on _____, 2023, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY
RELATIVE TO CITY BOUNDARIES

EXHIBIT A BOUNDARY MAP

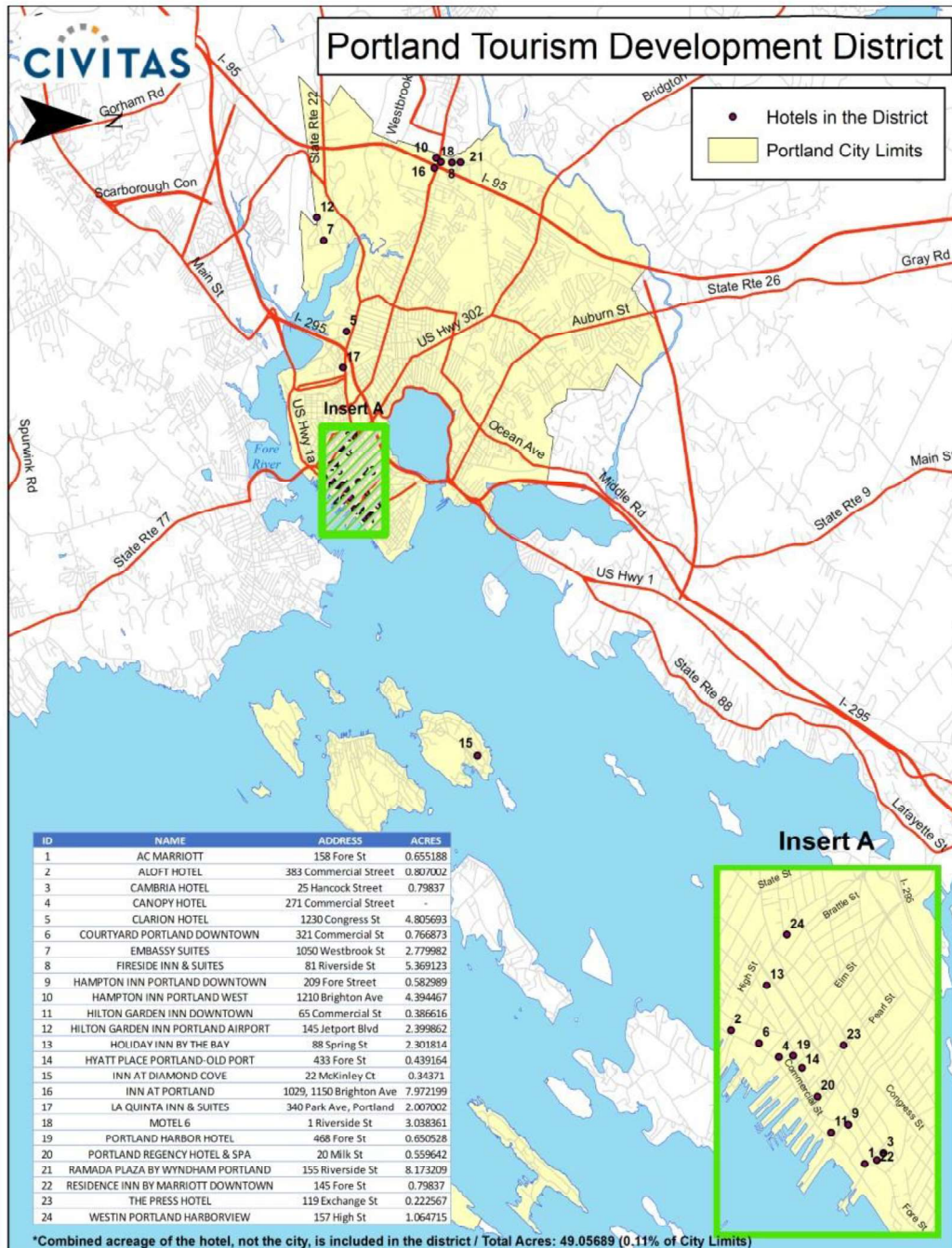


EXHIBIT B
NOTICE OF PUBLIC HEARING

EXHIBIT C
MINUTES OF PUBLIC HEARING

EXHIBIT D
CITY COUNCIL ORDER

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 DESIGNATING THE PORTLAND
TOURISM MUNICIPAL DEVELOPMENT DISTRICT AND
ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICT**

WHEREAS, the City of Portland (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “Act”), to designate the Portland Tourism Municipal Development District (the “District”) and to adopt a development program for the District (the “Development Program”) pursuant to the Act; and

WHEREAS, there is a need for tourism and economic development in the City; to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to maintain and expand the existing tax revenues flowing from the District properties and improve the economy of the City and the State of Maine; and

WHEREAS, together with the consideration of the designation of the District and adoption of the Development Program, the City is considering an order establishing special assessments to fund implementation costs for the District and the Development Program and to approve an agreement with Visit Portland to administer the Development Plan; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5228, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the District and to adopt the Development Program for the District; and

WHEREAS, the City finds and determines that at least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and that the total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

WHEREAS, this Order will allow the City to approve the assessment and its apportionment for the 2023-2024 Fiscal Year; and

WHEREAS, assessed lodging property owners in the District will receive the benefit of increased sales activity and room night revenue as a result of District services and improvements, which benefit will be equally and uniformly proportional to each property owner's assessment related to the occupancy of the hotel.

NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

BE IT FURTHER ORDERED, that Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program for fiscal year 2023-2024, all as more particularly described in the Development Program, a copy of which is attached to this Order and is hereby incorporated by reference into this Order as the Development Program for the District.

BE IT FURTHER ORDERED, that the City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for its records.

BE IT FURTHER ORDERED, that the foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the designation of the District and adoption of the Development Program by the City Council, without requirement of any further action by the City, the City Council, or any other party.

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS FORM

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION A. Acreage Caps		
1. Total municipal acreage;	12,386	
2. Acreage of proposed Municipal Development District;	50.3947	
3. Downtown-designation ¹ acres in proposed Municipal Development District;	0	
4. Transit-Oriented Development ² acres in proposed Municipal Development District;	0	
5. Total acreage [=A2-A3-A4] of proposed Municipal Development District counted toward 2%	50.3947	
6. Percentage [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).	.4068%	
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ SEE ATTACHED LISTING . District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	Existing	827.6469
	Proposed	50.3947
	Total:	878.0416
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;	417.0408	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/Acreage District Name/Acreage	30.00	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/Acreage District Name/Acreage	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above: District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	431.008	
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	3.4797%	
14. Real property in proposed Municipal Development District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	50.3947	100%
TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)		

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTZ districts approved through December 31, 2008.

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION B. Valuation Cap			
1.	Total TAXABLE municipal valuation—use most recent April 1;	N/A	
2.	Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	N/A	
3.	Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV	Existing	N/A
		Proposed	N/A
		Total:	N/A
30-A § 5223(3) EXEMPTIONS			
4.	Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	N/A	
5.	Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
6.	Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
7.	Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
8.	Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above: District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV	N/A	
9.	Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	N/A	
10.	Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	N/A	

COMPLETED BY			
PRINT NAME	Lori Paulette		
SIGNATURE	Lori Paulette	DATE	6/1/2023
If this form has <u>not be completed by the municipal or plantation assessor</u> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME			
SIGNATURE		DATE	

⁶ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for Adding Portland Tourism Development District as of
6/1/2023**

6/1/2023

Active TIFs			
TIF District	FY Start/End	Original Assessed Value (OAV)	Acres
Waterfront/and W Maine Sub District/Added March 2018 Parcels	FY2002-03/FY2031-32	\$8,283,740	6.625
- WTIF 9/2018 Added Parcels		\$20,076,870	77.560
- WTIF 5/2019 Added Parcels		\$5,938,400	13.430
Bayside Expanded TIF District	FY2003-04/FY2032-33	\$121,639,640	128.728
Pearl Place/Avesta-AH TIF	FY2007-08/FY2035-36	\$0	1.035
Public Market/Power Pay	FY2010-11/FY2039-40	\$1,862,600	1.070
McAuley Place	FY2009-10/FY2038-39	\$0	5.320
Avesta/409 Cumberland Ave-AH TIF	FY2013-14/FY2034-35	\$0	0.410
Thompson's Pt TOD/TIF II	FY2014-15/FY2043-44	\$4,970,470	30.000
134 Washington Avenue/AH TIF	FY2014-15/FY2033-34	\$0	0.230
17 Carleton St/AH TIF District	FY2015-16/FY2036-37	\$0	0.572
	FY2015-16/FY2044-45	\$965,007,320	417.0408
ImmuCell TIF	FY2017-18/FY2028-29	\$52,600	1.110
58 Boyd Street/AH TIF	FY2018-19/FY2047-48	\$0	0.480
178 Kennebec St/AH TIF	FY2019-20/FY2048-49	\$0	0.220
Deering Place/AHTIF	FY2018-19/FY2047-48	\$0	1.090
977 Brighton Avenue/AHTIF	FY2019-20/FY2048-49	\$0	0.730
66 State Street AHTIF	FY2020-2021/FY2049-50	\$0	0.509
PHA Front Street AHTIF	FY2020-2021/FY2049-50	\$0	3.487
200 Valley Street AHTIF	FY2020-2021/FY2049-50	\$0	0.344
577 Washington Avenue AHTIF	FY2020-2021/FY2049-50	\$0	3.610
337 Cumberland Avenue AHTIF	FY2020-2021/FY2049-50	\$0	0.452
104 Grant Street AHTIF	FY2020-2021/FY2049-50	\$0	0.330
83 Middle Street AHTIF	FY2020-2021/FY2049-50	\$0	0.285
91 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.0000
73 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.3941
45 Dougherty	FY2023/2024/FY2052-53	\$0	1.6750
Portland Downtown Munic. Dev. Dist.	n/a	n/a	130.9100
Sub-Total:		\$1,127,831,640	827.6469
Less Exempt:			
Thompson's Point (TOD TIF)	FY2014-15/FY2043-44	-\$4,970,470	-30.000
Downtown TOD District	FY2015-16/FY2044-45	-\$965,007,320	-417.0408
Totals for Caps:		\$157,853,850	380.606
FY2021 Aggregate Total Value:		\$11,149,300,000	
Total Acreage for Ptld:			12,386.000
5% Allowed to be TIF'd:		\$557,465,000	619.300
Current Amounts TIF'd:		\$157,853,850	380.606
Amount Remaining that can be TIF'd:		\$399,611,150	238.694

AMENDMENT TO ORDER 256-22/23
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR PIOUS ALI
RE: AMENDED DEVELOPMENT PROGRAM

WHEREAS, the City of Portland (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “Act”), to designate the Portland Tourism Municipal Development District (the “District”) and to adopt an amended development program for the District (the “Amended Development Program”) pursuant to the Act; and

WHEREAS, there is a need for tourism and economic development in the City; to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Amended Development Program will help to maintain and expand the existing tax revenues flowing from the District properties and improve the economy of the City and the State of Maine; and

WHEREAS, together with the consideration of the designation of the District and adoption of the Amended Development Program, the City is considering an order establishing special assessments to fund implementation costs for the District and the Amended Development Program and to approve an agreement with Visit Portland to administer the Development Plan; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5228, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the District and to adopt the Amended Development Program for the District; and

WHEREAS, the City finds and determines that at least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and that the total area of the District does

not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

WHEREAS, this Order will allow the City to approve the assessment and its apportionment for the 2023-2024 Fiscal Year; and

WHEREAS, assessed lodging property owners in the District will receive the benefit of increased sales activity and room night revenue as a result of District services and improvements, which benefit will be equally and uniformly proportional to each property owner's assessment related to the occupancy of the hotel.

NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Amended Development Program. The projects and improvements described in the Amended Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

BE IT FURTHER ORDERED, that Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Amended Development Program for fiscal year 2023-2024, all as more particularly described in the Amended Development Program, a copy of which is attached to this Order and is hereby incorporated by reference into this Order as the Amended Development Program for the District.

BE IT FURTHER ORDERED, that the City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Amended Development Program to DECD for its records.

BE IT FURTHER ORDERED, that the foregoing designation of the District and adoption of the Amended Development Program shall automatically become final and shall take full force and effect upon approval of the designation of the District and adoption of the Amended Development Program by the City Council, without requirement of any further action by the City, the City Council, or any other party.

ECONOMIC DEVELOPMENT PROJECT

CITY OF PORTLAND, MAINE

A Municipal Development District

**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM**

Presented to:

**City Council
City of Portland**

September 6, 2023

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Exhibit List

Exhibit A	City of Portland Property Map Showing District Property Relative to City Boundaries
Exhibit B	Notice of Public Hearing
Exhibit C	Minutes of Public Hearing
Exhibit D	City Council Order
Exhibit E	Statutory Requirements and Thresholds Form

Development Program

I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes ~~23~~⁴ non-seasonal hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

II. Development Program Narrative

A. The Development District

The District will encompass approximately 49.05689 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), ~~083E-E460001 (0.3736 acres)~~, 264-A001001 (8.1401 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020-C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only

supports tourism-related businesses but also the local artists, lobster/fishing community, cultural institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely, subject to annual budget approvals by the City Council, until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by Exhibit C and Exhibit D hereto.

C. The Projects

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the 2023-second half of the 2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

TABLE 1
Municipal Projects

Project	<u>2nd Half</u> FY 23 -24 Cost Estimate*
---------	--

• <u>A. Sales, Marketing, Promotions, Destination Development and Special Events.</u> <u>Marketing efforts will reach markets such as Leisure Travelers, Meetings & Conferences, Sporting Events, Destination Weddings and Social Events, International Travelers, Motorcoaches, Cruise Passengers, and Media/Influencers.</u> <u>Marketing messaging will reach all ages of travelers and target all demographics including BIPOC and LGBTQ+</u> <u>Projects may include:</u> • Promoting and marketing tourism in different periods (for example out of season or shoulder seasons); • Research & Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message; • Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.; • Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings; • Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties; • Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties; • Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties; • Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties;	\$<u>1,300,000</u> <u>325,000</u>
--	--

- Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;
- Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties;
- Research on current and new markets that would result in additional room night sales to assessed lodging properties

Project	<u>2nd Half</u> <u>FY 24</u> <u>Cost</u> <u>Estimate</u> <u>*FY 23-</u>
---------	--

	24 Cost- Estimate*
• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties; • Research on current and new markets that would result in additional room night sales to assessed lodging properties;	
B. Business Practices & Workforce Initiatives Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services may include: • Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents; • Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods; • Infrastructure or capital improvements, <u>including maintenance activities</u>, that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures; • Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.	\$400,000 <u>30,000</u>
C. <u>District Administration</u> The administration portion of the budget shall be utilized for <u>the costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues, as well as</u> administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees <u>incurred by the City and the Development Program Manager.</u> The costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the <u>Visit Portland Development Program Manager</u> board. <u>–Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.</u>	\$800,000 <u>379,369</u>

D. <u>Return on Investment/ Quarterly and Annual Reporting</u> The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.	\$90,000 <u>20,000</u>
--	-----------------------------------

Project	<u>2nd Half</u> <u>FY 24</u> <u>Cost</u> <u>Estimate</u> <u>*FY 23-</u> <u>24</u> <u>Cost</u> <u>Estimate*</u>
Total	<u>\$2,590,000</u> <u>754,369</u>

* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

D. Strategic Growth and Development

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

E. Improvements to the Public Infrastructure

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

F. Operational Components

1. Public Facilities

As further set forth in Table 1, the City may undertake public capital improvement

projects and maintenance activities.

~~No public facilities or maintenance costs will be financed through the District or assessments.~~

2. Commercial Improvements Financed Through Development Program

No commercial improvements will be financed through the District or assessments.

3. Relocation of Displaced Persons

No persons will be displaced.

4. Transportation Improvements

No transportation improvements will be financed through the District or Assessments.

5. Environmental Controls

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations 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 designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

III. Physical Description

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

IV. Financial Plan

The District will encompass approximately ~~49.3706~~ **50.3947** acres of property and will begin for the ~~2023-abbreviated~~ 2024 fiscal year January 1 – June 30, 2024, with subsequent fiscal years July 1 through June 30 of the following fiscal year with an indefinite term of years to be terminated only upon Council action.

A. Cost Estimate and Sources of Revenues

All non-seasonal lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The fiscal year method and ~~the~~ assessment rate is based on short term room rental using the US Average, a calendar year Average Daily Rate (ADR) multiplied by short term room rental fifty-percent (50%) occupancy percentage and Average Daily Rate (ADR), as reported by STR year as reported by the District Property owners or, when

unavailable, ~~as reported by the District Property, for the previous year~~~~as reported by STR for the previous calendar fiscal~~ year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue. Assuming a ~~July 1, 2023~~January 1, 2024 District begin date, the initial

~~Abbreviated first-year budget is based on 2023 January-June business activity as reported by STR as outlined above, or when unavailable as reported by District Property owners. The subsequent annual assessment will be calculated in a similar manner to the initial assessment using the most recent available previous fiscal year data as reported by STR as outlined above, or when unavailable by District Property Owners. Abbreviated first-year budget is based on the 2022 2023 January-June calendar year business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. The subsequent annual assessment will be based on the benefits received for the prior year on the parcel, as measured by assessments remitted and business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. calculated in a similar manner to the initial assessment using the most recent available previous fiscal year data as reported by District Property owners, or when available, as reported by STR as outlined above.~~

Assuming a ~~July 1, 2023~~ January 1, 2024 District begin date, the District is expected to have a first ~~half--~~ year budget (FY2024) of approximately ~~\$2,590,000~~ 755,000 in the first ~~abbreviated~~ year of operations, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

B. Collections and Remittance

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

C. Municipal Indebtedness

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

D. Related Contract, Agreements, and Obligations

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative

matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

E. Rollover Funds

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

F. Reserve Policy

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability, subject to approval by the City.

V. Financial Data

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as **Exhibit A** is a copy of the Notice of Public Hearing held on **September 6—, 2023** in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

B. Minutes of Public Hearing

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on **September 6—, 2023**, at which time the proposed District was discussed by the public.

C. City Council Order

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on _____, 2023, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY
RELATIVE TO CITY BOUNDARIES

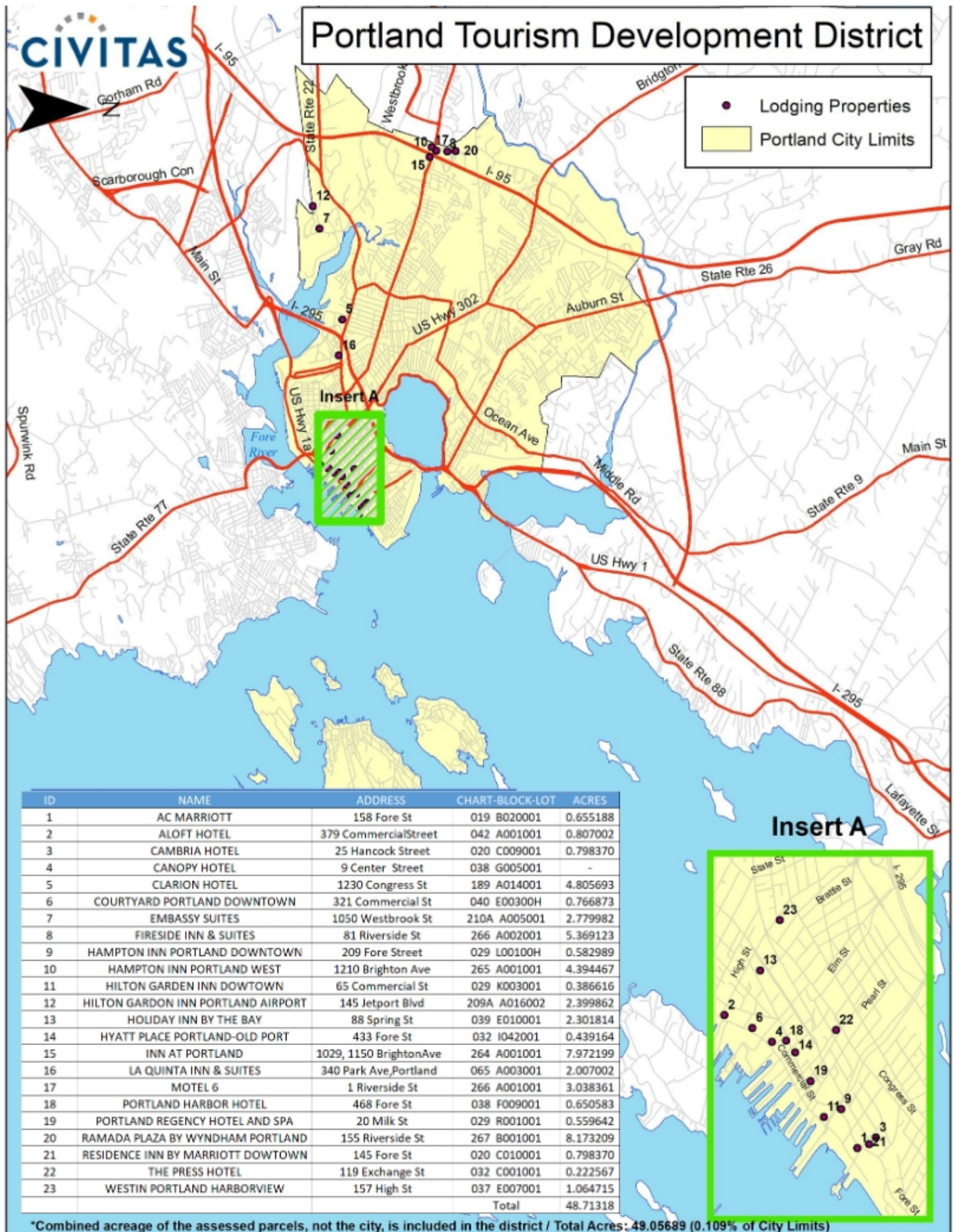


EXHIBIT B
NOTICE OF PUBLIC HEARING

TO ADVERTISE:
Call 791-6100
classified@pressherald.com

Friday, August 25, 2023

Portland Press Herald

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PUBLIC NOTICES

Public Notices

Public Notices are a permanent and independent record of government and court actions. These include state and local government meetings, rule making, assessor contracts, zoning changes, and many more. In addition, parties to some foreclosures, probate and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contracts, awards, and tenders to ensure economic activity across the state. Public notices are published in the Portland Press Herald and are also recorded at mainelypuppies.com. You can browse or search notices and sign up to receive email alerts when relevant notices arrive.

State and local notices are published in Maine newspapers and are also recorded at mainelypuppies.com. You can browse or search notices and sign up to receive email alerts when relevant notices arrive.

Public Notice

CITY OF PORTLAND
WINDMILL TREE
PLANTING-PHASE I
Bid #24017
The City of Portland is soliciting sealed proposals for the construction of improvements associated with the Bayside Tree Planting Phase I Project located within the Bayside neighborhoods in Portland, Maine. The Project Area is bounded by Marginal Way to the north, Washington Avenue to the east, Congress Street and Cumberland Avenue to the south, and Forest Avenue to the west. Sealed bids for the Bayside Tree Planting Phase I Project shall be submitted electronically to portlandmaine.gov with the name of the Bidder Contract Name and Bid number in the subject line. Sealed bids will be received until 3:30 p.m., Tuesday, September 19, 2023, at which time they will be opened and read. Proposals may also be submitted via eProcurement, <https://www.portlandmaine.gov/eProcurement>.

Public Notice

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered August 8, 2023, at a foreclosure sale, the following property is being sold: **U.S. Bank National Association, as Trustee of the CCM Trust 2021-NR2, et al., v. Richard E. Bridges, Plaintiff, vs. Pamela J. Ferrar, et al., Defendants.** The property is located at 250, South Portland, Maine 04106, (207) 775-6223. Updates may be found at: <http://www.maine-sales-report.html>. 20-000652

Public Notice

NOTICE OF PUBLIC HEARING

Please take notice that the City Council of the City of Portland, pursuant to 30-A M.R.S.A. Section 228 (2), will hold a hybrid public hearing on Weds, Sept. 6, 2023, at 5:00 p.m., for the purpose of receiving public comment on implementation assessments for last half of fiscal year 2023-2024 (1/1/2024 through 6/30/2024), to be held on property situated within the boundaries of the Portland Tourism Development District, as follows:

A. Date of Hearing: Weds, Sept. 6, 2023

Time of Hearing: 5:00 p.m.

Place of Hearing: Portland City Hall, City Council Chamber, 389 Congress Street, Portland, ME 04101, and Remotely Via Zoom: <https://www.portlandmaine.gov/1280agendas>

Minutes where the public can obtain Zoom public meeting access information or by contacting any staff listed in the Housing and Economic Development Department at (207) 874-6883 or info@portlandmaine.gov

B. Boundaries of Portland Tourism Development District:

Hotel Name Address Chart-Block Lot

AC Hotel by Marriott Portland Downtown/Waterfront 158 Fore St. 158 000001

Aloft Portland Maine 379 Commercial Street 042 001001

Cambria Hotel Portland Downtown / Old Port 25 Hancock Street 20 0009001

Canopy by Hilton Portland Waterfront 9 Center Street 038 0005001

Clarion Hotel Airport 1230 Congress St 180 0014001

Courtyard by Marriott Portland Downtown/Waterfront 321 Commercial Street 040 000300H

Embassy Suites by Hilton Portland Maine 1050 Westbrook St 210A 0005001

Firestone Inn & Suites Portland 81 Riverside St 266 0002001

Hampton Inn Portland Downtown Waterfront 209 Fore Street 029 100100H

Hampton Inn & Suites Portland West 1210 Brighton Ave 265 0001001

Hilton Garden Inn Portland Downtown Waterfront 65 Commercial St 029 0003001

Hilton Garden Inn Portland Airport 145 Jetport Blvd 209A 0016002

Holiday Inn by The Bay 88 Spring St 039 0100001

Hyatt Place Portland Old Port 433 Fore St 032 0042001

Inn At Portland 1029, 1150 Brighton Ave 264 0001001

La Quinta Inn & Suites by Wyndham Portland 340 Park Ave, Portland 065 0003001

Motel 6 Portland ME 1 Riverside St 266 0110101

Portland Harbor Hotel 468 Fore St 038 0009001

Portland Regency Hotel & Spa 20 Mills St 029 0001001

Ramada Plaza by Wyndham Portland 155 Riverside St 267 0001001

Residence Inn by Marriott Portland Downtown/Waterfront 145 Fore St 020 0100001

The Press Hotel, Autograph Collection 119 Exchange St 032 0001001

The Westin Portland Harborview 157 High St 032 0007001

All as shown on a map dated August 2022 entitled August 2023 Boundary Map Portland Tourism Development District on file in the City of Portland's Assessor Office and the Housing and Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.

C. ALL INTERESTED PERSONS OWNING REAL ESTATE OR TAXABLE PROPERTY LOCATED WITHIN THE DISTRICT WILL BE GIVEN AN OPPORTUNITY TO BE HEARD AT THE HEARING, AND AN OPPORTUNITY TO FILE OBJECTIONS TO THE AMOUNT OF THE REVISED ASSESSMENT.

D. Maximum of Assessments to be Extended in any One Year: 5% based on the year 2023 USA Average Daily Rate and 50% occupancy rate in non-seasonal Portland hotels with 40 or more rooms.

E. The List of Properties to be Assessed and the estimated assessments against those properties is available at the Office of Housing and Economic Development in Portland City Hall.

Dated: August 23, 2023 Ashley Rand, City Clerk

Public Notices

an intent to abandon the children, pursuant to 22 M.R.S. §4002 (1-A). These proceedings have or could result in the children being awarded to DHHS and may result in the termination of your parental rights under 22 M.R.S. §4005 (4) if you fail to appear in Court on the above date and time.

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Place of Hearing: Portland City Hall, City Council Chamber, 389 Congress Street, Portland, ME 04101, and Remotely Via Zoom: <https://www.portlandmaine.gov/1280agendas>

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B. Boundaries of Portland Tourism Development District:

Hotel Name Address Chart-Block Lot

AC Hotel by Marriott Portland Downtown/Waterfront 158 Fore St. 158 000001

Aloft Portland Maine 379 Commercial Street 042 001001

Cambria Hotel Portland Downtown / Old Port 25 Hancock Street 20 0009001

Canopy by Hilton Portland Waterfront 9 Center Street 038 0005001

Clarion Hotel Airport 1230 Congress St 180 0014001

Courtyard by Marriott Portland Downtown/Waterfront 321 Commercial Street 040 000300H

Embassy Suites by Hilton Portland Maine 1050 Westbrook St 210A 0005001

Firestone Inn & Suites Portland 81 Riverside St 266 0002001

Hampton Inn Portland Downtown Waterfront 209 Fore Street 029 100100H

Hampton Inn & Suites Portland West 1210 Brighton Ave 265 0001001

Hilton Garden Inn Portland Downtown Waterfront 65 Commercial St 029 0003001

Hilton Garden Inn Portland Airport 145 Jetport Blvd 209A 0016002

Holiday Inn by The Bay 88 Spring St 039 0100001

Hyatt Place Portland Old Port 433 Fore St 032 0042001

Inn At Portland 1029, 1150 Brighton Ave 264 0001001

La Quinta Inn & Suites by Wyndham Portland 340 Park Ave, Portland 065 0003001

Motel 6 Portland ME 1 Riverside St 266 0110101

Portland Harbor Hotel 468 Fore St 038 0009001

Portland Regency Hotel & Spa 20 Mills St 029 0001001

Ramada Plaza by Wyndham Portland 155 Riverside St 267 0001001

Residence Inn by Marriott Portland Downtown/Waterfront 145 Fore St 020 0100001

The Press Hotel, Autograph Collection 119 Exchange St 032 0001001

The Westin Portland Harborview 157 High St 032 0007001

All as shown on a map dated August 2022 entitled August 2023 Boundary Map Portland Tourism Development District on file in the City of Portland's Assessor Office and the Housing and Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.

C. ALL INTERESTED PERSONS OWNING REAL ESTATE OR TAXABLE PROPERTY LOCATED WITHIN THE DISTRICT WILL BE GIVEN AN OPPORTUNITY TO BE HEARD AT THE HEARING, AND AN OPPORTUNITY TO FILE OBJECTIONS TO THE AMOUNT OF THE REVISED ASSESSMENT.

D. Maximum of Assessments to be Extended in any One Year: 5% based on the year 2023 USA Average Daily Rate and 50% occupancy rate in non-seasonal Portland hotels with 40 or more rooms.

E. The List of Properties to be Assessed and the estimated assessments against those properties is available at the Office of Housing and Economic Development in Portland City Hall.

Dated: August 23, 2023 Ashley Rand, City Clerk

Public Notices

Beneficial Maine Inc. dated October 20, 2005, and recorded in the Cumberland County Registry of Deeds in Book 152-2273, Page 238, the period of redemption having expired, a public sale of the property described in the mortgage will be conducted on **Tuesday, September 19, 2023, commencing at 11:00 a.m.** **707 Sable Oaks Dr., Suite 250, South Portland, ME 04106 on the front steps of the building in front of the dog box.** The property is located at 40 Johnson Road, Gorham, Maine. The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 by certified check or cash on the time of the public sale made payable to the State of Maine Department of Human Services is represented by the Attorney General, 250 State Street, Suite 26, Portland, ME 04103. Tel. (207) 822-2231.

Public Notice

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered August 8, 2023, at a foreclosure sale, the following property is being sold: **U.S. Bank National Association, as Trustee of the CCM Trust 2021-NR2, et al., v. Richard E. Bridges, Plaintiff, vs. Pamela J. Ferrar, et al., Defendants.** The property is located at 250, South Portland, Maine 04106, (207) 775-6223. Updates may be found at: <http://www.maine-sales-report.html>. 20-000652

Public Notice

NOTICE OF PUBLIC HEARING

Please take notice that the City Council of the City of Portland, pursuant to 30-A M.R.S.A. Section 228 (2), will hold a hybrid public hearing on Weds, Sept. 6, 2023, at 5:00 p.m., for the purpose of receiving public comment on implementation assessments for last half of fiscal year 2023-2024 (1/1/2024 through 6/30/2024), to be held on property situated within the boundaries of the Portland Tourism Development District, as follows:

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Time of Hearing: 5:00 p.m.

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Dated: August 23, 2023 Ashley Rand, City Clerk

Public Notices

to file on or about September 21, 2023 an application with the Maine Department of Environmental Protection ("Department") for the transfer of all jurisdiction over the licenses concerning the facility located at 300 Riley Road, Jay, ME 04239.

Public Notice

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Hilton Garden Inn Portland Downtown Waterfront 65 Commercial St 029 0003001

Hilton Garden Inn Portland Airport 145 Jetport Blvd 209A 0016002

Holiday Inn by The Bay 88 Spring St 039 0100001

Hy

EXHIBIT C
MINUTES OF PUBLIC HEARING

EXHIBIT D
CITY COUNCIL ORDER

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS FORM

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION A. Acreage Caps		
1. Total municipal acreage;	12,386	
2. Acreage of proposed Municipal Development District;	49.3706	
3. Downtown-designation ¹ acres in proposed Municipal Development District;	0	
4. Transit-Oriented Development ² acres in proposed Municipal Development District;	0	
5. Total acreage [=A2-A3-A4] of proposed Municipal Development District counted toward 2%	49.3706	
6. Percentage [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).	.3986%	
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ SEE ATTACHED LISTING . District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	Existing	827.6469
	Proposed	49.3706
	Total:	877.0175
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;	417.0408	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/Acreage District Name/Acreage	30.00	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/Acreage District Name/Acreage	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above: District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	429.9767	
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	3.4715%	
14. Real property in proposed Municipal Development District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	49.3706	100%
TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)		

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTZ districts approved through December 31, 2008.

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION B. Valuation Cap			
1.	Total TAXABLE municipal valuation—use most recent April 1;	N/A	
2.	Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	N/A	
3.	Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV	Existing	N/A
		Proposed	N/A
		Total:	N/A
30-A § 5223(3) EXEMPTIONS			
4.	Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	N/A	
5.	Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
6.	Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
7.	Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
8.	Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above: District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV	N/A	
9.	Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	N/A	
10.	Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	N/A	

COMPLETED BY			
PRINT NAME	Lori Paulette		
SIGNATURE	Lori Paulette	DATE	8/25/2023
If this form has <u>not be completed by the municipal or plantation assessor</u> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME			
SIGNATURE		DATE	

⁶ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for Adding Portland Tourism Development District as of
6/1/2023**

6/1/2023

Active TIFs			
TIF District	FY Start/End	Original Assessed Value (OAV)	Acres
Waterfront/and W Maine Sub District/Added March 2018 Parcels	FY2002-03/FY2031-32	\$8,283,740	6.625
- WTIF 9/2018 Added Parcels		\$20,076,870	77.560
- WTIF 5/2019 Added Parcels		\$5,938,400	13.430
Bayside Expanded TIF District	FY2003-04/FY2032-33	\$121,639,640	128.728
Pearl Place/Avesta-AH TIF	FY2007-08/FY2035-36	\$0	1.035
Public Market/Power Pay	FY2010-11/FY2039-40	\$1,862,600	1.070
McAuley Place	FY2009-10/FY2038-39	\$0	5.320
Avesta/409 Cumberland Ave-AH TIF	FY2013-14/FY2034-35	\$0	0.410
Thompson's Pt TOD/TIF II	FY2014-15/FY2043-44	\$4,970,470	30.000
134 Washington Avenue/AH TIF	FY2014-15/FY2033-34	\$0	0.230
17 Carleton St/AH TIF District	FY2015-16/FY2036-37	\$0	0.572
ImmuCell TIF	FY2015-16/FY2044-45	\$965,007,320	417.0408
58 Boyd Street/AH TIF	FY2017-18/FY2028-29	\$52,600	1.110
178 Kennebec St/AH TIF	FY2018-19/FY2047-48	\$0	0.480
178 Kennebec St/AH TIF	FY2019-20/FY2048-49	\$0	0.220
Deering Place/AHTIF	FY2018-19/FY2047-48	\$0	1.090
977 Brighton Avenue/AHTIF	FY2019-20/FY2048-49	\$0	0.730
66 State Street AHTIF	FY2020-2021/FY2049-50	\$0	0.509
PHA Front Street AHTIF	FY2020-2021/FY2049-50	\$0	3.487
200 Valley Street AHTIF	FY2020-2021/FY2049-50	\$0	0.344
577 Washington Avenue AHTIF	FY2020-2021/FY2049-50	\$0	3.610
337 Cumberland Avenue AHTIF	FY2020-2021/FY2049-50	\$0	0.452
104 Grant Street AHTIF	FY2020-2021/FY2049-50	\$0	0.330
83 Middle Street AHTIF	FY2020-2021/FY2049-50	\$0	0.285
91 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.0000
73 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.3941
45 Dougherty	FY2023/2024/FY2052-53	\$0	1.6750
Portland Downtown Munic. Dev. Dist.	n/a	n/a	130.9100
Sub-Total:		\$1,127,831,640	827.6469
Less Exempt:			
Thompson's Point (TOD TIF)	FY2014-15/FY2043-44	-\$4,970,470	-30.000
Downtown TOD District	FY2015-16/FY2044-45	-\$965,007,320	-417.0408
Totals for Caps:		\$157,853,850	380.606
FY2022 Aggregate Total Value:		\$12,095,550,000	
Total Acreage for Ptld:			12,386.000
5% Allowed to be TIF'd:		\$604,777,500	619.300
Current Amounts TIF'd:		\$157,853,850	380.606
Amount Remaining that can be TIF'd:		\$446,923,650	238.694

NON-SEASONAL LODGING PROPERTIES OF 40 ROOMS OR MORE TO BE ASSESSED FOR PROPOSED PORTLAND TOURISM DEVELOPMENT DISTRICT- 8/25/2023	Address	Chart-Block-Lot	Acreage	Number of Rooms	Number of Rooms per year	Rooms Rented at Annual Average Rate of 50% Per Class	Est. Room Revenue Per Hotel Class Using US Average Daily Rate (ADR) (YEAR-TO-DATE JUNE 2023)	Estimated Assessment for Half of FY2024, Based on 50% ADR * 1.5% Assessment	10% of Assesment Fee to City Adm.
Hotel Name									
- Economy Class						50.0%	\$77.00	1.50%	10%
Motel 6 Portland ME	1 Riverside St	266 A001001	3.0384	129	47,085	23,543	\$1,812,772.50	\$13,595.79	\$1,359.58
- Midscale Class						50.0%	\$99.00	1.50%	10%
Ramada Plaza By Wyndham Portland	155 Riverside St	267 B001001	8.173	119	43,435	21,718	\$2,150,032.50	\$16,125.24	\$1,612.52
- Upper Midscale Class						50.0%	\$132.00	1.50%	1000%
Inn At Portland	1029, 1150 Brighton Ave	264 A001001	8.1401	106	38,690	19,345	\$2,553,540.00	\$19,151.55	\$1,915.16
La Quinta Inn & Suites by Wyndham Portland	340 Park Ave, Portland	065 A003001	2.007	100	36,500	18,250	\$2,409,000.00	\$18,067.50	\$1,806.75
Clarion Hotel Airport	1230 Congress St	189 A014001	4.8057	149	54,385	27,193	\$3,589,410.00	\$26,920.58	\$2,692.06
Hampton Inn Portland Downtown - Waterfront	209 Fore Street	029 L00100H	0.5829	125	45,625	22,813	\$3,011,250.00	\$22,584.38	\$2,258.44
Holiday Inn By The Bay	88 Spring St	039 E010001	2.3018	239	87,235	43,618	\$5,757,510.00	\$43,181.33	\$4,318.13
Hampton Inn & Suites Portland West	1210 Brighton Ave	265 A001001	2.9256	86	31,390	15,695	\$2,071,740.00	\$15,538.05	\$1,553.81
- Upscale Class						50%	\$163.00	1.5%	10%
Residence Inn By Marriott Portland Downtown/Waterfront	145 Fore St	020 C010001	0.7821	179	65,335	32,668	\$5,324,802.50	\$39,936.02	\$3,993.60
Hilton Garden Inn Portland Downtown Waterfront	65 Commercial St	029 K003001	0.3866	120	43,800	21,900	\$3,569,700.00	\$26,772.75	\$2,677.28
AC Hotel by Marriott Portland Downtown/Waterfront	158 Fore St	019 B020001	0.6552	178	64,970	32,485	\$5,295,055.00	\$39,712.91	\$3,971.29
Courtyard by Marriott Portland Downtown/Waterfront	321 Commercial St	040 E00300H	0.767	132	48,180	24,090	\$3,926,670.00	\$29,450.03	\$2,945.00
Hyatt Place Portland-Old Port	433 Fore St	032 I042001	0.4392	130	47,450	23,725	\$3,867,175.00	\$29,003.81	\$2,900.38
Cambria Hotel Portland Downtown / Old Port	25 Hancock Street	020 C009001	0.7983	102	37,230	18,615	\$3,034,245.00	\$22,756.84	\$2,275.68
Aloft Portland Maine	379 Commercial Street	042 A001001	0.807	157	57,305	28,653	\$4,670,357.50	\$35,027.68	\$3,502.77
Hilton Garden Inn Portland Airport	145 Jetport Blvd	209A A016002	2.2107	88	32,120	16,060	\$2,617,780.00	\$19,633.35	\$1,963.34
- Upper Upscale Class						50%	\$222.00	1.5%	10%
The Press Hotel, Autograph Collection	119 Exchange St	032 C001001	0.2304	110	40,150	20,075	\$4,456,650.00	\$33,424.88	\$3,342.49
Portland Regency Hotel & Spa	20 Milk St	029 R001001	0.5596	95	34,675	17,338	\$3,848,925.00	\$28,866.94	\$2,886.69
The Westin Portland Harborview	157 High St	037 E007001	1.0647	289	105,485	52,743	\$11,708,835.00	\$87,816.26	\$8,781.63
Canopy by Hilton Portland Waterfront	9 Center Street	038 G005001	0.5462	135	49,275	24,638	\$5,469,525.00	\$41,021.44	\$4,102.14
Embassy Suites by Hilton Portland Maine	1050 Westbrook St	210A A005001	2.78	120	43,800	21,900	\$4,861,800.00	\$36,463.50	\$3,646.35
Fireside Inn & Suites Portland	81 Riverside St	266 A002001	5.3691	200	73,000	36,500	\$8,103,000.00	\$60,772.50	\$6,077.25
- Luxury Class						50%	\$379.00	1.50%	10%
Portland Harbor Hotel	468 Fore St	038 F009001	0.6505	97	35,405	17,703	\$6,709,247.50	\$50,319.36	\$5,031.94
Totals:			49.3706				\$100,819,022.50	\$756,142.67	\$75,614.27



February 15, 2023

Greetings members of the Portland Housing & Economic Development Committee,

I am writing in strong support of the TID proposal by Visit Portland. As a professor that teaches about and researches sustainable tourism development here in the US and abroad, a TID is a smart sustainable way to fund an industry that is the backbone of Portland and the state of Maine's economy. Allowing the tourism and hospitality industry to have consistent funding through a TID will be an investment that pays dividends to the whole economy, its workforce, and the quality of life for all. We citizens enjoy great restaurants and cultural opportunities due to the money brought by tourists. This in turn makes Portland a great place to live and helps other businesses attract employees. The bottom line is those places that have implanted this kind of funding strategy throughout the US tend to do better in the long run than those without them and everyone benefits. The tourism economy can rise all boats.

One in seven people work in the tourism and hospitality industry in Maine and there is still a lot of room to bring on more workforce at all levels, everyone from first time job seekers to managers and small business owners, to professionals such as accounts and lawyers. This is an industry that truly serves everyone in the workforce. All communities benefit as well by an increased quality of place. This funding will also better allow the industry to engage in more workforce development initiatives and with Universities to develop more professional development classes and pay student interns for instance from the University of Southern Maine's Tourism and Hospitality program. A TID is a good answer to the imperative need of consistent funding for this industry that does so much for Portland communities and Maine business and people.

Sincerely,

A handwritten signature in blue ink that reads "Tracy Michaud".

Tracy S. Michaud

Assistant Professor of Tourism and Hospitality

Chair- Tourism and Hospitality Program

University of Southern Maine

207-780-5410

tracy.michaud@maine.edu



April 19, 2022

Honorable Members of the Housing and Economic Development Committee –

As we enter our thirtieth year, Portland Downtown is in a unique position to testify to the benefits of an Improvement District. While it's easy to forget, at our founding in 1992, downtown Portland wasn't the international destination we know now. We recognize that making a place a destination requires management. We also know that management requires resources. Tourism is the foremost driver of Maine's economy but without continued management and marketing, there is the real potential to lose visitors to the innumerable destination choices throughout both the US and the world. It is for these reasons among many others that we support Visit Portland's efforts to form a Tourism Improvement District (TID).

We take great comfort in the fact that our downtown (and community) hoteliers are supportive of this effort. They, more than anyone, know the positive impact a TID can bring to our community. Enhanced promotion of our community provides an opportunity for reputational benefits, encouraging both visitation and potentially aiding in the relocation of both workers and businesses. Tourists have a positive economic benefit, spending money on everything from our world-class restaurants to retail to our extraordinary arts scene and beyond.

We hope you will support this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Cary Tyson". The signature is stylized with a large, looped "C" and a long, sweeping horizontal line extending to the right.

Cary Tyson
Executive Director

Dear Lynn,

I understand that you will be presenting to the City of Portland tomorrow regarding Visit Portland's proposal for a Tourism Improvement District. I am currently on business travel, otherwise I would attend the meeting.

We have worked together consistently over the past 6 years, since my program, the Maine North Atlantic Development Office (MENADO) hosted the Arctic Council Senior Arctic Officials Meeting in Portland in 2016. Through the work of MENADO, my program facilitates visits from international delegations, and attracts high-visibility international industry and diplomatic events. Two weeks ago, I hosted Seagiculture USA-Europe's largest seaweed innovation conference for its first North American event. It was a sold-out event with 300 registrants, and we've estimated a nearly \$1M local economic impact from this 2-day international conference. This estimate doesn't include other ROI for the event such as business conducted with Maine companies attending the event, and business attracted. We have confirmed but have not yet quantified foreign investment coming out of this event from Australia. This is a company that will move its AI-empowered company to Portland in January of 2023. We also have a strong manufacturing prospect from Pennsylvania looking to move their food production business to Portland coming out of the Seagiculture event.

You and I have talked about the importance of having access to technology that will enable us to comprehensively assess the economic impacts of events and visiting delegations quickly and accurately and we both know how prohibitively expensive the apps are. And yet, having the ability to tell a data-driven story about the impacts of an event are important for attracting more funding for programs and economic development support for local businesses-and for attracting more events serving the very industries that we are trying to bring to the greater Portland region. My program provides a global audience and elevates Maine's work in education, aquaculture, life sciences, manufacturing, blue economy, and forest bioeconomy development among other sectors. For inbound groups and events, I rely on you and your team to support me and my international partners in our Greater Portland-based projects. I want to see Visit Portland consistently well-funded to provide the services we need, and to also grow your service resources for other members and partners. You have convinced me that restructuring as a Tourism Improvement District could get you there.

Visit Portland is a key partner supporting my program's work in the Greater Portland area. My role in the state supports trade, investment, and business development-and tourism clearly supports business development. With strong, consistent funding for your work, we can really make a difference!

I hope that my note adequately conveys my support for your proposal. I am grateful for your leadership.

Sincerely yours,
Dana

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Dana Eidsness, Director

MENADO at Maine International Trade Center

Pronouns: She, Her, Hers

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Dear City of Portland Housing & Economic Development Committee Members;

On behalf of Portland Stage Company, I would like to add our voice to the chorus of Portlanders supporting Visit Portland's request to establish a Tourism Improvement District. Like you, we choose to live and work in Portland because it is vibrant, creative, and alive. Our ability to make Maine Made Theater and theater accessible to everyone rests in the support of local patrons, and because our mainstage season doesn't run in the summer, we are missing out on tourism income that sustains many of our neighbors. For us, this amounts to a missed opportunity, and for our friends and neighbors in Portland it amounts to having to decrease output, layoff staff, or close altogether during the off-season. While this model has been around for what seems like the dawn of time, we, like everyone else re-entering life post-2020, are realizing the ways in which we have always operated will not carry us into a thriving future.

The same can be said for Portland as a whole.

Visit Portland's proposal is a solid, rational, yet gentle and proven model for optimizing tourism revenue. It represents a reasonable action step to ensure growth in our interconnected economy. Please see the diagram on page five. It's clear that the opportunity for Portland and the businesses, organizations, and people living here is present in a very ground-floor level: increase tourism marketing- together.

The funding model is nothing short of fantastic as it would not cost the city a dime. How can you go wrong with a proven model already tested and perfected in other regions that doesn't require a penny from the city? Leveraging tourist money to create more tourism income is brilliant, a self-sustaining pathway to rebuild and surpass losses due to the pandemic and other factors.

With increased tourism in the off-season, Portland Stage could shift the weight of vital ticket sales to new markets while continuing to build community relationships and collaborations. We cannot do this alone. We alone cannot break into larger markets to reach off-season visitors. Together we can. We can lift our city's incredible businesses and organizations to a new level with your support. While it could be said that things are working just fine, and that may be true for now, we could be doing better. With a small pivot, we could create a whole new level of prosperity, vitality, and thriving.

Thank you for taking Visit Portland's proposal into consideration.

Sincerely,

Erin Elizabeth, M.Ed
Director of Marketing and Communications
Portland Stage Company

COMMUNITY SUPPORT FOR A TOURISM IMPROVEMENT DISTRICT

	Name	Company Name	Your thoughts on the importance of tourism to our community or your business.
1	Tracy Michaud	USM Tourism & Hospitality Program	Tourism is vital to the economy and communities of Maine. It adds to the quality of life and makes this a place that people want to live. Funding support from a TID to Visit Portland is vital to keep the good work they do going. Their work not only brings money into Maine but supports local community life as well. As a Professor of Tourism and hospitality I have studied sustainable tourism throughout the world and the funding models that support it. This TID is a good approach.
2	Matt Lewis	HospitalityMaine	As President of HospitalityMaine, I wholeheartedly support Tourism and the adoption of a Tourism Improvement District for Portland, Maine. Portland deserves to have these funds to promote and market this beautiful city. These funds will help continue to attract leisure and business travelers for years to come. Lynn Tillotson and the team at Visit Portland have a robust and thorough plan to utilize these funds to compete against other cities for Groups and Conventions and without them, Portland will lose visibility and marketing opportunities. I fully support the Tourism Improvement District for Portland.
3	Norman Patry	Summer Feet Cycling	
4	Tony Payne	MEMIC	Attracting visitors leads to Portland being considered for residency. We need to use every tool in the box to replenish Maine's workforce and the TID is a powerful tool.
5	Jason Briggs	VIP Tour & Charter Bus Co	Well over 70% of our business is Tourism related, Conventions, Cruise Ships, Destination Weddings, Reunions.
6	Donato Giovine	Gorgeous Gelato	Our business, without tourism, could not even think to be able to survive and thrive.
7	Tom Largay	Old Port Card Works Old Port Candy Co.	Tourism is so important to Portland. Because of tourism we have all these great shops, restaurants, breweries, distilleries, art galleries, and so much more. With a TID, Portland businesses will only grow stronger and employ more Mainers. Now, more than ever, this will help rebuild our great city. The collateral damage from Covid includes the closing of so many businesses. Having a robust stream of tourists will help keep existing businesses thriving and encourage new business to come. It will help to ensure that we are here year-round for the local, friendly faces we see daily. We have something very special here in Maine, and the millions that continue to visit allow so many of us the opportunity to grow, flourish, and create.
8	Sue Pingree	Wellness Connection of Maine	Tourism is critical to drive revenue in the state of Maine. It impacts small businesses, start ups, job stability, and business development. Tourism is also very competitive. New investments in tourism marketing and sales resources are needed to attract leisure and business travelers year-round and strengthen our local economy.
9	Sheila Brennan Nee	Maine Sports Commission	Our nonprofit organization helps strengthen Maine's economy through sports tourism. Sports ranging from professional teams based on the peninsula to collegiate games, grassroots events and national tournaments choosing Greater Portland venues as a host is critical to increasing Maine's share in the sports market. Marketing our largest city is essential to growing the brand awareness of our state as a four season sports and recreation destination. Greater Portland's budget in comparison to other similar-sized markets is shocking. A more sustainable funding model is a must for the future of Greater Portland's tourism growth and workforce development.

10	Kristen Levesque	Kristen Levesque PR & Marketing	As the largest industry in the state, Maine's tourism industry benefits our community and local businesses by creating and supporting jobs at attractions, accommodations, and restaurants which boasts our local economy. The lives of both tourists and locals are enhanced with funds from the tourism industry creating a better place to live, work, and visit. A vibrant tourist community attracts national and regional media coverage (e.g. Portland's™s nationally recognized restaurant scene) attracting more visitors to the area resulting in an increase in revenues for local businesses.
11	Scott Marn	Westin Portland Harborview	As business leaders within the community, this is a must to allow Portland to become relevant and competitive within the New England region. Summer leisure demand is not sufficient to maintain the quality and quantity of talented employees.
12	Michael Briggs	The Olympia Companies	Tourism, according to recent surveys, represents nearly 20% of all employment in the state. The trickle down is far greater when considering the vast number of vendors hotels, resorts, and restaurants alike use on a daily basis. Tourism in our community is a material economic driver and will continue to be.
13	John Schultzel	The Olympia Companies	Maine is vacationland. The travelers that fill our hotels, shop and eat, rent homes, fill their tanks, visit our sites are the cornerstone of the our region's economy.
14	Gerard Kiladjian	Principal Hospitality	Economic growth in the state of Maine is driven by the success of the tourism industry. The decision to move a business to Maine, or to relocate to Maine always starts with a vacation in Maine, that turns into a relocation. These marketing funds will ensure Maine tourism stays robust for years to come, regardless of what life throws our way.
15	Steve DiMillo	DiMillo's On the Water	Our local tourism economy allows us to employ over 100 people year-round. Without the seasonal influx of visitors to our state, our business would not be able to employ half the people we currently do. It's vital that we continue to promote Maine as a destination any way that we can.
16	Shawn Sullivan	LLBean	Tourism is a key contributor to the traffic flow in our Stores which we rely on heavily. We love seeing visitors from around the country and the world every year! Keep them coming!
17	Alen Saric	Hyatt Place Portland Old Port	Very important effort for our whole community not only for hotels, local shops and restaurants.
18	Bill Frappier III	Portland Discovery Land & Sea Tours	Portland Discovery Land & Sea Tours strongly support this initiative to create a Tourism Improvement District. The vibrant community that is Portland, with all of the amenities and attractions we enjoy, is in large part fueled by tourism and the dollars that visitors spend here. Locals alone cannot support all that Portland has become. It is time for Portland's government to fully recognize the impact that tourism as an economic engine, plays in Portland's success and vitality. Dedicated funding to organizations like Visit Portland, that attract both individual visitors and conferences is essential to a healthy local economy and should be a foundational element of local governance. Please support this effort.
19	Jeff Gambardella	Nonesuch River Brewing	Tourism is a major component to the success of our local economy. I am in full support of enacting a Tourism Improvement District.
20	Pamela Laskey	Maine Day Ventures	Tourism is so vital to Portland supporting our tax base and creating so many jobs. Visit Portland does so much for local tour operators and hoteliers and attractions, and the potential to do so much more remains unrealized without some funding. Like so many DMOs across the country, it's time for greater Portland to have a well- funded organization, to remain competitive and pay better salaries to attract key staff and compete for Maine reputation on a global scale.

21	Matthew McCagg	Olympia Hotel Management	As a brand new member of the Portland community but a long time member of the hospitality industry, it is immediately evident to me that tourism supports the Portland economy in a direct and material way
22	Paul Drinan	Friends of Fort Gorges	Our business relies heavily on tourism marketing and our membership with Visit Portland has been key to our success in meeting new supporters. Please consider the creation of a Tourism Improvement District here in Portland so that we can all benefit from a level playing field with our out-of-state competitors. Paul Drinan Executive Director Friends of Fort Gorges
23	Jill Perry	Allagash Brewing Company	Tourism is huge driver in the success of our business, and many other businesses in Portland. It fuels job creation, entrepreneurship, and provides economic impacts that benefit the entire community.
24	Casey Oakes	Portland Ovations	Portland, and Maine as a whole, thrives or fails on summer returns. Or at least that was the thinking for many years. Now we know Portland can be a destination year round - just as attractive for leaf peeping in the fall as skiing and eating in the winter. We have it all year, we just need the resources to be able to share that message. We must fully support this initiative to continue to grow our tourism industry and bring people to Maine from throughout the country and around the world. We've got the goods, now let's show them off.
25	David Turin	David's restaurants	Visit Portland is essential to the Portland economy. By supporting tourism and hospitality it improve the lives of many, many Portland residents. There are more people and industries who benefit from visitors that we could possibly count in this limited forum, but know that the average person living in Portland has a better life because of tourism. Visit Portland's ability to survive and thrive is directly connected to competitive funding. Please support it!
26	Lauren Wayne	State Theatre / Crobo LLC	As an operator of two of the largest and most active music venues in Portland, we not only rely on local patrons but on ticket buyers all throughout New England and down the East coast to support and enjoy our events throughout the entire year. We love to show off what we do and our amazing town to locals, tourists and the national artists and musicians we bring to our venues 365 days of the year.
27	David Coffin	Headlight Audio Visual, Inc.	Tourism is the most critical Industry today to drive revenue growth in the state of Maine. It impacts small businesses, Community growth, and business development. Tourism is also a very competitive Industry. Continuous investments in tourism marketing are needed in our region to attract leisure and business travelers in every season to strengthen our local economy.
28	Angie Helton	Northeast Media Associates	I have had my own PR firm for more than 15 years and over the years many of my clients have been in the tourism industry. This industry feeds so many small businesses with complimentary work that it is a crucial economic engine for businesses like mine.
29	Linda Varrell	Broadreach Public Relations	For a state that is as diverse and geographically dispersed, tourism is vital for our survival. For Maine's largest DMA, It serves as the training ground for our young people, provides careers and clients for our savvy professionals and most importantly, builds community through healthy place-making. This can't happen in just a few warm months in the summer, it must be nurtured over the course of the year, through consistent investment, focus and intention.
30	Matthew Nolan	Residence Inn by Marriott Portland Downtown	Any addition tourism marketing dollars will have such positive impacts to so many sectors of our local economy where profit margins are already slim. If we do not keep Portland on top of all the travel guides and RevPAR begin to shift downwards will drive down the confidence of restate developers/investors and local chefs and business owners with hopes and dreams of created a successful business here in Portland. It is crucial for Portland to have additional resources to keep us competitive with secondary markets. Cities such as Providence, Manchester and Portsmouth are equally as attractive with similar price points and economic growth.

31	Brian Tremblay	People's United, a division of M&T Bank	Tourism is an integral part of the community. Without tourism dollars, the potential is there to drive away local businesses. It impacts small businesses, start ups, job stability, and business development.
32	Paula Mahony	Words@Work	With a population of 65,000 residents, Portland can't sustain our vibrant food, brewery, and environmental businesses without the addition of customers from other regions. By attracting visitors we also attract new workers, new residents, and new revenues; both direct and indirect. Assisting our tourism association is critical. None of this happens without hard work and effective marketing. Visit Portland is essential to the success of our business community. Please support Visit Portland.
33	Kristin Bingham	Dean's Sweets	Tourism keeps our business going, not just during the summer months, but year-round. Families come through our stores, buying chocolates to eat on the spot or picking out gift boxes to bring home. Foodie Tours bring by vacationers, often many groups daily. We talk to people traveling in every season, from New York, Massachusetts, California, everywhere. We also work directly with several hotels in the Greater Portland area, which has become the bread and butter of our business, keeping us busy in the best possible ways. We can predict sales, maintain cash flow, and most importantly, keep our top-notch team employed! Tourism is the key to it all. Without it, our business would be a fraction of what it is.
34	Dugan Murphy	Portland by the Foot	As somebody who has managed many nonprofits, I know how much staff time can be spent on fundraising. As an entrepreneur, I highly value the work Visit Portland does to support small businesses like my walking tour company. As somebody with a background in urban planning, I understand the potential for a TID to stabilize Visit Portland's funding and free up their staff time to be more effective at bringing visitors to the region. I support this proposal.
35	Anne Weiss	SKORDO	Portland needs healthy, dependable tourism every year to maintain its unique group of businesses and to continue to attract innovation and new businesses. It has grown our business in immeasurable ways, not only locally but across the country. We acquire the majority of our online customers from tourists visiting our Portland shops and that online business has created manufacturing jobs throughout other parts of the state.
36	Peter Delgreco	Maine & Co.	Having a vibrant Portland contributes greatly to the economic opportunities for the city, its residents, and those of the entire region. At Maine & Co., we work with companies who expressly state that they want to locate in vibrant communities. Over the last few years, we have seen companies like WEX, Sun Life Financial, and others make significant investments in Portland because it is a vibrant community. Establishing a Tourism Improvement District can help continue this momentum without taxing the residents of Portland. I hope this Tourism Investment District is established. A Tourism Investment District can help even out Portland's economy by encouraging year round visitors, allowing employers to hire people for full-time positions, rather than seasonal only positions. It can also help buffer the economy in the face of an economic slow down that affects the summer season. Judging by the support of the hotel community (the group responsible for collecting this assessment), this is a policy that makes a lot of sense.
37	Adam Goldberg	Maine Mariners	I am in full support of a Portland area Tourism Improvement District. This initiative will not only help the essential tourism industry here in Greater Portland, but also will improve the lives of residents. Greater Portland prides itself on locally owned businesses and this TID will allow those owners and staff members to succeed year-round. We cannot just maintain. We must develop, innovate and grow the tourism of the area. I view the TID as a program that will raise the tide and lift all ships in Portland.
38	Gillian Britt	Eat Drink Lucky	Visit Portland needs a larger marketing budget to be able to successfully promote the City. The benefits are clearly outlined in ED Lynn Tillotson's TID proposal. I hope the proposal becomes reality; it is a logical solution to attracting year-round visitors.

39	Brewster Harding	Shipwreck & Cargo Ports of Call	Over the past four decades The Visit Portland teams have created amazing results despite their shoestring budgets. With dedicated, TID funding so much more marketing of our special city can be accomplished. More than ever we have to compete against other destinations; and we need to show the citizens and city government that their support of infrastructure improvements that make this city “a place where people want to be”, benefit us all. After 47 years in the Old Port our retail business has finally seen tourist dollars flowing in all of the off-season months. As a result we keep a large staff on year-round payroll and our local suppliers add to their revenue as well. Tourism is Maine’s number one industry and greater Portland should lead the way. If you consider all the shops, hotels, restaurants and their local suppliers that have filled in what was a forlorn city in 1970 when the Prince of Fundy line attracted Portland's first substantial tourist trade, one can see the impact of the tourism industry. Jobs have been created, buildings erected and attractions developed as a result firstly, as the Rouse Company study concluded in 1981, because Portland is an attractive place where people want to be and explore. The business success and revenue follows.
40	Peter Twachtman	Lark Hotels	Tourism and Maine go hand-in-hand, one doesn't exist without the other. Competition for visitor dollars is fierce and the funding to attract those dollars is limited and getting smaller by the moment. The best way to fund the regions DMO is through a TID and not have the burden of funding be on members who are rebuilding their businesses. My life in Maine only exist because of Tourism, mine and so many others.
41	Rick Lowell	Casablanca Comics	Tourism sales are a big segment of our business. We still have a very dedicated local following, but the tourism sales on top of that allow us to thrive, not merely survive.
42	Mary Allen Lindemann	Coffee By Design	Covid impacted our community and businesses and continues to do so. This on top of the ever rising cost of doing business and living in Portland. Yes, we are busy now for which we are grateful but as the winter season is just around the corner, I worry how will we make ends meet. How when customer counts decline dramatically do I keep my loyal and hardworking staff gainfully employed? We all know Portland is a unique all season destination but the public at large does not. We are known for our award winning restaurants and other specialty food and beverage venues, but what about the world class arts which are in full swing! Something we locals can be proud of no matter what genre you prefer should not be our best kept secret! We need a budget to promote Portland's doors are open to everyone year round. In doing so, we add dollars to our bottom line and ensure we all thrive, not merely survive!
43	Lucas Laidlaw	Westin Harborview	There is an incredible need to market the traditional tourism season and expand that reach into the shoulder season-leveling out visitation throughout the year. This would allow us to maintain staff year-round rather than be forced to lay off and gear up again each Spring.
44	Mark Murrell	Get Maine Lobster	It is imperative to support tourism in the state of Maine. Not only does it fuel small businesses, it is the first impression of potential businesses moving their operations to Portland. If we want more businesses to move to Maine, we need to support the marketing efforts of the state. Portland has an amazing opportunity to grow into something amazing and sustainable. In addition, tourism supports our working waterfront! If we didn't have people here eating in the restaurants we would have to rely on nearly 100% exportation of our fish and lobster products.

45	Darcy Smith- O'Neil Christopher O'Neil	Boone's Fish House & Oyster Room	According to Smith Travel Research, Portland hotel summer occupancy rates are among the highest in the country. But we all know how slow it can get after leaf peeping season! Lots of vacant hotel rooms, uninhabited streetscapes, empty restaurant tables, and lower paid or laid off residents. Portland could - and should - be a four seasons destination, not just for tourists, but for business travelers too. If we better equip our visitation marketing professionals, we can fill more rooms year-round, which will smooth out this high peak/low valley economy which we all have endured for so long. A TID is a low impact & high benefit tool which will help Portland attain the revenues that we are now leaving on the table.
46	Brit Vitalius	Vitalius Real Estate Group	In a state with an aging population, we must continue marketing our community to drive future residents. People don't move to a place unless they have visited it and had a great experience that makes them consider the destination a viable option to live and work. A vibrant destination drives innovative mixed-use development and assists in retaining or boosting home values. In addition, destinations prone to seasonal tourism fluctuations are prone to employment fluctuations, difficulties in maintaining economic status, and revenue instabilities. However, driving visitation year-round allows for our residents who work in the hospitality industry and will help to mitigate these issues.
47	Krista Cole	Sur Lie	It's known that tourism causes significant economic activity within a community. In a state with small cities and rural communities, such as Maine, we depend heavily on the influx of people and revenue that the tourism industry brings.
48	Steve Bromage	Maine Historical Society	Tourism is an essential part of Maine's economy and identity. Drawn by Maine's powerful mystique, people come from around the globe to discover and experience Maine; ultimately, inevitably, they fall in love. Tourists bring enthusiasm and infectious joy that contributes to and nurtures Maine's special sense of place. Tourism will continue to play a key role in Maine's future--we need to plan for it, invest in it, grow it, and ensure that Maine has the infrastructure and capacity to manage and support it. As the Executive Director of the Maine Historical Society, it's imperative that visitors experience and share Maine's history. The preservation of our history is a key element of sharing where we've been and tells the story of our heritage, keeping our destination relevant for years to come.
49	Scott Reischmann	Portland Schooner Co	This looks great and looks like something that could really help our local economy. The funding comparison made showing how little marketing dollars Visit Portland has available comparatively to other regions is eye opening, to say the least. Thank you for your work on this.
50	Ian Bannon	Mayo Street Arts	Tourism has always been a major component of Maine's economy. It's wonderful to see the state embracing the promotion of cultural tourism on top of the natural beauty that we have to offer.
51	Dana Eidsness	Maine Northern Atlantic Development Office (MITC)	I have brought several international trade and diplomatic events to Portland, resulting in hundreds of visitors experiencing Portland for the first-time. With additional funding Visit Portland could afford an economic impact calculator tool that will provide all of us with helpful information on the important metrics that meetings and conferences generate for our economy. Understanding the ROI of these activities will help us to allocate resources and capacity to support activities with the highest impact.
52	Brian Corcoran	Shamrock Sports & Entertainment	Shamrock has enjoyed driving economic, community and charitable impact via bringing world class events such as Professional Bowler's Association, PGA Korn Ferry Tour and Carnaval Maine to Portland – in all an estimated \$25+ Million in direct economic impact over the past decade. However, the growth and sustainability of these and new events, as proven successfully in other markets, is not possible without incentives make possible by the TID.

53	William Wenzel	Focus Photography	Maine has grown to be the third most popular state in the country for destination weddings. While it has huge impact statewide (weddings in Maine generate 1 billion in services, food and beverage, and rooms) it is particularly meaningful for my business. 75% of the wedding couples we work with in Maine come from out of state. Wedding tourism is real, and it's bringing in hundreds of millions of dollars into Maine Annually.
54	Kim Madore-Smith	Maine Limousine Service	As a transportation provider, tourism is vital to our business. From leisure and business travelers, to conferences, destination weddings, and other special events that bring visitors to Greater Portland. Tourists make up a large portion of our clientele. It is very important to successfully market our region as the incredible destination it is.
55	Liv Vega	Liv For Events, LLC	The high quality of cultural and recreational life here in Maine is largely due to Maine's natural beauty, our hard working community oriented people and the tourism industry. Having lived in the Greater Portland Area, from the West End, to East Bayside, Outer Congress and Peaks Island for over 10 years and also spent time in the mid-coast, I can attest to the high quality of life we live here and the direct impact the tourism industry has for us Mainers. It isn't just dollars and cents. A city of just under 70K people with a surrounding area of under 300K and a State under 1.5 million would not have the symphonies, museums, restaurants, mount, ocean and lakeside parks without it. Maine is a special place that draws people in for more than just lighthouses and lobster (although those things are worth the trip alone). We need to support the people and organizations that bridge the gap between seasonal and seasoned Mainers. It is imperative to keep this community thriving and working together. As the world gets faster and infrastructure larger we need a group that focuses on taking care of this exceptional State, Area, and people. That will make our every day better. Living in Maine when we are done with work we get to go on vacation. We can take the kids to the park, meet friends at a local brewery, go out to dinner with the one we love, take in a play or a show, go lay on the beach in the warmer months and downhill ski in the cooler ones. We have it all and it is largely thanks to the revenue that our beloved guests bring in each year. We get everyday what families save up for a year so they can spend one week with us and share how special this place is to be. Let's continue to take care, communicate with them, and take care of all of us too. I greatly support this initiative and what Visit Portland does and will do for all of us here in Maine and Portland.
56	Kevin Sandler	SP Plus	Our residents and businesses here in Portland rely on tourism to keep us afloat, but the season is too short. A proven collaboration that will allow us to maintain year-round tourism will do more than keep us afloat - it will sustain all businesses for the long run.
57	Shay Bellas	NaviTour	Maine has so much to offer and we are telling that story through all of our guides- guides that represent BIPOC, LGBTQ+, blind, deaf, old, young - but we need to market beyond the north east and we need to market to these populations to let them know Maine is a place that they are welcome. There is no better way to do that than to have locals who look like them and the smartest way to market a region is through regional groups like Visit Portland who can represent more than one company but all the businesses. With the current model, Visit Portland is hamstrung into marketing their members only, with TID funding it would be a more fair and equitable way to market our assets. If you want to market Portland in a more authentic way - by highlighting the local authentic guides, like those on NaviTour, then I strongly urge you to support this.
58	Tim Brosnihan	Victoria Mansion	Over the last 20 years, Victoria Mansion has grown in tandem with the region's tourist economy, nearly doubling our visitation, operating budget, and staffing levees since 2003. Visit Portland has helped set the stage for this growth through its efforts to promote the city as a tourist destination. Victoria Mansion feeds off the growing vibrancy of the city, "upping our game" as a museum and doing our part to improve the region's cultural offerings with the support of locals as well as visitors from out of state and abroad. We are particularly supportive of Visit Portland's efforts to even out the seasonality of the city's tourist traffic. Huge season swings in revenues make it difficult for our organization to support year-round jobs. The potential is there for Portland to build its visitation in the shoulder seasons, but this can't happen without carefully conceived and well-funded marketing initiatives. In order to lead the charge, Visit Portland will need new sources of revenue beyond the membership dues paid by organizations like ours.

59	Caroline Koelker	Opera Maine	Opera Maine knows that people visiting Portland who attend our performances come back again and again for the high quality arts experience that we offer.
60	Katie McHenry	Holy Donut	Small businesses in our community rely on tourism, including us- it provides opportunities, jobs, and most importantly a boost in economy all while spreading the word of these businesses through word of mouth and other marketing ventures. Without tourism, many of these small businesses would not be able to survive.
61	Ken Janson	Nimlok Maine	Portland is perfectly poised to host regional conventions and trade shows that would bolster our shoulder seasons, and fill out hotels, restaurants, attractions, and tours with more support business and, consequently, keep more full and part-time jobs available on a year-round basis. A Tourism Improvement District would help provide resources to seek out such destination marketing opportunities for the City of Portland.
62	Bill O'Malley	Cross Insurance Arena	This is a long overdue necessity for the City of Portland!
63	Zachary Poole	Maine Brews Cruise	Tourism is essential to the community of Portland, Maine as it is a major driver of the local economy, creates jobs, and promotes the city and its offerings to a wider audience. Visitors who come to Portland to experience its unique culture, history, and natural beauty bring in significant revenue for local businesses, hotels, and restaurants, which supports the growth and development of the community. For Maine Brews Cruise, tourism is crucial as it promotes and showcases the thriving craft beer scene in Portland, which has become a major attraction for beer enthusiasts from around the world. The tours not only support the local growth of the tourism industry but also promote local businesses and create jobs in the community.
64	Dylan Shur	Casco Bay Custom Charters	Tour operators require a steady stream of business to fulfill commitments made to our employees. Our employees are ready to share their love of this great state not just during the summer months, but year round. We need a forward thinking marketing and sales strategy to attract visitors 12 months of the year. Mainer's are here and ready to work and share all we have to offer no matter the month."
65	Natalie Bogart	Northern New England Passenger Rail Authority	The Amtrak Downeaster works diligently to attract a diverse ridership base and to bring visitors/ tourists to our station communities in Maine. A Tourism Improvement District (TID) would provide increased and dedicated investments in tourism marketing would be beneficial in helping to realize that goal.
66	Michael LoConte	Cross Insurance Arena	As General Manager of the Cross Insurance Arena, I fully support the need for a Tourism Improvement District to help support Tourism in Portland, Maine. The additional funds would allow Visit Portland to market and bring more national events to the area.
67	Graeme Kennedy	Portland Museum of Art	We must do more to ensure a sustainable and vibrant future for all Mainers and people who love our state. By supporting this initiative, the city sends a strong message that everyone in Portland has a role to play in the future success of our region.
68	Shultzie Fay Willows	Children's Museum of Maine	
69	Jim Gallea	Casco Bay Custom Charters	Tourism is becoming more and more essential to the economy of Maine and Greater Portland. While we are enjoying a vibrant tourism sector at present, we must invest now to assure we remain a premiere destination for domestic and international travelers. A tourism Improvement District is essential in this effort. It costs local taxpayers nothing yet delivers a lot of potential for everyone who serves the tourism industry in the Greater Portland area. Vote yes without delay!
70	Allison Page	Portland Symphony Orchestra	Tourism has a significant impact on the Portland economy. Implementing a TID would help expand the ability to market Portland tourism in the off-season, bringing more stability and sustainability to the hospitality industry and local businesses.
71	Sean MacCarthy	Porthole Restaurant Three Dollar Dewey's Casablanca Cruises	Maine's tourism economy provides thousands of people in this state with livelihoods. We welcome visitors from away with open arms and show them what makes Vacationland so special.
72	Emily Zollo	Porthole Restaurant Three Dollar Dewey's Casablanca Cruises	Tourism plays a HUGE part of the Greater Portland area in a way that is all intertwined and effects not only the tourism driven businesses (like restaurants & hotels) but practically every single local business. If we don't have visitors in our restaurant, we simply are not able to support the local farmers, fisherman, brewers, landscapers, and so much more, on top of our own staff.

73	Craig Williams	Churchill Events	Throughout the past 27 years, Tourism has continuously provided a vitally important source of revenue for our event planning and catering business. I believe that the more we can do to support the efforts of Visit Portland, the stronger will be their impact on the region's economy during the years ahead.
74	Meaghan Dillon	Luke's Lobster	Tourism is crucial to the City of Portland, and especially restaurants like ours, who depend on tourism to not only employ a large staff in the summer, and a core staff in the shoulder season, but who depend on these customers to continue buying/processing lobster and supporting the lobster industry.
75	Mike Alfiero	Harbor Fish Market	We at Harbor Fish Mkt. believe that our great tourism industry is vital to our future, and to the entire business and supportive communities in Greater Portland. We believe that Maine's tourism industry will continue to grow, and could be quite substantial. From York to Fort Kent, Gilead to Calais, visitors want to recreate here for good reason, our state is spectacular, and still pristine. These visitor's will most likely spend time in Greater Portland, and some will spend a significant amount of time here. We see this at Harbor Fish all the time, year-round. We would support a Tourism Improvement District, and we believe this initiative would help reach more visitors that are traveling the entire state. There is a lot of love about Maine, and the Greater Portland community. There is something for virtually everyone. We have a great opportunity to continue to grow our tourism industry, and a TID would be a great opportunity to help fund the needed marketing tools to capture these visitors.
76	Robin Lapoint	Geary Brewing Maine	Tourism is a huge importance to our community and business. As Maine's first craft brewery and part of our vacationland's food brand, we know well that people travel far and wide to experience our beautiful state and enjoy our delicious foods and beverages! Tourism as and important driver of some of our consumers! People from far away write to us all the time about their time in Maine enjoying a GEARY'S. Perfect Maine they say!
77	Zack Anchors	Portland Paddle	I believe that a Tourism Improvement District in Portland would be a terrific way to ensure funding for the important work that's needed to support sustainable tourism in our city.
78	Stefanie Manning	Miss Portland Diner Harvest on the Harbor	We support Visit Portland with a membership because we believe in the role tourism plays in our success. But it's bigger than the membership. Portland has grown into one of the most dynamic destinations on the East Coast and our ability to sustain that is essential to our collective future. Visit Portland should have the resources (and budget) that allows them to properly market our City and everything it offers to leisure and business travelers alike. It's exciting to think about what will be possible as part of a Tourism Improvement District! We love our locals, but tourists enable restaurants and events like ours to reach their full potential.
79	Sheila Nappi	Bow Street Beverage	Bow Street Beverage recognizes the importance of a strong local economy and the value of tourism to the business community. The natural beauty of Maine, working waterfront, renowned restaurant scene, history, outdoor recreation, and wedding venues attract visitors. By making Portland a destination for tourists, it fuels the local economy. Family run businesses, employment opportunities, and municipalities all benefit.
80	Douglas Fuss	Bull Feeney's	Most people from outside of Maine consider us to be mainly a summer destination, bu the winter, spring, and fall are equally important to the viability of small businesses like mine that rely on year-round revenues. In Portland we have greatly increased the number of hotel rooms. Those guests help fill seats and tables of my business and those in our diverse and vast, restaurant, bar, and brewery scene. Communicating our year-round story to the world is vital to our success!
81	Steven Gorman	Vena's Fizz House	Tourism is vital to the health of our brick n' mortar
82	Gabe Hoffman-Johnson	USL to Portland	For myself and my current projects to bring professional soccer to Portland, the importance of tourism extends well beyond future revenue from Portland tourists. Promoting Portland as a 'brand' is a powerful attraction tool with direct impacts supporting workforce development and retention. As Portland continues to evolve, it's critical to continue creating unique platforms that support, and contribute to, the social and economic fabric of our community.

83	Stefa Normantas	Green Tree Events	As a 20+ year event planning business and partner in the community, Green Tree Events stands in full support of Visit Portland's call for increased investment in tourism marketing and sales efforts. We understand that creating a compelling story for a destination is crucial to controlling how people perceive our community, and that positive outreach brings in visitors, new residents, and new business development. We see firsthand how conferences, meetings and events have a tremendous economic impact from large hotels to the smallest gift shops. We agree that Visit Portland faces a significant financial disadvantage by relying solely on membership and advertising revenues from local businesses, especially when compared to other communities supported by public funding based on lodging tax dollars. Without adequate resources, we risk losing market share and hindering our economic recovery efforts. Other states understand the economic value of tourism and are looking to capture dollars that may have been intended for our state. The pandemic hit the tourism industry hard, and it's vital that we invest in recovery efforts to ensure the industry's future success and stability. The Portland region has a great story to tell. Investing in tourism marketing and sales efforts will allow us to tell the story that showcases our unique culture, people, and assets, and attracts visitors, residents, and businesses. This work has been proven time and time again to pay for itself. We urge you to consider the importance of a well-funded, sustainable and effective tourism model for the Greater Portland region's economic future.
84	Rachel Sagioglu	Experience Maine	If you look at the grid comparing other DMO's of equal market size...this says it all. With these additional funds, Visit Portland could drive more tourism to our state in the off season and more meetings/events in the shoulder seasons. Th is plan is sound. It works. As a meeting planner who has planned meetings and events in many of the comparable markets, it's clear now owning a Maine-based DMC/Meeting Planning business that the discrepancy is exponential in this market. I urge you to support the establishment of the TID so Portland AND Maine can continue to grow, and grow effectively!
85	Rachel Sagioglu	The Maker's Galley (Second Business)	As a small café and market in Portland's Old Port, it is clear that more has to be done to support the many restaurants and shops in Portland in the offseason and shoulder seasons. There are so many of us and we can not survive on local revenue alone. The TID is a way for Visit Portland to do more to drive revenue and exposure for small businesses like mine and supplement the high cost of membership.



Dena Libner <dlibner@portlandmaine.gov>

Portland Development District – Council Meeting 9-6-23

1 message

Rich Brooks <rich@takeflyte.com>
To: publiccomment@portlandmaine.gov

Fri, Sep 1, 2023 at 8:02 AM

Mayor Snyder and City Counselors.

Howdy! My name is Rich Brooks, President of flyte new media, a digital agency that's called Portland home for 24 of our 26 years in business. Today I'm emailing you in **support of the Portland Tourism Development District**.

I'm sure you're getting a lot of emails, letters, and hearing from others on the importance of tourism to the city, its businesses, and its people.

Please, allow me to add to that chorus! While we don't focus exclusively on tourism based businesses, **we've had many clients over the years that include lodging, tours, restaurants, and event spaces**.

Further, **we have clients who rely on these businesses for their business**: accountants, PR companies, business consultants, insurance companies, and more.

Let's face it: tourism drives Portland, both directly and indirectly.

We need to have the Development District marketing our destination year-round, and especially during key need periods. It's the visitors from out of state that generate a significant economic impact through their spending in the very hotels, restaurants, shops, attractions, and arts & cultural businesses that keep our employees working.

The Development District is an innovative way to support tourism and many small and large businesses will benefit from a robust industry. Thank You for your time and consideration, and I highly encourage you to vote yes on September 6.

I had hoped to speak publicly about this, but unfortunately my business has me out-of-state next week...I hope this email shows how important the Development District is not just to the tourism industry, but all those businesses and residents who work for and rely on these businesses.

I'm available at the number below should you have any questions about my concerns. Thank you.

--

Are you going to [The Agents of Change Digital Marketing Conference](#) on 10/4 & 5?



Rich Brooks
President
flyte new media
207.523.5141
www.takeflyte.com





Dena Libner <dlibner@portlandmaine.gov>

Portland Development District – Council Meeting 9-6-23

1 message

Gorski, Marcin <Marcin.Gorski@crestlinehotels.com>

Tue, Aug 29, 2023 at 1:04 PM

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

Good day,

I am writing on behalf of Aloft Portland hotel, which is managed by Crestline Hotels & Resorts to inform the Portland City Council members that we are in support of the Tourism Development District. We highly encourage you to vote yes on September 6.

With promotion, The Tourism Development District will help all of us in Portland attract year-round visitors and assist in training employees through the whole year, rather than reducing hours and/or laying employees off during the quiet season. I look forward to a time when Portland is kept busy year-round and the idea of a slow season no longer exists, because it is possible.

Thank you!

Kind Regards,



Marcin Gorski
General Manager
Aloft Portland

379 Commercial Street
Portland, ME 04101

T. 207-761-6000 Ext. 5270 F. 207-761-6489
[alofothotels.com](https://www.alofothotels.com)

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Dena Libner <dlibner@portlandmaine.gov>

Fw: Portland Development District - Council Meeting 9-6-23

1 message

Ramada Plaza <info@portlandramada.com>

Tue, Aug 29, 2023 at 12:57 PM

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

From: Ramada Plaza**Sent:** Tuesday, August 29, 2023 12:32 PM**To:** council@portlandmaine.gov <council@portlandmaine.gov>**Subject:** Portland Development District - Council Meeting 9-6-23

I am writing on behalf of the Ramada Plaza by Wyndham hotel to inform the Portland City Council members that we are in support of the Tourism Development District. We highly encourage you to vote yes on September 6.

There are many more hotels in Portland than there were just a few years ago, with more on the way. In order to maintain an occupancy that allows these hotels and other tourism related businesses to succeed, the city needs to be competitive with other cities and areas that currently have much larger advertising budgets. Establishing the Tourism Development District will provide the funding that will enable Portland to continue to be a destination that shows up on people's radar when looking for vacation and conference destinations.

Sincerely,

Mark Heisler

General Manager

Ramada Plaza by Wyndham

[155 Riverside Street](#)

[Portland, ME 04103](#)

(207)774-5861

info@portlandramada.com



Dena Libner <dlibner@portlandmaine.gov>

Portland Development District - Council Meeting 9-6-23

1 message

sean@always-guiding.com <sean@always-guiding.com>
To: publiccomment@portlandmaine.gov

Tue, Sep 5, 2023 at 11:37 AM

Good morning to Mayor Snyder and the City Councilors,

My name is Sean MacCarthy from Upward Management Group located at [2 Union Street, Portland, ME 04101](#). I am writing on behalf of support for the Portland Tourism Development District.

I run Upward's marketing department (which does business as Guided Marketing Services). We do marketing for a variety of hospitality businesses in the Greater Portland Area.

- Shipyard Brewing Company
- Three Dollar Deweys
- Saltwater Grille
- Inn on Peaks Island
- Sea Dog Brewing Company
- Novel Beverage Company
- and more

I've come to know these businesses intimately, including getting to know the frontline staff who really keeps these businesses running. The instability of the seasonality of these businesses can really take a toll on the individuals working here. Whether they are managers, kitchen staff, office staff, or servers, these people work hard to keep business going, but often find it unsustainable to stay in their roles year-round or for multiple years.

Increasing marketing budgets to keep tourism strong during the shoulder months is a key to not just the success of businesses, but to the success of the individuals living in this area.

Having the ability for the Development District to market our destination year-round, and especially during key need periods will be essential. Visitors from out of state, generate a significant economic impact through their spending in hotels, restaurants, local shops, attractions, and art/cultural businesses and keep our employees working.

The Development District is an innovative way to support tourism and many small and large businesses will benefit from a robust industry. Thank You for your time and consideration, and I highly encourage you to vote yes on September 6.

Sean MacCarthy

Marketing Director

[Guided Marketing Services](#)

#AlwaysGuiding

(617) 894-2141





Dena Libner <dlibner@portlandmaine.gov>

Testimony for the Portland Tourism Development District

1 message

Angie Helton <angie@nemediassociates.com>
To: publiccomment@portlandmaine.gov

Tue, Sep 5, 2023 at 11:47 AM

Hello Mayor Snyder and City Councilors,

My name is Angie Helton, and I am President of Northeast Media Associates, a public relations consulting firm. I am writing on behalf of support for the Portland Tourism Development District. Unfortunately I cannot be at the Council meeting tomorrow so would like to submit this written testimony in advance.

I am the public relations company for several significant events in Maine, including Carnival Maine, Portland's only major winter event in February, attracting over 10,000 visitors in four days from more than 25 states.

Carnaval began with the mission of driving people into Portland during the winter months, showcasing that Maine is a great place to get outdoors year-round, encouraging families to enjoy the festivities and everything downtown Portland offers in the winter.

Carnaval features several local businesses throughout the event, but the event organizers also support local businesses by enlisting their services to help organize and implement the event for all to enjoy.

Having the ability for the Development District to market this event during a key need period will be essential. Events like these bring visitors from out of state, leading to a significant economic impact through their spending in hotels, restaurants, local shops, attractions, and art/cultural businesses.

The Development District is an innovative way to support tourism and many small and large businesses that benefit from a robust industry.

Thank You for your time and consideration, and I highly encourage you to vote yes on September 6.

All my best,

Angie Helton



Dena Libner <dlibner@portlandmaine.gov>

Portland Development District – Council Meeting 9-6-23

1 message

Robin <rclapoint@comcast.net>

Tue, Sep 5, 2023 at 11:49 AM

To: publiccomment@portlandmaine.gov

Cc: "Alan F. Lapoint (ICE)" <alapoint@strainrite.com>, council@portlandmaine.gov

Dear Mayor Snyder and City Councilors,

My name is Robin Lapoint. My husband Alan and I own **Geary Brewing Co.** (Maine's First Craft Brewery), **1820 Brewing Company** (Maine's premiere nonalcoholic brewery), and **Belfast Bay Brewing Co.** all located at *38 Evergreen Drive*. I am writing on behalf of support for the Portland Tourism Development District.

First, a vibrant community builds a strong business base, schools, and future residents. This has always been at the forefront of our minds as business people and community members even before we took over Geary Brewing Co. in 2017 when we decided to steward and preserve this important Maine pioneering company. We believe tradition, jobs, and hope must be protected and we all must do our part.

Additionally, it's important to us to always have the ability to promote everything about Portland: food, arts, culture, history, diversity, our working waterfront, and craft beer.

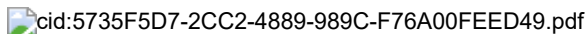
Having the ability for the Development District to market Portland as a destination year-round, and especially during key need periods will be essential. Visitors from out of state, generate a significant economic impact through their spending in grocery stores and markets, breweries, hotels, restaurants, local shops, attractions, and art/cultural businesses and keep our employees working.

My husband and I have worked hard to save Maine's first post prohibition craft brewery and to increase jobs at this important business. We need continued help to bring people to Maine to enjoy our beautiful state and the amazing things we make and the experiences we create. We do both at our brewery and feel the Development District is an innovative way to support tourism and many small and large businesses will benefit from a robust industry.

Thank You for your time and consideration, and I highly encourage you to vote YES on September 6.

Sincerely,

Robin C. Lapoint
Owner
Geary Brewing Co.
1820 Brewing Co.
Belfast Bay Brewing Co.
[38 Evergreen Drive](#)
[Portland, ME 04103](#)
(207)-671-0545



Sent from my iPhone

3 attachments



**Eighteen Twenty
Brewing Co.**

image0.png
165K

Maine's Premiere Non-alcoholic Craft Brewery



image1.png
352K



cid:5735F5D7-2CC2-4889-989C-F76A00FEED49.pdf
1959K



Maine Academy of Modern Music
125 Presumpscot St. #14
Portland, ME 04103
maineacademyofmodernmusic.org
office@mamm.rocks
(207) 899-3433

September 04, 2023

Mayor Snyder and City Councilors,

My name is Jeff Shaw and I represent the Maine Academy of Modern Music. I enthusiastically support the Portland Tourism Development District. MAMM is an independent 501c3 non-profit school of music that operates on a 'school of rock' model to provide classes, lessons, camps, and ensemble experiences. MAMM primarily serves young people ages 8 to 18, with a target population of those struggling at home or in school due to language, cultural, social, learning, and/or income barriers. We have three locations in the Portland area; 125 Presumpscot Street, 557 Riverside Street, and 144 Fore Street.

In addition to music education through our facilities, we also produce our own concert events. Our largest is the annual Resurgam Music and Arts Festival which welcomed 7500+ attendees to Ocean Gateway Park in 2023. We also work with partner organizations to find performance opportunities for our student and instructor bands including First Friday, Deering Center Porch Fest, Portland Winter Carnival, and others. A robust audience for concert performances is essential for their success. Having the Development District market the City year-round, especially during key need periods will be essential for growing awareness and attendance for our events. Out-of-state visitors contribute a significant economic impact through their spending at cultural events, as well as in hotels, restaurants, local shops, attractions, and arts businesses. This money grows our economy and keeps our employees working.

The Development District is an innovative way to support tourism and many small and large businesses will benefit from a robust industry.

Thank You for your time and consideration. Please vote yes on September 6.

Yours in rock,
Jeff Shaw

A handwritten signature in blue ink, appearing to read "J Shaw".

Executive Director / Founder
Maine Academy of Modern Music



Dena Libner <dlibner@portlandmaine.gov>

Portland Development District - Council Meeting 9-6-23

1 message

Derek Meader <derek@realportlandtour.com>

Tue, Sep 5, 2023 at 9:27 AM

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

Mayor Snyder and City Councilors,

My name is Derek Meader, owner of The Real Portland Tour. I am writing on behalf of support for the Portland Tourism Development District.

I was born and raised in Portland, and am lucky enough to live in the very same Portland neighborhood in which I grew up. I've been working as a tour guide in Portland for over 20 years. I've seen just how much tourism has increased over the years and the positive impact it's had on those who live and work here. I graduated from Portland High School many years ago, and I'm still great friends with a lot of my former classmates that I grew up with here. A lot of us moved away for college and found jobs in larger cities, but eventually were lucky enough to move back to Portland and open our own businesses here. We've all benefited in one way or another from the amount of visitors that have discovered just what is so great about Portland. I support Visit Portland continuing to have the capacity to promote our city in a meaningful way.

Having the ability for the Development District to market our destination year-round, and especially during key need periods will be essential. Visitors from out of state, generate a significant economic impact through their spending in hotels, restaurants, local shops, attractions, and art/cultural businesses and keep our employees working.

The Development District is an innovative way to support tourism and many small and large businesses will benefit from a robust industry. Thank you for your time and consideration, and I highly encourage you to vote yes on September 6th.

Derek Meader
Owner/Operator
The Real Portland Tour, LLC
207-329-7401
realportlandtour.com



Dena Libner <dlibner@portlandmaine.gov>

Portland Development District -- Council Meeting 9-6-23

1 message

Kim Madore-Smith <Kim@mainelimo.com>

Tue, Sep 5, 2023 at 11:21 AM

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

Mayor Snyder and City Councilors,

My name is Kim Madore-Smith, a resident at 25 High Street in Portland, and co-owner of Maine Limousine Service. I am writing on behalf of support for the Portland Tourism Development District.

Tourism is an essential part of our business, as we provide transportation for visitors arriving by plane, train, bus and cruise ship. These visitors are here for leisure, work, destination weddings, reunions, outdoor adventures, cultural events, etc. Without our tourism clients, we could not continue to operate our black car and limousine service in greater Portland. Anything we can do to support this industry should be done.

Having the ability for the Development District to market our destination year-round, and especially during key need periods will be essential. Visitors from out of state generate a significant economic impact through their spending in hotels, restaurants, local shops, attractions and services, and keep our employees working.

The Development District is an innovative way to support tourism and many small and large businesses will benefit from a robust industry. Thank you for your time and consideration, and I highly encourage you to vote yes on September 6th.

Sincerely,

Kim Madore-Smith
25 High St., Unit 303
Portland, ME 04101
207-699-8326

Maine Limousine Service
[70 Pleasant Hill Rd.](#)
Scarborough, ME 04074
207-883-0222 office
207-885-5415 fax

Visit our [Website](#)
Find us on [Facebook](#)



Dena Libner <dlibner@portlandmaine.gov>

Portland Development District – Council Meeting 9-6-23

1 message

Heather Sanborn <heather@risingtidebrewing.com>
To: publiccomment@portlandmaine.gov

Fri, Sep 1, 2023 at 1:24 PM

Mayor Snyder and City Councilors,

My name is Heather Sanborn and I live on Frost Hill Road and own Rising Tide Brewing Company on Fox Street. I am writing today to voice my strong support for the Portland Tourism Development District. Unfortunately I am not able to attend the Council meeting in person or via zoom.

As most of you know, Rising Tide and other beverage businesses have been a key part of the revitalization of East Bayside's light industrial area over the last 11 years. Prior to the pandemic, we noticed that we were seeing more day trip visitors and weekend visitors during the shoulder seasons and even at the height of the winter season, allowing us to employ more workers year round in good paying full-time jobs with benefits. This shoulder season and mid-winter tourism has, unfortunately, not rebounded following the pandemic. We have had to reduce staff over the last couple of winters and are worried that trend will continue. This summer was also quite lackluster from a financial perspective because of the terrible weather and some unease about the economy.

Having the ability for the Development District to market our destination year-round, and especially during key need periods will be essential. Visitors from out of state, generate a significant economic impact through their spending in hotels, restaurants, local shops, attractions, and art/cultural businesses and keep our employees working.

The Development District is an innovative way to support tourism and many small businesses like ours will benefit from a robust tourist industry, allowing us to create more good paying year-round jobs. Thank You for your time and consideration, and I highly encourage you to vote yes on September 6.

Best regards,

Heather

--

Heather Sanborn (she/her/hers)
Rising Tide Brewing Company
103 Fox Street
Portland, Maine 04101
207-650-0678
heather@risingtidebrewing.com



Dena Libner <dlibner@portlandmaine.gov>

Portland Tourism Improvement District

1 message

'Payne, Tony M' via Public Comment <publiccomment@portlandmaine.gov>

Fri, Sep 1, 2023 at 1:22 PM

Reply-To: "Payne, Tony M" <TPayne@memic.com>

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

I'm so glad you will be discussing the proposal to create a Tourism Improvement District (TID). It is one of the wisest economic development policy decisions you, as Councilors, could support and for which you will be long remembered. Today, Portland's appeal as a destination is robust but we cannot count on our reputation to carry us through future economic downturns when competing with better financed tourist destinations. It requires investment.

I am a Portland native with extensive experience in advertising, marketing and public relations. I know the expenditures a TID will make in the near term will pay dividends for decades if you authorize its formation now. Building brand equity requires reaching targeted audiences multiple times over a long period of time. The sooner we get started the better. Getting Portland into consideration as early as possible will put the region on the shortlist for generations of travelers.

Please give the TID your enthusiastic support.

As always, thanks for your service and your consideration.

Tony Payne

Tony Payne
(tpayne@memic.com)
sent from my iPhone
207-807-5331



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MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director
DATE: July 17, 2023
SUBJECT: Order 257-22/23 Establishing Implementation Assessments for Portland's Tourism Municipal Development District for Fiscal Year 2023-2024 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR:

(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: No

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

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to the order above establishing Portland's Tourism Municipal Development District, and the order below approving the agreement. An amendment is in the back-up material to update the assessment list according to discussion that followed the first reading in June.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 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. Order Establ Assessment for TID FY2024 062323
2. Amend Order 257-FY23 Tourism District Assessments 9.6.2023

3. Revised Listing of Hotels and Assessment 8-25-2023

Prepared by:

Mary Davis, Division Director

Date: 07/17/2023

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 ESTABLISHING IMPLEMENTATION
ASSESSMENTS FOR PORTLAND TOURISM
MUNICIPAL DEVELOPMENT DISTRICT
FOR FISCAL YEAR 2023--2024**

ORDERED, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$2,589,071 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Portland Tourism Municipal Development District, to fund implementation costs for such district for the period beginning July 1, 2023 and ending on June 30, 2024; and

BE IT FURTHER ORDERED, that the said sum be assessed on all real estate within the Tourism Municipal Development District, which real estate listing is attached hereto as Exhibit A; and

BE IT FURTHER ORDERED, that the said assessments shall be due July 1, 2023 and payable to the City of Portland at the same time that taxes on other real estate are due; and

BE IT FURTHER ORDERED, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

BE IT FURTHER ORDERED, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S. § 5228(5); and

BE IT FURTHER ORDERED, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

AMENDMENT TO ORDER 257-22/23
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR PIOUS ALI
RE: AMENDED IMPLEMENTATION ASSESSMENTS

**ORDER ESTABLISHING IMPLEMENTATION
ASSESSMENTS FOR PORTLAND TOURISM
MUNICIPAL DEVELOPMENT DISTRICT
FOR PORTION OF FISCAL YEAR 2023--2024**

ORDERED, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of ~~\$756,1432,589,071~~ be raised and appropriated from the special assessments on all non-seasonal lodging properties with 40 or more rooms ~~real estate~~ situated within the boundaries of the Portland Tourism Municipal Development District, to fund implementation costs for such district for the period beginning January 1, 2024~~July 1, 2023~~, and ending on June 30, 2024; and

BE IT FURTHER ORDERED, that the said sum be assessed on all real estate within the Tourism Municipal Development District, which real estate listing is attached hereto as Exhibit A; and

BE IT FURTHER ORDERED, that the said assessments shall be due January 1, 2024~~July 1, 2023~~ and payable to the City of Portland at the same time that taxes on other real estate are due; and

BE IT FURTHER ORDERED, that the interest on unpaid assessments shall be at the same rate as interest on other unpaid real estate taxes; and

BE IT FURTHER ORDERED, that the said assessments are hereby committed to the tax collector of the City of Portland for collection, pursuant to 30-A M.R.S. § 5228(5); and

BE IT FURTHER ORDERED, that the tax collector is hereby authorized and directed to take all necessary action for the collection of said assessment.

NON-SEASONAL LODGING PROPERTIES OF 40 ROOMS OR MORE TO BE ASSESSED FOR PROPOSED PORTLAND TOURISM DEVELOPMENT DISTRICT- 8/25/2023	Address	Chart-Block-Lot	Acreage	Number of Rooms	Number of Rooms per year	Rooms Rented at Annual Average Rate of 50% Per Class	Est. Room Revenue Per Hotel Class Using US Average Daily Rate (ADR) (YEAR-TO-DATE JUNE 2023)	Estimated Assessment for Half of FY2024, Based on 50% ADR * 1.5% Assessment	10% of Assesment Fee to City Adm.
Hotel Name									
- Economy Class						50.0%	\$77.00	1.50%	10%
Motel 6 Portland ME	1 Riverside St	266 A001001	3.0384	129	47,085	23,543	\$1,812,772.50	\$13,595.79	\$1,359.58
- Midscale Class						50.0%	\$99.00	1.50%	10%
Ramada Plaza By Wyndham Portland	155 Riverside St	267 B001001	8.173	119	43,435	21,718	\$2,150,032.50	\$16,125.24	\$1,612.52
- Upper Midscale Class						50.0%	\$132.00	1.50%	1000%
Inn At Portland	1029, 1150 Brighton Ave	264 A001001	8.1401	106	38,690	19,345	\$2,553,540.00	\$19,151.55	\$1,915.16
La Quinta Inn & Suites by Wyndham Portland	340 Park Ave, Portland	065 A003001	2.007	100	36,500	18,250	\$2,409,000.00	\$18,067.50	\$1,806.75
Clarion Hotel Airport	1230 Congress St	189 A014001	4.8057	149	54,385	27,193	\$3,589,410.00	\$26,920.58	\$2,692.06
Hampton Inn Portland Downtown - Waterfront	209 Fore Street	029 L00100H	0.5829	125	45,625	22,813	\$3,011,250.00	\$22,584.38	\$2,258.44
Holiday Inn By The Bay	88 Spring St	039 E010001	2.3018	239	87,235	43,618	\$5,757,510.00	\$43,181.33	\$4,318.13
Hampton Inn & Suites Portland West	1210 Brighton Ave	265 A001001	2.9256	86	31,390	15,695	\$2,071,740.00	\$15,538.05	\$1,553.81
- Upscale Class						50%	\$163.00	1.5%	10%
Residence Inn By Marriott Portland Downtown/Waterfront	145 Fore St	020 C010001	0.7821	179	65,335	32,668	\$5,324,802.50	\$39,936.02	\$3,993.60
Hilton Garden Inn Portland Downtown Waterfront	65 Commercial St	029 K003001	0.3866	120	43,800	21,900	\$3,569,700.00	\$26,772.75	\$2,677.28
AC Hotel by Marriott Portland Downtown/Waterfront	158 Fore St	019 B020001	0.6552	178	64,970	32,485	\$5,295,055.00	\$39,712.91	\$3,971.29
Courtyard by Marriott Portland Downtown/Waterfront	321 Commercial St	040 E00300H	0.767	132	48,180	24,090	\$3,926,670.00	\$29,450.03	\$2,945.00
Hyatt Place Portland-Old Port	433 Fore St	032 I042001	0.4392	130	47,450	23,725	\$3,867,175.00	\$29,003.81	\$2,900.38
Cambria Hotel Portland Downtown / Old Port	25 Hancock Street	020 C009001	0.7983	102	37,230	18,615	\$3,034,245.00	\$22,756.84	\$2,275.68
Aloft Portland Maine	379 Commercial Street	042 A001001	0.807	157	57,305	28,653	\$4,670,357.50	\$35,027.68	\$3,502.77
Hilton Garden Inn Portland Airport	145 Jetport Blvd	209A A016002	2.2107	88	32,120	16,060	\$2,617,780.00	\$19,633.35	\$1,963.34
- Upper Upscale Class						50%	\$222.00	1.5%	10%
The Press Hotel, Autograph Collection	119 Exchange St	032 C001001	0.2304	110	40,150	20,075	\$4,456,650.00	\$33,424.88	\$3,342.49
Portland Regency Hotel & Spa	20 Milk St	029 R001001	0.5596	95	34,675	17,338	\$3,848,925.00	\$28,866.94	\$2,886.69
The Westin Portland Harborview	157 High St	037 E007001	1.0647	289	105,485	52,743	\$11,708,835.00	\$87,816.26	\$8,781.63
Canopy by Hilton Portland Waterfront	9 Center Street	038 G005001	0.5462	135	49,275	24,638	\$5,469,525.00	\$41,021.44	\$4,102.14
Embassy Suites by Hilton Portland Maine	1050 Westbrook St	210A A005001	2.78	120	43,800	21,900	\$4,861,800.00	\$36,463.50	\$3,646.35
Fireside Inn & Suites Portland	81 Riverside St	266 A002001	5.3691	200	73,000	36,500	\$8,103,000.00	\$60,772.50	\$6,077.25
- Luxury Class						50%	\$379.00	1.50%	10%
Portland Harbor Hotel	468 Fore St	038 F009001	0.6505	97	35,405	17,703	\$6,709,247.50	\$50,319.36	\$5,031.94
Totals:			49.3706				\$100,819,022.50	\$756,142.67	\$75,614.27

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 17, 2023

SUBJECT: Order 258-22/23 Approving the Development Program Manager Agreement between the City of Portland and Convention and Visitors' Bureau of Greater Portland Doing Business as Visit Portland - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, 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 is a companion order with the two orders above. An amendment is in the back-up material to update the Development Program Manager Agreement according to discussion that followed the first reading in June.

This item must be read on two separate days. It received its first reading on June 26, 2023. On July 17, the Council postponed the item until September 6, 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. Order Approving FY2024 TID Agreement 062323
2. PTDD Agreement Clean for Council 062323
3. Amend Order 258-FY23 Approving FY2024 TID Agreement 9.6.2023
4. PTDD Revised Agreement Rdlns for CC 9-6-2023

Prepared by:

Date: 07/17/2023

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 THE DEVELOPMENT PROGRAM MANAGER AGREEMENT
BETWEEN THE CITY OF PORTLAND AND CONVENTION AND VISITORS'
BUREAU OF GREATER PORTLAND,
DOING BUSINESS AS VISIT PORTLAND**

ORDERED, that the attached Agreement between the City of Portland and the Convention And Visitors' Bureau Of Greater Portland, doing business as Visit Portland, is hereby approved; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to enter into said Agreement in substantially the form attached, and to execute any other documents necessary to effect the intent and purpose of this order, and to carry out the Development Plan for the Portland Tourism Municipal Development District for the period from and after its Effective Date and ending June 30, 2024.

**AGREEMENT
BETWEEN THE CITY
OF PORTLAND AND
VISIT PORTLAND**

This AGREEMENT made as of the ____ day of July, 2023, (the “Effective Date”) is by and between the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (the “City”) and the CONVENTION AND VISITORS’ BUREAU OF GREATER PORTLAND, doing business as VISIT PORTLAND, a Maine non-profit corporation with a mailing address of 1375 Congress Street, Portland, Maine 04102 (“Visit Portland”) (collectively referred to as (the “Parties”).

WHEREAS, by Council Orders _____ dated _____, the City has approved a tourism economic development district designated as the ***Portland Tourism Municipal Development District*** (the “District”), the Development Program (defined below) including a map of the District, is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, Visit Portland has been designated as the independent, non-profit corporation that shall manage the District as the Development Program Manager; and

NOW, THEREFORE, in consideration of the covenants herein contained, the Parties hereby mutually agree as follows:

ARTICLE I. Term

The term of this Agreement shall commence with the establishment of the District, and shall expire on June 30, 2024 (“the Term”).

ARTICLE II. Financial Considerations

- a. The City Council has approved the Portland Tourism Municipal Development District Development Program for the District (“the Development Program”) and the special assessment rate that provides funding to support the Development Program.
- b. The City shall make assessments (the “ Assessments”) on all lodging properties with forty (40) rooms or more located within the boundaries of the District (each a “District Property”) in accordance with the Development Program as authorized by the City Council and permitted by law.

- c. The City shall remit the Assessments to Visit Portland within thirty (30) days of collection, less the administrative fee of ten percent (10%) of District revenue as described in the Development Program. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district.
- d. In addition to the foregoing, the City will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be subject to the City's administrative fee described in the Development Plan and less any amounts remaining to be reimbursed under a prior year Agreement with the City. City will provide Visit Portland with written detail as to any deductions taken from payments under this paragraph.
- e. Notwithstanding the foregoing, Visit Portland agrees that it will neither encumber funds that it anticipates receiving from the District Assessments nor incur expenditures in anticipation of receipt of such funds except in accordance with the Development Program.
- f. Visit Portland has approved Visit Portland's budget and Development Program in, covering the period beginning on July 1, 2023, and ending on June 30, 2024, and the City Council has approved the assessment that provides funding to support Visit Portland's budget and Development Program.
- g. Any penalties and interest collected by the City for nonpayment of assessments shall be retained by the City. Such penalties and interest shall be equivalent to penalties and interest for nonpayment of property taxes.
- h. Visit Portland will provide the Director of Finance with an annual certified financial statement for expenses related to the District and the programs and services outlined in the Development Program. The statement shall list all income and expenses related to the District and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- i. Visit Portland will produce an annual report to be submitted to the City reflecting all projects, expenses, and returns on investments of the District. Any audits

needed to verify collection assessment will be paid for by Visit Portland. The City may require reporting and conduct an audit without cause no more than once during the Term to verify remittance in accordance with the assessment formula.

Visit Portland shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Visit Portland's books and records particular to the District expenditures.

ARTICLE III. Services To Be Provided By Visit Portland.

During the Term, Visit Portland shall:

- a. Provide the services described herein and in the Development Program.
- b. Provide staff and administrative services sufficient for the performance of the services described herein and in the Development Program.
- c. Establish a corporate Board of Directors whose members fairly represent a cross section of District Property owners or their designees in the District, and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.
- d. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Visit Portland.
- e. Provide liaison between the City, the District property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the District.
- f. Maintain all minutes and records of Visit Portland proceedings as may be required.
- g. Nothing in this Agreement is intended to or shall be construed to limit Visit Portland's general powers, as set forth in the Maine Non-profit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

ARTICLE IV. Termination.

- a. The District will commence upon the date of its establishment by the City Council and continue indefinitely in accordance with applicable law until the Council takes action to terminate or amend the District. District Property owners may submit a

petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law. The City has and reserves the right to suspend, terminate or abandon the execution of any work by Visit Portland upon receipt of a petition dissolving the District.

- b. This Agreement may be terminated by either Party for good cause. If Visit Portland or the City should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice of complaint from the City Manager or Visit Portland specifying such failure, either Party may provide the other with notice of failure to perform the Agreement as provided herein. Upon receipt of notice, Visit Portland or the City shall have a ninety (90) day period, computed from the date of delivery of the notice of failure to perform, within which the affected Party may provide a written plan to remedy the complaint. In the event that a determination is made at the expiration of the ninety (90) day period that the complaint is unresolved, either Party may declare their intent to terminate the Agreement and identify the specific date of termination with a written notice. Either Party shall have the right to appeal the decision to the other. Either Party shall file such appeal within seven (7) business days from the date the Party receives the notice of termination. If such appeal does not remedy the complaint, consideration for termination of this Agreement would be subject to a vote of the City Council.
- c. Nothing herein shall be construed as giving Visit Portland the right to perform the work contemplated under this Agreement beyond the time that the City Council terminates this Agreement. In case Visit Portland should be discharged before all the services contemplated in this Agreement have been completed, or the services for any reason should be stopped, either because of the expiration of the Term or because of the inability of Visit Portland to fulfill its obligations under this Agreement, Visit Portland shall be reimbursed for all services satisfactorily performed prior to the effective date of termination in accordance with Article II hereof, but only to the extent that sufficient Assessments have been received by the City to make such reimbursement. After termination of the Agreement, Visit Portland shall:
 - 1. With respect to existing activities, take only such actions as the City Manager shall direct;
 - 2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Visit Portland in and to all existing orders and agreements.
 - 3. To the extent rights, title and interests of Visit Portland in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City.

Otherwise, Visit Portland shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.

4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Visit Portland as part of or in connection with the work.
5. In the event of termination of the District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be returned to the City and appropriated for the purposes of the Development Program, subject to the approval of the City Council.

ARTICLE V. Assignment

Visit Portland covenants and agrees that it will neither assign nor transfer any rights here under, either in whole or in part, without first obtaining the prior written consent of the City.

ARTICLE VI. Performance of Services

All services performed by Visit Portland under this Agreement, or by third parties paid with funds provided under this Agreement, shall be performed in a good, workman like fashion and in accordance with all applicable professional and industry standards.

ARTICLE VII. Compliance with Law

Visit Portland will comply with all provisions of Federal, State, and local law, applicable to the services provided under this Agreement. Visit Portland further agrees to adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. This shall include compliance with all applicable provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment. Visit Portland specifically agrees that all employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including

pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by Visit Portland where appropriate.

ARTICLE VIII. Indemnification

- a. Visit Portland shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:
 1. To the fullest extent permitted by law, Visit Portland shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Visit Portland, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
 2. All claims and liens of Visit Portland's consultants, subcontractors, and their laborers, mechanics, material men, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification and shall not be limited by any provision for insurance contained in this Agreement.
- b. Notwithstanding the foregoing, nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the City or their respective officers, agents and employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

ARTICLE IX. Insurance

- a. Neither Visit Portland nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.

b. Prior to the execution of this Agreement, Visit Portland shall, at its own expense, procure and maintain:

- Occurrence-based Professional Liability Insurance for errors, omissions and negligence, in the amount of One Million Dollars (\$1,000,000.00) per claim.
- Occurrence based Commercial General Liability Insurance coverage in amounts of not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, death and property damage;
- Workers' Compensation Insurance coverage to the extent required by law, which shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees;

With respect to the Commercial General Liability, Visit Portland shall name the City as an additional insured for coverage for claims for which the City does not have governmental immunity, including, without limitation, those areas where government immunity has been expressly waived as set forth in 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available 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. Prior to execution of this Agreement, Visit Portland shall furnish the City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. Visit Portland shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, Visit Portland shall provide City with a complete copy of any of the above-referenced policies. Visit Portland shall be responsible for any and all deductibles and/or self-insured retentions (not to exceed \$10,000.00 without prior written approval of Corporation Counsel). City's acceptance or lack of acceptance of Visit Portland's Certificate of Insurance or other evidence of insurance shall not be construed as a waiver of the Visit Portland's obligation to obtain and maintain such insurance as required by this agreement.

Article X. No Joint Venture; Independent Contractors

a. Nothing contained in this Agreement will constitute or be construed to be or create

- a partnership or joint venture between the parties or any of their respective officers, directors, employees, affiliates, successors or assigns. The parties understand and agree that this Agreement does not make either of them an agent or legal representative of the other for any purpose whatsoever. No party is granted, by this Agreement or otherwise, any right or authority to assume or create any obligation or responsibilities, express or implied, on behalf of or in the name of any other party, or to bind any other party in any manner whatsoever.
- b. Each party will secure, at its own expense, all personnel, materials, and equipment required to perform its obligations under this Agreement. Each party, in accordance with its status as an independent contractor, covenants and agrees that its employees shall be regarded for all legal and tax purposes as its own employees during the term of this Agreement, and each party shall govern and supervise the work of its own employees. Each party shall discharge all applicable obligations imposed upon employers under the law, including without limitation payment of wages, social security taxes, withholding taxes, unemployment taxes and worker's compensation. Both parties' employees shall not be considered employees of the other party for any purpose and shall not be entitled to any retirement benefits, social security benefits, unemployment benefits, group health or life insurance, vacation, personal, or sick leave, worker's compensation, or any other similar benefits ("Employment Benefits") from the other party. Each party further covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the other party by reason of this Agreement, and that its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the other party, including but not limited to the Employment Benefits.
- c. Nothing in this Agreement is intended to or does prohibit Visit Portland or the City from entering into any other contractual relationship with each other or any third party.

Article XI. Miscellaneous Provisions

- a. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.

- b. This Agreement and its attachments represents the entire and complete agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by the City and Visit Portland.
- c. Visit Portland warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform their respective obligations under this Agreement, and that the person signing this Agreement on behalf of Visit Portland has the authority to do so.
- d. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.

(Signature page follows)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the _____ day of _____, 2023.

WITNESS

CITY OF PORTLAND

By: _____
Danielle P. West
Its City Manager

WITNESS

**CONVENTION AND VISITORS'
BUREAU OF GREATER
PORTLAND**

By: _____
Print Name:
Its: _____

Approved as to Form:

City Corporation Counsel

Approved as to Funds:

City Finance Department

ECONOMIC DEVELOPMENT PROJECT

CITY OF PORTLAND, MAINE

A Municipal Development District

**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM**

Presented to:

**City Council
City of Portland
_____, 2023**

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Exhibit List

Exhibit A	City of Portland Property Map Showing District Property Relative to City Boundaries
Exhibit B	Notice of Public Hearing
Exhibit C	Minutes of Public Hearing
Exhibit D	City Council Order
Exhibit E	Statutory Requirements and Thresholds Form

Development Program

I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes 24 hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

II. Development Program Narrative

A. The Development District

The District will encompass approximately 49.05689 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), 083E-E460001 (0.3736 acres), 264-A001001 (8.1401 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020-C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only supports tourism-related businesses but also the local artists, lobster/fishing community, cultural

institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by **Exhibit C** and **Exhibit D** hereto.

C. The Projects

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the 2023-2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

TABLE 1
Municipal Projects

Project	FY 23-24 Cost Estimate*
<u>A. Sales, Marketing, Promotions, Destination Development and Special Events.</u> • Promoting and marketing tourism in different periods (for example out of season or shoulder seasons); • Research & Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message; • Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.; • Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings; • Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties; • Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties; • Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties; • Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties; • Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;	\$1,300,000

Project	FY 23-24 Cost Estimate*
• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties; • Research on current and new markets that would result in additional room night sales to assessed lodging properties;	
B. Business Practices & Workforce Initiatives Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services may include: • Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents; • Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods; • Infrastructure or capital improvements that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures; • Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.	\$400,000
C. <u>Administration</u> The administration portion of the budget shall be utilized for administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees. The costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the Visit Portland board. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.	\$800,000
D. <u>Return on Investment/ Quarterly and Annual Reporting</u> The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.	\$90,000

Project	FY 23-24 Cost Estimate*
Total	\$2,590,000

* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

D. Strategic Growth and Development

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

E. Improvements to the Public Infrastructure

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

F. Operational Components

1. Public Facilities

No public facilities or maintenance costs will be financed through the District or assessments.

2. Commercial Improvements Financed Through Development Program

No commercial improvements will be financed through the District or assessments.

3. Relocation of Displaced Persons

No persons will be displaced.

4. Transportation Improvements

No transportation improvements will be financed through the District or Assessments.

5. Environmental Controls

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations 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 designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

III. Physical Description

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

IV. Financial Plan

The District will encompass approximately 50.3947 acres of property and will begin for the 2023-2024 fiscal year with an indefinite term of years to be terminated only upon Council action.

A. Cost Estimate and Sources of Revenues

All lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The method and the assessment rate is based on a calendar year short term room rental occupancy percentage and Average Daily Rate (ADR), as reported by the District Property owners or, when unavailable, as reported by STR for the previous calendar year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue. Assuming a July 1, 2023 District begin date, the initial

first-year budget is based on the 2022 calendar year business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. The subsequent annual assessment will be based on the benefits received for the prior year on the parcel, as measured by assessments remitted and business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above.

Assuming a July 1, 2023 District begin date, the District is expected to have a first-year budget (FY2024) of approximately \$2,590,000 in the first year of operations, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

B. Collections and Remittance

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

C. Municipal Indebtedness

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

D. Related Contract, Agreements, and Obligations

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

E. Rollover Funds

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

F. Reserve Policy

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability.

V. Financial Data

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as **Exhibit B** is a certified copy of the Notice of Public Hearing held on _____, 2023 in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

B. Minutes of Public Hearing

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on _____, 2023, at which time the proposed District was discussed by the public.

C. City Council Order

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on _____, 2023, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY
RELATIVE TO CITY BOUNDARIES

EXHIBIT A BOUNDARY MAP

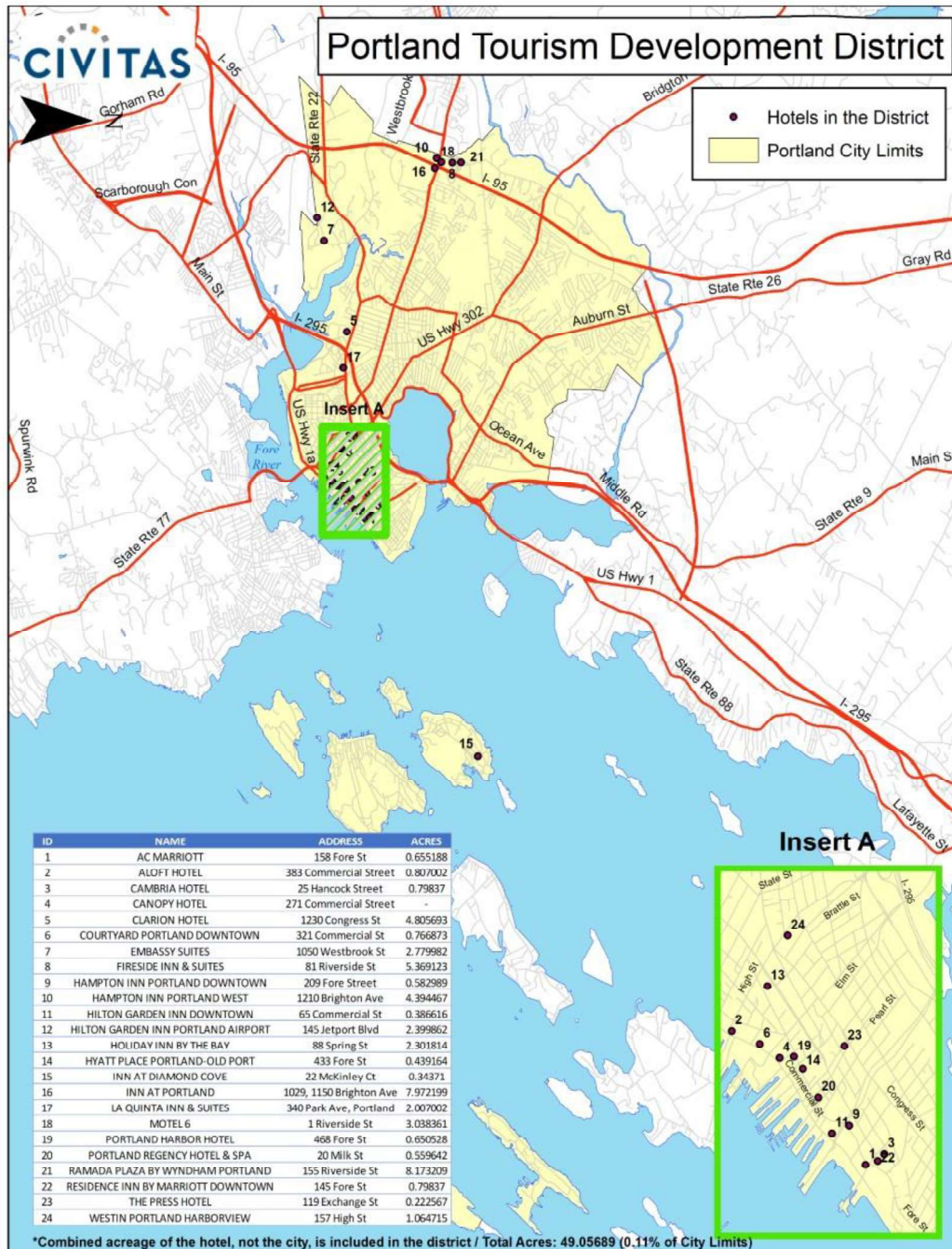


EXHIBIT B
NOTICE OF PUBLIC HEARING

EXHIBIT C
MINUTES OF PUBLIC HEARING

EXHIBIT D
CITY COUNCIL ORDER

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 DESIGNATING THE PORTLAND
TOURISM MUNICIPAL DEVELOPMENT DISTRICT AND
ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICT**

WHEREAS, the City of Portland (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “Act”), to designate the Portland Tourism Municipal Development District (the “District”) and to adopt a development program for the District (the “Development Program”) pursuant to the Act; and

WHEREAS, there is a need for tourism and economic development in the City; to provide continuing employment opportunities for the citizens of the City and the surrounding region; to improve and broaden the tax base of the City; and to improve the general economy of the City, the surrounding region and the State of Maine; and

WHEREAS, adopting and implementing the District and the Development Program will help to maintain and expand the existing tax revenues flowing from the District properties and improve the economy of the City and the State of Maine; and

WHEREAS, together with the consideration of the designation of the District and adoption of the Development Program, the City is considering an order establishing special assessments to fund implementation costs for the District and the Development Program and to approve an agreement with Visit Portland to administer the Development Plan; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5228, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the District and to adopt the Development Program for the District; and

WHEREAS, the City finds and determines that at least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial uses as defined in 30-A M.R.S.A. §5223(3); and that the total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

WHEREAS, this Order will allow the City to approve the assessment and its apportionment for the 2023-2024 Fiscal Year; and

WHEREAS, assessed lodging property owners in the District will receive the benefit of increased sales activity and room night revenue as a result of District services and improvements, which benefit will be equally and uniformly proportional to each property owner's assessment related to the occupancy of the hotel.

NOW THEREFORE, BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that any such adverse economic effect on or detriment to any existing business is outweighed by the contribution expected to be made through the District and the adoption of the Development Program. The projects and improvements described in the Development Program will contribute to the economic growth and well-being of the City and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City, including employment opportunities, a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

BE IT FURTHER ORDERED, that Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the District and adopts the Development Program for fiscal year 2023-2024, all as more particularly described in the Development Program, a copy of which is attached to this Order and is hereby incorporated by reference into this Order as the Development Program for the District.

BE IT FURTHER ORDERED, that the City Manager be, and hereby is, authorized, empowered and directed to submit the designation of the District and the Development Program to DECD for its records.

BE IT FURTHER ORDERED, that the foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the designation of the District and adoption of the Development Program by the City Council, without requirement of any further action by the City, the City Council, or any other party.

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS FORM

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION A. Acreage Caps		
1. Total municipal acreage;	12,386	
2. Acreage of proposed Municipal Development District;	50.3947	
3. Downtown-designation ¹ acres in proposed Municipal Development District;	0	
4. Transit-Oriented Development ² acres in proposed Municipal Development District;	0	
5. Total acreage [=A2-A3-A4] of proposed Municipal Development District counted toward 2%	50.3947	
6. Percentage [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).	.4068%	
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ SEE ATTACHED LISTING . District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	Existing	827.6469
	Proposed	50.3947
	Total:	878.0416
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;	417.0408	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/Acreage District Name/Acreage	30.00	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/Acreage District Name/Acreage	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above: District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	431.008	
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	3.4797%	
14. Real property in proposed Municipal Development District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	50.3947	100%
TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)		

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTZ districts approved through December 31, 2008.

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION B. Valuation Cap			
1.	Total TAXABLE municipal valuation—use most recent April 1;	N/A	
2.	Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	N/A	
3.	Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV	Existing	N/A
		Proposed	N/A
		Total:	N/A
30-A § 5223(3) EXEMPTIONS			
4.	Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	N/A	
5.	Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
6.	Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
7.	Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts: District Name/OAV District Name/OAV	N/A	
8.	Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above: District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV District Name/OAV	N/A	
9.	Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	N/A	
10.	Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	N/A	

COMPLETED BY			
PRINT NAME	Lori Paulette		
SIGNATURE	Lori Paulette	DATE	6/1/2023
If this form has <u>not be completed by the municipal or plantation assessor</u> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME			
SIGNATURE		DATE	

⁶ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for Adding Portland Tourism Development District as of
6/1/2023**

6/1/2023

Active TIFs			
TIF District	FY Start/End	Original Assessed Value (OAV)	Acres
Waterfront/and W Maine Sub District/Added March 2018 Parcels	FY2002-03/FY2031-32	\$8,283,740	6.625
- WTIF 9/2018 Added Parcels		\$20,076,870	77.560
- WTIF 5/2019 Added Parcels		\$5,938,400	13.430
Bayside Expanded TIF District	FY2003-04/FY2032-33	\$121,639,640	128.728
Pearl Place/Avesta-AH TIF	FY2007-08/FY2035-36	\$0	1.035
Public Market/Power Pay	FY2010-11/FY2039-40	\$1,862,600	1.070
McAuley Place	FY2009-10/FY2038-39	\$0	5.320
Avesta/409 Cumberland Ave-AH TIF	FY2013-14/FY2034-35	\$0	0.410
Thompson's Pt TOD/TIF II	FY2014-15/FY2043-44	\$4,970,470	30.000
134 Washington Avenue/AH TIF	FY2014-15/FY2033-34	\$0	0.230
17 Carleton St/AH TIF	FY2015-16/FY2036-37	\$0	0.572
District	FY2015-16/FY2044-45	\$965,007,320	417.0408
ImmuCell TIF	FY2017-18/FY2028-29	\$52,600	1.110
58 Boyd Street/AH TIF	FY2018-19/FY2047-48	\$0	0.480
178 Kennebec St/AH TIF	FY2019-20/FY2048-49	\$0	0.220
Deering Place/AHTIF	FY2018-19/FY2047-48	\$0	1.090
977 Brighton Avenue/AHTIF	FY2019-20/FY2048-49	\$0	0.730
66 State Street AHTIF	FY2020-2021/FY2049-50	\$0	0.509
PHA Front Street AHTIF	FY2020-2021/FY2049-50	\$0	3.487
200 Valley Street AHTIF	FY2020-2021/FY2049-50	\$0	0.344
577 Washington Avenue AHTIF	FY2020-2021/FY2049-50	\$0	3.610
337 Cumberland Avenue AHTIF	FY2020-2021/FY2049-50	\$0	0.452
104 Grant Street AHTIF	FY2020-2021/FY2049-50	\$0	0.330
83 Middle Street AHTIF	FY2020-2021/FY2049-50	\$0	0.285
91 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.0000
73 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.3941
45 Dougherty	FY2023/2024/FY2052-53	\$0	1.6750
Portland Downtown Munic. Dev. Dist.	n/a	n/a	130.9100
Sub-Total:		\$1,127,831,640	827.6469
Less Exempt:			
Thompson's Point (TOD TIF)	FY2014-15/FY2043-44	-\$4,970,470	-30.000
Downtown TOD District	FY2015-16/FY2044-45	-\$965,007,320	-417.0408
Totals for Caps:		\$157,853,850	380.606
FY2021 Aggregate Total Value:		\$11,149,300,000	
Total Acreage for Ptld:			12,386.000
5% Allowed to be TIF'd:		\$557,465,000	619.300
Current Amounts TIF'd:		\$157,853,850	380.606
Amount Remaining that can be TIF'd:		\$399,611,150	238.694

AMENDMENT TO ORDER 258-22/23
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR PIOUS ALI
RE: AMENDED DEVELOPMENT PROGRAM MANAGER AGREEMENT

**ORDER APPROVING THE AMENDED DEVELOPMENT PROGRAM MANAGER
AGREEMENT BETWEEN THE CITY OF PORTLAND AND CONVENTION AND
VISITORS' BUREAU OF GREATER PORTLAND,
DOING BUSINESS AS VISIT PORTLAND**

ORDERED, that the attached amended Agreement between the City of Portland and the Convention And Visitors' Bureau Of Greater Portland, doing business as Visit Portland, is hereby approved; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to enter into said amended Agreement in substantially the form attached, and to execute any other documents necessary to effect the intent and purpose of this order, and to carry out the Development Plan for the Portland Tourism Municipal Development District for the period from and after its Effective Date and ending June 30, 2024.

**AGREEMENT
BETWEEN THE CITY
OF PORTLAND AND
VISIT PORTLAND**

This AGREEMENT made as of the ____ day of ~~January~~^{July}, 202~~4~~³, (the “Effective Date”) is by and between the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (the "City") and the CONVENTION AND VISITORS’ BUREAU OF GREATER PORTLAND, doing business as VISIT PORTLAND, a Maine non-profit corporation with a mailing address of 1375 Congress Street, Portland, Maine 04102 (“Visit Portland”) (collectively referred to as (the “Parties”).

WHEREAS, by Council Orders _____ dated _____, the City has approved a tourism economic development district designated as the ***Portland Tourism Municipal Development District*** (the “District”), the Development Program (defined below) including a map of the District, is attached hereto as Exhibit A and incorporated herein; and

WHEREAS, Visit Portland has been designated as the independent, non-profit corporation that shall manage the District as the Development Program Manager; and

NOW, THEREFORE, in consideration of the covenants herein contained, the Parties hereby mutually agree as follows:

ARTICLE I. Term

The term of this Agreement shall commence with the establishment of the District, and shall expire on June 30, 2024 (“the Term”).

ARTICLE II. Financial Considerations

- a. The City Council has approved the Portland Tourism Municipal Development District Development Program for the District (“the Development Program”) and the special assessment rate that provides funding to support the Development Program.
- b. The City shall make assessments (the “ Assessments”) on all non-seasonal lodging properties with forty (40) rooms or more located within the boundaries of the District (each a “District Property”) in accordance with the Development Program as authorized by the City Council and permitted by law.

- c. The City shall remit the Assessments to Visit Portland within thirty (30) days of collection, less the administrative fee of ten percent (10%) of District revenue as described in the Development Program. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district.
- d. In addition to the foregoing, the City will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be subject to the City's administrative fee described in the Development Plan and less any amounts remaining to be reimbursed under a prior year Agreement with the City. City will provide Visit Portland with written detail as to any deductions taken from payments under this paragraph.
- e. Notwithstanding the foregoing, Visit Portland agrees that it will neither encumber funds that it anticipates receiving from the District Assessments nor incur expenditures in anticipation of receipt of such funds except in accordance with the Development Program.
- f. Visit Portland has approved Visit Portland's budget and Development Program in, covering the period beginning on ~~January 1, 2024~~~~July 1, 2023~~, and ending on June 30, 2024, and the City Council has approved the assessment that provides funding to support Visit Portland's budget and Development Program.
- g. Any penalties and interest collected by the City for nonpayment of assessments shall be retained by the City. Such penalties and interest shall be equivalent to penalties and interest for nonpayment of property taxes.
- h. Visit Portland will provide the Director of Finance with an annual certified financial statement for expenses related to the District and the programs and services outlined in the Development Program. The statement shall list all income and expenses related to the District and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- i. Visit Portland will produce an annual report to be submitted to the City reflecting all projects, expenses, and returns on investments of the District. Any audits

needed to verify collection assessment will be paid for by Visit Portland. The City may require reporting and conduct an audit without cause no more than once during the Term to verify remittance in accordance with the assessment formula.

Visit Portland shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Visit Portland's books and records particular to the District expenditures.

ARTICLE III. Services To Be Provided By Visit Portland.

During the Term, Visit Portland shall:

- a. Provide the services described herein and in the Development Program.
- b. Provide staff and administrative services sufficient for the performance of the services described herein and in the Development Program.
- c. Establish a corporate Board of Directors whose members fairly represent a cross section of District Property owners or their designees in the District, and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.
- d. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Visit Portland.
- e. Provide liaison between the City, the District property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the District.
- f. Maintain all minutes and records of Visit Portland proceedings as may be required.
- g. Nothing in this Agreement is intended to or shall be construed to limit Visit Portland's general powers, as set forth in the Maine Non-profit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

ARTICLE IV. Termination.

- a. The District will commence upon the date of its establishment by the City Council and continue indefinitely in accordance with applicable law until the Council takes action to terminate or amend the District. District Property owners may submit a

petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law. The City has and reserves the right to suspend, terminate or abandon the execution of any work by Visit Portland upon receipt of a petition dissolving the District.

- b. This Agreement may be terminated by either Party for good cause. If Visit Portland or the City should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice of complaint from the City Manager or Visit Portland specifying such failure, either Party may provide the other with notice of failure to perform the Agreement as provided herein. Upon receipt of notice, Visit Portland or the City shall have a ninety (90) day period, computed from the date of delivery of the notice of failure to perform, within which the affected Party may provide a written plan to remedy the complaint. In the event that a determination is made at the expiration of the ninety (90) day period that the complaint is unresolved, either Party may declare their intent to terminate the Agreement and identify the specific date of termination with a written notice. Either Party shall have the right to appeal the decision to the other. Either Party shall file such appeal within seven (7) business days from the date the Party receives the notice of termination. If such appeal does not remedy the complaint, consideration for termination of this Agreement would be subject to a vote of the City Council.
- c. Nothing herein shall be construed as giving Visit Portland the right to perform the work contemplated under this Agreement beyond the time that the City Council terminates this Agreement. In case Visit Portland should be discharged before all the services contemplated in this Agreement have been completed, or the services for any reason should be stopped, either because of the expiration of the Term or because of the inability of Visit Portland to fulfill its obligations under this Agreement, Visit Portland shall be reimbursed for all services satisfactorily performed prior to the effective date of termination in accordance with Article II hereof, but only to the extent that sufficient Assessments have been received by the City to make such reimbursement. After termination of the Agreement, Visit Portland shall:
 - 1. With respect to existing activities, take only such actions as the City Manager shall direct;
 - 2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Visit Portland in and to all existing orders and agreements.
 - 3. To the extent rights, title and interests of Visit Portland in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City.

Otherwise, Visit Portland shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.

4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Visit Portland as part of or in connection with the work.
5. In the event of termination of the District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be returned to the City and appropriated for the purposes of the Development Program, subject to the approval of the City Council.

ARTICLE V. Assignment

Visit Portland covenants and agrees that it will neither assign nor transfer any rights here under, either in whole or in part, without first obtaining the prior written consent of the City.

ARTICLE VI. Performance of Services

All services performed by Visit Portland under this Agreement, or by third parties paid with funds provided under this Agreement, shall be performed in a good, workman like fashion and in accordance with all applicable professional and industry standards.

ARTICLE VII. Compliance with Law

Visit Portland will comply with all provisions of Federal, State, and local law, applicable to the services provided under this Agreement. Visit Portland further agrees to adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. This shall include compliance with all applicable provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment. Visit Portland specifically agrees that all employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including

pregnancy), sexual orientation, gender identity or expression, ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bona fide occupational qualifications, business necessity, or age limitations will be adhered to by Visit Portland where appropriate.

ARTICLE VIII. Indemnification

- a. Visit Portland shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:
 1. To the fullest extent permitted by law, Visit Portland shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Visit Portland, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
 2. All claims and liens of Visit Portland's consultants, subcontractors, and their laborers, mechanics, material men, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification and shall not be limited by any provision for insurance contained in this Agreement.
- b. Notwithstanding the foregoing, nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the City or their respective officers, agents and employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

ARTICLE IX. Insurance

- a. Neither Visit Portland nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.

b. Prior to the execution of this Agreement, Visit Portland shall, at its own expense, procure and maintain:

- Occurrence-based Professional Liability Insurance for errors, omissions and negligence, in the amount of One Million Dollars (\$1,000,000.00) per claim.
- Occurrence based Commercial General Liability Insurance coverage in amounts of not less than One Million Dollars (\$1,000,000.00) per occurrence for bodily injury, death and property damage;
- Workers' Compensation Insurance coverage to the extent required by law, which shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees;

With respect to the Commercial General Liability, Visit Portland shall name the City as an additional insured for coverage for claims for which the City does not have governmental immunity, including, without limitation, those areas where government immunity has been expressly waived as set forth in 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available 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. Prior to execution of this Agreement, Visit Portland shall furnish the City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. Visit Portland shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, Visit Portland shall provide City with a complete copy of any of the above-referenced policies. Visit Portland shall be responsible for any and all deductibles and/or self-insured retentions (not to exceed \$10,000.00 without prior written approval of Corporation Counsel). City's acceptance or lack of acceptance of Visit Portland's Certificate of Insurance or other evidence of insurance shall not be construed as a waiver of the Visit Portland's obligation to obtain and maintain such insurance as required by this agreement.

Article X. No Joint Venture; Independent Contractors

a. Nothing contained in this Agreement will constitute or be construed to be or create

- a partnership or joint venture between the parties or any of their respective officers, directors, employees, affiliates, successors or assigns. The parties understand and agree that this Agreement does not make either of them an agent or legal representative of the other for any purpose whatsoever. No party is granted, by this Agreement or otherwise, any right or authority to assume or create any obligation or responsibilities, express or implied, on behalf of or in the name of any other party, or to bind any other party in any manner whatsoever.
- b. Each party will secure, at its own expense, all personnel, materials, and equipment required to perform its obligations under this Agreement. Each party, in accordance with its status as an independent contractor, covenants and agrees that its employees shall be regarded for all legal and tax purposes as its own employees during the term of this Agreement, and each party shall govern and supervise the work of its own employees. Each party shall discharge all applicable obligations imposed upon employers under the law, including without limitation payment of wages, social security taxes, withholding taxes, unemployment taxes and worker's compensation. Both parties' employees shall not be considered employees of the other party for any purpose and shall not be entitled to any retirement benefits, social security benefits, unemployment benefits, group health or life insurance, vacation, personal, or sick leave, worker's compensation, or any other similar benefits ("Employment Benefits") from the other party. Each party further covenants and agrees that its employees will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be, officers or employees of the other party by reason of this Agreement, and that its employees will not, by reason of this Agreement, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the other party, including but not limited to the Employment Benefits.
 - c. Nothing in this Agreement is intended to or does prohibit Visit Portland or the City from entering into any other contractual relationship with each other or any third party.

Article XI. Miscellaneous Provisions

- a. This Agreement shall be construed in all respects in accordance with, and governed by, the laws of the State of Maine. All parties hereto hereby consent to the exclusive jurisdiction of the Superior Court for the County of Cumberland in the State of Maine, for all actions, proceedings and litigation arising from or relating directly or indirectly to this Agreement or any of the obligations hereunder, and any dispute not otherwise resolved as provided herein shall be litigated solely in said Court.

- b. This Agreement and its attachments represents the entire and complete agreement and understanding between the parties and supersedes any prior agreement or understanding, written or oral, between the parties with respect to the subject matter of this Agreement. This Agreement cannot be amended except by written instrument executed by the City and Visit Portland.
- c. Visit Portland warrants and represents that it has the full right and authority to enter into this Agreement, that there is no impediment that would inhibit its ability to perform their respective obligations under this Agreement, and that the person signing this Agreement on behalf of Visit Portland has the authority to do so.
- d. This Agreement may be executed in any number of counterparts and by different parties in separate counterparts. Each counterpart when so executed shall be deemed to be an original and all of which together shall constitute one and the same agreement. A signature in a pdf or electronic document shall be considered the equivalent of an original signature.

(Signature page follows)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the _____ day of _____, 2023.

WITNESS

CITY OF PORTLAND

By: _____
Danielle P. West
Its City Manager

WITNESS

**CONVENTION AND VISITORS'
BUREAU OF GREATER
PORTLAND**

By: _____
Print Name:
Its: _____

Approved as to Form:

City Corporation Counsel

Approved as to Funds:

City Finance Department

ECONOMIC DEVELOPMENT PROJECT

CITY OF PORTLAND, MAINE

A Municipal Development District

**PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT
DEVELOPMENT PROGRAM**

Presented to:

**City Council
City of Portland**

September 6, 2023

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Exhibit List

Exhibit A	City of Portland Property Map Showing District Property Relative to City Boundaries
Exhibit B	Notice of Public Hearing
Exhibit C	Minutes of Public Hearing
Exhibit D	City Council Order
Exhibit E	Statutory Requirements and Thresholds Form

Development Program

I. Introduction

The City of Portland (the “City”) seeks to establish a Municipal Development District to be known as the “**Portland Tourism Municipal Development District**” (the “District”), located throughout the City of Portland.

The District includes ~~23~~⁴ non-seasonal hotels with 40 rooms or more to be assessed for the District to provide programs, services and improvements as described in this Development Program.

In designating the proposed District and adopting this Development Program, the City can accomplish the following goals:

- Maintain and ideally expand the existing tax revenues flowing from the District properties;
- Enable the investment of assessment payments made by properties uniformly and proportionally benefitting from the Development Program in strategic sales, marketing, promotions, destination development and special events;
- Maintain and create long-term, stable employment opportunities for area residents; and
- Improve the overall economy of the City, the Cumberland County region, and the State of Maine.

II. Development Program Narrative

A. The Development District

The District will encompass approximately 49.05689 acres of real property, and includes the following\ City Tax Map/Lots/Blocks: 019-B020001 (0.6552 acres), 042-A001001 (0.807 acres), 20-C009001 (0.7983 acres), 038-G005001 (0.5462 acres), 189-A014001 (4.8057 acres), 040-E00300H (0.767 acres), 210A-A005001 (2.78 acres), 266-A002001 (5.3691), 029-L00100H (0.5829 acres), 265-A001001 (2.9256 acres), 029-K003001 (0.3866 acres), 209A-A016002 (2.2107 acres), 039-E010001 (2.3018 acres), 032-I042001 (0.4392 acres), ~~083E-E460001 (0.3736 acres)~~, 264-A001001 (8.1401 acres), 065-A003001 (2.007 acres), 266-A001001 (3.0384 acres), 038-F009001 (0.6505 acres), 029-R001001 (0.5596 acres), 267-B001001 (8.173 acres), 020-C010001 (0.7821 acres), 032-C001001 (0.2304 acres), 037-E007001 (1.0647 acres) (each a “District Property”). The District is shown in **Exhibit A** attached hereto.

B. The Development Program

The City’s designation of the District and adoption of this Development Program allows for the City to fund activities and projects to be supported by the District Property owners, and also coordinate services to ensure effective delivery and proper support for tourism promotion while building on existing revitalization efforts and protection of public and private investment. The travel industry is a major economic driver for the City and Maine. Visitor spending not only

supports tourism-related businesses but also the local artists, lobster/fishing community, cultural institutions, food & beverage establishments, and small businesses that residents alone could not support year-round. Therefore, it is in the public interest of the City, and vital to the welfare of the City's economy, to facilitate and encourage cooperating public-private partnerships where lodging properties become partners with the City for the enhancement and expansion of the travel economy and to provide for increased business activity, tourism, economic development and job creation throughout the District.

The term of the District will commence when established by the City Council and continue indefinitely, subject to annual budget approvals by the City Council, until the Council takes action to terminate or amend the District. District Property owners may submit a petition to the City Council at any time requesting that the District be terminated, which the City will consider in accordance with applicable law.

Under this Development Program, projects as listed below in Table 1 will be executed through an agreement with a development program manager (the "Development Program Manager").

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Statute"). The designation of the District and adoption of the Development Program are effective upon approval by the City Council, evidenced by Exhibit C and Exhibit D hereto.

C. The Projects

District Property owners will pay assessments on an annual basis to support the program. The formation of the District is intended to contribute to the economic growth and wellbeing of the City, and to the betterment of the health, welfare or safety of the inhabitants of the City. To accomplish this intention, the City desires to support the costs described below using District revenues. The City shall not reduce services to the District Properties because of the implementation of the District. Projects and services approved and executed by the District shall be in addition to and not in the place, of municipal projects and services. Assessment revenues must be spent in accordance with the financial plan.

The annual project costs presented in the annual Financial Plan shall be approved by the City Council and must be contained within the project descriptions below and identified in the Order Establishing the Portland Tourism Development District. Please see Table 1 herein for a complete list of authorized projects and their respective cost estimates for the 2023-second half of the 2024 fiscal year. Future cost estimates for the projects will be approved on an annual basis and will serve as the basis for the assessment calculation.

TABLE 1
Municipal Projects

Project	<u>2nd Half</u> FY 23 -24 Cost Estimate*
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• <u>A. Sales, Marketing, Promotions, Destination Development and Special Events.</u> <u>Marketing efforts will reach markets such as Leisure Travelers, Meetings & Conferences, Sporting Events, Destination Weddings and Social Events, International Travelers, Motorcoaches, Cruise Passengers, and Media/Influencers.</u> <u>Marketing messaging will reach all ages of travelers and target all demographics including BIPOC and LGBTQ+</u> <u>Projects may include:</u> • Promoting and marketing tourism in different periods (for example out of season or shoulder seasons); • Research & Development of a marketing plan designed to outline a strategy for attracting potential visitors and expand programs to attract diverse visitors at the right time with the right message; • Regional and national leisure marketing and convention trade marketing programs inclusive of broadcast, social, digital, audio, print, pay-per-click and out-of-home channels, designed to increase awareness of and drive overnight traffic to the destination – in turn, benefitting the assessed lodging properties through increased consumer demand and increased year-round room night bookings.; • Public Relations and media programs that enhance the profile of Portland as a visitor, meetings and event destination – in turn, benefitting the assessed lodging properties through increased consumer demanded increased room night bookings; • Dedicated funds to support incentives, hosting fees and other offsetting costs associated with securing strategic industry events, incremental group and convention business, and/or large-scale events for the destination that generate room nights for the assessed lodging properties; • Strategic partnerships, sponsorships, or other alliances that reinforce the City of Portland as a destination of choice within the travel marketplace for meetings, events and leisure travel – in turn, generating greater room night sales to the assessed lodging properties; • Attendance at tradeshow, conferences, and professional industry/partner events to promote the destination and the assessed lodging properties; • Sales missions, client events, site inspections, and familiarization tours showcasing the destination and the assessed lodging properties;	\$<u>1,300,000</u> <u>325,000</u>
--	--

• <u>Visitor services programs designed to extend stays at assessed lodging properties and increase visitor spending;</u> • <u>Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties;</u> • <u>Research on current and new markets that would result in additional room night sales to assessed lodging properties</u>	
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Project	<u>2nd Half</u> <u>FY 24</u> <u>Cost</u> <u>Estimate</u> <u>*FY 23-</u>
----------------	--

	24 Cost- Estimate*
• Preparation, production, mailing, and distribution of collateral promotional materials such as brochures, flyers, maps, and videos featuring assessed lodging properties; • Research on current and new markets that would result in additional room night sales to assessed lodging properties;	
B. Business Practices & Workforce Initiatives Work with lodging partners, attractions, restaurants, venues and other tourism-related entities to support programs that encourage sustainable visitation. Services may include: • Programs to combat congestion at specific locations and reduce pressure on infrastructure and resources that have a negative impact on the quality of life for residents; • Programming to sustain demand and undertaking activities that balance the livability of the destination in popular tourism periods and generating overnight stays from leisure travelers especially during need periods; • Infrastructure or capital improvements, <u>including maintenance activities</u>, that enhance Portland's competitive position to attract desirable special events year around and attract overnight visitors including payment of debt service on such expenditures; • Funds may be deployed to build programs to support a sustainable workforce. Programming may include destination wide workforce assessment, cost analysis and investment strategy, and apprenticeship/educational programming as seasonality requires.	\$400,000 <u>30,000</u>
C. <u>District Administration</u> The administration portion of the budget shall be utilized for <u>the costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues, as well as</u> administrative costs, office costs, and other general administrative costs such as insurance, legal, and accounting fees <u>incurred by the City and the Development Program Manager.</u> The costs of forming the District shall be repaid to the Development Program Manager from District assessment revenues. A portion of the budget will be allocated to a contingency fund. If there are contingency funds collected, they may be held in a reserve fund or utilized for other program or administration costs at the discretion of the <u>Visit Portland Development Program Manager</u> board. <u>–Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Board, subject to approval by the City.</u>	\$800,000 <u>379,369</u>

D. <u>Return on Investment/ Quarterly and Annual Reporting</u> The Development Program Manager will account for the expenses of the District specific to the services and programming and the return on investment to be recorded in room nights sold, lodging properties occupancy percentages, and revenues generated.	\$90,000 <u>20,000</u>
--	-----------------------------------

Project	<u>2nd Half</u> <u>FY 24</u> <u>Cost</u> <u>Estimate</u> <u>*FY 23-</u> <u>24</u> <u>Cost</u> <u>Estimate*</u>
Total	<u>\$2,590,000</u> <u>754,369</u>

* These are estimates only. The City may approve different budgeted amounts for the listed projects each year.

D. Strategic Growth and Development

By creating and designating the District, the City can achieve the appropriate level of programs, services and improvements described in this Development Program as well as a fair and appropriate financial contribution from each party benefitting from such activities. Establishing the public private partnership to fund our local tourism industry will pave the way for an engaged community that will be invested in efforts to stabilize and sustain a year-round balanced visitor demand, local workforce development and support, creating a new platform for Portland to elevate the accessibility to its diverse community, support residents and business development, and maintain and evolve experiences for visitors.

In addition, by providing additional services for assessed lodging properties in the City of Portland, the District will ease the burden on local government, which faces constrained budgets, while under obligation to provide equivalent levels of service throughout the entire community.

The City's designation of the District and pursuit of this Development Program constitute a good and valid public purpose described in Chapter 206 of Title 30-A of Maine Revised Statutes because it represents a substantial contribution to the economic well-being of both the City and the region, by supporting surrounding businesses which provide jobs and contribute to property taxes.

E. Improvements to the Public Infrastructure

As further set forth in Table 1, the City will undertake a variety of operations and maintenance activities, including potential public infrastructure improvements.

F. Operational Components

1. Public Facilities

As further set forth in Table 1, the City may undertake public capital improvement

projects and maintenance activities.

~~No public facilities or maintenance costs will be financed through the District or assessments.~~

2. Commercial Improvements Financed Through Development Program

No commercial improvements will be financed through the District or assessments.

3. Relocation of Displaced Persons

No persons will be displaced.

4. Transportation Improvements

No transportation improvements will be financed through the District or Assessments.

5. Environmental Controls

The improvements made under the proposed Development Program will meet or exceed all federal and state environmental regulations 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 designee will be responsible for all administrative matters within the purview of the City concerning the implementation and operation of the District, including the imposition and collection of implementation assessments.

Pursuant to the Development Districts Law, the City will enter into a contractual arrangement with the Development Program Manager to perform the Projects outlined in Table 1 above and all administrative matters associated with the Development Program other than those matters within the purview of the City. The Development Program Manager shall establish a corporate Board of Directors whose members fairly represent a cross section of assessed property owners or their designees in the District and include on the Board one (1) ex-officio Director seat for the Portland Housing and Economic Development Director or the City Manager's designee.

III. Physical Description

Municipal documents relating to the District's physical description attached as: City of Portland property map showing the District relative to City boundaries. **Exhibit A**

IV. Financial Plan

The District will encompass approximately ~~49.3706~~ **50.3947** acres of property and will begin for the ~~2023-abbreviated~~ 2024 fiscal year January 1 – June 30, 2024, with subsequent fiscal years July 1 through June 30 of the following fiscal year with an indefinite term of years to be terminated only upon Council action.

A. Cost Estimate and Sources of Revenues

All non-seasonal lodging properties with forty (40) or more rooms within the boundaries of the City of Portland that meet the assessed property criteria shall be assessed. The assessment is based upon the benefits received from the district programming, derived from the business activity related to the parcel. The fiscal year method and ~~the~~ assessment rate is based on short term room rental using the US Average, a calendar year Average Daily Rate (ADR) multiplied by short term room rental fifty-percent (50%) occupancy percentage and Average Daily Rate (ADR), as reported by STR year as reported by the District Property owners or, when

unavailable, ~~as reported by the District Property, for the previous year~~~~as reported by STR for the previous calendar fiscal~~ year, multiplied by one and one-half percent (1.5%) which is also equal to one and one-half percent (1.5%) of annual gross short-term room rental revenue. Assuming a ~~July 1, 2023~~January 1, 2024 District begin date, the initial

Abbreviated first-year budget is based on 2023 January-June business activity as reported by STR as outlined above, or when unavailable as reported by District Property owners. The subsequent annual assessment will be calculated in a similar manner to the initial assessment using the most recent available previous fiscal year data as reported by STR as outlined above, or when unavailable by District Property Owners. Abbreviated first-year budget is based on the 2022 2023 January-June calendar year business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. The subsequent annual assessment will be based on the benefits received for the prior year on the parcel, as measured by assessments remitted and business activity as reported by District Property owners, or when unavailable, as reported by STR as outlined above. calculated in a similar manner to the initial assessment using the most recent available previous fiscal year data as reported by District Property owners, or when available, as reported by STR as outlined above.

Assuming a ~~July 1, 2023~~ January 1, 2024 District begin date, the District is expected to have a first ~~half--~~ year budget (FY2024) of approximately ~~\$2,590,000~~ 755,000 in the first ~~abbreviated~~ year of operations, based on the assessment rate described above and the cost of programs detailed in the attached budget and as described in Table 1.

B. Collections and Remittance

Pursuant to the Development Districts Law, assessments must be collected by the City at the same time and in the same manner as municipal taxes, following municipal procedures as outlined by the City of Portland. The City shall forward to the Development Program Manager all District assessment funds collected within thirty (30) days of collection, less a ten (10) percent City administrative fee as authorized in the District Development Program. The City tax collector has all the authority and powers by law to collect the assessments. If any District Property owner fails to pay any assessment or part of an assessment on or before the dates required, the City has all the authority and powers to collect the delinquent assessments vested in the City by law to collect delinquent municipal taxes. Penalties for nonpayment of assessments shall be equivalent to penalties for nonpayment of property taxes. Assessments may be remitted on a monthly basis in advance of the municipal tax billing. The City administrative fee may be used for any costs or expenses related to the administration, collection, enforcement, and reporting particular to the District. Any additional funds shall be spent in accordance with the Development Districts Law in a manner which uniformly benefits the assessed parcels in the district. The City may require reporting and conduct an audit without cause no more than once every year to verify remittance in accordance with the assessment formula.

C. Municipal Indebtedness

The City reserves the right to issue municipal bonds in order to pay for costs of maintenance and operations costs. Any municipal bond issued for such project would require City Council approval and follow Charter required process.

D. Related Contract, Agreements, and Obligations

There are no existing terms and conditions of any agreements, contracts, or other obligations related to this Program, other than the anticipated contract with the Development Program Manager to implement the Projects outlined in Table 1 above and all other administrative

matters concerning the implementation and operation of the District, other than those matters within the purview of the City.

E. Rollover Funds

Any and all unused fee funds collected during a year may be rolled over to the subsequent year to be used for programs detailed in the Financial Plan. In the event of termination of the

District, any remaining revenues, after all outstanding debts are paid, derived from the charge of fees, or derived from the sale of assets acquired with the revenues, shall be appropriated for the purposes of this Development Program.

F. Reserve Policy

The District's Development Program Manager may develop a Reserve Policy to establish minimum levels for designated funds to ensure stable program and project execution, meet future needs, and protect against financial instability, subject to approval by the City.

V. Financial Data

Please find attached as **Exhibit E** the Statutory Requirements and Thresholds Form required by the Maine Department of Economic and Community Development.

VI. Municipal Approvals

A. Notice of Public Hearing

Attached as **Exhibit A** is a copy of the Notice of Public Hearing held on **September 6—, 2023** in accordance with the requirements of 30-A M.R.S.A. § 5226(1). The notice was published in the Portland Press Herald, a newspaper of general circulation in the City on a date at least ten (10) days prior to the public hearing.

B. Minutes of Public Hearing

Attached as **Exhibit C** is a certified copy of the minutes of the public hearing held on **September 6—, 2023**, at which time the proposed District was discussed by the public.

C. City Council Order

Attached as **Exhibit D** is an attested copy of the City Council Order adopted by the Portland City Council at a Council Meeting duly called and held on _____, 2023, designating the District and adopting the Development Program.

EXHIBIT A

CITY OF PORTLAND PROPERTY MAP SHOWING DISTRICT PROPERTY
RELATIVE TO CITY BOUNDARIES

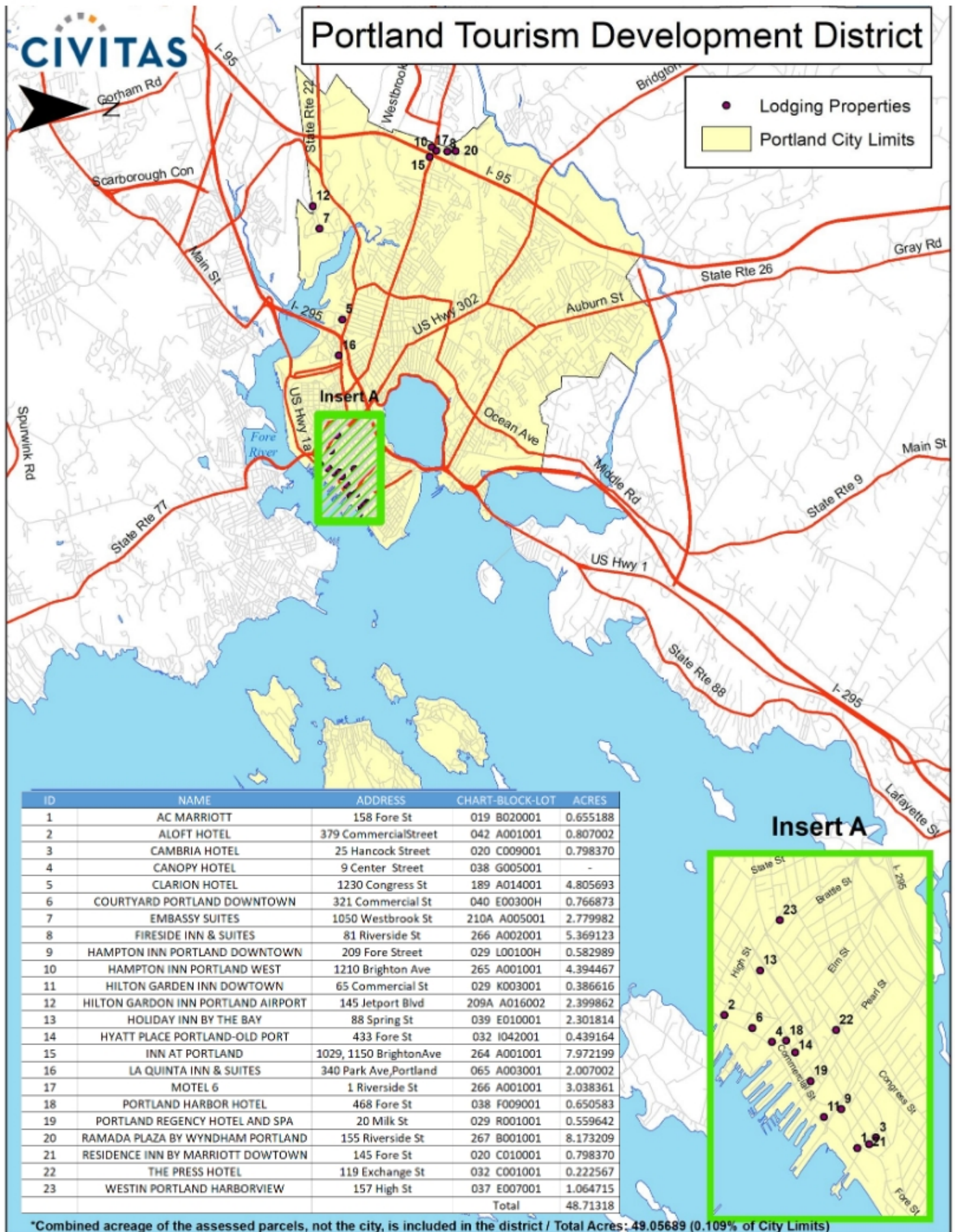


EXHIBIT B
NOTICE OF PUBLIC HEARING

EXHIBIT C
MINUTES OF PUBLIC HEARING

EXHIBIT D
CITY COUNCIL ORDER

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS FORM

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION A. Acreage Caps		
1. Total municipal acreage;	12,386	
2. Acreage of proposed Municipal Development District;	49.3706	
3. Downtown-designation ¹ acres in proposed Municipal Development District;	0	
4. Transit-Oriented Development ² acres in proposed Municipal Development District;	0	
5. Total acreage [=A2-A3-A4] of proposed Municipal Development District counted toward 2%	49.3706	
6. Percentage [=A5÷A1] of total acreage in proposed Municipal Development District (CANNOT EXCEED 2%).	.3986%	
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ³ SEE ATTACHED LISTING. District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	Existing	827.6469
	Proposed	49.3706
	Total:	877.0175
30-A § 5223(3) EXEMPTIONS⁴		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;	417.0408	
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts: District Name/Acreage District Name/Acreage	30.00	
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts: District Name/Acreage District Name/Acreage	0	
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁵ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above: District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage District Name/Acreage	0	
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	429.9767	
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	3.4715%	
14. Real property in proposed Municipal Development District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	49.3706	100%
TOTAL (except for § 5223 (3) exemptions a., b. <u>OR</u> c. must be at least 25%)		

¹ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

² For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

³ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁴ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁵ PTZ districts approved through December 31, 2008.

EXHIBIT E
STATUTORY REQUIREMENTS AND THRESHOLDS
PORTLAND TOURISM MUNICIPAL DEVELOPMENT DISTRICT/NEW 2023

SECTION B. Valuation Cap			
1.	Total TAXABLE municipal valuation—use most recent April 1;	N/A	
2.	Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31;	N/A	
3.	Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts:	Existing	N/A
	District Name/OAV District Name/OAV District Name/OAV	Proposed	N/A
	District Name/OAV District Name/OAV District Name/OAV	Total:	N/A
30-A § 5223(3) EXEMPTIONS			
4.	Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	N/A	
5.	Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:	N/A	
	District Name/OAV District Name/OAV		
6.	Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:	N/A	
	District Name/OAV District Name/OAV		
7.	Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁶ Municipal TIF districts:	N/A	
	District Name/OAV District Name/OAV		
8.	Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:	N/A	
	District Name/OAV District Name/OAV District Name/OAV		
	District Name/OAV District Name/OAV District Name/OAV		
9.	Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	N/A	
10.	Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	N/A	

COMPLETED BY			
PRINT NAME	Lori Paulette		
SIGNATURE	Lori Paulette	DATE	8/25/2023
If this form has <u>not be completed by the municipal or plantation assessor</u> , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME			
SIGNATURE		DATE	

⁶ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**Listing of Existing TIF Districts for Adding Portland Tourism Development District as of
6/1/2023**

6/1/2023

Active TIFs			
TIF District	FY Start/End	Original Assessed Value (OAV)	Acres
Waterfront/and W Maine Sub District/Added March 2018 Parcels	FY2002-03/FY2031-32	\$8,283,740	6.625
- WTIF 9/2018 Added Parcels		\$20,076,870	77.560
- WTIF 5/2019 Added Parcels		\$5,938,400	13.430
Bayside Expanded TIF District	FY2003-04/FY2032-33	\$121,639,640	128.728
Pearl Place/Avesta-AH TIF	FY2007-08/FY2035-36	\$0	1.035
Public Market/Power Pay	FY2010-11/FY2039-40	\$1,862,600	1.070
McAuley Place	FY2009-10/FY2038-39	\$0	5.320
Avesta/409 Cumberland Ave-AH TIF	FY2013-14/FY2034-35	\$0	0.410
Thompson's Pt TOD/TIF II	FY2014-15/FY2043-44	\$4,970,470	30.000
134 Washington Avenue/AH TIF	FY2014-15/FY2033-34	\$0	0.230
17 Carleton St/AH TIF District	FY2015-16/FY2036-37 FY2015-16/FY2044-45	\$0 \$965,007,320	0.572 417.0408
ImmuCell TIF	FY2017-18/FY2028-29	\$52,600	1.110
58 Boyd Street/AH TIF	FY2018-19/FY2047-48	\$0	0.480
178 Kennebec St/AH TIF	FY2019-20/FY2048-49	\$0	0.220
Deering Place/AHTIF	FY2018-19/FY2047-48	\$0	1.090
977 Brighton Avenue/AHTIF	FY2019-20/FY2048-49	\$0	0.730
66 State Street AHTIF	FY2020-2021/FY2049-50	\$0	0.509
PHA Front Street AHTIF	FY2020-2021/FY2049-50	\$0	3.487
200 Valley Street AHTIF	FY2020-2021/FY2049-50	\$0	0.344
577 Washington Avenue AHTIF	FY2020-2021/FY2049-50	\$0	3.610
337 Cumberland Avenue AHTIF	FY2020-2021/FY2049-50	\$0	0.452
104 Grant Street AHTIF	FY2020-2021/FY2049-50	\$0	0.330
83 Middle Street AHTIF	FY2020-2021/FY2049-50	\$0	0.285
91 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.0000
73 Winter Street AHTIF	FY2021-2022/FY2050-51	\$0	0.3941
45 Dougherty	FY2023/2024/FY2052-53	\$0	1.6750
Portland Downtown Munic. Dev. Dist.	n/a	n/a	130.9100
Sub-Total:		\$1,127,831,640	827.6469
Less Exempt:			
Thompson's Point (TOD TIF)	FY2014-15/FY2043-44	-\$4,970,470	-30.000
Downtown TOD District	FY2015-16/FY2044-45	-\$965,007,320	-417.0408
Totals for Caps:		\$157,853,850	380.606
FY2022 Aggregate Total Value:		\$12,095,550,000	
Total Acreage for Ptld:			12,386.000
5% Allowed to be TIF'd:		\$604,777,500	619.300
Current Amounts TIF'd:		\$157,853,850	380.606
Amount Remaining that can be TIF'd:		\$446,923,650	238.694

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

**PROPOSING AN AMENDMENT TO PORTLAND CITY CODE
CHAPTER 9 RE: PROPORTIONAL RANKED CHOICE VOTING**

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

1. *That the Sections 9-2 and 9-3 of the Portland City Code Chapter 9 are hereby amended to read as follows:*

Sec. 9-1. Council districts.

(a) *Map included.* The districts and precincts of the City for all elections of the City shall be as shown on the map dated January 29, 2014, on file in the Office of the City Clerk.

...

Sec. 9-2. Reserved. Ranked choice voting; instant runoff tabulation.

For the position of mayor only, the city clerk shall implement a ranked choice voting protocol according to these guidelines:

(a) The ballot shall give voters the option of ranking mayoral candidates in order of choice.

(b) If a mayoral candidate receives a majority, i.e. atleast one more than fifty percent (50%) of the first choice votes cast, that candidate is elected.

(c) If no candidate receives a majority of first choice votes, an instant runoff re-tabulation shall be promptly conducted by the city clerk and completed within five (5) business days of the election. The instant runoff re-tabulation shall be conducted in successive rounds, with the majority

determined for each successive round by the number of votes cast in that round. The candidate with the fewest votes after each successive round in which no candidate receives a majority of the votes cast in that round shall be eliminated, and the votes in the successive rounds shall be re-tabulated among the remaining candidates until one candidate receives a majority of the votes cast in that round. In each successive round, each voter's ballot shall count as a single vote for whichever candidate the voter has ranked highest who has not been eliminated in a prior round, if any.

(d) After the first round, a majority is determined as at least one (1) more than fifty percent (50%) of the votes cast for a remaining candidate in a particular round.

(e) The city clerk may adopt additional regulations consistent with Article II, section 3 of the Charter this section 9-2 to implement these provisions. The ballot shall contain instructions on how to vote for each office.

Sec. 9-3. ~~Reserved.~~Proportional ranked choice voting for multiple seat elections.

Whenever two (2) or more persons are to be elected to the same office (a "multiple seat election"), the several persons up to the number to be chosen shall be elected by proportional representation. The City Clerk shall implement a proportional representation voting protocol according to these guidelines:

(a) The total number of ballots indicating a valid vote for a candidate shall be determined prior to counting of ballots for individual candidates.

(b) Each candidate shall be credited with one vote for every valid ballot that is sorted to that candidate as first choice, or otherwise credited to that candidate as hereinafter provided, and no ballot shall ever be credited to more than one candidate at the same time.

(c) A "quota" is the smallest number of votes that any candidate must receive in order to be assured of election without more candidates being elected than there are offices to be filled. A quota will be determined by dividing the total number of valid ballots by one more than the total number of candidates to be elected and adding one to the result, disregarding fractions. Whenever, at any stage of the counting,

the number of ballots credited to a candidate becomes equal to the quota, that candidate shall be declared elected, and no ballots in excess of the quota shall be credited to that candidate except as provided in (f) or (l) of this section.

(d) The ballots shall be sorted according to the first choices marked on them.

(e) If a candidate is elected while the ballots are being sorted according to first choices, any subsequent ballots that show that candidate as first choice shall each be credited to the second choice marked on it, or, if the second choice also has been elected, to the next choice marked on it for a candidate not yet elected.

(f) If during the first sorting of ballots, ballots are found that are marked for a candidate already elected as first choice, but show no clear choice for any unelected candidate, such ballots shall at the end of the sorting be given to the candidate of their first choice, and in their place an equal number, as nearly as possible, of the last ballots sorted to that candidate that show a clear choice for unelected candidates, all as determined by the City Clerk, shall be taken and re-sorted to unelected candidates as if they were then being sorted for the first time.

(g) When all the ballots have been thus sorted and credited to the first available choices marked on them, every candidate who is credited with fewer ballots than the number of signatures required for that candidate's nomination shall be declared defeated.

(h) All the ballots of the candidates thus defeated shall be transferred, each to the candidate indicated on it as next choice among the continuing candidates. A "continuing candidate" is a candidate not as yet either elected or defeated. Any ballot taken for transfer which does not clearly indicate any candidate as next choice among the continuing candidates shall be set aside as "exhausted."

(i) When all the ballots of the candidates thus defeated have been transferred, the one candidate who is then lowest on the poll shall be declared defeated and all that candidate's ballots transferred in the same way.

(j) Thereupon the candidate who is then lowest shall be declared defeated and all that candidate's ballots similarly transferred; and in like manner candidates shall be declared defeated one at a time and all their ballots transferred.

(k) If, when a candidate is to be declared defeated, two or more candidates are tied at the bottom of the poll, that one of the tied candidates shall be declared defeated who was credited with fewest ballots immediately prior to the last transfer of ballots. If two or more of the tied candidates were tied at that stage of the count, also, the second tie shall be decided by referring similarly to the standing of candidates immediately prior to the last transfer of ballots before that. This principle shall be applied successively as many times as may be necessary, a tie shown at any stage of the count being decided by referring to the standing of the tied candidates immediately prior to the last preceding transfer of ballots. In interpreting this and other rules contained in this section the transfer of all ballots from candidates defeated together under rule (g) of this section, and the transfer of all ballots from each candidate defeated thereafter shall each constitute a single separate transfer.

(l) Whenever candidates to the number to be elected have received the quota, any transfer of ballots in progress when the last quota was reached shall be completed, but immediately thereafter all continuing candidates shall be declared defeated and the election shall be at an end. Whenever all ballots of all defeated candidates have been transferred, and it is impossible to defeat another candidate without reducing the continuing candidates below the number still to be elected, all the continuing candidates shall be declared elected and the election shall be at an end.

(m) A record of the count shall be kept in such form as to show, after each sorting or transfer of ballots, the number thereby credited to each candidate, the number thereby set aside as exhausted, the total for each candidate, the total set aside as exhausted, and the total number of valid ballots found by adding the totals of all candidates and the total set aside as exhausted.

(n) Every ballot that is transferred from one candidate to another shall be stamped or marked so that its entire course from candidate to candidate can be conveniently traced.

(o) If at any time after the first sorting of the ballots a ballot is found to have been credited to the wrong candidate, it may be transferred, as part of the transfer that is in progress, to the continuing candidate, if any, to whom it should have been credited at the time the error was made, or, if it should previously have become exhausted, may be set aside as exhausted as part of the transfer that is in progress; provided, that if the number of misplaced ballots found is sufficient to make it possible that any candidate has been wrongly defeated, so much of the sorting and transferring as may be required to correct the error shall be done over again before the count proceeds. If in correcting an error any ballots are re-sorted or re- transferred, every ballot shall be made to take the same course that it took in the original count unless the correction of an error requires its taking a different course. The principles of the rules of this section shall apply also to any recount which may be made after the original count has been completed.

(p) The city clerk may adopt additional regulations consistent with Article II, section 3 of the Charter and this section 9-3 to implement these provisions. The ballot shall contain instructions on how to vote for each office.

Sec. 9-4. Reserved.

Sec. 9-5. Reserved.

...

BE IT FURTHER ORDERED, this amendment shall take effect thirty
(30) calendar days after approval by the City Council.

MEMORANDUM
City Council Agenda Item

FROM: Troy Moon, Sustainability Coordinator

DATE: July 26, 2023

SUBJECT: Order 31-23/24 Accepting Herron Road as a Public Easement and Utility Easement - Sponsored by the Sustainability & Transportation Committee, Andrew Zarro, Chair

SPONSOR: The Sustainability and Transportation Committee voted 2-0 (Councilor Pelletier absent) on July 12, 2023 to recommend the order.

(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 9/6/2023

Final Action 9/18/2023

Can action be taken at a later date: Yes

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

PRESENTATION: Staff from the Department of Public Works will be available to answer questions from the Council.

I. SUMMARY

Approving the order provides the City with the necessary right, title, and interest in the paper street known as Herron Road to install stormwater infrastructure in compliance with the City's MS4 stormwater permit.

II. AGENDA DESCRIPTION

The Sustainability and Transportation Committee voted 2-0 (Councilor Pelletier absent) on July 12, 2023 to recommend the order.

This order provides the City with the necessary right, title, and interest in the paper street known as Herron Road to install stormwater infrastructure in compliance with the City's MS4 stormwater permit. Herron Road currently has within it a buried storm drain sewer servicing the Barron Center Campus and a publicly accessible foot path. Accepting this limited form of partial easement would provide the necessary right, title, and interest in the property to complete the installation of an underground stormwater sand filtration system to treat stormwater runoff from the City-owned Barron Center property while allowing the existing use of the property to continue.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Department of Public Works recommends that the City Council accept a public access easement and a public utility easement on a "paper street" currently known as Herron Road. This 40 ft. by 190 ft. strip of land was originally dedicated to the City of Portland in 1912 for a proposed street then called Yale Street that was never built. It currently has within it a buried storm drain sewer servicing the Barron Center Campus and a publicly accessible foot path. Accepting this limited form of partial easement would provide the necessary right, title, and interest in the property to complete the installation of an underground stormwater sand filtration system to treat stormwater runoff from the City-owned Barron Center property while allowing the existing use of the property to continue.

The proposed sand filtration system is Phase 2 of a larger Green Infrastructure (GI) stormwater project

currently under way within the established City rights of way throughout Sagamore Village. Phase 1 includes the installation of 32 rain gardens around the neighborhood which will provide stormwater runoff treatment, neighborhood beautification, and some traffic calming within the neighborhood streets. This project is being completed by the Water Resources Division to ensure compliance with the City's MS4 stormwater permit being administered by the Maine DEP and to implement the previously established Capisic Brook Watershed Management Plan. The overall goal of this project is to improve water quality in Capisic Brook, which is classified as an Urban Impaired Stream by the Maine DEP.

Staff recommends accepting the public easement and utility easement at this time to allow the contractor currently on site for Phase 1 to complete Phase 2 during the current construction year. An exhibit describing the area under discussion and the area around Herron Rd is included in the agenda packet.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Accepting the public easement and utility easement will facilitate completion of a stormwater management project in line with the City's obligations under its MS4 stormwater permit.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Staff recommends accepting the public easement and the utility easement at this time in order to provide the right, title, and interest in Herron Road that is required to complete this stormwater project.

VIII. LIST ATTACHMENTS

1. ORDER ACCEPTING HERRON ROAD 9.6.2023
2. Herron Rd GIS Sketch
3. Sagamore Green Infrastructure Presentation to S&T

Prepared by:

Troy Moon, Sustainability Coordinator

Date: 07/26/2023

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 ACCEPTING HERRON ROAD,
AS A PUBLIC EASEMENT AND UTILITY EASEMENT**

ORDERED, that pursuant to 23 M.R.S.A. §3025, the City hereby accepts the following rights and easements in the road shown as Yale Street (but now known as Herron Road) between Taft Avenue and Holm Avenue on the "Portland Gardens" plan, dated July 1, 1912, recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 23 and as more fully described in Exhibit A attached hereto and made a part of this Order (i) a public easement for the purpose of public access pursuant to 23 M.R.S.A. §3021, and (ii) a public utility easement to enter in, on, over, and under Herron Road, with workers and equipment, for the purpose of installing, repairing, maintaining, or replacing underground, on ground, and above ground utilities.

Exhibit A - Deed Description of Herron Road from Taft Ave to Holm Ave
June 8, 2022 WGS

A certain street labeled "Yale Street" (now known as Herron Rd) as shown on a plan entitled "Portland Gardens" as recorded at the Cumberland County Registry of Deeds in Plan Book 12 Page 23, as depicted in the attached Exhibit B plan and being more particularly described as follows:

Beginning at the intersection of the southeasterly sideline of said Yale Street (now known as Herron Rd) with the northwesterly sideline of Taft Avenue; said Point of Beginning being located northeasterly along said northwesterly sideline of Taft Avenue a distance of 643.20' from its intersection with the northeasterly sideline of Brighton Avenue.

Thence N 72-59-01 W one hundred ninety-nine and sixty-one hundredths feet (199.61') along land now or formerly of Ellen J. Churchill (Book 31180 Page 127) and along land now or formerly of 1085 Brighton Ave LLC (Book 16475 Page 30) to the southeasterly sideline of Holm Avenue.

Thence N 32-58-58 E thirty-four and ninety-four hundredths feet (34.94') along said southeasterly sideline of Holm Avenue to an angle point in said sideline.

Thence N 17-00-50 E six and forty-one hundredths feet (6.41') along said southeasterly sideline of Holm Avenue to the southwesterly corner of land now or formerly of Warren Austerer (Book 29943 Page 283).

Thence S 72-59-01 E one hundred ninety and zero hundredths feet (190.00') along said land of Austerer and along land now or formerly of Anthony Pizzo (Book 11496 Page 163) to said northwesterly sideline of Taft Avenue.

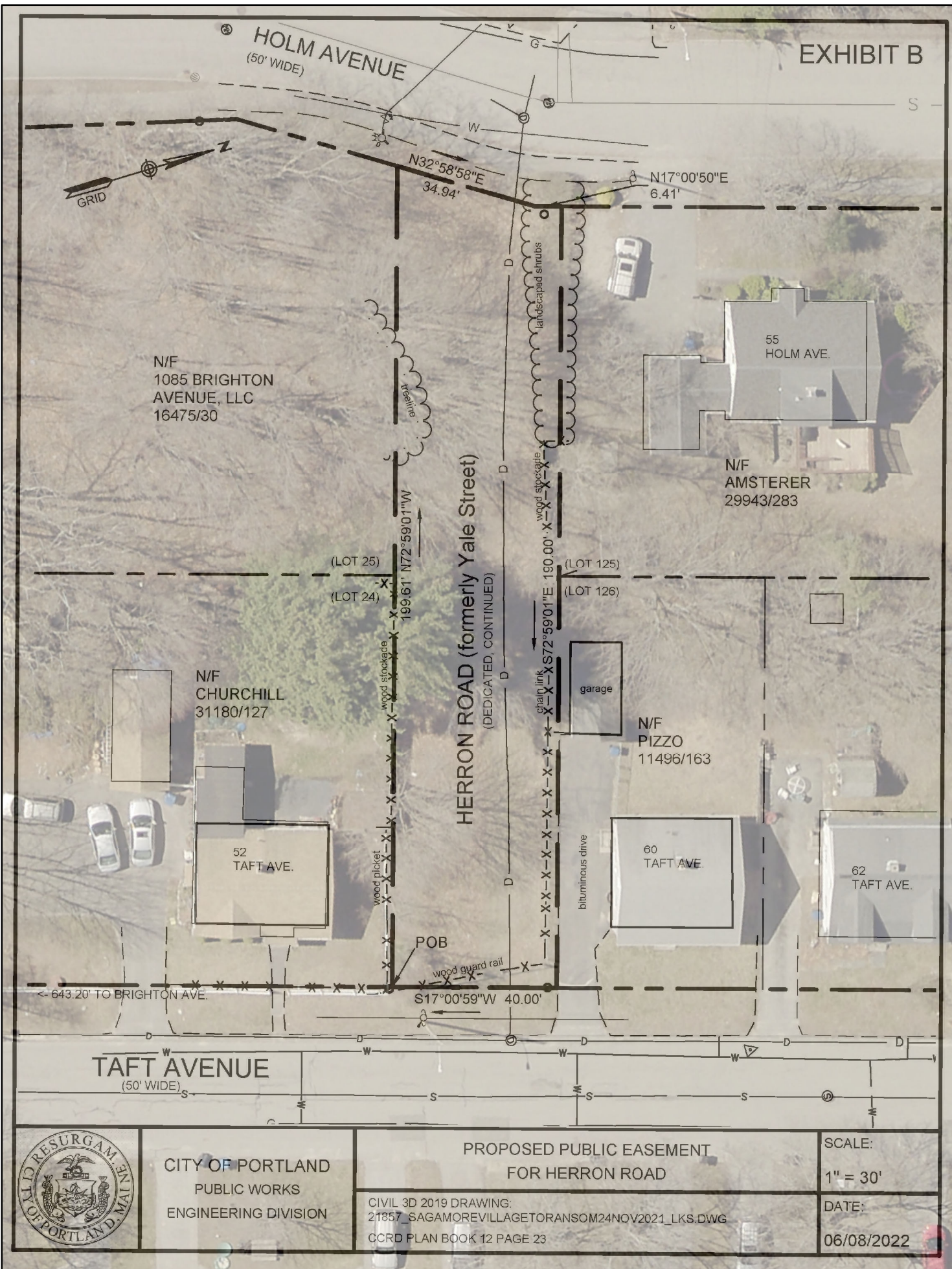
Thence S 17-00-59 W forty and zero hundredths feet (40.00') along said sideline of Taft Avenue to the northeasterly corner of said land now or formerly of Churchill and the Point of Beginning.

Said street contains 7762 square feet of land.

Book and Page numbers are referenced to those at the Cumberland County Registry of Deeds.

Bearings are based on Grid North.

EXHIBIT B



CITY OF PORTLAND
PUBLIC WORKS
ENGINEERING DIVISION

PROPOSED PUBLIC EASEMENT FOR HERRON ROAD

CIVIL 3D 2019 DRAWING:
21857_SAGAMOREVILLAGETORANSOM24NOV2021_LKS.DWG
CCRD PLAN BOOK 12 PAGE 23

SCALE:

1" = 30'

DATE:

06/08/2022



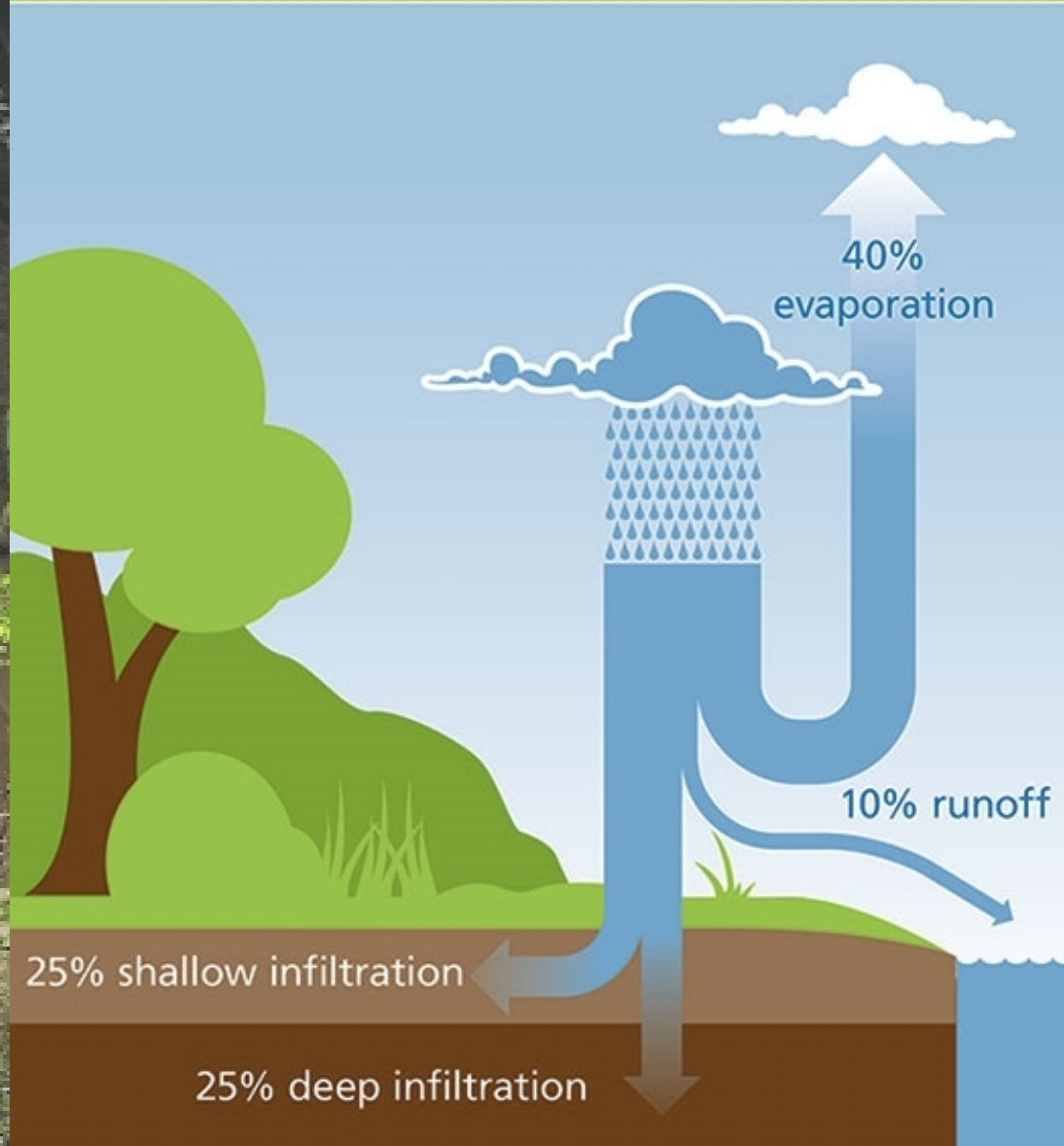
Sagamore Village Green Infrastructure Project Herron Road Public Easement Acceptance

July 12, 2023
S&T Meeting

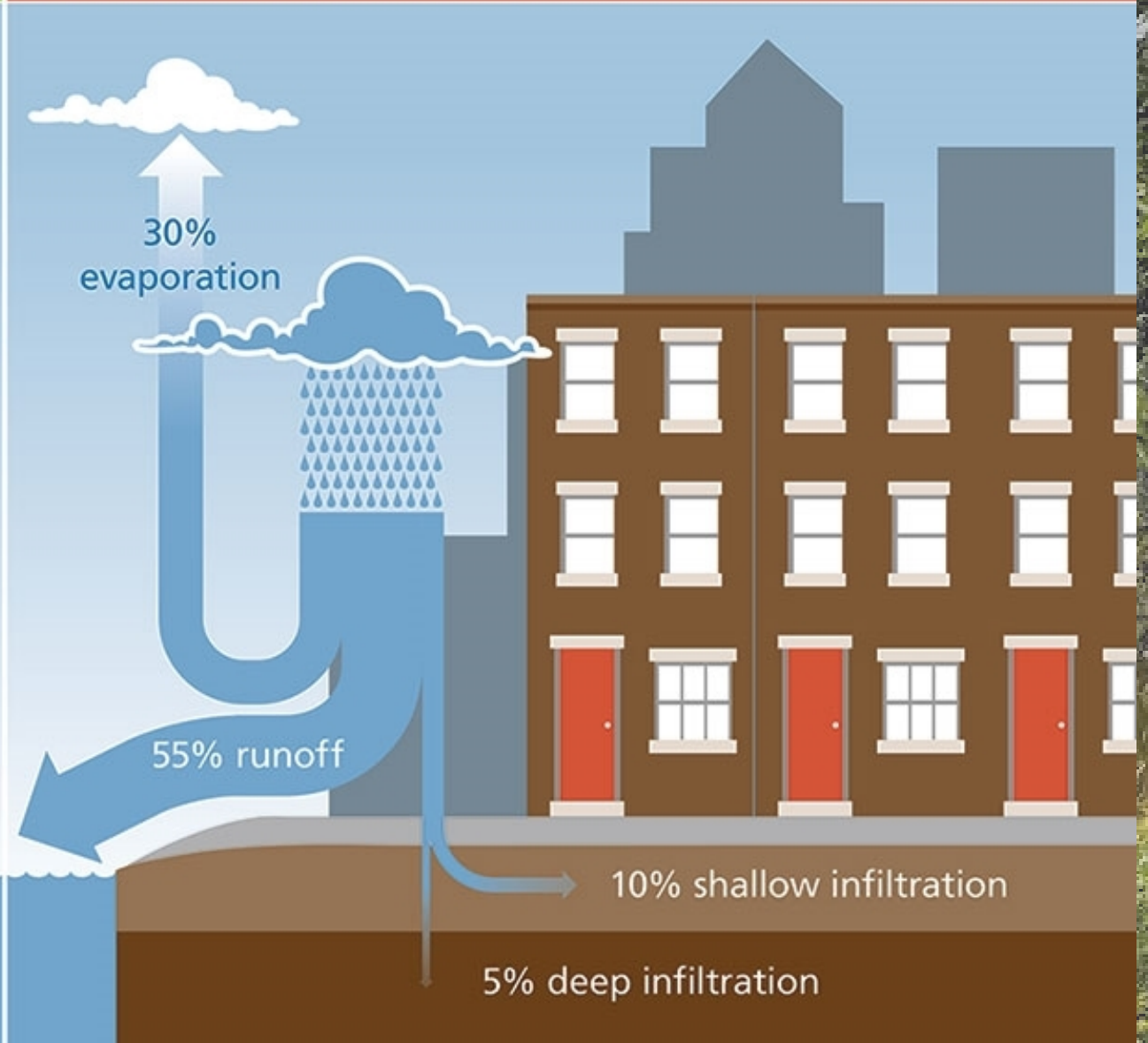
Meeting Agenda

- Green Infrastructure Overview
- Capisic Brook Watershed Overview
- Capisic Brook Watershed Management Plan
- Project Goals/Design
- Herron Road Paper Street Overview
- Public Easement Acceptance
- Herron Road Sand Filter

NATURAL ENVIRONMENT



URBAN ENVIRONMENT

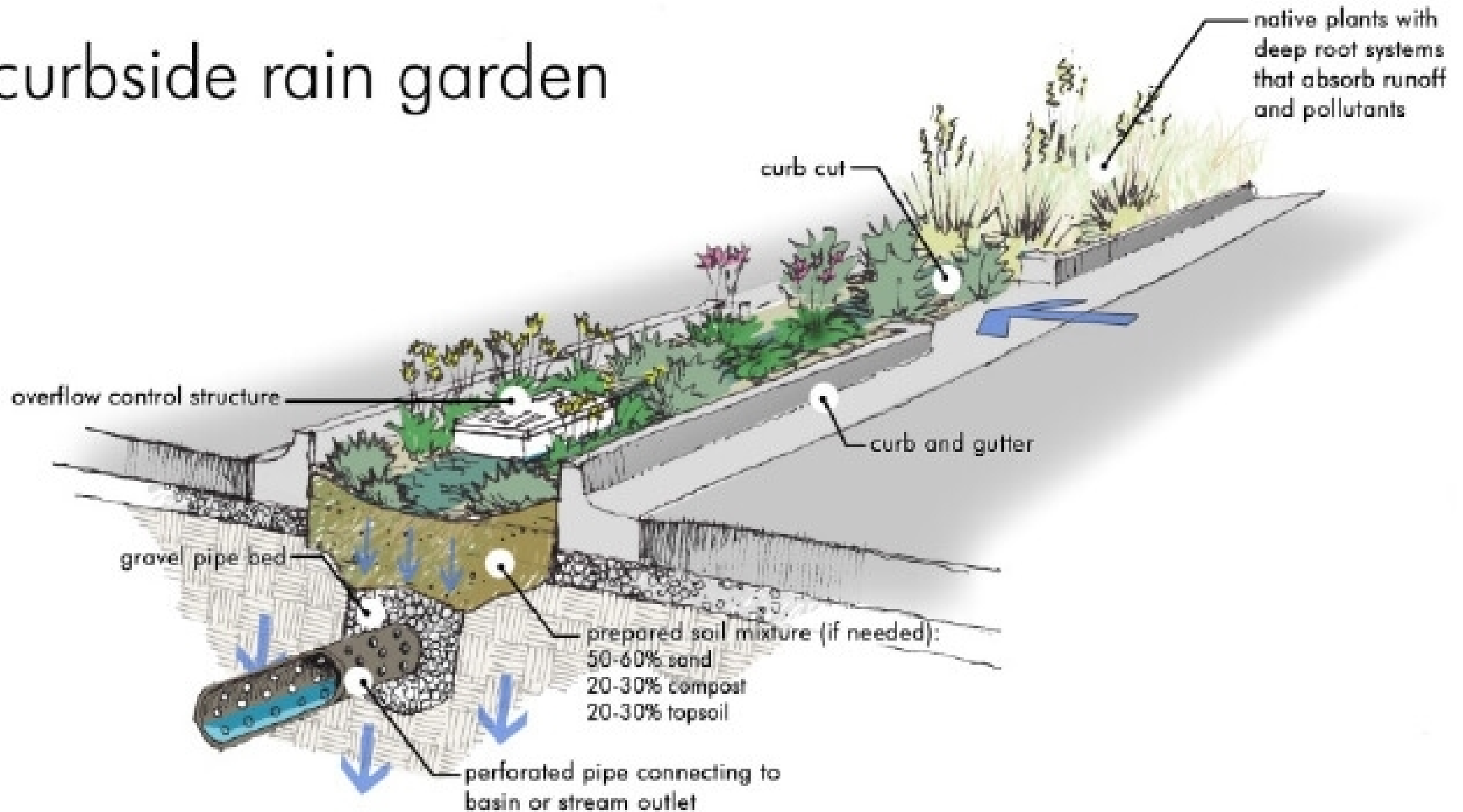


What is Green Infrastructure?

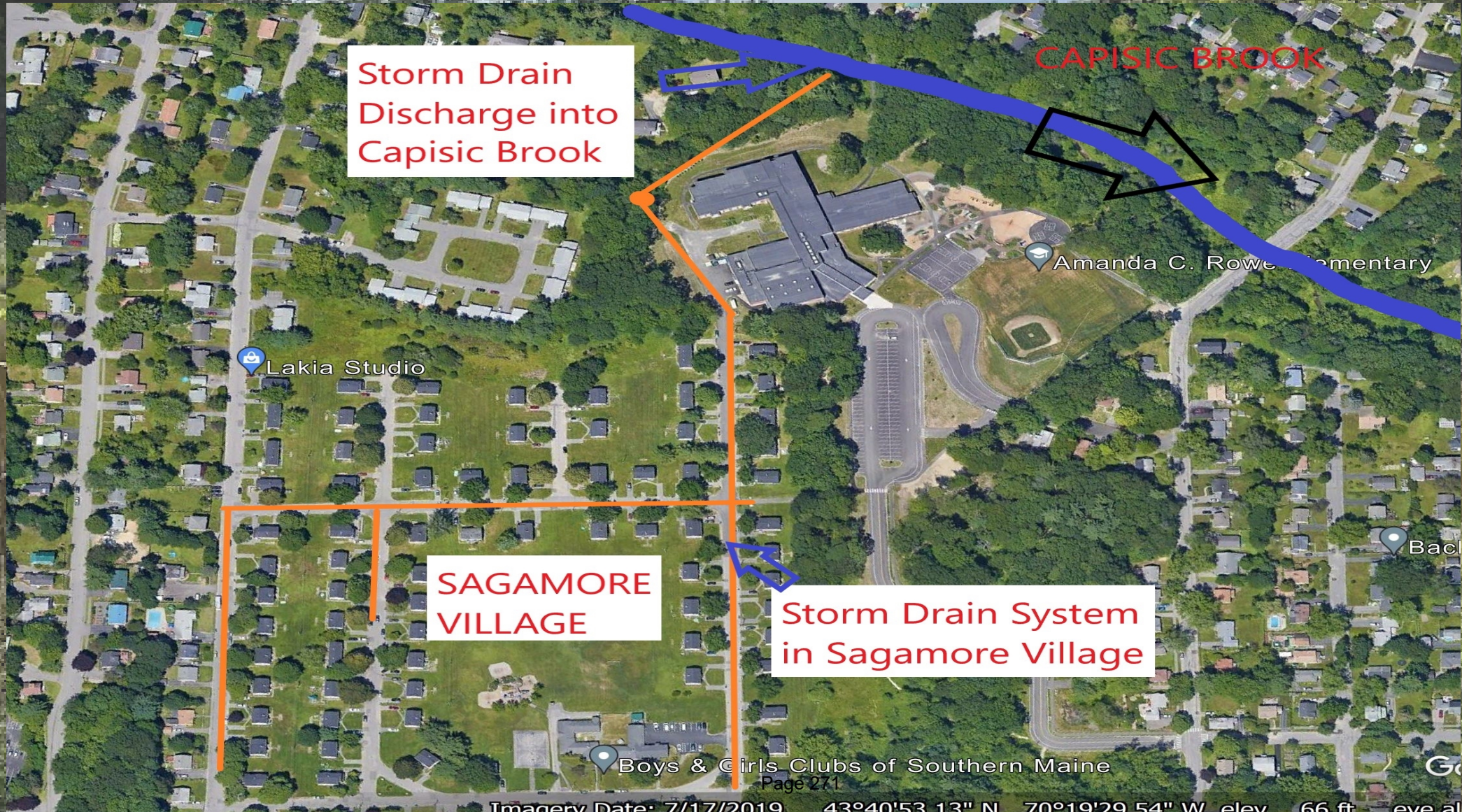
- EPA DEFINITION: "the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters."



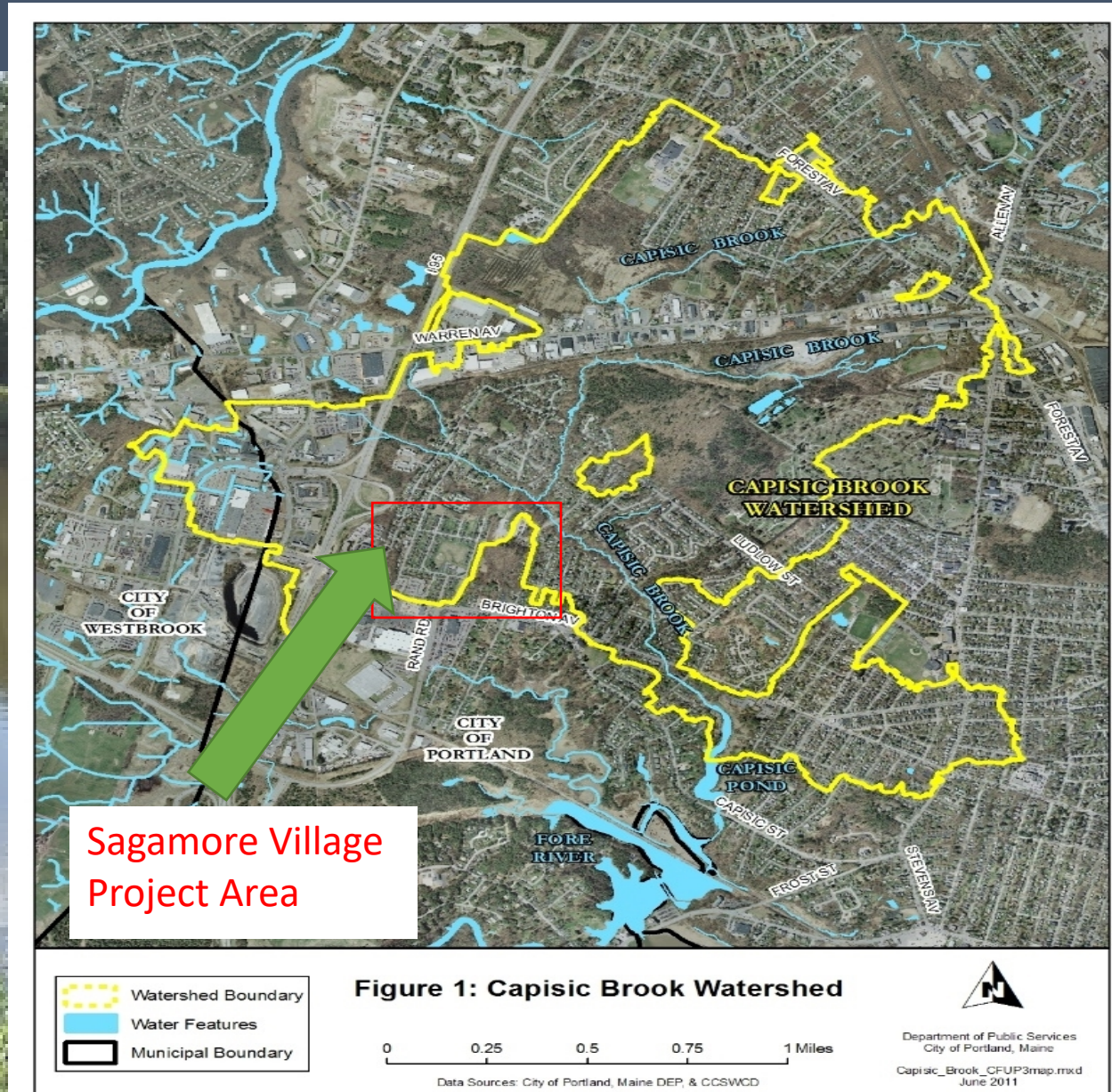
curbside rain garden



Sagamore Village Storm Drain System Overview



Capisic Brook Watershed Overview



Capisic Brook Watershed Overview

- 2.5 miles long
- 1,500 acre watershed drains to the Fore River, which flows to Casco Bay
- 31% of watershed area considered impervious
- Maine DEP: Watersheds with greater than 10% impervious area are considered to be “generally impaired”
- The Brook does not meet Maine water quality standards and is considered impaired by the Maine DEP.
- A mix of residential, commercial & industrial development has greatly altered the watershed.
- The main source of pollution in the brook comes from stormwater runoff. Stormwater washes sediment, petroleum products, excess nutrients (fertilizer, pet waste), metals, salt, bacteria, heat & other pollutants off the landscape and into the brook.

Capisic Brook Watershed Management Plan

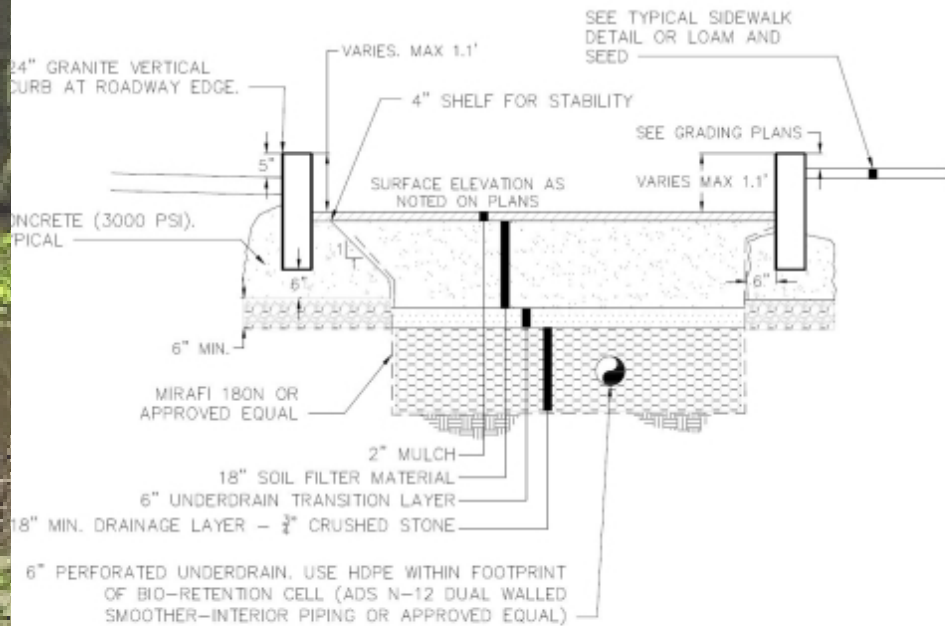
- Adopted by the City in 2012.
- Identified a number of actions and projects that could be completed to reduce the impacts of stormwater pollution within the watershed.
- Examples-
 - Retrofit Existing Streets with Green Infrastructure.
 - Increased street sweeping and catch basin cleaning.
 - Projects to provide treatment for storm water runoff.
 - Protection of existing wetlands within the watershed and stream corridor.
 - Provide outreach and education to residents and students.
- Overall goal is to improve water quality and the overall health of the brook, which will also improve water quality in the Fore River & Casco Bay.
- The City is currently working on an update to the Original Watershed Management Plan in 2023.

Project Design: Overview

- 32 rain gardens built throughout the neighborhood
- Sub surface sand filter in Herron road right of way
- Capture and treat first 1" of rainfall
- Total Drainage Area: 21 Acres
- Almost 9 Acres of Impervious Area Treated



Rain Garden Detail



TYPICAL BIO-RETENTION CELL SECTION
NOT TO SCALE

SOIL FILTERS SHALL BE CONSTRUCTED

SOIL FILTER MATERIAL SHALL BE FIBER OR BARK MULCH. THE R FILTER MEDIA SHALL BE A UNIT THAN 2 INCHES. SUBCOMPONENT

LOAMY SAND SHALL CONSIST AGRICULTURE) THAT CONTAIN DETERMINED THROUGH SOIL

WOOD FIBER MULCH SHALL C PHYSICAL CONTAMINANTS, A SCREEN.

SOIL FILTER MATERIAL SHALL H PERMEABILITY OF AT LEAST 4

THE CONTRACTOR SHALL SUBMIT TO THE CONSTRUCTION OF SOIL INSTALLATION, AND VEGETATION NOT BE INSTALLED UNTIL THE PAVEMENT, VEGETATION, EROSION AROUND THE FILTER OR UNLESS GEOTEXTILE LINER WHICH CAN

THE AREA THAT DRAINS TO THE SEDIMENTS INTO THE STORMWATER ALL CONTRIBUTING DRAINAGE A SHALL BE REPLACED BY THE C

ADDITIONAL SURFACE LOAM MAY MORE THAN $\frac{1}{3}$ DEPTH OF NATIVE

CAP TO BE INSTALLED ON OUT CATCH BASIN OR MANHOLE INT STAINLESS STEEL CLAMP. DRILL



Cabot/Popham Intersection Existing Conditions



Cabot/Popham Intersection Proposed



Purchas/Godfrey Intersection Existing Conditions



Purchas/Godfrey Intersection Proposed



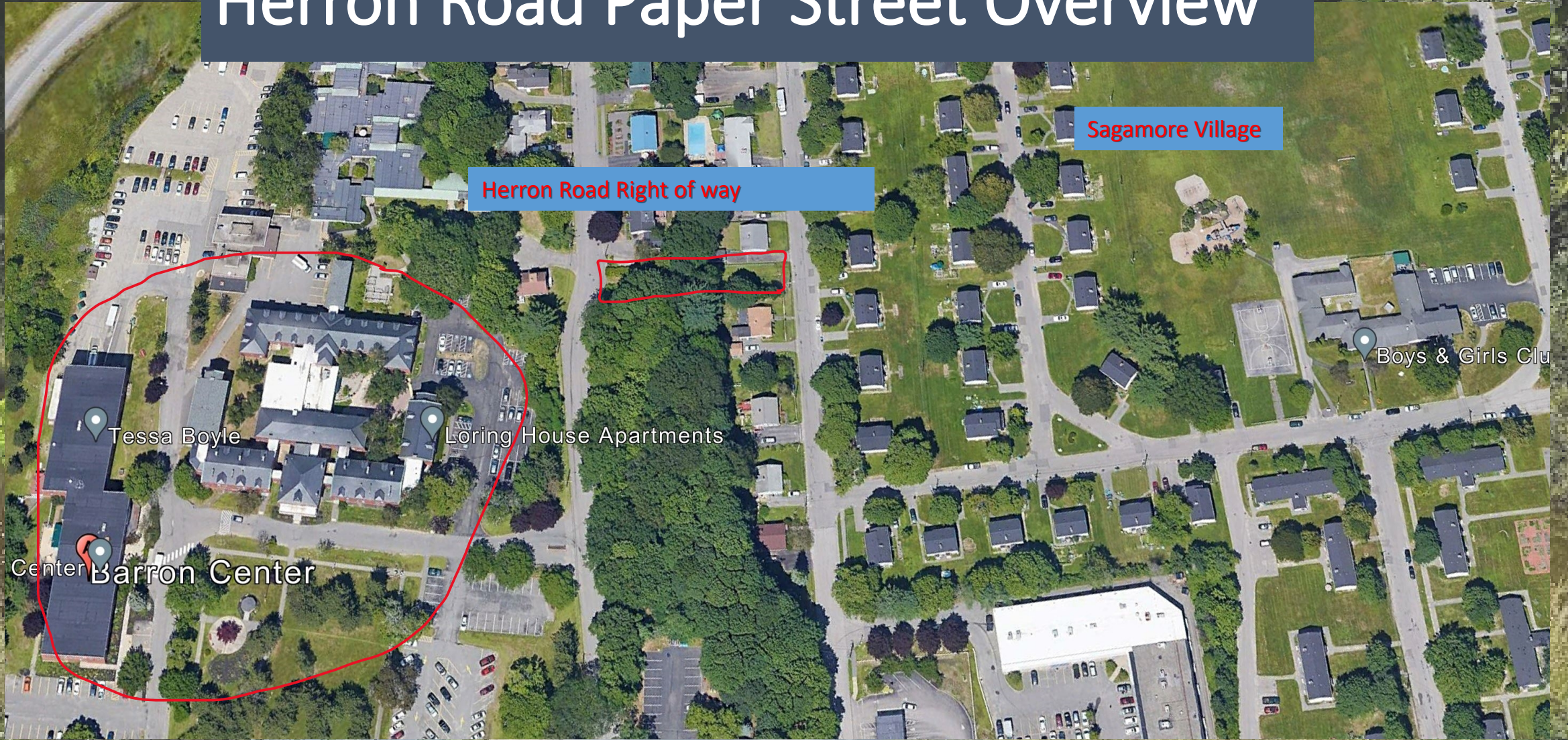
Josslyn Street Existing Conditions

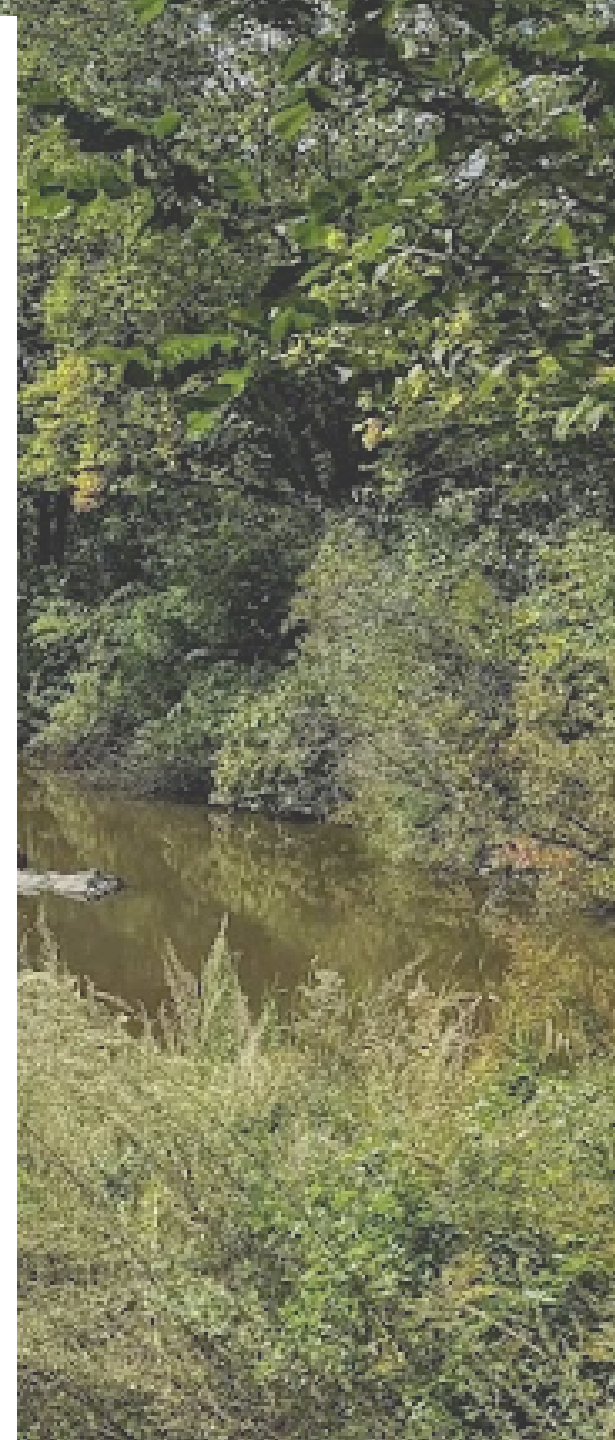


Josslyn Street Proposed



Herron Road Paper Street Overview





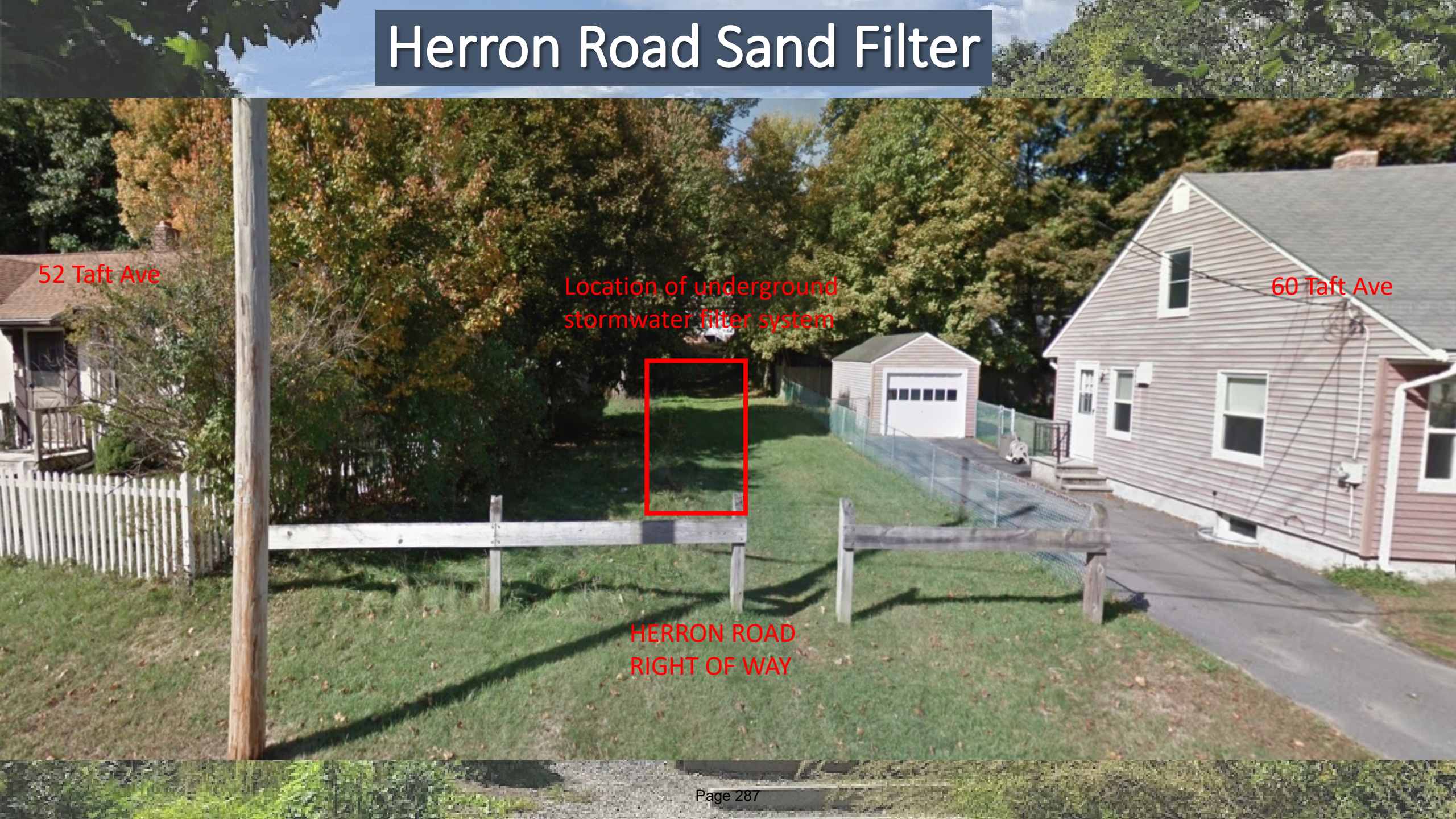
Herron Road Facts

- 40' wide by 190' long strip of land located between Taft Avenue and Holm Avenue.
- Dedicated to the City as a proposed Street in 1912, originally called Yale Street.
- Current Status: Paper Street, Unaccepted, Dedicated and continued as of 2017.
- The City installed a storm drain line in this paper street in the 1980's to primarily provide drainage for Barron Center Facility.
- Publicly accessible footpath located in right of way connecting Holm Avenue to Taft Avenue.

Proposed Strategy to Formalize the City's Right, Title and Interest in the Right of Way

- City Council has the right to legally accept the a public access and utility easement in dedicated paper street right of way.
- Public easement acceptance would formalize City's right, title and interest in the right of way for existing and proposed infrastructure.
- The City installed a storm drain line in this paper street in the 1980's to primarily provide drainage for Barron Center Facility.
- Publicly accessible footpath located in right of way connecting Holm Avenue to Taft Avenue.

Herron Road Sand Filter



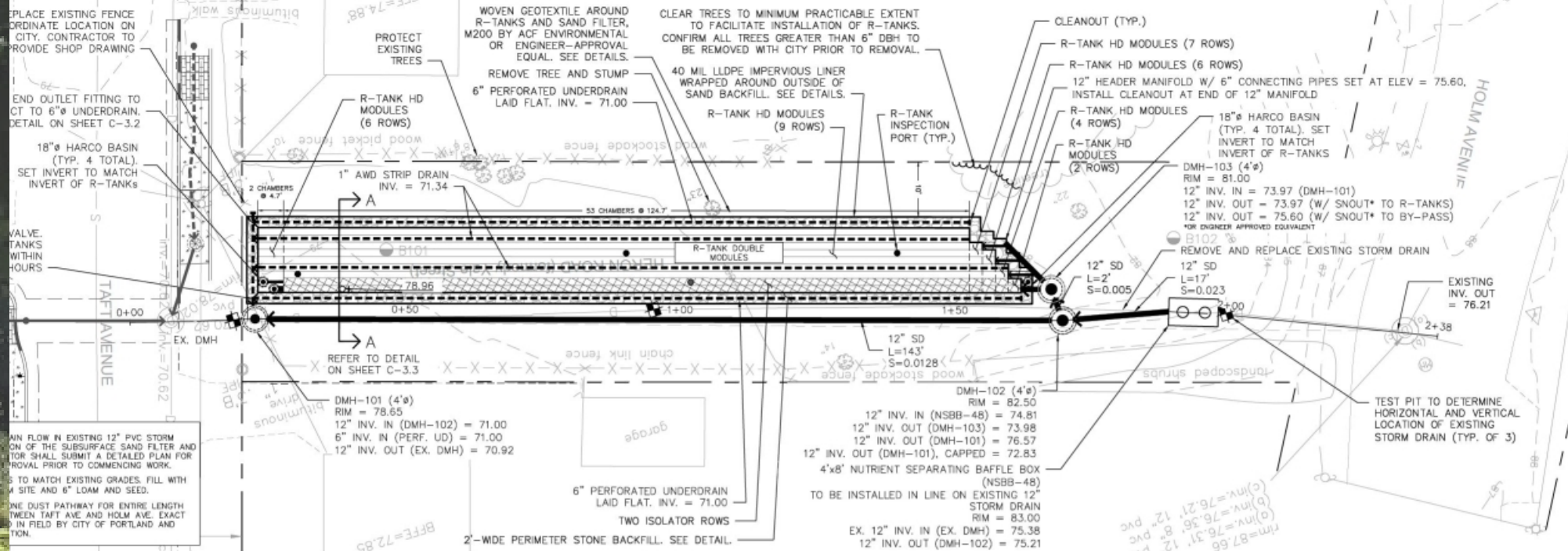
52 Taft Ave

Location of underground
stormwater filter system

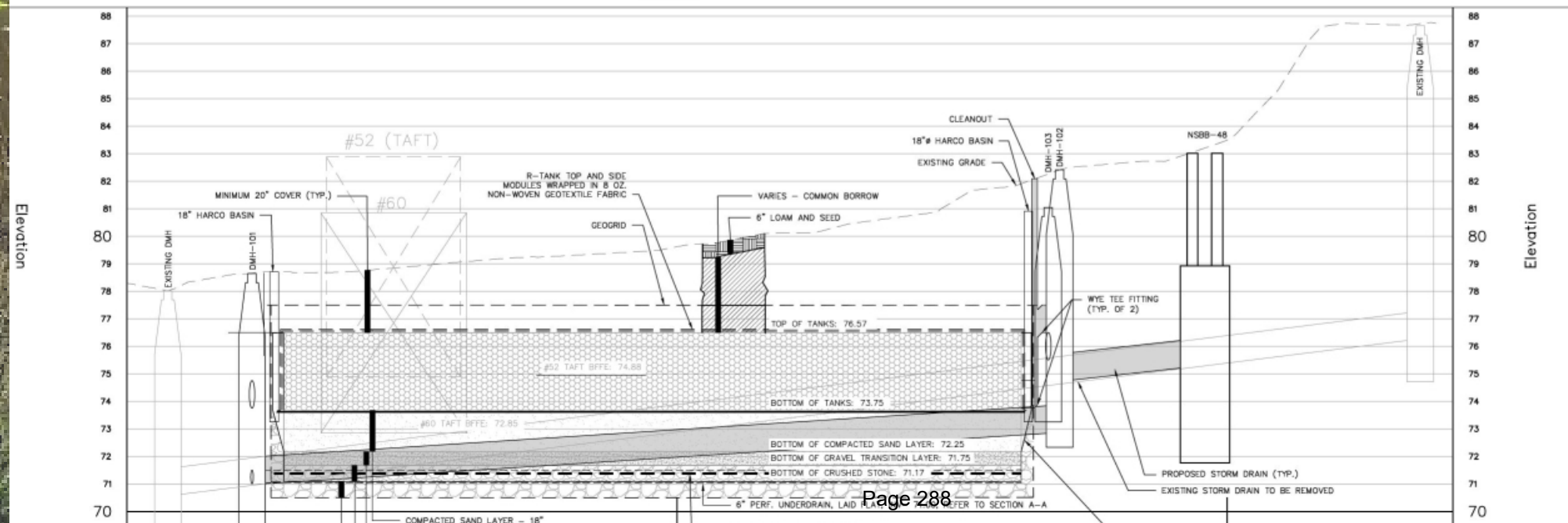
60 Taft Ave



HERRON ROAD
RIGHT OF WAY



PLAN



SAGAMORE VILLAGE GREEN INFRASTRUCTURE

Prepared for:

CITY OF PORTLAND
389 CONGRESS STREET
PORTLAND, MAINE

City Engineer:



MAUREEN P. MCGLONE, P.E.
400 COMMERCIAL STREET
PORTLAND, ME 04101
207-772-2891



0 5 10
SCALE: IN FEET
1"=10'

RANSO
Consulting, LLC

400 Commercial Street, Suite 200
Portland, ME 04101
Tel. (207) 772-2891
Fax (207) 772-3248
www.ransoengineers.com

TODD
DESIGN

8454 Georgia Avenue, Suite 200
Silver Spring, MD 20910
PHONE: 301.927.1900
FAX: 301.927.2800
www.todddesign.com

HERRON ROSS
SUBSURFACE SAND FILTER - LAYOUT

D	ISSUED FOR BIDDING
C	ISSUED FOR REVIEW
B	80% DESIGN
A	50% DESIGN
No.	Revision/Issue

MEMORANDUM
City Council Agenda Item

FROM: Brendan O'Connell
DATE: August 28, 2023
SUBJECT: Order 32-23/24 Authorizing Loans in the Amount of \$1,684,816 from the School Revolving Renovation Fund and the Issuance of the City's General Obligation Bonds Therefore - Sponsored by Danielle P. West, City Manager

SPONSOR: 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 9/6/2023

Final
Action 9/18/2023

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: This item has been reviewed and approved the the City's bond counsel.

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

I. SUMMARY

This order authorizes and the companion order below appropriates funding from partially forgivable loans from the State of Maine School Revolving Renovation Fund ("SRRF") for projects that have already been approved by the City Council in prior year City Capital Improvement Plans.

II. AGENDA DESCRIPTION

This order authorizes and the companion order below appropriates funding from partially forgivable loans from the State of Maine School Revolving Renovation Fund ("SRRF"). These projects have already been approved by the City Council in prior year City Capital Improvement Plans and these loans will reduce overall cost of these projects to City taxpayers due to the element of principal forgiveness and lower debt service costs.

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

III. BACKGROUND

These two orders authorize and appropriate funding partially forgivable loans from the State of Maine School Revolving Renovation Fund ("SRRF"). These projects have already been approved in prior year City Capital Improvement Plans and these loans will reduce overall cost of these projects to City taxpayers due to the element of principal forgiveness and lower debt service costs. It is estimated that there will be a savings to taxpayers of over \$500,000 due to the use of these SRRF funds instead of traditional general obligation bonds.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

These loans help affordability in the City by providing principal forgiveness for the projects, lowering the total impact to Portland property taxpayers.

V. FINANCIAL IMPACT

This item will result in a net savings to City and School Department budgets of approximately \$500,000 over the life of these loans.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Approval is recommended.

VIII. LIST ATTACHMENTS

1. Portland 2023 SRRF Bond Loan authorizing- bond order(16329951.1)

Prepared by:

Brendan O'Connell

Date: 08/28/2023

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 AUTHORIZING LOANS IN THE AMOUNT OF \$1,684,816 FROM THE SCHOOL REVOLVING
RENOVATION FUND AND THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS THEREFORE**

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

There be and hereby is authorized and approved one or more loans through the Maine Municipal Bond Bank's (the "Bond Bank") School Revolving Renovation Fund under the Maine School Facilities Finance Program (the "SRRF Program") in the aggregate principal amount not to exceed One Million Six Hundred Eighty-Four Thousand Eight Hundred Sixteen Dollars (\$1,684,816) (the "SRRF Loans"), 30% of which is expected to be forgiven and 70% of which is expected to be repaid, to finance certain school facility improvements attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "School Renovation Projects"), such SRRF Loans to be evidenced by the City's general obligation bonds in the aggregate amount not to exceed \$1,684,816 (the "Bonds").

BE IT FURTHER ORDERED:

1. That the Director of Finance be and hereby is authorized, in the name of and on behalf of the City of Portland, to consummate such SRRF Loans and to prepare, issue, and sell such Bonds, at one time, through the SRRF Program.
2. That the Director of Finance be and hereby is authorized and empowered, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (with the last maturity not to exceed the maximum term permitted by law), denominations, interest rates, places of payment, provisions for early redemption, with or without a premium, prior to the stated maturity date(s), and all other details, including the timing and manner of their sale and award, such approval to be conclusively evidenced by the execution thereof.
3. That the Bonds shall be executed in the name of and on behalf of the City by the Director of Finance and the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.
4. That the term "cost" or "costs" as used herein and applied to the School Renovation Projects, or any portion thereof, includes, but is not limited to (1) the cost to design, acquire, construct, renovate, improve, furnish and equip the School Renovation Projects, or any portion thereof; (2) the cost of land, easements and other real property interests, landscaping and site preparation, including demolition and

environmental remediation work on any existing building or structure and on the property where the Project is located, utility extensions and site improvements, and all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Project; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Project; (4) issuance costs, including premiums for insurance, capitalized interest and other fees and expenses relating to the financing transaction.

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

6. That the Director of Finance be and hereby is authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve, execute and deliver such contracts, agreements, loan agreements with the Bond Bank, investment agreements, certificates, instruments, assignments and other documents (the "Bond Documents"), as may be necessary or advisable in order to accomplish the consummation of the SRRF Loans and the issuance of the Bonds, which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, as may be approved by the Director of Finance, such approval to be conclusively evidenced by his execution thereof.

7. That if the actual cost of any SRRF Project differs from the estimated cost on the attached Exhibit A, whether due to completion, delay or abandonment of such SRRF Project or for any other reason, the Director of Finance be and hereby is authorized and empowered, in the name of and on behalf of the City, in his discretion, to reallocate proceeds of the SRRF Loans to any other SRRF Project listed on the attached Exhibit A.

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

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

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

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

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

Exhibit A

SRRF Projects

DOE Project #	School	Project Description	Total SRRF Loan	Anticipated Forgiven Portion	Anticipated Amount to be Repaid	Term
#1601	PHS	ADA Improvements	\$211,857	\$63,557 30.00%	\$148,300 70.00%	10 years
#1602	Gerald E. Talbot Community School	ADA Improvements	\$468,575	\$140,573 30.00%	\$328,003 70.00%	10 years
#1603	PATHS/Casco Bay High School	ADA Improvements	\$235,248	\$70,574 30.00%	\$164,674 70.00%	10 years
#1604	King Middle School	ADA Improvements	\$286,349	\$85,905 30.00%	\$200,444 70.00%	10 years
#1605	Lyman Moore Middle School	ADA Improvements	\$121,626	\$36,488 30.00%	\$85,138 70.00%	10 years
#1606	Deering High School	ADA Improvements	\$361,161	\$108,348 30.00%	\$252,813 70.00%	10 years
			\$1,684,816	\$505,445	\$1,179,372	

The SRRF Projects include but are not limited to ADA compliant doors/hardware, sinks/counters, handrails, curb cuts, chairlifts, restrooms, walkways, curb cuts, detectable warning strips, handrails on stairs, locker room renovations, bathroom/ rest room renovations, ramps and nurse's area renovations

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 29, 2023

SUBJECT: Order 33-23/24 Appropriating \$1,684,816 in Loan Proceeds from the School Revolving Renovation Fund for School Renovation Projects - Sponsored by Danielle P. West, 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: This order was reviewed and approved by the City's bond counsel.

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

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order with the order above, appropriating \$1,684,816 authorized from the School Revolving Renovation Fund.

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

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. Portland 2023 SRRF Bond Loan - appropriation order(16388032.1)

Prepared by:

Date: 08/29/2023

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 LOAN PROCEEDS FOR
SCHOOL RENOVATION PROJECTS**

IT IS HEREBY ORDERED THAT:

1. The sum of One Million Six Hundred Eighty-Four Thousand Eight Hundred Sixteen Dollars (\$1,684,816) is hereby appropriated to finance certain school facility improvements attached hereto as Exhibit A and all other costs related and ancillary thereto (the "School Renovation Projects"),

2. The appropriation set forth in paragraph 1 above is and shall be contingent upon the City closing on a loan with the Maine Municipal Bond Bank in the amount stated or in such lesser amounts as the City's Director of Finance may approve, in which case, such appropriation shall be modified to reflect the reduced amount of such loan.

Exhibit A

SRRF Projects

DOE Project #	School	Project Description	Total SRRF Loan	Anticipated Forgiven Portion	Anticipated Amount to be Repaid	Term
#1601	PHS	ADA Improvements	\$211,857	\$63,557 30.00%	\$148,300 70.00%	10 years
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			\$1,684,816	\$505,445	\$1,179,372	

The SRRF Projects include but are not limited to ADA compliant doors/hardware, sinks/counters, handrails, curb cuts, chairlifts, restrooms, walkways, curb cuts, detectable warning strips, handrails on stairs, locker room renovations, bathroom/ rest room renovations, ramps and nurse's area renovations