

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

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

JULY 15 SPECIAL CITY COUNCIL AGENDA

The Portland City Council will hold a City Council meeting in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

SPECIAL CITY COUNCIL MEETING 4:00 PM

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PRESENTATIONS:

Arts in the Chamber - Opera Maine, The Magic Flute

ANNOUNCEMENTS:

MINUTES

Approval of the Draft June 17, 2019 City Council Meeting Minutes.

APPOINTMENTS:

**Order 1-19/20 Appointing Members to the Rental Housing Advisory Committee-
Sponsored by the Nominating Committee, Councilor Pious Ali, Chair.**

The Nominating Committee met on June 5, 2019 and voted 2-0 (Strimling absent) to forward this item to the City Council with a recommendation for passage.

The Nominating Committee is making the following recommendations to the Rental Housing Advisory Committee.

Nora Graves - Non Tenant/Non Landlord
Term Expires 03/30/2020

Aaron Berger - Tenant Representative
Term Expires 03/30/2020

Crow Norlander - Landlord Representative
Term Expires 03/30/2020

Wendy Harmon - Landlord Representative
Term Expires 03/30/2021

Thaddeus St. John - Tenant Representative
Term Expires 03/30/2021

Meredith Cook - Tenant Representative
Term Expires 03/30/2021

Travis Heynen - Landlord Representative
Term Expires 03/20/2021

Katherine McGovern - Legal Representative for Tenants
Recommended by Pine Tree Legal
Term Expires 03/30/2022

Regan Sweeney - Legal Representative for Landlords
Term Expires 03/30/2022

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 2-19/20 Declaring August 10, 2019 the Craft Brew Race Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares the Craft Brew Race Festival to be held Saturday, August 10, 2019, as a festival. Street closures and race route are included in the agenda details.

Order 3-19/20 Declaring September 7, 2019 the Portland GreenFest Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares September 7, 2019 the Greater Portland Sustainability Council's Portland GreenFest festival, to be held at Monument Square.

Order 4-19/20 Declaring September 10, 2019 the Portland Greendrinks Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares the Friends of Eastern Promenade's Portland Greendrinks Event, to be held September 10, 2019, as a festival. A Beer Garden will take place at Fort Allen Park.

Order 5-19/20 Declaring September 15, 2019 the Trail to Ale 10K Race/Walk Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares the Portland Trails Trail to Ale 10K Race/Walk to be held September 15, 2019 as a festival. The event start and end time is 7:45 a.m. to 12:00 p.m. The race begins at 9:00 a.m.

Street closures and race route are included in the agenda backup.

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

LICENSES:

Order 6-19/20 Granting Municipal Officers' Approval of Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue - Sponsored by Jon P. Jennings, City Manager.

Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue.

Application was filed on 6/24/2019. New City application. Applicant currently holds a Winery with Entertainment without Dance license.

Five affirmative votes are required for passage after public comment.

Order 7-19/20 Granting Municipal Officers' Approval of Maria Pierobello dba Morrill's Corner Pub. Application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue - Sponsored by Jon P. Jennings, City Manager.

Maria Pierobello dba Morrill's Corner Pub. Application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue.

Application was filed on 6/24/2019. New City and State applications. Change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

Order 8-19/20 Granting Municipal Officers' Approval of Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV Vessel at Portland Pier - Sponsored by Jon P. Jennings, City Manager.

Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV Vessel at Portland Pier.

Application was filed on 6/20/2019. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 9-19/20 Granting Municipal Officers' Approval of Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue - Sponsored by Jon P. Jennings.

Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue.

Application was filed on 6/24/2019. New City application. Applicant currently holds an Auditorium with Entertainment with Dance and After Hours Entertainment.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 1-19/20 Re Amicus Brief Against Workplace Discrimination Against LGBTQ Workers -Sponsored by Ethan K. Strimling, Mayor.

This resolve would authorize the City of Portland to join the amicus brief in the cases of R.G.& G.R. Harris Funeral Homes Inc. v. EEOC & Aimee Stephens; Altitude Express Inc. v. Zarda; and Bostock v. Clayton County, prepared by a coalition of local jurisdictions, including the City of Los Angeles and the County of Santa Clara, with the assistance of the Public Rights Project. These combined cases are before the United States Supreme Court for consideration of Title VII workplace discrimination protections for Lesbian, Gay, Bisexual, Transgender, and Queer, or questioning their sexual identity, workers.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS

Order 285-18/19 Amendment to Portland City Code Chapters 4 and 15 Re: Entertainment Sound Ordinance - Sponsored by the Health and Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

The Health and Human Services & Public Safety Committee met on May 14, 2019 and voted 3 to 0 to recommend passage to the full Council.

This order would update entertainment licenses, changing the with or without dance distinction to updated indoor and outdoor licensees with limits on sound levels, including bass.

This item must be read on two separate days. It was given a first reading on June 17, 2019. Five affirmative votes are required for passage after public comment.

Order 286-18/19 Amendment to Portland City Code Chapter 6 Re: Energy Benchmarking - Sponsored by the Sustainability & Transportation Committee, Councilor Spencer Thibodeau, Chair.

On April 17, 2019, the Sustainability & Transportation Committee met and voted 3-0 to forward this item to the City Council with a recommendation for passage.

On November 19, 2018, the Council voted 9-0 to remove the deadline for the owners of buildings with 20,000 square feet of floor space and a single primary tenant to report their energy and water consumption as required by Chapter 6-209 of City Code. This amendment sets a deadline of May 2, 2020,

This item must be read on two separate days. It was given a first reading on June 17, 2019. Five affirmative votes are required for passage after public comment.

ORDERS

Order 10-19/20 Accepting and Adopting the 2019 Housing Trust Fund Annual Plan - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair

The Housing Committee met on April 10, 2019 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

The Housing Trust Fund is established by Section 14-489 of the City's Code of Ordinances. Section 14-489(e) states that "the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action."

The purpose of the Housing Trust Fund is the "...promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City." and "To serve as a vehicle for addressing very low, low and median income housing needs...". At this time, Housing Trust Fund revenue is generated from fees triggered by the Housing Preservation and Replacement Ordinance, a portion of revenue from the Short Term Rental Registration Program, fee-in-lieu contributions from the Inclusionary Zoning Ordinance (including the hotel inclusionary zoning fees), and other funding resources under Council consideration. The current unencumbered balance of the Housing Trust Fund is \$1,275,820. While staff anticipates increases in revenue in the Housing Trust Fund as a result of the Inclusionary Zoning Ordinance and other sources being considered by the City Council, those anticipated resources are not included in the 2019 Annual Plan.

Proposed revisions included in the 2019 Housing Trust Fund Annual Plan are as follows:

Funding Priorities: creation of workforce housing units through a public/private partnership.

Point System for Evaluation and Scoring Applications: added more detail and clarity to scoring categories.

Maximum Award Amount: average city investment per units, excluding TIF financing, is \$10,000. Maximum city contributions per unit will not exceed \$18,000.

Five affirmative votes are required for passage after public comment.

4:45 PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE FOLLOWING MEETING.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Cook arrived during Proclamation 34, Councilor Duson and Councilor Ali arrived during Order 269).

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft City Council Minutes for June 3, 2019.

Motion was made by Councilor Ray and seconded by Councilor Batson to amend the minutes by adding " the motion to postpone Order 247". Passage 6-0.

Motion was made by Councilor Costa and seconded by Councilor Batson for approval as amended. Passage 6-0.

PROCLAMATIONS:

Proc 34-18/19 - Proclamation Recognizing PortFringe Festival - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 269-18/19 Appointing and Setting Salary of Kristen Dow as Director of Health and Human Services - Sponsored by Jon P. Jennings, City Manager.

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

Order 270-18/19 Appointing Constables for 2019 for the Police Department - Sponsored by Jon P. Jennings, City Manager.

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

CONSENT ITEMS:

LICENSES:

Order 271-18/19 Granting Municipal Officers' Approval of Deering 539 LLC dba Bird & Co. Application for a Class I FSE with Outdoor Dining on Public Property at 539 Deering Avenue - Sponsored by Jon P. Jennings, City Manager.

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

Order 272-18/19 Granting Municipal Officers' Approval of LB Kitchen LLC dba LB Kitchen LLC. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 231 York Street - Sponsored by Jon P. Jennings, City Manager.

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

Order 273-18/19 Granting Municipal Officers' Approval of Brothers Inc dba Locally Sauced. Application for a Class I FSE with Outdoor Dining on Private Property at 4 Thompson's Point - Sponsored by Jon P. Jennings, City Manager.

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

Order 274-18/19 Granting Municipal Officers' Approval of Portland Hunt & Alpine Club LLC dba Portland Hunt & Alpine Club. Application for a Class I FSE with Parklet Outdoor Dining at 75 Market Street - Sponsored by Jon P. Jennings, City Manager.

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

Order 275-18/19 Granting Municipal Officers' Approval of Northern Soul Hospitality LLC dba Royale Lunch Bar. Application for a Class I FSE with Outdoor Dining on Public Property at 7 Union Street - Sponsored by Jon P. Jennings, City Manager.

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

Order 276-18/19 Granting Municipal Officers' Approval of Candy's L3C dba Candy's L3C. Application for a Class I FSE with Entertainment with Dance at 34 Portland Street - Sponsored by Jon P. Jennings, City Manager.

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

COMMUNICATIONS:

RESOLUTIONS:

Resolution 13-18/19 Regarding Waterfront Development - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Cook and seconded by Councilor Costa to refer Resolution 13 to the Economic Development Committee. Passage 9-0.

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

UNFINISHED BUSINESS:

Order 190-18/19 Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to India Street - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Duson and seconded by Councilor Ray to postpone Order 190 to the August 12, 2019 City Council Meeting. Passage 9-0.

Order 192-18/19 Amendment to Portland City Code Chapter 18 Parks, Recreation and Public Buildings and Ground Re: Formalizing the Boundaries of Boyd Street Gardens - Sponsored by Councilor Belinda Ray.

Motion was made by Councilor Thibodeau and seconded by Councilor Duson to refer Order 192 to the Sustainability & Transportation Committee. Passage 9-0.

Order 242-18/19 Appropriating \$1,000,000 from the Sale of 0 Hancock Street with \$200,000 to the Housing Trust Fund and \$800,000 to the Portland Land Project - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa to refer Order 242 back to the Finance Committee. Passage 9-0.

Order 247-18/19 Approving a Homeless Services Center at Angelo's Acre, 431 Commercial Street - Sponsored by the Health & Human Services and Public Safety

Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray for passage. Motion failed 0-9 (Duson, Mavodones, Cook, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Thibodeau and seconded by Councilor Ray to postpone indefinitely. Passage 7-2 (Cook, Ali).

Motion was made by Councilor Costa and seconded by Councilor Batson to reconsider. Passage 8-1(Cook).

Motion was made by Councilor Cook and seconded by Councilor Ali to postpone indefinitely. Passage 8-1(Cook).

Order 248-18/19 Approving a Homeless Services Center at 654 Riverside Street - Sponsored by the Health & Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

Motion was made by Councilor Cook and seconded by Councilor Ali to refer Order 248 back to the Health and Human Services to include policy for ; budget, policy and procedure, homeless services, and intake services. Motion failed 3-6 (Duson, Mavodones, Ray, Costa, Thibodeau, Batson.)

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 5-4 (Cook, Ali, Costa, Strimling).

Order 249-18/19 Amendments to Portland City Code Chapter 14 Re: Division 18, Waterfront Central Zone - Sponsored by the Planning Board, Sean Dundon, Chair.

Motion was made by Councilor Ray and seconded by Councilor Duson to amend Order 249 by adding in Sec. 14-306 Definitions in the 5th paragraph after the word hundred "twenty-five (125)", and deleting "erly on the word southerly" ,adding after the word line, "three hundred (300) "and deleting the "erly on the word southerly", right after the word southerly, adding "of" and deleting "from", after the word easterly adding, "and westerly" and deleting after Long Wharf "to the westerly sideline of Union Wharf", adding after the word wetlands "Where the one hundred twenty-five (125) foot offset intersects with the footprint of a building existing as of May 2019 and such intersection leave 75%or more of the building in the CSOZ, the entire building shall be considered included in the CSOZ". Passage 9-0.

Motion was made by Councilor Costa and seconded by Councilor Duson to amend Order 249 by adding in Section 14-305 fist paragraph "in the present and into the future". Sec. 14-307 adding in first paragraph after the word uses " listed under 14-307 (a), (b), (c), and (d)" and after the word permitted "anywhere" after the word Zone "Uses listed under 14-307 (e) are only permitted in he CSOZ." Sec.14-307 (26) (b) (1). adding "business

owners and employees." Sec.14-307 (26) (b) (1). adding "except for offices for health care practitioners or health clinics which are only permitted in the CSOZ". Sec. 14-311 (1) adding after the "leasable" after the word floor "area" and deleting after the word all "of the " adding "a" deleting "the" and deleting after the word above) "when calculated using the aggregate of all the leasable area of such ground floors." also in section (3) (c) striking out "1., Purpose, a., b., c., 2." adding "1.". adding in section 13. deleting after the word demonstrates "adequate" adding after and "functional" striking out "logistical" and striking out after the word uses "pyramid", adding in section a. (ii) "Existing and " adding section "v" Signage showing parking use, wayfinding, an posted operational restrictions" adding section "vi Plan narrative detailing how the standards listed below are achieved, tenant/landlord communication protocols, private enforcement actions to be employed to ensure plan compliance, and the responsible parties representing the property owner." adding in section (b)(ii) "accessory to an otherwise permitted use in the WCZ" an in section (iii) "Any such shared parking arrangements shall be documented in the operations and Access Management narrative described above, and clearly signed on-site." striking in last paragraph after the word Charter, "in order to make it" and adding right after it "and shall become effective immediately. Moreover, notwithstanding 1 M.R.S. subsection 302, this amendment shall be applicable to all proceedings, applications, and petitions pending after June 14, 2019 " and then striking out "effective on June 15, 2019, upon the expiration of the Moratorium on Non Marine use expansion in the Waterfront Central Zone, approved as Order 119-18/19 on December 17, 2018." Passage 9-0.

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

Mayor Strimling took Orders 263, 264, 265, 266, 267, 268, 277, 278 out of order

Order 263-18/19 Adopting Development Program for Portland Downtown for Fiscal Year 2019-2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

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

Order 264-18/19 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2020 - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

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

Order 265-18/19 Approving the Agreement between the City of Portland and Portland Downtown - Sponsored by the Economic Development Committee,

Councilor Justin Costa, Chair.

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

Order 266-18/19 Amending the Waterfront Tax Increment Financing District to Add Four Properties - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

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

Order 267-18/19 Amendment to City Code Re: Waterfront Development Growth Area Ordinance Map - Sponsored by the Economic Development Committee - Councilor Justin Costa, Chair.

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

Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Cook for passage.
Passage 7-2 (Ray, Strimling).

ORDERS:

Order 277-18/19 Adopting the Bayside Transportation Master Plan - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to postpone Order 277 to the August 12, 2019 City Council Meeting. Passage 9-0

Order 278-18/19 Accepting Easement Deed from Nancy E. Hurst Re: Dunkin Donuts at 325 St. John Street - Sponsored by Jon P. Jennings, City Manager.

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

Order 279-18/19 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District Re: 66 State Street Affordable Housing - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading

Order 280-18/19 Designating the 66 State Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair and the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 281-18/19 Approving and Authorizing the City Manager to Enter Into the Credit Enhancement Agreement with Phoenix at Danforth, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

This is a first reading.

Order 282-18/19 Designating Front Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Chair, Justin Costa.

This is a first reading.

Order 283-18/19 Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Front Street Housing Redevelopment, LP - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.

This is first reading.

Order 284-18/19 Regarding the Portland Community Support Fund - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Thibodeau and seconded by Councilor Batson to suspend the rules to continue deliberations after 10:00 P.M. Passage 9-0.

Motion was made by Mayor Strimling and seconded by Councilor Ali to take Order 284 out of order. Motion failed 2-7 (Duson, Mavodones, Cook, Costa, Ray, Thibodeu and Batson.)

Motion was made by Councilor Duson and seconded by Councilor Ray to postpone Order 284 and to call a Special City Council Meeting on June 24, 2019. Passage 9-0

AMENDMENTS:

Order 285-18/19 Amendment to Portland City Code Chapters 4 and 15 Re: Entertainment Sound Ordinance - Sponsored by the Health and Human Services and Public Safety Committee, Councilor Belinda S. Ray, Chair.

This is a first reading

Order 286-18/19 Amendment to Portland City Code Chapter 6 Re: Energy Benchmarking - Sponsored by the Sustainability & Transportation Committee, Councilor Spencer Thibodeau, Chair.

This s a first reading.

EXECUTIVE SESSION:

Motion was made by Councilor Batson and seconded by Councilor Ray to adjourn. Passage 9-0 at 12:25 A.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

MEMORANDUM
City Council Agenda Item

FROM: Kathy Jones

DATE: July 1, 2019

SUBJECT: **Order 1-19/20 Appointing Members to the Rental Housing Advisory Committee- Sponsored by the Nominating Committee, Councilor Pious Ali, Chair.**

SPONSOR: Councilor Pious Ali - Chair of the Legislative and Nominating Committee
(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 no why not?)

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

I. SUMMARY

II. AGENDA DESCRIPTION

The Nominating Committee met on June 5, 2019 and voted 2-0 (Strimling absent) to forward this item to the City Council with a recommendation for passage.

The Nominating Committee is making the following recommendations to the Rental Housing Advisory Committee.

Nora Graves - Non Tenant/Non Landlord
Term Expires 03/30/2020

Aaron Berger - Tenant Representative
Term Expires 03/30/2020

Crow Norlander - Landlord Representative
Term Expires 03/30/2020

Wendy Harmon - Landlord Representative
Term Expires 03/30/2021

Thaddeus St. John - Tenant Representative
Term Expires 03/30/2021

Meredith Cook - Tenant Representative
Term Expires 03/30/2021

Travis Heynen - Landlord Representative

Term Expires 03/20/2021

Katherine McGovern - Legal Representative for Tenants

Recommended by Pine Tree Legal

Term Expires 03/30/2022

Regan Sweeney - Legal Representative for Landlords

Term Expires 03/30/2022

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointing Rental Housing Advisory Committee 6.17.2019
2. 20190624122945408 (2)

Prepared by:

Kathy Jones

Date: 7/1/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPOINTING MEMBERS TO
THE RENTAL HOUSING ADVISORY COMMITTEE**

ORDERED, that the following people are hereby appointed to the Rental Housing Advisory Committee for the stated term:

Name	Type of Appointee	Expiration
Nora Graves	Non-tenant, non-landlord appointee	03/30/2020
Aaron Berger	Tenant Representative	03/30/2020
Meredith Cook	Tenant Representative	03/30/2021
Thaddeus St. John	Tenant Representative	03/30/2021
Crow Norlander	Landlord Representative	03/30/2020
Wendy Harmon	Landlord Representative	03/30/2021
Travis Heynen	Landlord Representative	03/30/2021
Katherine McGovern	Legal Representative for Tenants- Recommended by Pine Tree Legal	03/30/2021
Regan Sweeney	Legal Representative for Landlords	03/30/2022

Nora Graves

112 Congress Street, Portland, Maine 04101 | 207.697.1885 | nora@n12.com

January 20, 2019

Ms. Jones
Portland, ME 04101

Ms. Katherine L. Jones
City Clerk
City of Portland
389 Congress St.
Room 203
Portland, ME 04101

Dear Ms. Jones:

This letter is in response to the e-notification received on January 18, 2019 for members to be appointed to the Rental Housing Advisory Committee.

Attached you will find my resume and references. I believe I have the experience and qualifications to help the City of Portland with its rental housing issues. I have worked in the field of housing for 30+ years and hold several national certifications in various aspects of rental housing.

I look forward to hearing from you and am excited about the possibility of working with this Committee.

Sincerely,
Nora Graves

NORA GRAVES

19 Clark Street | Portland, Maine 04102 | 207-890-3885 nora1112@aol.com

OBJECTIVE

As a member of the Rental Advisory Housing Committee, providing ideas and suggestions to increase and maintain the rental capacity for the City of Portland as well as streamlining the guidelines to ensure both tenant and landlord rights, educating the participants in rental programs for compliance and simplifying the registration and maintenance of Portland's rental units are starting goals.

SKILLS & ABILITIES

- Housing professional with over 30+ years in the low income housing field both as a Public Housing employee and as a Senior Housing Consultant with a private firm.

EXPERIENCE

Cuyahoga Metropolitan Housing Authority **1976- 2006**
Cleveland, Ohio

- As an employee of CMHA for 30 years, served in various capacities ranging from Application Manager, Property Manager, Housing Director, Management Development Coordinator, Recertification Manager and Resident Services Coordinator

CGI **2006-2010**
Cleveland, Ohio

- As a Senior Housing Consultant, wrote proposals and traveled extensively to assess and assist Public Housing Authorities across the country with regulatory compliance in order to maintain or increase funding in order to continue to provide safe, decent and sanitary housing to low income residents.

EDUCATION

Cleveland State University – Cleveland Ohio

- B.A - Mass Media and Interpersonal Communications
- Certified Public Housing Manager – National Association of Housing and Redevelopment Officials (NAHRO)
- Certified Housing Manager – National Center for Housing Management (NCHM)
- Certified Manager of Maintenance – National Center for Housing Management (NCHM)
- Certified Occupancy Specialist - National Association of Housing and Redevelopment Officials (NAHRO)
- Certified Asset Manager - National Association of Housing and Redevelopment Officials (NAHRO)

EDUCATION COMMUNICATION

- Closed HUD findings to ensure compliance, compiled highest percentage of occupancy, unit turnover and completed maintenance requests at CMHA. Developed and taught a Management Development program to provide internal upward mobility to employees looking to manage properties. Developed a resident education program for the Housing Authority to assist residents in navigating the regulations of low income housing programs.

LEADERSHIP

- Managed staff numbering up to 100+ employees providing both Management and Maintenance services, including budgetary and personnel responsibility.
- Advised Public Housing Authorities throughout the country on compliance to Housing and Urban Development regulations, researched innovative ways to do more with less to provide service to residents and provide cost effective levels of staffing to ensure consistency and performance.
- Maintain a research library on the history and workings of the British Monarchy and have provided materials, research and at times corrections to authors, print media and news personalities.

REFERENCES

Bette Slowther
148 Miner St.
Middletown, Ct. 05487
203.940-2617

Shante Roddy
1707 Dearborn Ave
Cleveland Ohio 44102
216.681-0236

Bernard Buckner
3860 Surrey Court
Rocky River Ohio 44116
440.886-9675

Dear City Clerk,

My name is Aaron Berger, and I have been a tenant in Portland for the past 8 years. I have a bachelor degree of fine art and now work at Portland Museum of Art. I continue to devote time to my own art practice and benefit from the city's artistic community. I also have an enormous appetite for learning and connecting with other communities in Portland. Last year I read the 2017 Portland Housing Report and became very excited about the ideas presented to help Portland grow. I recognize that as Portland evolves, new policies and solutions will be required to support both new and long-time citizens. As a member of the Rental Housing Advisory Committee, I would be able to provide perspective of younger generations living and working in Portland.

I currently find much fulfillment through civic engagement with our great city. Through volunteering at the Boys and Girls Club in Portland, I've connected with multiple and diverse communities. I have been a tenant for the past decade, and from spending 2 years in Massachusetts, I bring an understanding of their rental policies (such as all Massachusetts leases having the same guidelines/standards). While in Portland, I have dealt with a variety of hurdles as a tenant. These range from pest control, power outages, and fire safety, I'm familiar with many of the common issues that both tenants and landlords must overcome, and this first-hand experience will be valuable to the committee.

I'm an advocate for using data to help form government policy. I believe you can never have too much information. I hope to contribute to any research the Housing Committee is pursuing. Whether by reading case studies of housing policy in other cities or working to contact the many communities in Portland to get their feedback on issues. Ensuring everyone is heard will help us build the best future for our city.

I hope to be able to offer my experience and dedication to help create solutions to support the renters and landlords in our city. I appreciate your consideration of my application.

Sincerely,

Aaron Berger

A black rectangular redaction box covering the signature area.

Aaron Berger



Skills

Organized
Communication skills
Team worker

Hard Skills

Proficient at technical reading
Have read the 2017 Portland Housing Report

Education

Bachelor of Fine Art
Montserrat College of Art
Beverly, MA

Work History

Prep cook at The Porthole Restaurant
Line cook / Server at Salvage Barbeque
Freelance website designer
Art studio tutor

Occupation

Security Guard at Portland Museum of Art

Tenancy History

11 Grant St 2012 - Present
169 State st 2011 - 2012
Beverly MA 2009 - 2011

Community Engagement

Active artist in the community
Part-time history student at University of Southern Maine
Volunteered with Boys and Girls Club in Portland
Volunteered with Southern Maine Worker Center

1/22/2019

City of Portland Mail - Rental Housing Advisory Committee (Landlord seat)

Portland
Maine

Yes, Google's good here.

Katherine Jones <kj@portlandmaine.gov>

Rental Housing Advisory Committee (Landlord seat)

1 message

Crow Jonah Norlander

Fri, Jan 18, 2019 at 10:10 AM

Dear Katherine L. Jones,

As a relatively new homeowner, landlord with experience in both short and long term rental arrangements, and resident of Portland, I am increasingly invested in the community and future of our wonderful city and all of its residents. I hope to help the city handle the topic tactfully, responding to and considering all the strongly held opinions of the public. I understand that housing is both an essential need for all and a livelihood for many. I believe that as a recent young landlord, having only recently ended my renting life (leaving a Port Property rental downtown on Danforth Street, moving to my first home on Mabel Street in Deering Center), makes me well suited to serving on the Rental Housing Advisory Committee.

I thank you for considering my application and look forward to answering any further questions you may have for me.

Sincerely,
Crow Norlander

 20190118cjn_housing_cv.pdf
129K

1000 Main Street, Apt. 103
Portland, ME 04103

Crow Jonah Norlander

307.570.3333
crowjonah@gmail.com

Objective

Serve Portland residents by representing them and their interests on the Housing Committee. Work with other landlord, tenant, and homeowner interests to reach fair policies.

Education

MFA in Writing
Bennington College, VT
January, 2021 (expected)
BA with Honors in Literary Arts,
2nd concentration in Modern Culture & Media
Brown University, RI
May, 2010

Property Management

Airbnb: 5 listings over last 4 years
Long term rental: 1 current listing

Organizing & Volunteering

Community Bicycle Center
Biddeford, ME
Member, Website Committee
Jul 2018 - Nov 2018
Southern Maine Democratic Socialists of
America
Portland, ME
• Treasurer, Executive Board
May 2018 - Jan 2019
• Member, Endorsement Committee
Jul 2018 - Present
• Member, Housing Justice Committee
Feb 2018 - Present

Employment

Undertone, New York, NY

- Director, Innovation & Research

Jan 2017 - Present

Remotely manage distributed, interdisciplinary team. Educate and conduct brainstorming sessions with employees and clients on industry and technology trends. Conceptualized and prototype new products.

- Senior Software Engineer

Feb 2015 - Jan 2017

- Software Engineer

May 2014 - Feb 2015

- Creative Developer

Dec 2012 - May 2014

Flyover Group, New York, NY

- Partner, Developer, Designer

Apr 2012 - May 2013

OgilvyAction, New York, NY

- Web Developer

Feb - Dec 2012

Federal Emergency Management Agency, New York, NY

- Photographer

Dec 2011 - Feb 2012

NK MediaLab, New York, NY

- Associate Producer, Writer

Jul 2010 - Sep 2011

December 24, 2018

City of Portland

Appointments Committee Chair

389 Congress Street

Portland, Maine 04101

Dear Sir:

Please accept my application for a Rental Housing Advisory Board, as the Southern Maine Landlords Association committee pointed representative. My experience is as follows:

I am currently a Realtor with Keller Williams, previously with Coldwell Banker starting in 1997.

I have over 40 years rental housing experience in the Greater Portland Area, currently owning 120+ properties, giving me extensive experience in both tenant and landlord rights. I am presently on the board of directors for the Southern Maine Landlords Association, a position I have held for several years.

I am a board member of the Portland/Westbrook Childhood Lead Prevention coalition.

I work with the Family Shelter for housing, and the Preble Street soup kitchen serving meals.

I also, work with Prosperity Maine and the SIT program for immigrant housing matters.

Please see the letter attached from the Southern Maine Landlords Association. Thank you for considering my application,

Very truly,

Wendy Harmon





12/21/18

Re: Portland Rental Housing Advisory Committee

To: The Portland Housing Committee

Please be advised that the board of the Southern Maine Landlord Association has selected Wendy Harmon as the organization's representative for the first term of service on Portland's Rental Housing Advisory Committee.

Respectfully,

A handwritten signature in black ink, appearing to read "Brit Vitalius", written over a horizontal line.

Brit Vitalius
President, Southern Maine Landlord Association

Thaddeus St. John

01/21/19

To whom it may concern,

I am very interested in being a member of the Rental Housing Advisory Committee. I have lived in Portland for a total of 6 years in all areas of Portland and have been renting ever since I moved to Portland.

I am writing to be the representative of people renting in Portland and I believe there is a lot of potential in improving communication, educational opportunities, and renting policies in Portland.

My immediate recommendations are the following

- Improving communication with property managers, landlords and tenant. I have been in Portland for 6 years and have seen effective communication between landlords and property managers with Snow bans, parking bans, and any information that would be useful for tenants and create a healthier relationship.
- Once every 3 months have a networking opportunity inviting tenants and landlords to get together at a brewery or similar venue. Small presentation on things to come in Portland and what to know about renting and being a landlord i.e winterizing windows, conserving electrical energy, and limiting waste (offer discount on multi unit compostable service)
- Provide a monthly digital Newsletter of how to be a good landlord/tenant. Create more pro-active discussion on how to cohabitate. An educational emailed newsletter that would give tenants and landlords the proper education on how be more efficient at living. Bringing down cost of living on both sides.
- AirBnb is a hot topic of discussion and as we progress and innovate as a society; Portland needs to as well. Limiting Airbnb rentals and offering more incentive for service industry workers to live closer to the peninsula. These tenants are the lifeblood of Portland as they are young nurses, teachers, servers, bartenders, managers that are being forced out by raising rents and the attractability of landlords converting to Airbnb for a quick buck. If more of this continues without proper balance Portland may have more empty houses in the winter than ever before.

I am passionate, fun, quick to learn and working/representing the people of Portland is something I would be proud to do and would do to the best of my abilities. I appreciate you taking the time to consider me as a committee member.

Sincerely,

Thaddeus St. John

Objective

Seeking a position that will enable me to effectively build professional relationships, promote growth, and be part of a team.

Experience

Fore River Brewing Co, Sales Representative

July 2018 - Present

Working directly with patrons of Fore River Brewing providing excellent customer service, dedicated work ethic, and maintaining a positive attitude.

Maine Craft Distilling, Account Manager New England

November 2017 - June 2018

Built relationships with buyers and wholesalers to maintain growth. Selling into ON/OFF premise Maine Craft Distilling product into accounts by cold calling, working festivals, promoting, and planning events. Presented new products and formulated incentives for wholesalers. Opened over 75 new accounts and generated 10 percent increase in sales YOY. Managed wholesalers to coincide with mutual goals. Effectively created connections and opportunities to generate more sales in New England. Brought in new wholesalers to build on the brand and create a bigger distribution footprint. Created a Distribution Annual Sales Plan and Sales Report for investor group.

Allagash Brewing Company, Southern California Sales Representative

May 2016- July 2017

Built on previous relationships with buyers and wholesalers to maintain growth. Sold Allagash product into accounts by cold calling, working festivals, promoting, and planning events. Presented new products and formulated incentives for wholesalers. Opened over 60 new accounts and generated an increase in sales. Managed wholesalers to coincide with mutual goals. Effectively created connections and opportunities to generate more sales in Southern California. Daily promotion of the Allagash brand.

Allagash Brewing Company, Portland, Maine Guest Relations Associate,

March 2014-May 2016

Provided tours and working/planning events to promote Allagash Brewing Co. Assisted patrons of Allagash to provide them an understanding of Allagash experience. Developed communication, problem solving, and time management skills.

Education

University of Southern Maine, Portland, Maine
2011-2015

BA in Political Science, Minor Economics

University of Winchester, Winchester, England
September-December 2014

Semester Global Study at Sea Abroad Program, Caribbean
Fall 2010

Earned college credit in Basic Seamanship, Leadership, Marine Biology, Oceanography.
Mt. Blue High School, Farmington, Maine

2006-2010

Achievements

Certified Beer Server, (Cicerone certification program)

TIPS certified

Captain of 2015 USM Men's tennis team, 2x LEC champions 2014, 2015

3x recipient of William B. Wise scholar athlete award from the University of Southern Maine

Meredith Cook

1000 Robb
Apartment 31
Portland, ME 04101
515-231-8565
meredithkuelan@gmail.com

January 15th, 2019

Appointments Committee Chairman
c/o City Clerk
389 Congress Street
Portland, ME 04101
kjk@portlandmaine.gov

Dear Chairman:

I am writing to apply for the Rental Housing Advisory Committee as a tenant in the city of Portland. I believe my experience working with homeless, housing-insecure, and low-income victims of domestic violence and elder abuse in Cumberland County, my commitment to ensuring safe, affordable rental housing for all, and my own experiences navigating tenancy in Portland have prepared me to serve as an active, engaged Rental Housing Advisory Committee Member.

Through my work as both the Housing Specialist Advocate and Abuse in Later Life (AiLL) Advocate for Through These Doors (formerly Family Crisis Services), I have developed a deep understanding of the state of the rental housing market in the Portland area and the need for various stakeholders, especially landlords and tenants, to work together to safeguard access to safe, affordable housing that promotes cohesive neighborhood communities within the city of Portland. These positions have also taught me the importance of recognizing the ways both domestic violence and aging intersect with housing insecurity, and I would bring an elder- and trauma-informed approach to housing to the Committee.

Along with a trauma-informed philosophy, I would bring technical knowledge of state and federal housing regulations. I have attended several trainings hosted by the Maine State Housing Authority, Pine Tree Legal Assistance, and the Immigrant Resource Center of Maine that featured intensive sessions on various rental housing subsidies, eviction law, and the Violence Against Women Act's housing protections for victims of domestic violence and sexual assault. This background would help me to holistically assess the feasibility of solutions on the local level alongside state and national law.

In addition to my direct service experience in Cumberland County, I was elected by my peers to serve on the Board of Directors of the United States Student Association (USSA) for the 2015-2016 term. During my USSA Board tenure, I maintained perfect attendance at all in-person and teleconference Board meetings, took an active role in planning committees, and participated in difficult financial decision-making for the organization. I would bring the same passion and commitment to the Rental Housing Advisory Committee that I demonstrated at USSA.

On a more personal note, I love living in our city with renters who live and work here, making Portland such a vibrant place. I also recognize that like so many of these neighbors, I could be one accident, economic downturn, or loss of grant-funding away from being able to afford my apartment. I hope to bring this first-hand experience and my skillsets to the committee and collaborate on equitable rental housing policies and solutions for our renters and landlords.

All the best,

Meredith Cook

Meredith K. Cook

Portland, ME

meredithkcook@gmail.com

Education

Iowa State University
Bachelor of Arts in Political Science

Ames, Iowa
May 2016

University of Southern Maine
Master of Policy, Planning, and Management

Portland, Maine
Expected Graduation May 2020

Relevant Experience

Maine Community Law Center

Portland, Maine

Legal Assistant

May 2018-Present

- Serve as the point of access for prospective new clients seeking general practice legal services on a sliding fee scale, including managing the intake process and conducting conflict of interest checks
- Provide administrative support to the Executive Director and Law Fellows, including drafting motions, conducting research, drafting correspondence, and maintaining client files
- Manage social media presence and branding; seek new marketing and networking opportunities

Through These Doors (formerly Family Crisis Services)

Portland, Maine

Abuse in Later Life Victim Advocate

June 2017-April 2018

- Provided direct service, advocacy, outreach, and support to victims/survivors of domestic violence, elder abuse, stalking, and sexual violence with a focus on victims of Abuse in Later Life (AiLL)
- Engaged in community outreach activities such as visits to retirement communities, tabling events, and area elder abuse task force meetings to educate the public on AiLL and resources for victims
- Supported and advocated for victims of domestic violence and AiLL in various civil and criminal court settings, including negotiating terms of Protection from Abuse Orders with opposing parties
- Assisted victims of AiLL in accessing community resources via referrals to free legal assistance, mental health and substance abuse treatment, emergency housing and financial assistance, and social welfare programs

Housing Specialist Advocate

January 2017-June 2017

- Advocated for homeless victims/survivors of domestic violence to obtain safe, affordable, permanent housing by liaising between shelter residents, landlords, Maine State Housing Authority, and other housing placement programs
- Assisted in day-to-day domestic violence shelter operations including shelter intakes, housing and healthcare assessments and applications, and resident support

Maine Democratic Party

Bangor, Maine

Lead Field Organizer

August 2016-November 2016

- Worked within and assisted with the management of a team of four field organizers in Penobscot County to elect Emily Cain to Congress using voter identification, persuasion, and volunteer recruitment strategies
- Recruited, trained, and retained a team of volunteers to connect with voters to persuade them and turn them out to vote for Emily Cain

Office of Congressman Mike Michaud (D-ME-02)

Washington, DC

Congressional Intern

August 2013-December 2013

- Researched legislation and prepared legislative memoranda to the Congressman under staff supervision to assist the Congressman with policy decisions in line with the Congressman's legislative history and priorities
- Interacted and corresponded with the Congressman's constituents regarding their questions, comments, and concerns

Travis Heynen
[REDACTED]

January 18, 2019

Appointments Committee Chairman
c/o City Clerk
389 Congress Street
Portland ME 04101

Dear Chairman:

I am writing to apply for one of the open landlord position on the Rental Housing Advisory Committee.

I currently co-lead the property management department at Avesta Housing, and as such, my role is that as one of the larger landlords in the city. Avesta Housing has a mix of affordable housing and market rate rental units in Portland, and because of this, I can offer a unique perspective to this committee.

As both a landlord and a resident of Portland, I see first hand how critical rental housing is to our community, and I hope to have the opportunity to contribute more in this capacity to my community. Thank you for your consideration.

Sincerely,



Travis Heynen

Travis Heynen

Portland, Maine 04103

SKILLS

Experienced nonprofit leader with a demonstrated history of working with affordable housing organizations. Skilled in Team Building, Performance Management, and Financial Analysis.

EXPERIENCE

Avesta Housing - Portland, Maine

Director of Housing & Services, 2017 - PRESENT

Regional Property Manager, 2014 - 2017

Property Manager, 2011 - 2014

Promoted to co-lead property management division of non-profit affordable housing organization. Department includes 80 employees that provide property management, resident service coordination and maintenance. Responsible for the successful management of 84 properties throughout southern Maine and New Hampshire totaling \$270 million in assets. Member of Avesta Housing's senior management team. Additional focus on data and technology to develop resident services and improve lives of people who need affordable housing.

Shalom House - Portland, Maine

Statewide Subsidy Team Lead, 2010 - 2011

Housing Subsidy Analyst II, 2009 - 2010

Housing Subsidy Analyst I, 2006 - 2009

Assumed increasing responsibility for coordinating and administering 1,500 Shelter Plus Care and Bridging Rental Assistance Program (BRAP) housing vouchers for a nonprofit organization dedicated to affordable housing for people living with mental illness.

EDUCATION

Muskie School of Public Service, University of Southern Maine - Portland, Maine

- Master's in Public Policy & Management, 2014
- Certificate of Graduate Study, Performance Management & Measurement, 2013
- Certificate of Graduate Study, Applied Research and Evaluation Methods, 2013

State University of New York at Plattsburgh - Plattsburgh, New York

- Bachelor of Fine Arts in Studio Art, 2001

VOLUNTEER, BOARD & COMMITTEE EXPERIENCE

Brick & Beam Society

Member, 2019 - present

SPACE

Marketing Committee, member, 2018 - present

Maine Real Estate Managers Association (MREMA)

MREMA-MaineHousing Policy Committee, member, 2018 - present

Fessenden Place Condominium Association

Treasurer, 2011 - 2016

Ocean Avenue P.T.O.

Director of Communications, 2011 - 2012

Maine Balance of State Continuum of Care (MBOS CoC)

Data/Gaps Committee, co-chair, 2010 - 2011

CONSULTANT PROJECTS

Provided technical assistance to the New Hampshire Bureau of Homeless and Housing Services (NH BHHS) through Technical Assistance Collaborative, Inc., 2011

KATHERINE R. MCGOVERN

PINE TREE LEGAL ASSISTANCE, Portland, Maine
Staff Attorney, June 2004–present

Handle 400+ cases per year for low-income individuals in southern Maine with a wide range of legal needs, especially housing, public benefits, and consumer matters in state and federal court and in administrative proceedings. Provide legislative testimony and administrative comment in response to written requests from local, state and federal officials. Serve as a trainer for community organizations and client groups seeking to understand legal issues and protections. Serve as a trainer for lawyers and other professionals in areas of expertise (especially housing and consumer law.) Serve as a mentor for less experienced staff attorneys around the state. Supervise volunteer attorneys, office paralegals and law student externs.

LEGAL SERVICES FOR THE ELDERLY, Scarborough, Maine
Staff Attorney, September 2003–June 2004

Represented seniors in a wide range of civil matters including home foreclosure, elder abuse and financial exploitation, social security overpayments, and Medicaid long-term care. Conducted “Know Your Rights” trainings at senior apartment buildings.

PINE TREE LEGAL ASSISTANCE, Portland, Maine
Frank M. Coffin Family Law Fellow, September 2001–August 2003

Represented low-income parents—primarily victims of domestic violence—in divorce, unmarried child custody cases, and protection-from-abuse cases. Managed a caseload of approximately thirty complex family matters.

RECENT COMMITTEES AND PRESENTATIONS

Appointed to the American Bar Association Commission on Homelessness and Poverty (2012-2015)
2015 Member, Portland City Fire/Code Inspections Task Force

Moderator, 2016 Access to Justice Symposium “Consumer Protections for Veterans and Servicemembers”
Presenter, 2015 and 2016 National Coalition For Homeless Veterans Conference
Presenter, 2014 ABA Equal Justice Conference

BAR ADMISSIONS

- Maine (2001)
- U.S. District Court for the District of Maine (2005)
- U.S. Bankruptcy Court for the District of Maine (2009)

KATHERINE R. MCGOVERN

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, New York

J.D. May 2001

Honors: Dean's Merit Scholarship
Public Interest Committee Grant Recipient, Summer 1999
Public Interest Law Foundation Grant Recipient, Fall 1999
Activities: Public Service Auction Volunteer, 1999-2001;
Law Women Mentor 1999-2001

COLBY COLLEGE, Waterville, Maine

B.A. in American Studies and Women's Studies, *summa cum laude*, May 1997

Honors: Phi Beta Kappa American Studies Prize
Distinction in the American Studies Major Distinction in the Women's Studies Major
Dean's List, every semester;
Dana Scholar, for academic excellence in the first year

ADDITIONAL EXPERIENCE

Civil Legal Services Clinic, NYU Law School, New York, New York

Student Advocate, August 2000-May 2001

Lawyers For Children, New York, New York

Intern, Summer 2000

National Organization For Women Legal Defense And Education Fund (NOW LDEF), New York, New York

Intern, Spring 2000

American Civil Liberties Union (ACLU), New York, New York

Reproductive Freedom Project Intern, Fall 1999

National Abortion And Reproductive Rights Action League (NARAL), Washington, D.C. *Summer*

Law Clerk, Summer 1999

National Law Center On Homelessness And Poverty, Washington, D.C.

Policy Assistant, September 1997-August 1998

REGAN ESQ SWEENEY

January 31, 2019

Via E-mail to: kdj@portlandmaine.gov

Appointments Committee Chair
c/o City Clerk's Office
389 Congress Street
Portland, ME 04101

Re: Rental Housing Advisory Committee

Dear Ms. Jones:

Kindly consider the within as my application for appointment to the City's Rental Housing Advisory Committee as a landlord representative. Per the City's request for applications, my resume is also enclosed.

By way of background, I am a local attorney, a solo practitioner based in Portland, and the bulk of my cases involve landlord-tenant law. I am one of the few attorneys, if not the only one, that actively represents both landlords and tenants. While most attorneys will "pick a side" so to speak, I have always believed that landlords and tenants are better served by working together, rather than as adversaries, and that common solutions can be found through communication and cooperation.

I am currently a landlord, though on a very limited scale, limited to the one one-bedroom apartment that's part of my residence. I was a renter for nearly twenty years after graduating college, and was fortunate enough to buy a place in Portland with a rental property included.

As an attorney who focuses on landlord-tenant law, and as one who represents both landlords and tenants, I would bring a unique perspective to the committee, in that I not only understand the challenges faced by both landlords and tenants, I am well-versed in how the law plays into that, and what the legal limits and issues are that both landlords and tenants have to deal with. As an attorney, I'm also trained in conflict resolution, and have always made issue resolution a focus of my practice; I've found that an agreement reached between the parties is a far more favorable result than putting the decision in the hands of a judge, and to that end I work hard to resolve the vast majority of my cases long before court hearings are needed. On that basis, I believe my experience in addressing these issues cooperatively can be an asset to a Committee made up of landlords and tenants.

THE LAW OFFICES OF REGAN A. SWEENEY, PLLC



Appointments Chair
January 31, 2019
Page 2

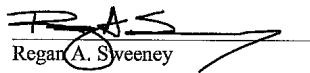
If you're at all familiar with me or my practice, or have read any of my blog posts or pieces and interviews with the *Portland Press Herald* or *Bangor Daily News*, then you likely already know that I've been a vocal proponent of the City adopting some form of Landlord/Tenant Commission to address some of these issues, and I am encouraged that the City is taking the initiative and creating this Committee.

With regard to my law practice and any potential conflict of interest, I submit that I am not a member of the Southern Maine Landlords Association, nor am I involved in any other association of landlords or tenants. I do not currently, nor have I in the past, represented developers or builders of residential property. Accordingly, I do not believe that there would be any conflicts of interest with my participation in or chairing of this Committee.

I would be more than happy to meet with you to discuss my qualifications and interest in serving on the Committee, and answer any questions that you may have. Feel free to reach me by e-mail, phone, or mail at any of those listed herein.

I appreciate your time and attention to this.

Very truly yours,


Regan A. Sweeney

Enclosure



Regan A. Sweeney, Esq.

ATTORNEY EXPERIENCE

10/12 – present	THE LAW OFFICES OF REGAN A. SWEENEY, PLLC <i>Owner & Attorney</i> • general practitioner with a focus on landlord/tenant law • product safety practice counseling manufacturers, importers, distributors, and retailers on product safety laws, regulations, and requirements	Portland, ME
9/16 – present	MAINE LAWYERS' REVIEW <i>Staff Writer</i> • monthly summaries and feature articles covering Maine Law Court, First Circuit Court of Appeals, and U.S. District Court cases	Portland, ME
2/10 – 9/12	U.S. CONSUMER PRODUCT SAFETY COMMISSION <i>Trial Attorney</i> • provided legal advice and counsel to Compliance Division handling product investigations, evaluations and recalls • investigated and prosecuted civil penalty cases for companies who failed to comply with CPSC laws and regulations • supervised Compliance Officers in handling cases	Washington, DC
7/09 – 2/10	LAW OFFICES OF REGAN A. SWEENEY <i>Attorney at Law</i> • general practitioner, handling a variety of cases in MD and DC • family law practice, representing individuals in divorce, custody and support matters	Washington, DC
7/05 – 6/09	WALLACE KING DOMIKE & REISKIN, PLLC <i>Associate Attorney (8/06 – 6/09)</i> <i>Paralegal Manager (7/05 – 7/06)</i> • outside litigation counsel for large corporate clients in complex civil environmental litigation in multiple U.S. District Courts, Multi-District Litigation and various state courts • represented <i>pro bono</i> family law clients referred by Montgomery County Bar Foundation	Washington, DC



NON-ATTORNEY EMPLOYMENT

1/17 – present	GEEKS WHO DRINK <i>Quizmaster</i> • host of a weekly pub quiz at Foulmouthed Brewing	S. Portland, ME
10/18 – present	EAST COAST HOCKEY LEAGUE (ECHL) / MAINE MARINERS <i>Off-Ice Official</i>	Portland, ME
10/14 – 4/16	AMERICAN HOCKEY LEAGUE (AHL) / PORTLAND PIRATES <i>Off-Ice Official</i>	Portland, ME
5/18 – present	PORTLAND PADDLE, LLC <i>Sea Kayak Guide</i>	Portland, ME

EDUCATION

8/02 – 5/06	American University, Washington College of Law • <i>J.D., 3.0 GPA</i> • <i>Student Investigator for Innocence Project</i> • <i>Focus on Civil Trial Practice</i>	Washington, DC
9/92 – 5/96	Drew University • <i>B.A. in Political Science</i> • <i>Minors in Writing and Psychology</i>	Madison, NJ

BAR ADMISSIONS

- District of Columbia (2007 - present)
- Maine (2013 - present)
- Maryland (2006 - present)
- U.S. District Court for the District of Maryland (2006 - present)

ASSOCIATIONS

- Member, Maine State Bar Association
- Member, Maryland State Bar Association
- Member, District of Columbia Bar Association
- Voting Member, ASTM and Subcommittees on Consumer Products and Sporting Goods
- Member, Maine Association of Sea Kayak Guides and Instructors
- Licensed Maine Sea Kayak Guide (2018 – present)



MEMORANDUM
City Council Agenda Item

FROM: Maureen Puia
DATE: July 8, 2019
SUBJECT: **Order 2-19/20 Declaring August 10, 2019 the Craft Brew Race Festival - Sponsored by Jon P. Jennings, City Manager.**
SPONSOR: Jon J. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

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

PRESENTATION: N/A

I. SUMMARY

This order declares the Craft Brew Race Festival to be held Saturday, August 10, 2019, as a festival.

II. AGENDA DESCRIPTION

This order declares the Craft Brew Race Festival to be held Saturday, August 10, 2019, as a festival. Street closures and race route are included in the agenda details.

III. BACKGROUND

This will be the 6th Annual Craft Brew Race (taking place Saturday, Aug. 10, 2019). As in previous years, the race is held around Back Cove, and utilizes Payson Park grass area as the Festival area.

The organizer works with the non-profit Maine Brewers Guild (the organization sponsoring the Beer Garden area). 1,200 Runners are expected for this year's race.

For the race portion of the event, at 11am, runners will assemble in Payson Park for registration/picking up bib numbers, etc. Race start is at Noon. Baxter Blvd. (from Bates St./295 Ramp to Preble St.) will be closed down to traffic from 11:30am – 1:30pm. Police and Parking Control Officers assist with the road closure. A little before Noon, runners line up on the Blvd. for the start. They then head counter-clockwise on the roadway. Prior to reaching Preble Street, runners get up onto the Back Cove Pathway, continue running around Back Cove, crossing over Tukey's Bridge, and then moving back out onto Baxter Blvd., and finish on the Blvd., just before the Park Entrance. Runners then walk up onto the grass area at the Park, where the awards ceremony is held.

The Festival portion of the event takes place at Payson Park (Triangle Grass area) and runs from 12:30 – 4pm. A Band with PA system is setup on the grass (for awards and music), and a Beer Garden is also fenced off at the Triangle Grass area. The Beer Garden is a 21+ only event, with city staff (Public Assembly Facilities) overseeing this fenced in area. The Maine Brewers Guild will be applying for the State License. Organizers may also invite a few local Food Trucks to participate in the event. Organizers will start setup the day before (Friday, August 9).

The Festival area will also be closed to street vendors pursuant to Section 19 -17 / 19-22 of the Portland City Code and is reserved for the use of event organizers for the purpose of permitting vendors for the event, subject to the direction and control of the City Manager.

Festival grounds/zone are as follows:

Payson Park, from Ocean Ave. to Baxter Blvd. (Organizer understands that there will be games and tennis matches taking place at the upper fields and courts of the park.)

Race/Festival organizers will work with METRO to ensure impacts to transit services is kept to a minimum.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Festival organizers for the use of the above-described area for said race and festival, subject to the following conditions:

- Organizers (Gray Matter Marketing), shall indemnify the city and hold it harmless from and against all claims arising out of activities during said race and festival, and shall take out and maintain public liability insurance coverage (alcohol liability included) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the Craft Brew Race Festival;
- Any and all amplified music/public announcements shall be maintained at a reasonable level (under 92dBs) and be configured by the event organizer to focus volume away from residential housing, limiting any sound impacts in the area;
- Organizers (Gray Matter Marketing), shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival;
- Conditions for use of grounds and requirements for food service, vending sales, tent and stage installations, and other items specified in a permit issued from PAFD Office, shall be adhered to;
- Expenses incurred by City Departments for said event, shall be paid by organizer; and
- Under no circumstances may alcoholic beverages be sold or consumed on public property during said event (except for the Beer Garden area – which has been expressly approved by Portland City Council).

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Festival declaration, and approval for alcohol service in a city park.

V. FINANCIAL IMPACT

Organizer covers cost of city staff assistance and pays permit fees/license fees.

VI. STAFF ANALYSIS AND BACKGROUND

City staff are working with organizers.

VII. RECOMMENDATION

Recommend approval.

VIII. LIST ATTACHMENTS

1. Craft Brew Race 2019 - Course Map
2. Craft Brew Race 2019 - Payson + BCP - AP (council)

Prepared by:

Maureen Puia

Date: 7/8/2019



PORTLAND

-  COURSE
-  MILE MARKER
-  BREW FEST
-  SUGGESTED PARKING





CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
 212 Canco Rd. • Portland • ME • 04103 • (207) 808-5400 x0
 Ted Musgrave tvm@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

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

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

TODAY'S DATE		11/8/2019 Revised: 11-9, 12-4		ORGANIZATION NAME		Gray Matter Marketing	
ADDRESS (Street/City/State/Zip)		200 Highpoint Ave, Unit B5, Portsmouth, RI 02871					
CONTACT NAME(S)		Matt Gray Jon White		TITLE(S)		President Director of Operations	
PHONE		PHONE		PHONE		PHONE	
EMAIL	matt@graymattermarketing.com		EMAIL	jwhite@graymattermarketing.com		EMAIL	sean@mainebrewersguild.com

PARK AREA / PUBLIC SPACE REQUESTED	Edward Payson Park (Grass Triangle) / Back Cove Trail Baxter Blvd Closed (11:30AM – 1:30PM) from Bates Street to Preble Street Some Parking Lots in Park + Dyers Flat Parking		
EVENT DAY(S) & DATE(S)	SAT 8-10-2019	RAIN DAY(S) & DATE(S) (50% added fee)	RAIN or SHINE
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	(Setup on grass FRI Aug 9: 9AM) SAT setup starts: 9:00AM ? SAT cleanup ends: 6:00PM	EVENT START & END TIME	10AM – 4PM RACE START: NOON

EVENT NAME	EXPECTED ATTENDANCE
Craft Brew Races Portland – craftbrewraces.com/portland	1200

DESCRIPTION OF EVENT:

5k for-profit road race starting on Baxter Blvd. Following the road race there will be a craft beer festival, held in Edward Payson Park. Set up will be on Friday August 9.

Race Route: Start Line on Baxter Blvd (West of Payson Park, nearer to Cheverus), runners head west on Baxter Blvd (counter-clockwise), get onto Back Cove Trail (prior to reaching Preble Street), runners get off Back Cove trail and back onto Baxter Blvd (after passing Bates St), then Finish on Baxter Blvd in Front of Dyer Flats / Payson Park. ***See attached map.**
 Organizer will place volunteers at strategic areas along the BC Path (tight corners where other joggers and walkers may be on the race course). Organizer will SIGN the BC Pathway in advance, to give regular joggers and walkers a heads up to the race (and that no bicycles, baby strollers, pets, etc. permitted on the pathway during the race).

We would like to close Baxter Blvd for the duration of the road race portion of the event: 11:30AM – 1:30PM. Baxter Blvd closed down to traffic from Bates St / 295 Ramp to Preble Street. (Seaside Health would need to use their Front St. Entrance/Exit). Traffic coming into Payson Park will need to be detoured away from the Triangle Grass Area.
 Police / PCO's need to be hired.

Canopies set up on Triangle Grass Area. Tables & Chairs. PA System set up (generator powered) – ELEC is at the Grass Triangle. Food Trucks invited in (parked on side of Payson Park Road – 1st Entrance). Beer Garden. Porta-restrooms to be rented.

Beer Garden Info:

A perimeter barricade will be set up for the beer service area with security details to check ID's for 21+. We will have a liquor license pulled through our non-profit partner, the Maine Brewers Guild (Sean Sullivan). The beer garden will be open to runners, festival-only ticket holders and designated-driver ticket holders, starting at 12:30PM and ending at 4PM. City PAF Staff will need to staff this area.

PARKING: Dyers Flat (350 spots) and parking lots inside park will be used. Organizer will research additional parking possibilities: Cheverus HS, St Pius Church, etc.

We would like to rent Edward Payson Park for two days. We will be bringing in snow fencing, tables, canopies, etc. We will hire overnight security to watch over area and our set up.

CONSTRUCTION ON TRAILS & BLVD: Please know that some areas of the trails and Baxter Blvd. may be under construction (or near construction sites). The Construction Company will make the trails usable by the public. Organizers will review race route in advance to know where these areas are.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?

Please check: ☒ **FEE** ☐ **PLEDGES**

IF YES FOR FEES, HOW MUCH?

FEE \$ 45-55

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 20	X		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs to be approved by PAFD and a Temporary Tent or Stage Permit issued by Building Inspections.		X	
* Will you be setting up tables and/or chairs ? How many tables: 50 chairs:	X		
* Are other items or equipment being placed on City property?		X	
* Will there be refreshments at the event? Do you wish to sell food ? (If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office) List food and drink / Food Trucks, etc.: FOOD TRUCKS INVITED PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served PLEASE give the BL Office at least a 2-week notice (874-8557). A TFSL is needed when food vendors are not licensed, or when food is being prepared and cooked at the event.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, you will need approval from PAFD Office, and you will need to apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell: t-shirts	X		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Y Band ? Y DJ ? Y Boom Box ? N If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
* Will your event require electricity ? Electricity is available at Payson Park. It is turned off and needs to be turned on by City staff. There is a \$40 fee for this service.	X		
* Are you planning on bringing a Grill for a Barbecue ?		X	
* Will the event require reserved parking spaces / parking meters ?		X	
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: BARRICADES A few safety vests, cones & barricades may usually be borrowed/rented from PAFD Office.	X		
* Will your event require street closures ? (See "Description of Event") Will your event affect METRO BUS ROUTES ? NO	X		
* Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To hire a Police Officer(s) to be present at your event, you will need to reserve and hire that officer. Please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.	X		
* Will your event require Fire/EMS assistance? (For a large walk/race, it is recommended.) If you would like to inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call (207) 874-8400.	X		
* Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be present at your event, you will need to reserve and hire that officer. Please call 874-8910 well in advance to arrange.	X		
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated.	X RENTAL		

INSURANCE CERTIFICATE INFORMATION

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

♦ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to tvm@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

ELECTRICITY

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

PORTA-RESTROOMS / BATHROOM FACILITIES

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

TRASH

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

MARKING OF GROUNDS

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

ADA COMPLIANCE

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

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

PAFD has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.** If the deposit on file is insufficient to cover the cost of fees/damages, the organizer will be invoiced for any balance due.

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$20 each). You will need to label signs and tape them to meters or signposts AT LEAST 24 hours prior to your event. Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to orange cones, and place those out on the sidewalk beside the street. The PAFD Office has cones it can rent (\$2/cone rental + \$15/cone security dep. required). To get authorization to have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. If "No Parking" signs are provided at no charge (1st Amendment Events, Public School Events, etc.), signs may be posted as a courtesy, but towing will not be enforced. Please make sure signs are removed once the event is complete.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces. Please make sure you pass this information along to participants / attendees.

AMPLIFIED SOUND POLICY

Permission to have a PA system at an event does equate to permission to create a noise disturbance. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. Please set the PA System up so that speakers are facing away from businesses/residences. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee shall not allow the sound emanating from the event to exceed an A-weighted 92 decibels. One verbal warning shall be issued if the sound has been found to have exceeded 92 decibels. The warning may be given to the sound board operator or the organizer/organizer's designee. If the 92 decibel limit is found to have been exceeded a second time during the same event, the single event concert permit (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

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

NOTIFICATION

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

REVOCABLE PERMIT

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

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	JW	DATE	11/8/2019
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ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	JW	DATE	11/8/2019
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FEE SCHEDULE – UPDATED JULY 1, 2018

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

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Single Concert License: \$38
Public Space/Park Security Deposit: \$100 - \$1000	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hour or more	Safety Vests: \$15/ea. Security Deposit
"No Parking" Signs: \$1 / \$20 each	Keys: \$50/ea. Security Deposit
Cancellation Fee: \$75	Equipment Delivery Fee: \$100

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

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

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

Permit Fee for use of area:	\$ 2025 DUE	Single Concert (Amplified Sound) License Fee:	\$ 38 DUE
Number of Hours of Use: Approx. 9		Equipment Rental Fee:	\$ TBD
Staff Fee (on site event support):	\$ TBD	Public Space / Park / Sound Security Deposit:	\$ 500 DUE
Admin. Fee (event coordination support):	\$ TBD	Borrowed / Rented Equipment Deposit:	\$ TBD
Electricity Fee (activation/de-activation):	\$ 40 DUE	Additional Fees:	\$ TBD
Impact/Street Closure Fee (variable based on impact):	\$ 200 DUE	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

FOR OFFICE USE ONLY										
APPLICATION FEE:	\$ 25.00		PERMIT FEE:	\$ NEED		SECURITY DEPOSIT:	\$ NEED		INSURANCE NEEDED?	YES
DATE RECEIVED:			DATE RECEIVED:			DATE RECEIVED:			DATE RECEIVED:	
PAYMENT TYPE										
VISA / MC NUMBER:					CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:			CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$
CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED										

MEMORANDUM
City Council Agenda Item

FROM: Ted Musgrave
DATE: July 8, 2019
SUBJECT: **Order 3-19/20 Declaring September 7, 2019 the Portland GreenFest Festival - Sponsored by Jon P. Jennings, City Manager.**
SPONSOR: Jon J. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

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

PRESENTATION: N/A

I. SUMMARY

The Greater Portland Sustainability Council is holding it's annual Portland GreenFest at Monument Square, Saturday, September 7, 2019.

II. AGENDA DESCRIPTION

This order declares September 7, 2019 the Greater Portland Sustainability Council's Portland GreenFest festival, to be held at Monument Square.

III. BACKGROUND

Greater Portland Sustainability Council has put together a community festival which highlights renewable energy, solar power, and recycling. Many organizations and businesses will participate in the event. The festival will include indoor and outdoor locations downtown at Monument Square/Monument Way. Scheduled for Saturday, September 7, 2019, and running from 10am – 4pm, the outdoor portion of the festival will also feature food vendors, local music and entertainment. As part of the proposal, three large tents will be setup on the square, many smaller canopies will be situated along Monument Way (similar to Farmers Market), and a small stage (with PA System) will be set up on the sidewalk area in front of One Monument Square (beside Federal Street Ext.). The city's Sustainability Office is a co-sponsor of the festival.

Festival Zone (areas falling under GPSC's purview):

Monument Square, Monument Way, and the sidewalk areas in front of One City Center, as well as Federal Street Ext. and sidewalk areas abutting Federal Street Ext.

Street Closures:

In order for the festival to be held, Federal Street Ext. needs to be barricaded to traffic (6am– 6pm), and posted "No Parking" from 5am – 5pm.

The Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is

reserved for the use of the Greater Portland Sustainability Council for the purpose of conducting the "Portland GreenFest" Festival, subject to the direction and control of the City Manager.

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

Greater Portland Sustainability Council shall indemnify the city and hold it harmless from and against all claims arising out of activities during said events, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 combined single limit for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to "Portland GreenFest" and its activities;

Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;

Any and all amplified music and public announcements at the Festival Area shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;

A Single Concert License must be obtained from the Public Assembly Facilities Division;

Conditions for use of grounds/requirements for the events/concerts/tent placement, and other items specified in a permit issued from the Public Assembly Facilities Division, shall be adhered to;

Business Licensing Office will charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival. The Permitting & Inspections Div. will also charge permit fees for needed Tent Permits. However, PAFD Office Permit Fees for use of grounds will be waived, there will be no charge for "No Parking" Signs; and

Greater Portland Sustainability Council shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the events.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Festival Declaration.

V. FINANCIAL IMPACT

The city's Sustainability Office is a co-sponsor of the event. Permit Fees for use of grounds are waived. However, organizer covers cost of city license fees and tent permit fees.

VI. STAFF ANALYSIS AND BACKGROUND

City staff are working with organizers on this event.

VII. RECOMMENDATION

Recommend approval.

VIII. LIST ATTACHMENTS

1. GreenFest 2019

2. Portland Greenfest 2019 - Mon Square - AP (council)

Prepared by:

Ted Musgrave

Date: 7/8/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING SEPTEMBER 7, 2019 THE GREATER PORTLAND
SUSTAINABILITY COUNCIL'S PORTLAND GREENFEST FESTIVAL**

ORDERED, that the Portland Greenfest is hereby declared as a Festival to be held in Portland from 10:00 a.m. – 4:00 p.m. on Saturday, September 7, 2019, to be sponsored by the Greater Portland Sustainability Council and co-sponsored by the Portland Sustainability Office; and

BE IT FURTHER ORDERED, that the festival area shall be Monument Square, Monument Way, the sidewalk areas in front of One City Center and Federal Street Extension; and

BE IT FURTHER ORDERED, that Federal Street Extension shall be closed to vehicular traffic Saturday, September 7, 2019 from 6 a.m. to 8 p.m.; and

BE IT FURTHER ORDERED, that Federal Street Extension shall be posted “No Parking” on Saturday, September 7, 2019 from 5 a.m. to 6 p.m.; and

BE IT FURTHER ORDERED, that the festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the Greater Portland Sustainability Council, for the purpose of conducting the Portland Greenfest, subject to the direction and control of the City Manager; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to issue a revocable permit under §§25-26 -- 25-30 of the Portland City Code to the Greater Portland Sustainability Council subject to the following conditions:

- * The Greater Portland Sustainability Council shall defend and indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death or property damage and naming the City as an additional insured thereon for Portland Greenfest;
- * Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said Festival;

- * Conditions for use of grounds and requirements for the event, specified in a permit issued from the Public Assembly Facilities Division Office shall be adhered to;
- * The Business Licensing Office will charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival; the Inspections Division will also charge permit fees for needed Tent Permits. However, Public Assembly Facilities Division Office Permit Fees for use of grounds and the single concert license will be waived and it will deliver barricades, and Public Works will participate in the Festival at the Recycling Booth; and
- * The Greater Portland Sustainability Council shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the events; and

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



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)
 212 Canco Rd. • Suite A • Portland • ME • 04103 • (207) 808-5400 x0
 Ted Musgrave tvm@portlandmaine.gov
 Tony Alves talves@portlandmaine.gov

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

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

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

TODAY'S DATE	6-26-19 Revised: 6-27, 6-28, 7-2	ORGANIZATION NAME	Greater Portland Sustainability Council		
ADDRESS (Street/City/State/Zip)	c/o Maine Development Foundation				
CONTACT NAME(S)	Jeff Edelstein	TITLE(S)	Ex. Director		
PHONE		EMAIL	jledelstein@gmail.com	PHONE	

PARK AREA / PUBLIC SPACE REQUESTED	Monument Square	Federal Street Ext.		
EVENT DAY(S) & DATE(S)	SAT 9-7-2019	RAIN DAY(S) & DATE(S) (50% added fee)	N/A	
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	6 am – 5 pm	EVENT START & END TIME	10 am – 4 pm	

EVENT NAME	EXPECTED ATTENDANCE
6 th Annual Portland Greenfest	Appr. 500 at any one time.
DESCRIPTION OF EVENT: Community festival featuring exhibits, vendors, music and dance performances. We wish to close off all of Federal Street Ext., as has been done in past years. 3 Large TENTS set up on the square. Some canopies as well. Lots of Tables + Chairs set up. Refreshments for sale (Food Truck on site, parked on Federal St Ext). Music, entertainment, PA System on site (sidewalk area at One Monument Square). ELEC needed. Parking Meters on Fed. St. Ext need to be reserved. Some vendors will be selling refreshments // snacks or goods and will have either a temporary food license or goods vendors licenses issued to them. The musical aspect at Greenfest will take place in front of One Monument Square on an approx. 16 x 20 stage (on sidewalk). This stage will have a PA system and we plan on having amplified sound for bands during the event. This performance stage/bands will need to borrow elec. from the outlets at the base of the trees on the sidewalk. All of the activities and booths/tents (on Monument Square itself) will borrow electricity from the black box at monument square. Federal Street Ext needs to be closed to traffic from 6am to 8pm. There will be reserved parking on the closed street, Federal street extension, as well as food trucks and 3-5 biofuel // natural gas // hybrid cars + Garbage to Garden Vehicle parked for demonstrations and educational activities. Several of those hybrid vehicles may be parked up ON the square and ON Monument Way (similar to Farmers Market Trucks). Greenfest will require a porta-restroom for event participants. www.greaterportlandsustainabilitycouncil.org	
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	NO

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? *No parking needed.*

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s)? (10'x10' size or smaller) How many? 10-20	X		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): 20 X 40 & 20 X 50 Exact Location(s) of Tent/Stage Placement Requested: Monument Square *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X		
* Will you be setting up tables and/or chairs? How many tables: 30 chairs: 150	X		
* Are other items or equipment being placed on City property?		X	
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.			X
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:			X
* Are you setting up a PA (sound) system? Are you planning on having Amplified Music? Y Band? Y DJ? N Boom Box? N If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
* Will your event require electricity? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X		
* Are you planning on bringing a Grill for a Barbecue?		X	
* Will the event require reserved parking spaces / parking meters? How many? All of Fed. Street ext. "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
* Will your event need safety vests, signs, barricades and/or cones? Please list what you would like to borrow/rent: barricades Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
* Will your event require street closures? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES? No	X		
* Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.	X		
* Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.		X	
* Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.		X	
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.			
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.	X		
* Do you wish to have a banner over the street to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to PAFD: 808-5400 x0.	X		

INSURANCE CERTIFICATE INFORMATION

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

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW
The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.
ELECTRICITY
All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you not use electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.
BARBECUES - GAS GRILLS ONLY
Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.
PORTA-RESTROOMS / BATHROOM FACILITIES
Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.
TRASH
All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!
MARKING OF GROUNDS
Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.
USE OF CANDLES
It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used, please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. Any damage (dripped wax absorbed into hardscape causing stains, etc.) will result in a forfeiture of your security deposit.
ADA COMPLIANCE
Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.
PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$20 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. ***Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

ALCOHOL / SMOKE-FREE ZONES

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

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require a Concert License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses.
The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 92 decibels. One verbal warning shall be issued if the sound has been found to have exceeded 92 decibels. The warning may be given to the sound board operator or the organizer/organizer's designee. If the 92 decibel limit is found to have been exceeded a second time during the same event, the single event concert permit (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

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

NOTIFICATION

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

STREET CLOSURE NOTIFICATION

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

REVOCABLE PERMIT

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

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

JE

DATE

6-26-19

ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

JE

DATE

6-26-19

FEE SCHEDULE – UPDATED JULY 1, 2018

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

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Single Concert License: \$38
Film/Photo Shoot: \$100/day	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit

Public Space/Park Security Deposit: \$100 - \$1000 Sound Security Deposit: \$100 - \$1,000 Impact/Street Closure Fee (variable based on impact): \$100-\$500 Staff Fee (on site event support): \$37/hour Administrative Fee (event coordination support): \$40/hour or more “No Parking” Signs: \$20 each Cancellation Fee: \$75	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit Safety Vests: \$15/ea. Security Deposit Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 or more
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PLEASE MAKE CHECKS PAYABLE TO “CITY OF PORTLAND”	
◆ Please make out security deposit checks separate from permit fees.	

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area:	\$ WAIVED – City Co-Sponsored Event	Single Concert (Amplified Sound) License Fee:	\$ WAIVED
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$ TBD
Staff Fee (on site event support):	\$ N/A	Public Space / Park / Sound Security Deposit:	\$ 250 DUE
Admin. Fee (event coordination support):	\$ N/A	Borrowed / Rented Equipment Deposit:	\$ TBD
Electricity Fee (activation/de-activation):	\$ WAIVED	Additional Fees:	\$ TBD
Impact/Street Closure Fee (variable based on impact):	\$ WAIVED	(Porta-Restroom User Fee, “No Parking” Signs, etc.)	

FOR OFFICE USE ONLY							
DATE APPLICATION RECEIVED: 6-27-2019							
APPLICATION FEE:	\$ -25.00	PERMIT FEE:	\$ WAIVED	SECURITY DEPOSIT:	\$ 250 DUE	INSURANCE NEEDED?	YES
DATE RECEIVED:	WAIVED	DATE RECEIVED:	N/A	DATE RECEIVED:	NEED	DATE RECEIVED:	NEED
PAYMENT TYPE							
VISA / MC NUMBER:				CHECK NUMBER:		CHECK AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:		CHECK NUMBER:		CHECK AMOUNT:	\$
CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED							

MEMORANDUM
City Council Agenda Item

FROM: Ted Musgrave
DATE: July 8, 2019
SUBJECT: **Order 4-19/20 Declaring September 10, 2019 the Portland Greendrinks Festival
- Sponsored by Jon P. Jennings, City Manager.**
SPONSOR: Jon J. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

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

PRESENTATION: N/A

I. SUMMARY

Friends of Eastern Promenade is holding a fundraiser at Fort Allen Park; a Portland Greendrinks Event, September 10, 2019. A beer garden will be setup at Fort Allen Park.

II. AGENDA DESCRIPTION

This order declares the Friends of Eastern Promenade's Portland Greendrinks Event, to be held September 10, 2019, as a festival. A Beer Garden will take place at Fort Allen Park.

III. BACKGROUND

Portland Greendrinks wishes to hold their September gathering at Fort Allen Park and are working with the Friends of Eastern Promenade and the City of Portland to plan this event. Friends of Eastern Promenade is allotted proceeds from the event. The goal of Portland Greendrinks is simple: good times shared among people working in, or interested in, environmental and sustainability issues. Portland Greendrinks is a project of the Maine-based non-profit, The Triceratops Group, founded by Elliott May in January 2010.

Setup for the event will start at 4pm Tuesday, September 10, with cleanup finished by 9pm. The event itself will run 5:30 – 8pm.

A 21+ Beer Garden (fenced in area) will be set up at Fort Allen Park, staffed with security personnel from the city's PAFD Division. Organizer covers cost of city staff time and materials. Refreshments will be provided by invited Food Trucks.

A PA System will be set up at the park gazebo for announcements and background music. The park roadway will stay open to vehicles, unless organizers and staff close the roadway for safety purposes. Some parking spaces in the park and along Fore Street / Eastern Prom need to be reserved.

The Festival Zone for the event is all of Fort Allen Park, the Eastern Prom grass area 300 feet to the north of the park, and the parking lane of Fore Street and Eastern Prom Rd. directly beside the park.

The Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of Friends of Eastern Promenade and Portland Greendrinks for the purpose of conducting the "Portland Greendrinks" Festival, subject to the direction and control of the City Manager.

Also, the City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to Portland Greendrinks and Friends of Eastern Promenade for the use of the above-described areas for said Festival subject to the following conditions:

Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council/Business Licensing Office (a beer garden is proposed for the Festival Area at Fort Allen Park. Friends of Eastern Promenade is the non-profit associated with the application. City staff will monitor the Beer Garden.);

Friends of Eastern Promenade shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 combined simple limit for personal or bodily injury, death, or property for said purposes, and shall provide alcohol liability coverage as well;

Conditions for use of grounds, specified in a permit issued from Public Assembly Facilities Division Office, shall be adhered to;

Festival organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival, as well as charge an admission fee to participants;

City license fees, tent permit fee, and costs for city staff assistance, will be paid by organizer, Friends of Eastern Promenade (permit fees for use of the park are waived);

Any and all amplified music and public announcements at the Festival Area shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing, limiting any impact in the area by the sound level; and

A Single Concert License must be obtained from the Public Assembly Facilities Division.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Festival Declaration and permission granted for alcohol service in a park.

V. FINANCIAL IMPACT

Event Organizer covers cost of city staff and materials.

VI. STAFF ANALYSIS AND BACKGROUND

City staff are working with organizers to implement the event plans.

VII. RECOMMENDATION

Recommend approval.

VIII. LIST ATTACHMENTS

1. Portland Greendrinks Festival 7.15.2019
2. FOEP Greendrinks 2019 - Sept 10 - AP (council)

Prepared by:

Ted Musgrave

Date: 7/8/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING SEPTEMBER 10, 2019,
THE PORTLAND GREENDRINKS FESTIVAL**

ORDERED, that the September 10, 2019 is hereby declared to be the Portland Greendrinks Festival, sponsored by the Friends of the Eastern Promenade; and

BE IT FURTHER ORDERED, that the Portland Greendrinks Festival area shall be the gazebo and surrounding grass area in Fort Allen Park; and

BE IT FURTHER ORDERED, that Cutter Street Fort Allen Park Drive may be posted No Parking on Festival days; and

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

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

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

1. The Friends of the Eastern Promenade shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The Friends of the Eastern Promenade shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area except in the 21-years-old and older beer garden overseen by staff from Facilities Management;

3. The Friends of the Eastern Promenade may charge a fee for admission to the festival;
4. The Friends of the Eastern Promenade shall comply with all Public Assembly Facilities Division Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to, and staff fees for Public Assembly Facilities Division and any other city staff people needed will be paid by the Friends of the Eastern Promenade;
5. The Friends of the Eastern Promenade shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Portland Greendrinks Festival;
6. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, and street goods vendors for the Festival to those vendors the Friends of the Eastern Promenade has agreed shall participate;
7. Public Assembly Facilities Division concert license conditions shall be complied with and any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level;

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



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TODAY'S DATE	4-2-2019 Revised: 4-2	ORGANIZATION NAME	Friends of the Eastern Promenade		
ADDRESS (Street/City/State/Zip)	P.O.Box 16025				
CONTACT NAME(S)	Courtney Walker Lauren Girouard	TITLE(S)	FoEP Greendrinks President		
PHONE		PHONE		PHONE	
EMAIL	courtney@easternpromenade.org	EMAIL	lgirouard89@gmail.com	EMAIL	

PARK AREA / PUBLIC SPACE REQUESTED	Fort Allen Park <u>Gazebo and Surrounding Grass Area</u>		
EVENT DAY(S) & DATE(S)	TUES Sept 10, 2019	RAIN DAY(S) & DATE(S) (50% added fee)	n/a
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	4 - 830	EVENT START & END TIME	530 – 8pm (negotiable!)

EVENT NAME	EXPECTED ATTENDANCE
Portland Greendrinks	150
DESCRIPTION OF EVENT: Please be specific regarding area of public space/park and describe EVENT in detail. Please include a detailed MAP of the proposed EVENT AREA, proposed ROUTE (road race) &/or proposed STREET CLOSURE (parade, march, rally, etc.), as these will need to be approved by City Departments. Please provide a link(s) to social media site(s) being used to publicize the event. Greendrinks is an established networking gathering, held monthly at various locations on Portland's peninsula. Fees collected benefit selected non-profits "that focus their work on sustainability of the community and the environment". Friends of the Eastern Promenade are the beneficiary of this event. September's event will be held either at "fort allen park" on the Eastern Promenade in Portland. 21+ Beer Garden overseen by Facilities Management Staff (organizer to cover cost). Tables + chairs set up. A food truck will also be parked nearby. Bullhorn or PA system used for announcements (ELEC available at light bollards along FAP driveway and at Gazebo). Some reserved parking needed along Cutter Street / FAP Drive. Organizer will need to rent a couple porta-restrooms.	

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: <u> x </u> FEE <u> </u> PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$10.00
	STUDENT FEE	\$

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?
--

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s)? (10'x10' size or smaller) How many?	?	X	
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***		X	
* Will you be setting up tables and/or chairs? How many tables:2 or 3 chairs: 1 or 2	X		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:		X	
* Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X ALCOHOL FOOD TRUCK ?		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:		X	
* Are you setting up a PA (sound) system? *we typically make a 3-5 minute announcement w. megaphone Are you planning on having Amplified Music? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	megaphone		

*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.		X	
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.		X	
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
*	Will your event require street closures ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gfenton@gpmetrobus.com) to discuss.			X
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange.	X ?		
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400.			X
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange.			X
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic.	X ORGANIZER RENTS		
*	Do you wish to have a banner over the street to advertise your event? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to PAFD: 808-5400 x0.		X	

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

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

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

ELECTRICITY

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

BARBECUES - GAS GRILLS ONLY

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

PORTA-RESTROOMS / BATHROOM FACILITIES

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

TRASH

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

MARKING OF GROUNDS

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

USE OF CANDLES

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

ADA COMPLIANCE

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

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$20 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee schedule below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. ***Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

ALCOHOL / SMOKE-FREE ZONES

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

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require a Concert License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses.
The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 92 decibels. One verbal warning shall be issued if the sound has been found to have exceeded 92 decibels. The warning may be given to the sound board operator or the organizer/organizer's designee. If the 92 decibel limit is found to have been exceeded a second time during the same event, the single event concert permit (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELATION POLICY

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

NOTIFICATION

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

STREET CLOSURE NOTIFICATION

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

REVOCABLE PERMIT

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

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

CEW

DATE

2/9/19

ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

CEW

DATE

2/8/19

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

FEE SCHEDULE – UPDATED JULY 1, 2018

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

Simple Event (no registration fee): \$75/hour
 Event with registration or pledges & attendance 25 - 300: \$125/hr
 Event with registration or pledges & attendance 301+: \$225/hr
 Film/Photo Shoot: \$100/day
 Public Space/Park Security Deposit: \$100 - \$1000
 Sound Security Deposit: \$100 - \$1,000
 Impact/Street Closure Fee (variable based on impact): \$100-\$500
 Staff Fee (on site event support): \$37/hour
 Administrative Fee (event coordination support): \$40/hour or more
 "No Parking" Signs: \$20 each
 Cancellation Fee: \$75

Electricity (activation/de-activation) Fee: \$40/flat
 Porta Restroom User Fee (if attendance is 150+): \$25
 Single Concert License: \$38
 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
 Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
 Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
 Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
 Safety Vests: \$15/ea. Security Deposit
 Keys: \$50/ea. Security Deposit
 Equipment Delivery Fee: \$100 or more

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

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

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

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

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 4-2-2019

APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$ waived	SECURITY DEPOSIT:	\$ NEED	INSURANCE NEEDED?	Yes NEED
DATE RECEIVED:	waived	DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

PAYMENT TYPE

VISA / MC NUMBER:				CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:		CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$

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

PLEASE RETURN FORM (WORD DOC) AT LEAST 30 DAYS IN ADVANCE TO:

- ◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 **EMAIL PREFERRED:** tvm@portlandmaine.gov

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 8, 2019

SUBJECT: **Order 5-19/20 Declaring September 15, 2019 the Trail to Ale 10K Race/Walk Festival - Sponsored by Jon P. Jennings, City Manager.**

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

PRESENTATION: N/A

I. SUMMARY

II. AGENDA DESCRIPTION

This order declares the Portland Trails Trail to Ale 10K Race/Walk to be held September 15, 2019 as a festival. The event start and end time is 7:45 a.m. to 12:00 p.m. The race begins at 9:00 a.m.

Street closures and race route are included in the agenda backup.

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

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This is a fundraiser for Portland Trails.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Portland Trails Trail to Ale 10K Race-Walk Festival 7.15.2019
2. Public Park & Space Application

Prepared by:

Date: 7/8/2019

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING SEPTEMBER 15, 2019
THE TRAIL TO ALE 10K RACE/WALK FESTIVAL**

ORDERED, that Sunday, September 15, 2019 is hereby declared to be the Trail To Ale 10K Race/Walk Festival, sponsored by Portland Trails; and

BE IT FURTHER ORDERED, that the Trail to Ale 10K Race/Walk Festival area shall be Eastern Promenade Park, Eastern Promenade, Cutter Street Parking Lot and the streets and trails on the race route, which is: Eastern Prom Roadway near Quebec Street; northwest on the Eastern Prom, round Loring Memorial down to Washington Avenue, left on Washington, left on Fox Street, right on Anderson Street, the Bayside Trail to the Back Cove Trail, under Tukey's Bridge and continuing on Back Cove Trail, around the cove (clockwise), back under the bridge, and on the Eastern Prom Trail heading south, finishing on the grass area beside the Trail just before reaching Cutter Street; and

BE IT FURTHER ORDERED, that Cutter Street shall be closed to traffic from 6:45 a.m. to 1:15 p.m. and Eastern Promenade from Turner Street to Washington Avenue will be closed from 8:30 a.m. to 9:15 a.m. on Sunday, September 15, 2019, and other streets may be closed briefly to allow races to cross; and

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

BE IT FURTHER ORDERED, that the Trail To Ale 10K Race/Walk Festival Area shall be closed to licensed street vendors as provided in §19-17 and §19-22 of the Portland City Code; and

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

1. Portland Trails shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or

property damage and covering the obligation of indemnification hereunder. Portland Trails shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival Area, except in an enclosed Beer and Wine Garden at the Cutter Street Middle Parking Lot for people 21-years-old and older, monitored by City staff;

3. Portland Trails shall be responsible for all fees for a permit issued from the Public Assembly Facilities Division for use of grounds, except that fees for the use of the parking lot, streets and trails are waived, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to,

4. Portland Trails shall pay any fees for staff assistance from Public Assembly Facilities staff and the Police Department;

5. Portland Trails shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Trail To Ale 10K Race/Walk Festival;

6. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and concert licenses for the Festival to those vendors the Portland Trails has agreed shall participate;

7. Any and all amplified music and public announcements shall be maintained at a reasonable noise level (under 92 decibels) and be configured by the event organizer to focus volume away from residential housing and neighboring business, limiting any impact in the area by the sound level; and

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



CITY OF PORTLAND, PUBLIC ASSEMBLY FACILITIES DIVISION
PUBLIC PARK & SPACE APPLICATION (5 pages)

212 Canco Rd. • Portland • ME • 04103 • (207) 808-5400 x0

Ted Musgrave tvm@portlandmaine.gov

JEN HALE jhale@portlandmaine.gov (Beer Garden Area)

APPLICATION FEE \$25.00

PAYMENT MUST BE MADE WHEN SUBMITTING APPLICATION

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

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

TODAY'S DATE	4/5/19 Revised: 4-8, 4-9	ORGANIZATION NAME	Portland Trails		
ADDRESS (Street/City/State/Zip)	305 Commercial Street				
CONTACT NAME(S)	Kara Wooldrik		TITLE(S)	Executive Director	
PHONE	Office: 775-2411	PHONE		PHONE	
EMAIL	kara@trails.org		EMAIL		EMAIL

PARK AREA / PUBLIC SPACE REQUESTED	Eastern Prom Roadway (Morning to North Street) portions of Washington Ave, Fox, Anderson, and Plowman Streets, 9:05-9:35am; Bayside Trail, Back Cove Trail, Eastern Prom Trail; Middle parking lot – Cutter Street (after party event / beer garden); Cutter Street CLOSED to traffic except for boaters/kayakers: from 6:45am-1:15pm. Eastern Prom Roadway (Congress – Turner) closed to traffic: 8:30 – 9:15am		
EVENT DAY(S) & DATE(S)	SUN 9-15-2019	RAIN DAY(S) & DATE(S) (50% added fee)	NA
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	6am (set up) - 1pm (clean up)	EVENT START & END TIME	7:45am – 12:00pm Race begins: 9:00am Race Ends: 10:30am

EVENT NAME	EXPECTED ATTENDANCE
Trail to Ale 10K Race/Walk http://trails.org/events-2/races/trail-to-ale/	2100, including volunteers and spectators

DESCRIPTION OF EVENT:

Fundraiser for Portland Trails. Timed race from Eastern Prom through East Bayside and around Back Cove, and back to E Prom Trail.

Start location is on Eastern Prom near bottom of Quebec Street. Runners proceed west to Washington Avenue, left to Fox St, right onto Anderson St, and right onto the Bayside Trail to connect to Back Cove Trail (clockwise around) and back to the Eastern Prom Trail, ending before East End Beach. **BOTH LANES of Eastern Prom (and side streets) from Congress St. to Washington Ave. closed to traffic: 8:30 – 9:15am**

(via Barricades, volunteers, and a Police Officer). Some sections of streets / PARKING LOTS posted "No Parking."

After the race, runners proceed to **mid-Cutter Street parking lot for the awards and party**. **Pizza will be supplied by Portland Pie Company and beer by Shipyard Brewing and snacks/fruit from Shaw's**. A 20'x40' tent will cover the beer table in a fenced-in beer garden within the lot. The **beer garden** will be specifically designated for runners and supporters 21+. A live DJ will be present with speakers and microphone. Several awards will be presented. Families of runners will be able to hang out inside the parking lot but outside the tent and cordoned area. Several sponsors' 10x10 tents will be set up. Party will wrap up around noon. **The beer garden area will be overseen by CITY PAF STAFF (EM: Jen Hale).**

Experienced volunteers (at race intersections) will hold back/detour vehicles, and direct runners.

Portland Trails requests PPD Officer presence on Washington Ave at Eastern Prom corner to help stop vehicle traffic (8:50 – 9:15 a.m.). 2 Police Officers and 2 PCO's to be hired by organizer. All other race intersections would be staffed by qualified volunteers.

Cutter Street (at top E Prom) will be closed to vehicle traffic (6:45am – 1:15pm) except to Boaters & Kayakers.
Cutter Street intersection staffed by qualified volunteers.

Elec. (from Box at Cleaves Monument) needed for post-race celebration. Generator used for race timer (Start / Finish line area).

There may be street construction (and renovation work taking place on the Preble Fields) come race time.

IF YES FOR FEES, HOW MUCH?	FEE	\$40
----------------------------	-----	------

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?

Majority of participants and volunteers live locally. Many walk/bike to the event. Participants who drive park throughout the neighborhood or in nearby parking garages.

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (10'x10' size or smaller) How many? 6	X		
* Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: http://portlandmaine.gov/DocumentCenter/Home/View/2317 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s): 20'x40' Exact Location(s) of Tent/Stage Placement Requested: CUTTER ST MIDDLE LOT *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	X		
* Will you be setting up tables and/or chairs ? How many tables: Appx. 20 (8') chairs:	X		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: START/FINISH LINES	X		
* Will there be refreshments at the event? Do you wish to sell food? NO If so, you will need approval from PAFD and possibly a Temporary Food Service License from Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (874-8557). List food and drink / Food Trucks, etc.: COMPLIMENTARY FOOD FOR PARTICIPANTS - PORTLAND PIE PIZZA + SNACKS and FRUIT from Shaw's PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (874-8557) – 2 week notice. List items you wish to sell:		X	
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music? Y Band? N DJ? Y Boom Box? N If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X		
* Will your event require electricity ? Electricity is available at Eastern Prom. A \$40 activation fee Outlets needed for Beer Garden. Generator used for Start Line on E Prom Rd. + Finish on Trail.	X		
* Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
* Will the event require reserved parking spaces / parking meters ? How many? NO PARKING ON EASTERN PROM ROADWAY & CUTTER ST SAT PM-NOON SUN "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
* Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: 31 BARRICADES Limited orange vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (874-8493).	X		
* Will your event require street closures ? (See "Description of Event") Will your event affect METRO BUS ROUTES? YES (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetro.org) to discuss.	X		
* Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please call Sgt. Nevins (874-8554) or Police Shift Command (874-8855/8556) well in advance to arrange. PPD Officer #1: Washington/Eastern Prom PPD Officer #2: Tukey Connector @ Anderson Street	X		
* Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 874-8400. EMT'S NEAR FINISH LINE	X		
* Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 874-8910 well in advance to arrange. PCO #1 @ Washington & Walnut	X		

PCO #2@ Washington & Fox				
Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. 15 PORTO RESTROOMS lined up on Eastern Prom facing water	X		

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

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

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

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

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

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

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

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

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

ADA COMPLIANCE

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

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$20 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). The PAFD Office has cones it can rent to you (see fee structure below) if needed. To ensure you can have vehicles (illegally parked at signs you've posted) towed, please complete and fax/email/hand deliver to city departments a "No Parking Authorization Form," which you can get from staff when you pick up NP signs. Please make sure signs are removed once the event is complete. ***Under certain conditions, the reserved parking fee may be reduced. Upon review of your application, PAFD will advise if your event qualifies for a reduction. If paying a reduced rate, towing may not be enforceable. PAFD will advise regarding these parameters as well.**

ALCOHOL / SMOKE-FREE ZONES

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

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require a Concert License from the PAFD Office. If the Police Dept./City Staff receive noise complaints, they will respond accordingly. PA System up with speakers facing away from businesses/residences to lessen impact. Please keep volume levels low out of consideration for nearby residents and businesses. The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 92 decibels. One verbal warning shall be issued if the sound has been found to have exceeded 92 decibels. The warning may be given to the sound board operator or the organizer/organizer's designee. If the 92 decibel limit is found to have been exceeded a second time during the same event, the single event concert permit (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELLATION POLICY

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

NOTIFICATION

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

STREET CLOSURE NOTIFICATION

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

REVOCABLE PERMIT

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

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES

TYPE INITIALS

KW

DATE

4/5/19

ASSUMPTION OF RISK & LIABILITY

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

I have read the Assumption of Risk & Liability Agreement

TYPE INITIALS

KW

DATE

4/5/19

FEE SCHEDULE – UPDATED JULY 1, 2018

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

Simple Event (no registration fee): \$75/hour	Electricity (activation/de-activation) Fee: \$40/flat
Event with registration or pledges & attendance 25 - 300: \$125/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Event with registration or pledges & attendance 301+: \$225/hr	Single Concert License: \$38
Public Space/Park Security Deposit: \$100 - \$1000	Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit
Sound Security Deposit: \$100 - \$1,000	Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit
Impact/Street Closure Fee (variable based on impact): \$100-\$500	Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit
Staff Fee (on site event support): \$37/hour	Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit
Administrative Fee (event coordination support): \$40/hour or more	Safety Vests: \$15/ea. Security Deposit
"No Parking" Signs: \$1 / \$20 each	Keys: \$50/ea. Security Deposit
Cancellation Fee: \$75	Equipment Delivery Fee: \$100

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"

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

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

Permit Fee for use of area:	\$ WAIVED	Single Concert (Amplified Sound) License Fee:	\$ WAIVED
Number of Hours of Use: Approx. 7		Equipment Rental Fee:	\$ TBD
Staff Fee (on site event support):	\$ TBD	Public Space / Park / Sound Security Deposit:	\$ TBD
Admin. Fee (event coordination support):	\$ TBD	Borrowed / Rented Equipment Deposit:	\$ TBD
Electricity Fee (activation/de-activation):	\$ WAIVED	Additional Fees:	\$ TBD
Impact/Street Closure Fee (variable based on impact):	\$ WAIVED	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

FOR OFFICE USE ONLY

DATE APPLICATION RECEIVED: 4-8-19

APPLICATION FEE:	\$ WAIVED	PERMIT FEE:	\$ WAIVED	SECURITY DEPOSIT:	\$ NEED	INSURANCE NEEDED?	YES
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

PAYMENT TYPE

VISA / MC NUMBER:		CHECK NUMBER:		CHECK AMOUNT:	\$	CASH AMOUNT:	\$
CREDIT CARD AMOUNT:	\$	CREDIT CARD EXP. DATE:		CHECK NUMBER:		CHECK AMOUNT:	\$

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 1, 2019

SUBJECT: Order 6-19/20 Granting Municipal Officers' Approval of Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue - Sponsored by Jon P. Jennings, City Manager.

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 no why not?)

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

I. SUMMARY

II. AGENDA DESCRIPTION

Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue.

Application was filed on 6/24/2019. New City application. Applicant currently holds a Winery with Entertainment without Dance license.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Maine Mead Works
2. 20190701080859020

Prepared by:

Date: 7/1/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDE
R
GRA
NT

**ING MUNICIPAL OFFICERS’
APPROVAL OF:**

**Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment
without Dance and Outdoor Dining on Private Property at 51 Washington Avenue.**

June 24, 2019

City of Portland
389 Congress St.
Room 307
Portland, ME 04101

To Mayor Strimling and Members of the Portland City Council

Please accept this letter of intent to apply for an outdoor dining permit on private property. Wassail, LLC dba Maine Mead Works currently holds Winery Permit at 51 Washington Ave. in Portland Maine. The current license # is 6360 and expires 9/21/19. Maine Mead Works wishes to expand its existing license to the area directly in front of its location, which is currently being used for employee and customer parking. Please see the attached application and diagram for further details.

Thank you for your time and consideration.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Ben Alexander', with a long horizontal flourish extending to the right.

Ben Alexander, President
Wassail, LLC dba Maine Mead Works
51 Washington Ave.
Portland ME 04101



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):	Maine Mead Works	Phone:	207-778-6323
Location Address:	51 Washington Ave. Portland, ME		Zip: 04101
Mailing Address:	Same		Zip:
Contact Person:	Ben Alexander	Phone:	207-650-5597
Contact Person Email:	ben@mainemeadworks.com		
Manager of Establishment:	Same as contact	Date of Birth:	5/5/75
Owner of Premises (Landlord):	Dayton Group LLC		
Address of Premises Owner:	75 Washington Ave. Suite 2H Portland, ME		Zip: 04101

Owner Information

Corporate Name		Corporate Mailing Address	
Wassail, LLC		51 Washington Ave. Portland ME 04101	
Contact Person:	Ben Alexander	Phone:	207 650-5597
Principal Officers			
Title	Date of Birth	Residence Address	
Ben Alexander	President	5/5/75	296 Spring St. #3 Portland ME 04102



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Winery
Type of food served:	FSE w/o PREP
Please circle all that will be served:	Beer <u>Wine</u> Liquor
Hours & days of operation:	Sat - Fri 11am - 9pm
Number of Tables	3 tables
Number of Chairs	18 chairs

Design and Construction

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

Maintenance and Operations

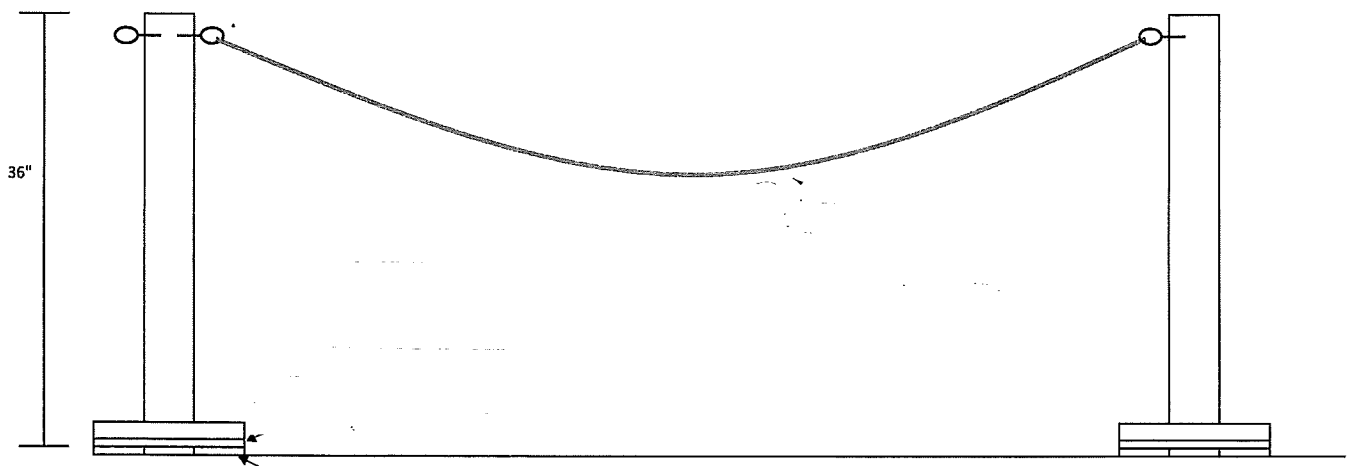
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating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

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

Signature  Title President Date 6/24/19

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: _____		



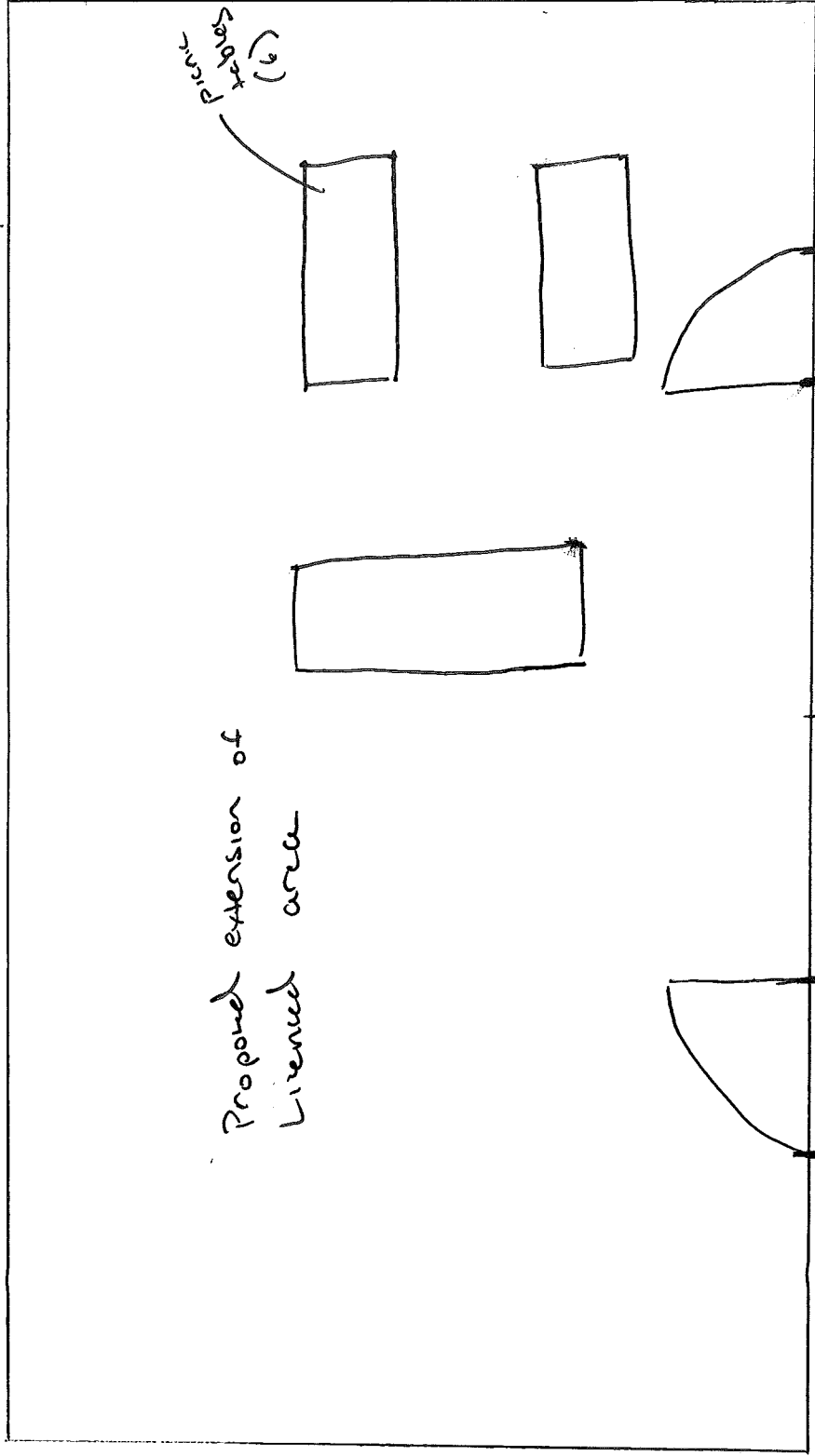
Drawing of proposed outdoor dining
area barrier

← WASHINGTON AVE. →

ST Washington Ave.
Portland, ME 04101

outdoor dining
area barrier

40 ft.

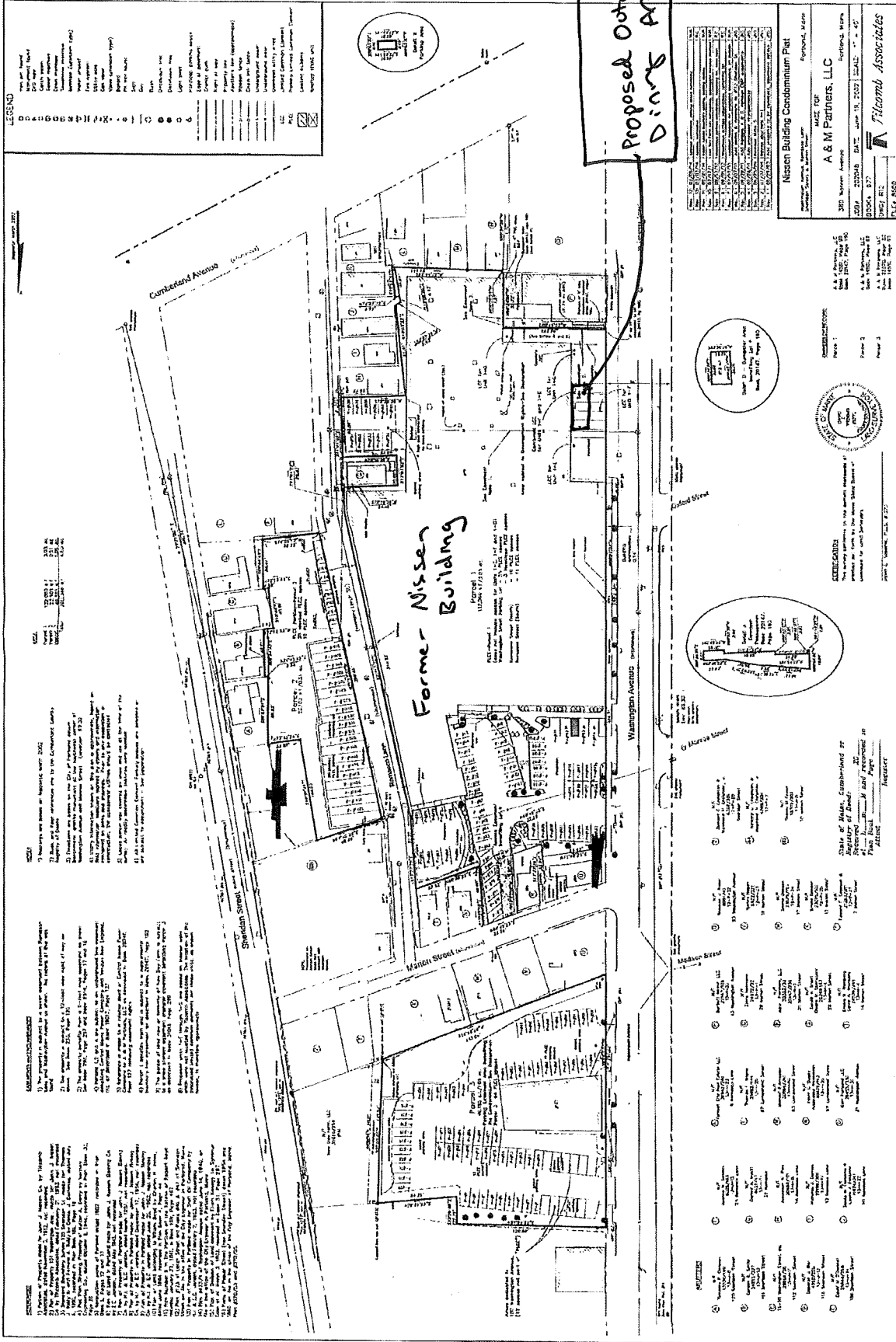


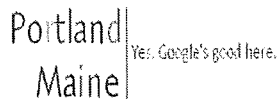
Maine Mead Works Loading area

Hardshore Drilling outside dining area

Existing Licensed Area

3/13/14





Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Maine Mead Works

Dan Hondo <danh@portlandmaine.gov>

Mon, Jul 1, 2019 at 7:58 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on pd side

On Mon, Jul 1, 2019 at 7:41 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

I need an approval for this asap. Thanks

Jessica Blais Hanscombe

Licensing and Housing Safety Manager

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

----- Forwarded message -----

From: **Jessica Hanscombe** <jhanscombe@portlandmaine.gov>

Date: Tue, Jun 25, 2019 at 9:56 AM

Subject: Maine Mead Works

To: Aaron Bridges <bridgesa@portlandmaine.gov>, Dan Hondo <danh@portlandmaine.gov>, Danielle Buck <dbuck@portlandmaine.gov>, David Nichols <nicholsd@portlandmaine.gov>, David Petrucci <petruccid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Jeanie Bourke <jmb@portlandmaine.gov>

Good Morning

Please see the attached application for Outdoor Dining on Private Property. This will go before council on 7/15/2019. Please advise. Jessica

Jessica Blais Hanscombe

Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

--
Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



CITY OF PORTLAND
Permitting and Inspections Department

June 25, 2019

Wassail LLC
51 Washington Avenue
Portland ME 04101

Re: Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue.

Dear Ben Alexander,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 15, 2019 at 4:00 p.m.**, for the review of application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 15, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., Wassail LLC dba Maine Mead Works. Application for a Winery with Entertainment without Dance and Outdoor Dining on Private Property at 51 Washington Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 2, 2019

SUBJECT: Order 7-19/20 Granting Municipal Officers' Approval of Maria Pierobello dba Morrill's Corner Pub. Application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue - Sponsored by Jon P. Jennings, City Manager.

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 no why not?)

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

I. SUMMARY

II. AGENDA DESCRIPTION

Maria Pierobello dba Morrill's Corner Pub. Application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue.

Application was filed on 6/24/2019. New City and State applications. Change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Morrills Corner Pub
2. 20190701081150414

Prepared by:

Date: 7/2/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDE
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NT

**ING MUNICIPAL OFFICERS’
APPROVAL OF:**

**Maria Pierobello dba Morrill’s Corner Pub. Application for a Class A Lounge with
Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest
Avenue.**

To Whom it May Concern,

I, Maria Pierobello, am applying for a liquor license in hopes to take over the Morrill's Corner Pub, previously run for many years by my grandfather, Frank Pierobello. For the last approximately two years, I have been working under my grandfather's supervision to run the pub, learning all aspects of the business and operations as I go. Now that I am confident that I can handle all responsibilities of the business myself, and my grandfather is ready to retire, I am prepared to take the business under my own name.

I hope to be able to use the income from this business as a means to pay off my student loans while simultaneously making a decent living, and to carry on my family business to continue to be the local pub that our customers have known and loved. I will enter into a leasing agreement for the property fully equipped, beginning as soon as I am able to be approved for licensure. Operations of the pub will continue in essentially the same manner as before, but with more organization, and an eye on improvement and gradual rebranding.

I intend to continue to improve the business over time using what I have learned and also implementing new ideas catered toward different audiences. Improvements in safety and modernization that I have already helped in bringing about in the past two years include installing security cameras in the pub, as well as tightening consequences for misconduct, and banning the wearing of motorcycle club colors inside the pub. I am ready to move the pub into the future as a new type of establishment, catering to respectable patrons old and new that love to sing karaoke, play pool and darts, and want to have a decent neighborhood place to relax and socialize.

Maria Pierobello



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Morrill's Corner Pub	Phone:	207 797 9824
Location Address:	1171 Forest Ave	Zip:	04103
If new, what was formerly at this location:			
Mailing Address:	1171 Forest Ave Portland, ME	Zip:	04103
Contact Person:	Maria Pierobello	Phone:	207 807 7740
Contact Person Email:	m.pierobello@gmail.com		
Manager of Establishment:	Maria Pierobello	Date of Birth:	02/03/86
		Phone:	207 807 7740
Owner of Premises (Landlord):	Frank Pierobello		
Address of Premises Owner:	1303 Forest Ave Apt c Portland, ME	Zip:	04103

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

Name of Owner(s)	Date of Birth	Residence Address
Maria Pierobello	02/03/86	549 Cumberland Ave Apt 8 Portland, ME 04101

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

Corporate Name		Corporate Mailing Address	
		Zip:	
Contact Person:		Phone:	
Principal Officers			
Title	Date of Birth	Residence Address	
Class of Liquor License:			



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	Prepacked, Microwave Meals	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 100	Generated from Alcohol: 90
Hours & days of operation:	Thur-Sun: 12p-1A Mon-Wed: 3p-1A	

QUESTIONS

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?

Y/N
☒ Y ☐ N

If No, please explain: #

Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?

☒ Y ☒ N No

If yes, give the distance: 1/2 mile church

Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)

☒ Y ☐ N

Will you permit dancing on the premises?

☒ Y ☐ N

Will you permit dancing after 1:00 a.m.?

☒ Y ☐ N

Will you have outside dining? (If yes, an Outdoor Dining Application is required)

☒ Y ☐ N

If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).

Will you have any amusement devices (pinball, video games, juke box)?

☒ Y ☐ N

If yes, please list: # of pinball machines: 0 # of amusements: 2 # of pool tables: 1

What is your targeted opening date? Sept 1 2019

Does the Issuance of this license directly or indirectly benefit any City employee(s)?

☒ Y ☐ N

If Yes, list name(s) of employee(s) and department(s):

Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?

☒ Y ☐ N

If Yes, please list business name(s) and location(s):

Is any principal officer under the age of 21?

☒ Y ☐ N

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?

☒ Y ☐ N

If Yes, please explain:

I, Maria Pierobello, 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 [Signature] Title Business Owner Date 06/20/19

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

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND

Permitting and Inspections Department

Supplemental Application for Dancing and Entertainment License

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

☒ Entertainment without Dancing: \$295 ☐ Entertainment with Dancing: \$529 ☐ After-Hours (1 a.m. to 3 a.m.): \$595

Business Information	
Business Name (d/b/a):	Morrill's Corner Pub
Location Address:	1171 Forest Ave
Phone:	207 797 9826
Zip:	04103

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: Pub setting with music played and very occasional live music.	
Will music be electric, acoustical, or both? (Circle)	Karaoke
Will amplification be used?	X (Y/N) No
If yes, where and at what level?	
Will music be played (Circle all that apply):	Inside Outside
Will you permit dancing on the premises?	Y/N (N)
Will you permit dancing after 1:00 a.m.?	Y/N (N)
What is your targeted opening date? Through old Lic to new Lic (Sept 2019)	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N (N)
If Yes, list name(s) of employee(s) and department(s):	

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

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

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

Signature [Signature] Title Business Owner Date 06/15/19

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

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

bl@portlandmaine.gov • www.portlandmaine.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):	Morrill's Corner Pub	Phone:	207 797 9826		
Location Address:	1171 Forest Ave, Portland, ME Zip: 04103				
Mailing Address:	1171 Forest Ave, Portland, ME Zip: 04103				
Contact Person:	Maria Pierobello	Phone:	207 807 7740		
Contact Person Email:	m.pierobello@gmail.com				
Manager of Establishment:	same ↑	Date of Birth:	02/03/1986	Phone:	SAME ↑
Owner of Premises (Landlord):	Frank Pierobello				
Address of Premises Owner:	1303 C Forest Ave, Portland, ME Zip: 04103				

Owner Information

Corporate Name		Corporate Mailing Address	
		Zip:	
Contact Person:		Phone:	
Principal Officers			
Title	Date of Birth	Residence Address	



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class A Lounge
Type of food served:	Microwave Meals, Pre-packaged, Beverages
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	Mon-Wed: 3p - 1am, Thurs-Sun 12p - 1a
Number of Tables	5 Picnic tables outside
Number of Chairs	30 seats at 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 *[Signature]* Title Business owner Date 06/22/2019

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: _____	

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

PRESENT LICENSE EXPIRES _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: Sept 1 2019

Requested inspection date: Any date Business hours: Th-Sun 12p-1A, Mon-Wed 3p-1A

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|---|---|--|
| ☐ RESTAURANT (Class I,II,III,IV) | ☐ 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) |
| ☐ CLUB w/o Catering (Class V) | ☐ CLUB with CATERING (Class I) | ☐ GOLF COURSE (Class I,II,III,IV) |
| ☐ TAVERN (Class IV) | ☐ QUALIFIED CATERING | ☐ OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name:	Business Name (D/B/A) <u>Morrill's Corner Pub</u>
APPLICANT(S) —(Sole Proprietor) <u>Maria Pierobello</u>	DOB: <u>02/03/86</u>
Address <u>549 Cumberland Ave Apt 8</u>	Physical Location: <u>1171 Forest Ave</u>
City/Town <u>Portland</u>	State <u>ME</u>
Zip Code <u>04101</u>	City/Town <u>Portland</u>
State <u>ME</u>	State <u>ME</u>
Zip Code <u>04101</u>	Zip Code <u>04103</u>
Telephone Number <u>207 807 7740</u>	Fax Number <u>N/A</u>
Business Telephone Number <u>207 797 9826</u>	Fax Number <u>N/A</u>
Federal I.D. # <u>028-66-2315</u>	Seller Certificate #: or Sales Tax #:
Email Address: Please Print <u>m.pierobello@gmail.com</u>	Website:

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☐ NO ☒

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

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

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business	City / Town	Physical Location

5. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

6. If manager is to be employed, give name: _____

7. Business records are located at: on location

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Maria Pierobello	02/03/86	Malden, MA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Portland, Maine		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

13. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:

Frank Pierobello 1303 Forest Ave Apt C Portland, ME 04103

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) 40' x 35'

Two stories, wooden building

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: Health Inspection

17. 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? 1/2 mile

Which of the above is nearest? church

18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland Me on 6-19, 20 19
Town/City, State Date

[Signature]
Signature of Applicant or Corporate Officer(s)
Maria Pierobello
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

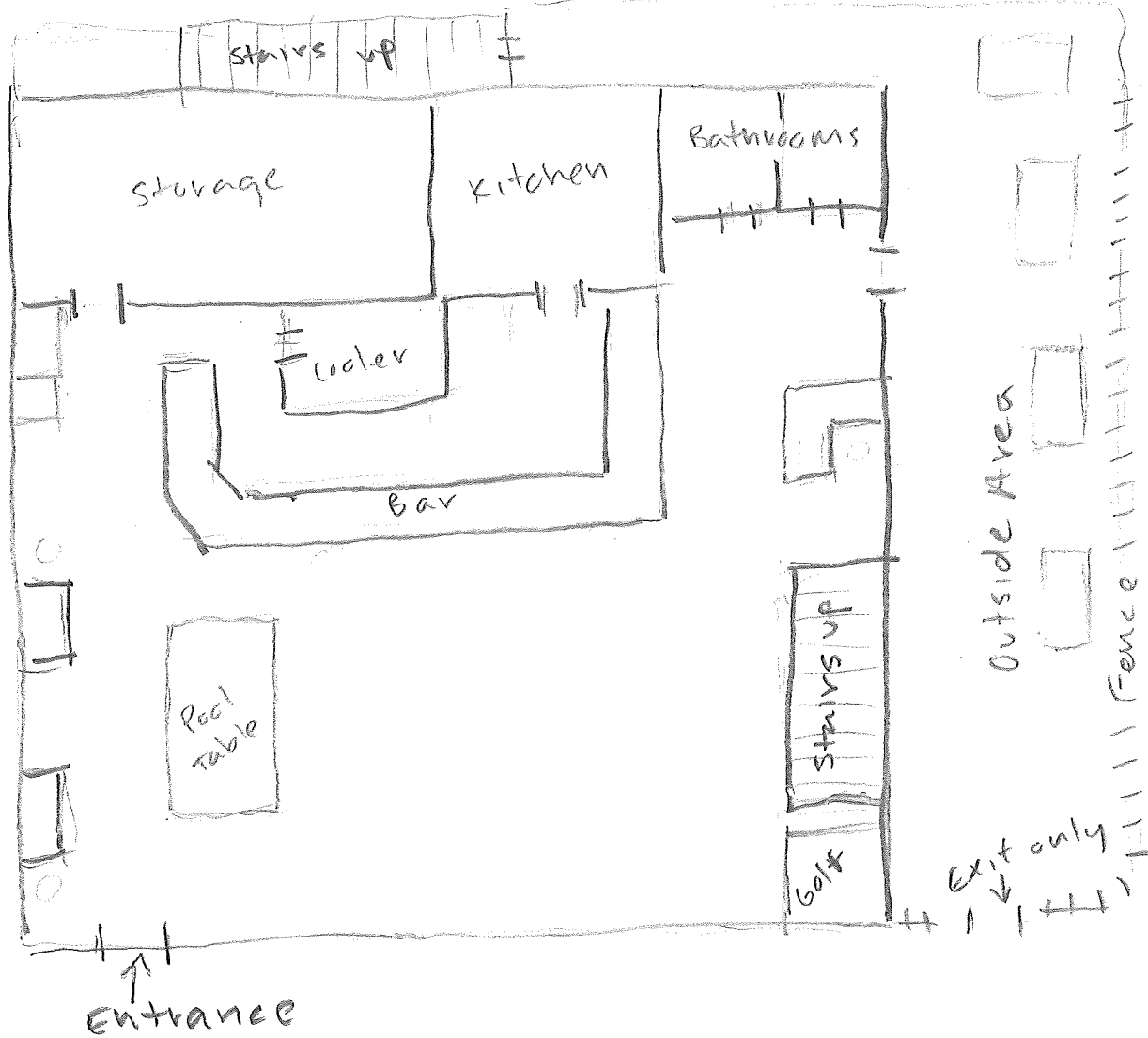
Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

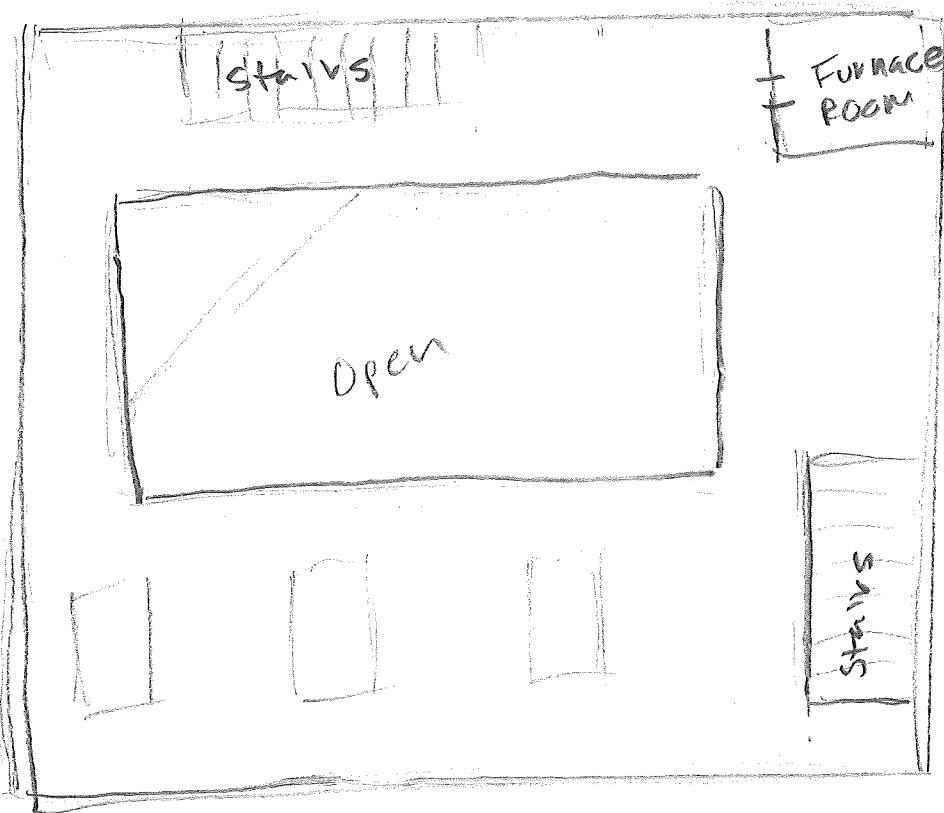
All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

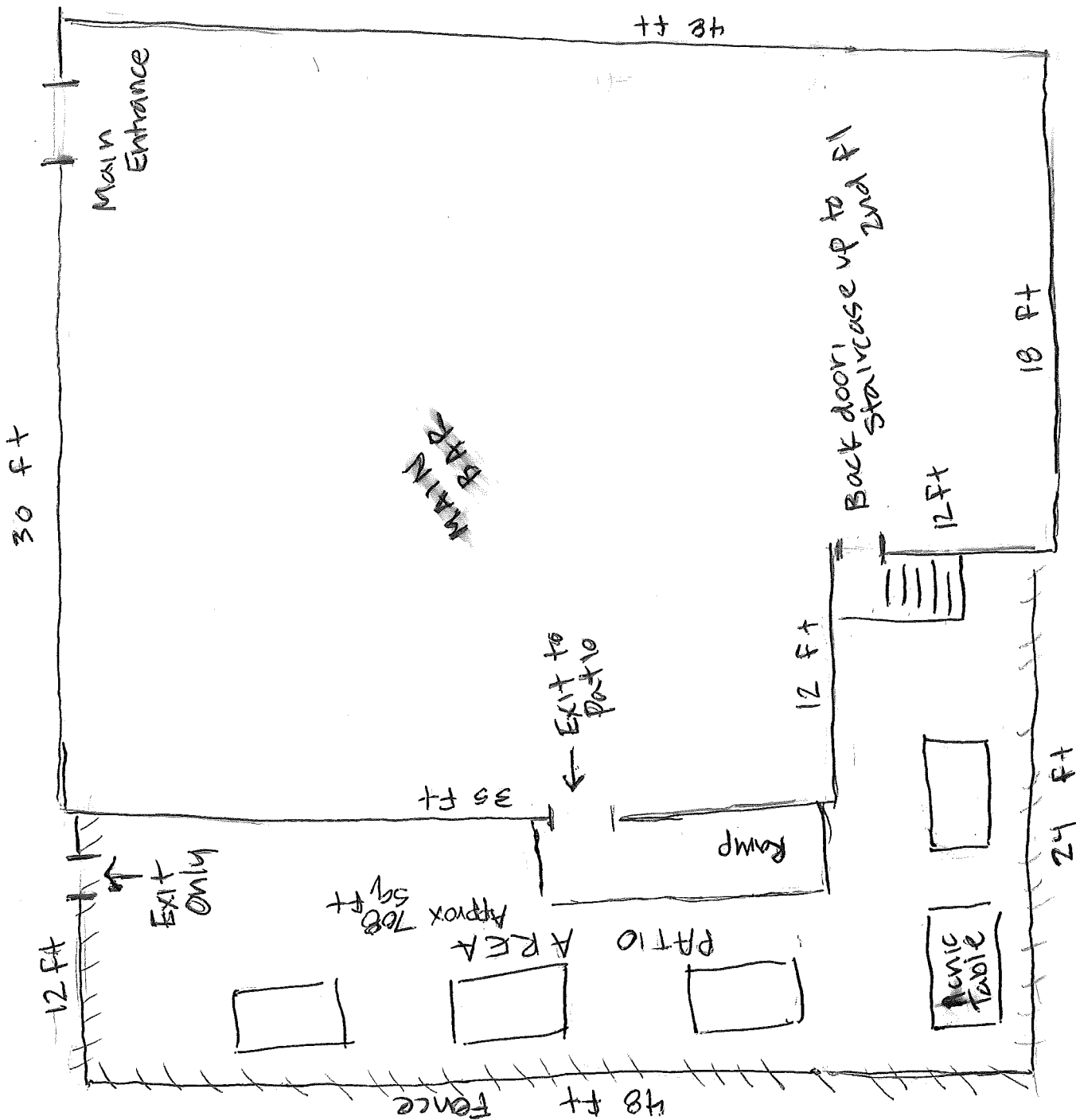
First story



2nd story Loft

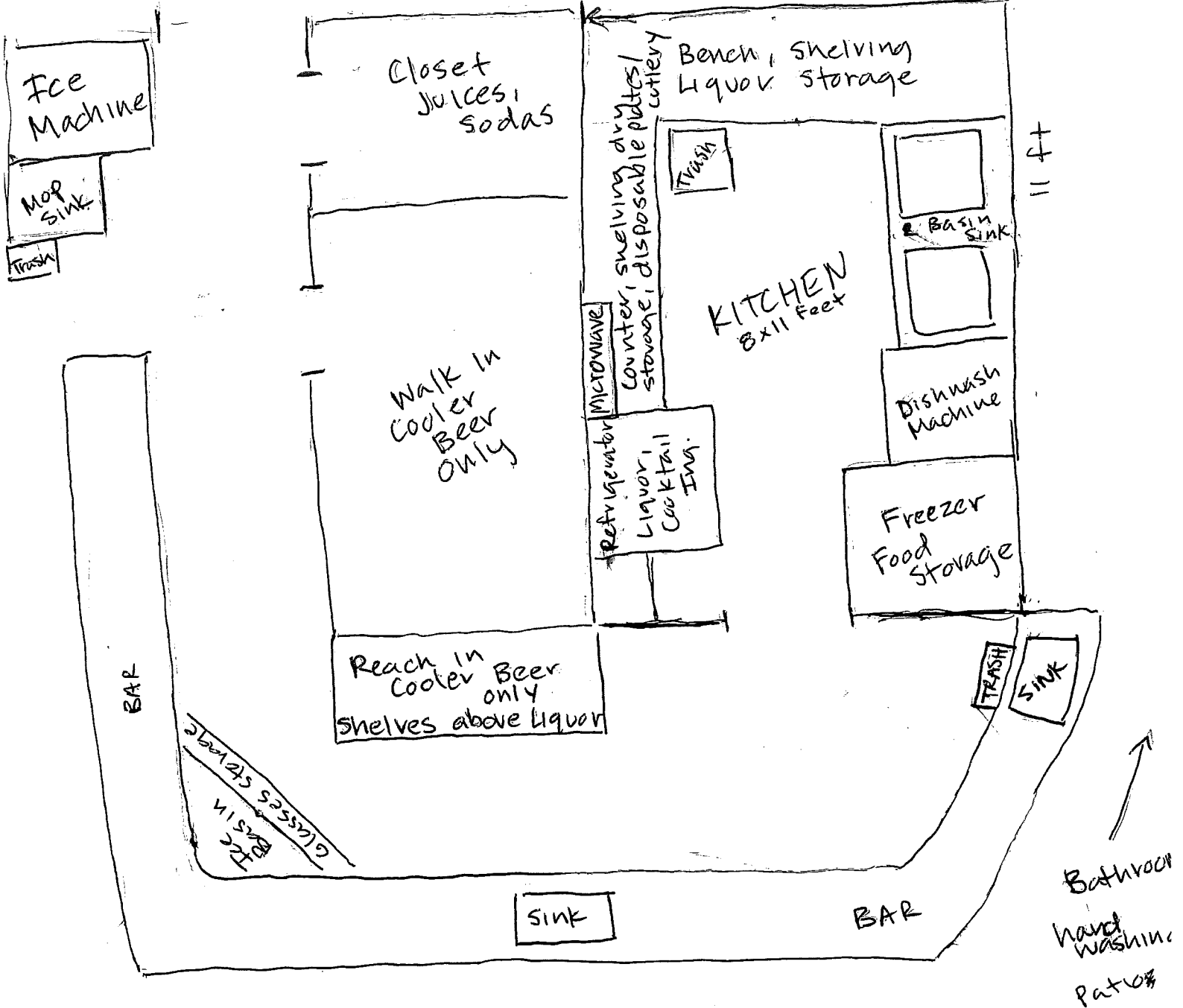


Merrill's Corner Pub
1171 Forest Ave
Portland, ME 04103



Storage Room
Beer Only

8 ft



Tables upstairs, outside, and additional seating in main bar room

Beer and Beverages

Drafts

Bud	2.00
Bud Light	2.00
PBR	2.00
Goose IPA	3.50

Cans

Bud	2.00
Bud Light	2.00
Truly Berry	3.50
Busch Non Alc	2.00

Bottles

Twisted Tea Regular	3.50
Twisted Tea Raspberry	3.50
Twisted Tea Light	3.50
Twisted Tea Half Half	3.50
Not Your Father's RB	3.50
Coors Light	2.50
Miller Light	2.50
Miller Highlife	2.50
Angry Orchard	3.50
Geary's HSA	3.50

Mich Ultra	3.50
Mich Light	3.50
Bud Light	2.50
Bud	2.50
Omission GF	3.50
Heineken	3.50
Corona	3.50
Rolling Rock	2.50
Mike's Lem	3.50

Wine

Zinfandel Wine	5.00
Chardonay Wine	5.00

Prosecco	5.00
Merlot Wine	5.00

Liquors:**Top Shelf**

4.50/shot/1oz	7.50/double shot	6.50/drink 14 oz	4.75/drink 10oz
Sambuca	Yukon Jack	Frangelico	Hendrix Gin
Dewar's Scotch	Jameson Whiskey	Buliet Rye	Buliet Bourbon
Crown Royal	Drambuie Scotch	Tangeray Gin	Tito's Vodka
Stoli Raspberry Vodka	Stoli Blueberry Vodka	Absolut Vodka	Jose Cuervo
Kahlua	Jim Beam Devil's Cut	Hornitos Silver	Chateau Monet
Jagermeister	Rumple Minze	Disaronno	Jack Tennessee Honey
Bailey's Irish Cream	Jack Fire	Espolon	

Well & Otherwise

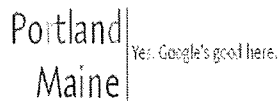
3.50/shot	6.50/double	5.75/drink 14oz	3.75/drink 10oz
Jack Daniel's Black	Myers Dark Rum	Canadian Club	
Seagram's 7	Seagram's VO	Southern Comfort	
Montezuma Tequila	Popov Vodka	Allen's Coffee Brandy	
Triple Sec	Amaretto	Jim Beam 3	
Hot Damn	Peach Schn (Allen's)	Butterscotch Schn (Allen's)	
Root Beer Schn (Allen's)	Black Rasp Schn (Allen's)	Sour Apple (Allen's)	
Blue Curacao (Allen's)	Raspberry Schn (Razzmataz)	Piccala	
Carolin's Irish Cream	Malibu	Grape Pucker	
Bacardi	Captain Morgan	Barton's Gin	
Loconut	Midori	Dr. Mc Vanilla	
Tia Maria	Baja Rosa	Dr. Mc Grape	
Fireball	Dr. Mc Menthol	Sky Vodka	

Food and Snack

French Bread Pizza	\$2.00
Burger	\$4.00
Burger & Fries	\$5.00
Chicken Nuggets (10)	\$3.00
Chicken Nuggets & Fries	\$5.00
Fries	\$3.00
Easy Mac	\$3.00
Slim Jims	\$0.50
Crackers	\$0.50
Chips	\$1.00
Nuts	\$1.00
Soda/Juice	\$1.00

Sprite, Ginger Ale, Pepsi, Diet Pepsi, Tonic, Soda Water

Orange Juice, Cran Juice, Tomato Juice, Pineapple Juice, Lemonade



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Morrill's Corner Pub

Dan Hondo <danh@portlandmaine.gov>

Sat, Jun 29, 2019 at 4:25 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No concerns on PD side.

-Dan

On Tue, Jun 25, 2019 at 11:15 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Class A lounge with Entertainment and Outdoor Dining. This is a change of ownership on an existing business. This will go before council on 7/15. Please advise. Jessica

Jessica Blais Hanscombe

Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

--

Lt. Dan Hondo

Portland Maine Police Dept.

Patrol Team B3/B4

(207)874-8513



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E023364

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-06-25) :

Inquiries Name(s) MARIA PIEROBELLO (1986-02-03)

NO MATCH WAS FOUND FOR YOUR REQUEST.



CITY OF PORTLAND
Permitting and Inspections Department

June 25, 2019

Maria Pierobello
1171 Forest Avenue
Portland ME 04103

Re: Maria Pierobello dba Morrill's Corner Pub. Application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue.

Dear Maria Pierobello,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 15, 2019 at 4:00 p.m.**, for the review of application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 15, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., Maria Pierobello dba Morrill's Corner Pub. Application for a Class A Lounge with Entertainment without Dancing and Outdoor Dining on Private Property at 1171 Forest Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 2, 2019

SUBJECT: Order 8-19/20 Granting Municipal Officers' Approval of Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV Vessel at Portland Pier - Sponsored by Jon P. Jennings, City Manager.

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 no why not?)

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

I. SUMMARY

II. AGENDA DESCRIPTION

Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV Vessel at Portland Pier.

Application was filed on 6/20/2019. New City and State applications.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Rocky Bottom Tours
2. 20190626112105134

Prepared by:

Date: 7/2/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDE
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**ING MUNICIPAL OFFICERS’
APPROVAL OF:**

**Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV
Vessel at Portland Pier.**



Monday, June 17, 2019

Dear Mayor Strimling and all City Council members,

We are the owners of Rocky Bottom Tours, a family-based lobster tour demonstration company. We provide daily excursions in Casco Bay, showcasing the art of catching lobsters. The first three tours of the day are strictly for demonstrations where traps will be hauled, guests can see and touch the catch, and watch as the trap is then baited and set back into the water. The last two tours of the day consist of a happy hour cruise and a sunset cruise. These two tours are where the liquor license comes into play.

We would like the opportunity to sell beer and wine during these hour and a half trips around Casco Bay. We believe these tours will be fully enjoyed by guests and have an intimate feel as the boat is licensed to carry 12 passengers. The sites of Portland, the bay, its' islands and historical landmarks are beautiful to see, especially by boat, and a lobster boat at that. We are fully committed to providing a unique experience to those visiting the Portland area and to those who live in the Portland area.

The liquor license will apply to the boat only and any consumption of alcohol will not be permitted off the boat.

We sincerely hope you consider our request and agree to the terms of this business. We welcome any questions and invite all to check out Rocky Bottom Tours this summer.

Many thanks,
Eric & Kate-Lyn Knight
Rocky Bottom Tours



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information						
Business Name (d/b/a):	Rocky Bottom Tours	Phone:	671-4344			
Location Address:	Fishing Vessel, docked on Portland Pier	Zip:	04101			
If new, what was formerly at this location:						
Mailing Address:	8 Pleasant Ave. Cape Elizabeth, ME	Zip:	04107			
Contact Person:	Kate-lyn Knight	Phone:	671-4344			
Contact Person Email:	Knight9157@gmail.com					
Manager of Establishment:	Kate-lyn Knight	Date of Birth:	02-10-89	Phone:	671-4344	
Owner of Premises (Landlord):	Eric Knight					
Address of Premises Owner:	8 Pleasant Ave. Cape Elizabeth, ME				Zip:	04107

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	
Rocky Bottom Tours LLC		8 Pleasant Ave. Cape Elizabeth ME Zip: 04107	
Contact Person:	Kate-lyn Knight	Phone:	207-671-4344
Principal Officers			
Title	Date of Birth	Residence Address	
Kate-lyn Knight	Manager	02-10-89	8 Pleasant Ave. Cape Elizabeth ME
Class of Liquor License:			



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	None Lobster bakes, Lobster Rolls (fully cooked)	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food:	Generated from Alcohol:
Hours & days of operation:	Daily	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N ☒	
If No, please explain:	We will not be providing full course meals daily	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N ☒	
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N ☒	
Will you permit dancing on the premises?	Y/N ☒	
Will you permit dancing after 1:00 a.m.?	Y/N ☒	
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N ☒	
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?	Y/N ☒	
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?	Middle of June 2019 - July 1, 2019	
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N ☒	
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N ☒	
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?	Y/N ☒	
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N ☒	
If Yes, please explain:		

I Kate-Lyn Knight 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 Kate-Lyn Knight Title Manager Date 5/30/19

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

bl@portlandmaine.gov • www.portlandmaine.gov



Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station
Augusta, ME 04333-0008
Telephone (207) 624-7220 Fax: (207) 287-3434
Email inquiries: MaineLiquor@Maine.gov

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

PRESENT LICENSE EXPIRES _____

- ☐ Public Service, Class I Spirituous, Vinous & Malt.....\$900.00
☐ Public Service, Class II Spirituous Only.....\$550.00
☒ Public Service, Class III Vinous Only\$220.00
☒ Public Service, Class IV Malt Liquor Only\$220.00
☒ Filing Fee\$10.00

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Rocky Bottom Tours Inc.			Business Name (D/B/A) Rocky Bottom Tours		
APPLICANT(S) –(Sole Proprietor) Eric Knight		DOB: 10/12/88	Physical Location: Portland Pier		
DOB: Kate-Lyn Knight		2/10/89	City/Town Portland	State ME	Zip Code 04101
Address 8 Pleasant Ave.			Mailing Address ←		
City/Town Cape Elizabeth	State ME	Zip Code 04107	City/Town	State	Zip Code
Telephone Number 207-671-4344		Fax Number	Business Telephone Number 207-671-4344		Fax Number
Federal I.D. # EIN 84-1760676			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print Knight9157@gmail.com					

1. Has applicant ever held a liquor license, which was revoked? ☐ Yes ☒ No

If Yes, give date and record _____

2. Has applicant ever been refused a license by this Division? ☐ Yes ☒ No

3. Is applicant a Corporation, Limited Liability Co. or Limited Partnership? ☒ Yes ☐ No

If **Yes**, complete Corporate Information Required for Business Entities who are licensees.

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

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License #	Name of Business
-----------	------------------

Physical Location	City / Town
-------------------	-------------

Use an additional sheet(s) if necessary.

5. If business is **New** indicate opening date: July 1, 2019

6. The undersigned hereby applies for a license as Tour Boat to sell alcoholic beverages.
(Steamboat, Railroad Dining Cars, Pullman Cars or Aircraft)

X Dated at Portland ME on 6/24 2019
Town/City State Month/Day Year

X Kathleen Kays
Signature(s) of Applicant(s) or Corporate Officer

Kate-Lyn Knight
Printed Name of Applicant(s) or Corporate Officer

NOTE: A separate approval must be obtained for **each** municipality in which you desire to sell and dispense alcoholic beverages. All applications approved by municipal officers must be submitted to the Liquor Licensing & Enforcement Division before alcoholic beverages may be dispensed in any port.



MUNICIPAL APPROVAL FOR PORT OF CALL – VESSELS

(To permit consumption while in port or docked at each additional municipality.)

The undersigned hereby applies for permission to sell and dispense alcoholic beverages aboard the vessel:

1. Name of Vessel: Wild Duck
2. Name of Licensee: Eric Knight
3. License No: 9157 DBA Name: _____

In port or docked in the port of: Portland Maine
(City/Town) (State)
pursuant to 28A MRSA, Section 1077.

Dated at: _____ on _____, 20____
(City/Town, State) (Date) (Year)

PLEASE SIGN IN BLUE INK


Signature of Owner/ Corporate Officer

ERIC L KNIGHT
Printed Name of Owner/ Corporate Officer

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, MRSA

NOTE: A separate approval must be obtained for **each** municipality in which you desire to sell and dispense alcoholic beverages. All applications approved by municipal officers must be submitted to the Liquor Licensing & Enforcement Division before alcoholic beverages may be dispensed in any port.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

THIS APPROVAL EXPIRES IN 60 DAYS

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008 (Regular Mail)
10 Water Street, Hallowell, ME 04347 (Overnight Mail)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov



ON PREMISE DIAGRAM
(Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • **Entrances** • **Office area** • **Kitchen** • **Storage Areas** • **Dining Rooms** • **Lounges** • **Function Rooms** • **Restrooms** • **Decks** • **All Inside and Outside areas that you are requesting approval.**

*See attached

Diagram of FV Wild Duck
Liquor License Intent

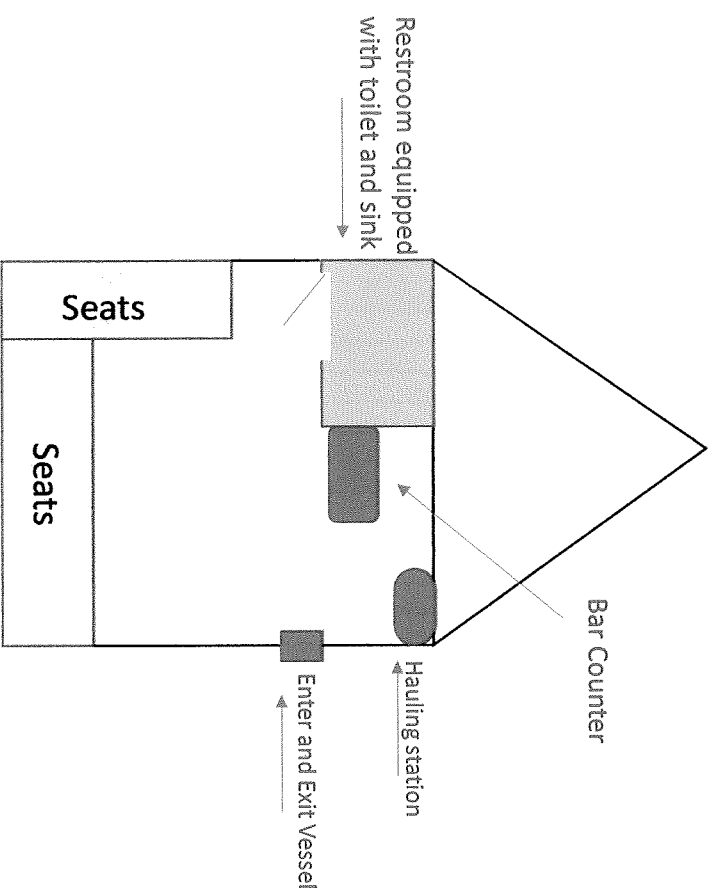
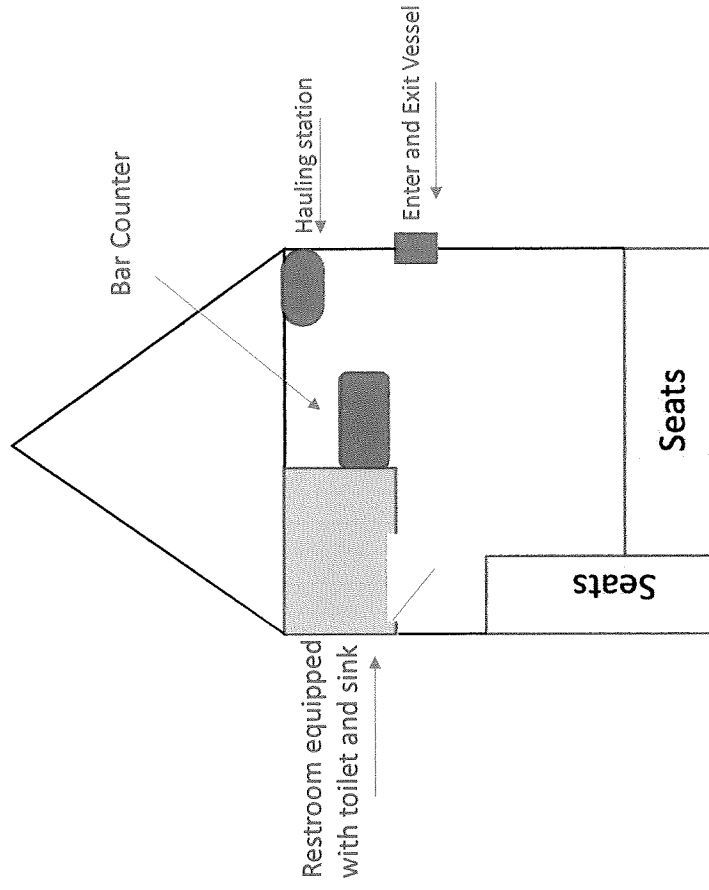
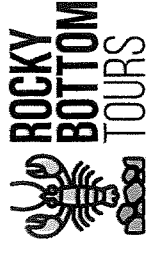


Diagram of FV Wild Duck
Liquor License Intent





Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: **Rocky Bottom Tours, Inc.**
2. Doing Business As, if any: **12 Passenger Vessel Tours on a Lobster Vessel for demonstration purposes**
3. Legal Entity's FEIN #: **84-1766676**
4. Date of filing with Secretary of State: **5/13/19** State in which you are **formed: Maine**
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Kate-Lyn Knight	8 Pleasant Ave. Cape Elizabeth, Maine	02-10-89	Manager	
Eric Knight	8 Pleasant Ave. Cape	10-12-1988	Owner	100%

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

7. If Co-Op # of members: _____ (list primary officers in the above boxes)
8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States? ☐ Yes ☒ No
9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK

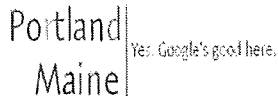
Kate-Lyn Knight
Signature of Owner or Corporate Officer

5/30/19
Date

Kate-Lyn Knight
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Rocky Bottom Tours

Dan Hondo <danh@portlandmaine.gov>

Sat, Jun 22, 2019 at 5:12 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Approved by police

-Dan

On Fri, Jun 21, 2019 at 3:56 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Afternoon

Please see the attached application for a Vessel Class III & IV. This will go before City Council on 7/15/2019. Please advise with approvals.

Tom/Eric/Ben- No Health or Grease Trap required for this- Just an FYI

Thanks Jess

Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E020721

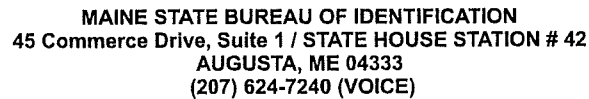
Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-06-21) :

Inquiries Name(s) **KATE-LYN KNIGHT (1989-02-10)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



Transaction Response #: MIQ99E020719

Introduction

Inquiries Name(s)	ERIC KNIGHT (1988-10-12)
-------------------	--------------------------

1/1



CITY OF PORTLAND
Permitting and Inspections Department

June 25, 2019

Rocky Bottom Tours LLC
8 Pleasant Ave
Cape Elizabeth ME 04107

Re: Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV Vessel at Portland Pier.

Dear Kate-Lyn Knight,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 15, 2019 at 4:00 p.m.**, for the review of application for a Class III & IV Vessel at Portland Pier. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 15, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., Rocky Bottom Tours LLC dba Rocky Bottom Tours. Application for Class III & Class IV Vessel at Portland Pier. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 2, 2019

SUBJECT: Order 9-19/20 Granting Municipal Officers' Approval of Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue - Sponsored by Jon P. Jennings.

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 no why not?)

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

I. SUMMARY

II. AGENDA DESCRIPTION

Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue.

Application was filed on 6/24/2019. New City application. Applicant currently holds an Auditorium with Entertainment with Dance and After Hours Entertainment.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Sun Tiki
2. 20190701081338596

Prepared by:

Date: 7/2/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDE
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**ING MUNICIPAL OFFICERS’
APPROVAL OF:**

**Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with
Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private
Property at 375 Forest Avenue.**

Sun Tiki Studios
375 Forest Ave.
Portland, ME 04101

6/15/2019

Dear Mr. Mayor,

We are looking to add a small patio on the Forest avenue side of Sun Tiki Studios to allow our customers to enjoy the outdoors while sipping an alcoholic beverage. We have plenty of space to add a small patio on private property not infringing on the public walkway. Granting us this privilege will allow for better crowd control and enhanced management of the outdoor aspect of our venue as we enter into summer. Thank you in advance for considering this moderate change and for the seamless cooperation from the City of Portland to date.

All the best,
Cecil Gardner
Co-founder - Sun Tiki Studios





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):	SUN TIKI STUDIOS	Phone:	207-329-5621		
Location Address:	375 FOREST AVE PORTLAND, ME		Zip: 04101		
Mailing Address:	"		Zip:		
Contact Person:	CECIL GARDNER	Phone:	207-838-1333		
Contact Person Email:	SUNTIKI EVENTS@GMAIL.COM				
Manager of Establishment:	IAN SMITH	Date of Birth:	6/8/1965	Phone:	207-329-5621
Owner of Premises (Landlord):	375 FOREST LLC				
Address of Premises Owner:	375 FOREST AVE PORTLAND ME		Zip: 04101		

Owner Information

Corporate Name		Corporate Mailing Address	
SUNTIKI STUDIOS LLC		375 FOREST AVE PORTLAND ME Zip: 04101	
Contact Person:	IAN SMITH	Phone:	207-329-5621
Principal Officers	Title	Date of Birth	Residence Address
OWNER			
IAN SMITH	OWNER	6/8/1965	33 TURNER ST. PORTLAND 04101



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS 3 AUDITORIUM / CLASS 4 AUDITORIUM
Type of food served:	NONE
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor
Hours & days of operation:	MTWTHFSS 7 DAYS
Number of Tables	8 MAX
Number of Chairs	16 MAX

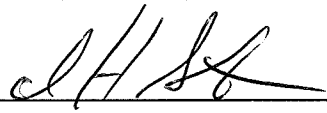
Design and Construction

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

Maintenance and Operations

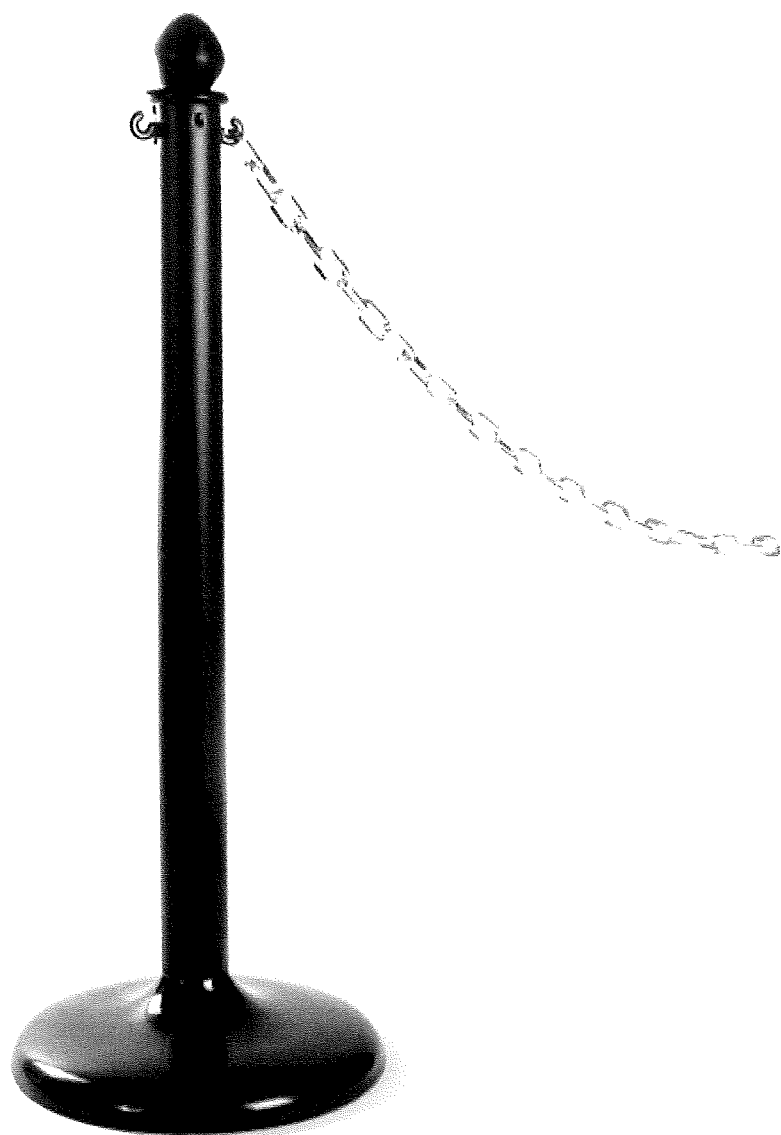
- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating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

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

Signature  Title OWNER Date 6/15/2019

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: _____	



PREBLE STREET EXTENSION

3199/1 3078/764

STREET LINE BASED ON MONUMENTATION FOUND

ESPLANADE

STOKES BROTH INVESTMEN

7249/87

NOT PAVED

BIT. CURB

LINED PARKING SPACES

PAVEMENT

103

50.00'
S39°45'00"E

PAVEMENT

104

PAVEMENT

105

#375-377

MICHAEL D. KAPLAN
11,598/129

7,839 SQ. FT.

1 STORY MASONRY

SIDE OF BUILDING
FREE 0.05'±

ELEC.
METER

PAVEMENT

50.00'

S39°45'00"E

CONC.

SIGN
POST

GRASS

SIGN

50.00'

GRANITE CURB

88

87

#369

STOKES BROTH INVESTMEN

7249/87

1 STORY MASO

N50°15'00"E

100.00'

100.00'

ELEC. CABLE

N50°15'00"E

CONC. SIDEWALK
N50°15'00"E

GRASS

72.92'

GRASS

#23

WALK
LIGHT

#47

DRILL HOLE IN
CONC. SIDEWALK

40'±

11+15

11+33

38'

38'

72'

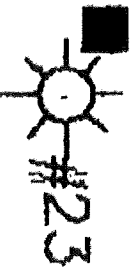
C3

C1

#22

#21

GUYS



GRASS

CONC.

N50°15'

72.

GRASS

1 STORY MASONRY

SIDE OF BUILDING
FREE 0.05'±

ELEC.
METER

WALK
LIGHT



Ø #47

CONC.

8'

20'

CONC.

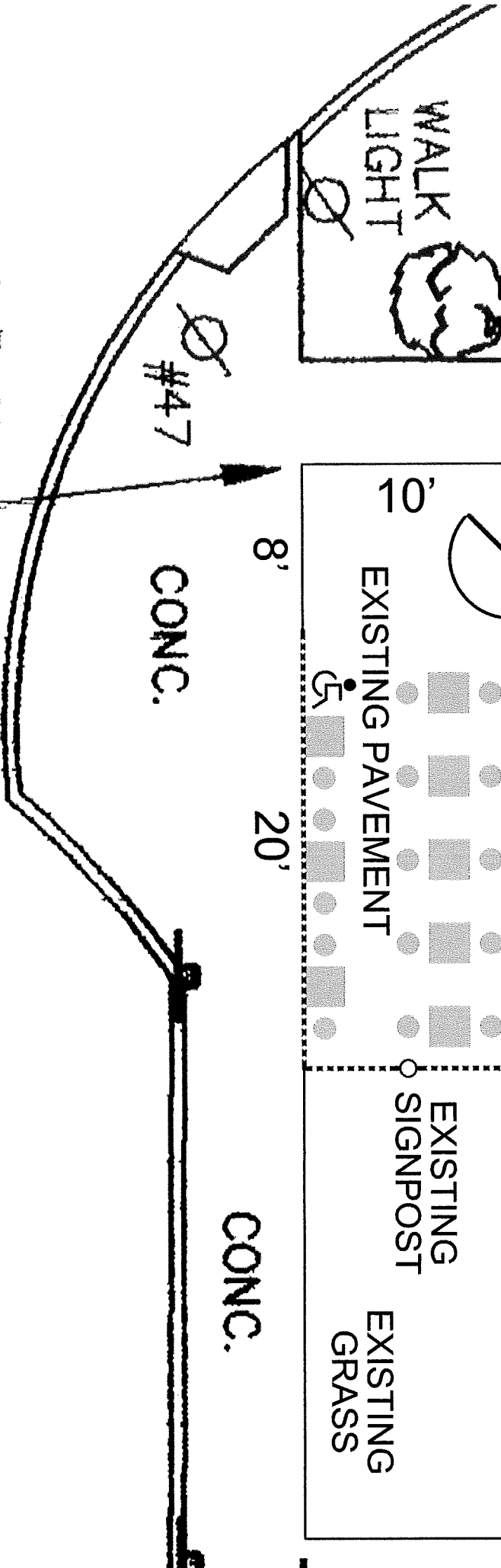
EXISTING PAVEMENT

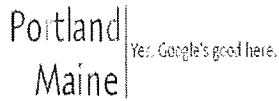
EXISTING
SIGNPOST

EXISTING
GRASS

10'

DRILL HOLE IN
CONC. SIDEWALK





Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Sun tiki**Dan Hondo** <danh@portlandmaine.gov>

Mon, Jul 1, 2019 at 7:58 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issue on PD side

On Mon, Jul 1, 2019 at 7:40 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

I need an approval for this asap please

Jessica Blais Hanscombe

Licensing and Housing Safety Manager

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

----- Forwarded message -----

From: **Jessica Hanscombe** <jhanscombe@portlandmaine.gov>

Date: Tue, Jun 25, 2019 at 10:17 AM

Subject: Sun tiki

To: Aaron Bridges <bridgesa@portlandmaine.gov>, Dan Hondo <danh@portlandmaine.gov>, Danielle Buck <dbuck@portlandmaine.gov>, David Nichols <nicholsd@portlandmaine.gov>, David Petrucci <petruccid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Jeanie Bourke <jmb@portlandmaine.gov>

Good Morning

Please see the attached application for Sun Tiki Studios for Outdoor Dining on Private Property. They will be going before council on 7/15. Please advise. Jessica

Jessica Blais Hanscombe

Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

--
Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



CITY OF PORTLAND
Permitting and Inspections Department

June 25, 2019

Sun Tiki Studios LLC
375 Forest Ave
Portland ME 04101

Re: Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue.

Dear Cecil Gardner,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday July 15, 2019 at 4:00 p.m.**, for the review of application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

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

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on July 15, 2019 at 4:00P.M., in City Council Chambers, 389 Congress St., Sun Tiki Studios LLC dba Sun Tiki Studios. Application for an Auditorium with Entertainment with Dance, After Hours Entertainment and Outdoor Dining on Private Property at 375 Forest Avenue. Sponsored by Jon P. Jennings, City Manager.

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**RESOLUTION SUPPORTING THE TITLE VII
DISCRIMINATION PROTECTION FOR LGBTQ WORKERS AMICUS BRIEF**

WHEREAS, the City Council of Portland, Maine, recognizes that no one in the city should suffer discrimination on the basis of sexual preference; and

WHEREAS, the City Council of Portland, Maine, approved the Human Rights provisions in its Code of Ordinances, Chapter 13.5, on May 11, 1992, which states that discrimination on the basis of sexual orientation in employment, housing, and the provision of credit or public accommodations is prohibited; and

WHEREAS, the City Council passed Resolve 16-08/09 on April 27, 2009 supporting state legislation legalizing same-sex marriage; and

WHEREAS, Maine same-sex couples have had the right to marry since 12:01 a.m. on December 29, 2012; and

WHEREAS, the City of Portland has also previously participated in federal lawsuits that seeks to support these rights, including freedom from discrimination in the marketplace; and

WHEREAS, workplace sex discrimination harms the city's gay, lesbian, bisexual, transsexual and queer residents, and the City is impacted by this harm when, among other things, it must support, shelter, and care for these victims of discrimination;

WHEREAS, Mayors Against LGBTQ Discrimination, an organization working to fight discrimination against Lesbian Gay Bisexual Transgender and Queer, or questioning their sexual identity, (LGBTQ) persons in the United States, has asked the City of Portland to sign an amicus brief in a case coming before the United States Supreme Court supporting the use of Title VII nondiscrimination protections;

NOW, THEREFORE, BE IT RESOLVED, that the Portland City Council hereby authorizes the City of Portland to join the amicus brief in the cases of R.G. & G.R. Harris Funeral Homes Inc. v. EEOC & Aimee Stephens; Altitude Express Inc. v. Zarda; and Bostock v. Clayton County, prepared by a coalition of local jurisdictions, including the City of Los Angeles and the County of Santa Clara, with the assistance of the Public Rights Project; and

BE IT FURTHER RESOLVED, that Corporation Counsel or her designee may sign the amicus brief on the City Council's behalf.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 9, 2019

SUBJECT: Order 285-18/19 Amendment to Portland City Code Chapters 4 and 15 Re: Entertainment Sound Ordinance - Sponsored by the Health and Human Services and Public Safety Committee, Councilor Belinda S. Ray, 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: Yes Yes.

PRESENTATION: Councilor Belinda Ray will present a first read.

I. SUMMARY

The ordinance would update entertainment licenses, changing the with or without dance distinction to distinguish between indoor and outdoor events with updated limits on existing sound levels (A weighted decibels), including added bass limits (C weighted decibels).

II. AGENDA DESCRIPTION

The Health and Human Services & Public Safety Committee met on May 14, 2019 and voted 3 to 0 to recommend passage to the full Council.

This order would update entertainment licenses, changing the with or without dance distinction to updated indoor and outdoor licensees with limits on sound levels, including bass.

This item must be read on two separate days. It was given a first reading on June 17, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Sound and noise in the City has been a significant concern for both the Health and Human Services & Public Safety Committee and staff. This order is part of a process seeking to address noise concerns in the City. Acentech, the City's sound contractor, used sound monitoring equipment to help inform the this and the Sound Oversight Committee's actions. Steps addressing noise were taken throughout this process; the recommendation this order makes is one component intended to help Portland be a community to visit and to reside.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to reduce noise complaints. To accomplish this, the order seeks to facilitate compliance on the front end of the event planning process via sound mitigation plans. On the back end, the dBc limit that addresses bass levels, the type of sound which comprises the majority of noise complaints, will facilitate enforcement.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

Passage of the amendment.

VIII. LIST ATTACHMENTS

1. Sound ordinance - Ch. 15
2. Sound ordinance redline - Ch. 4
3. UPDATED ACENTECH - CITY OF PORTLAND SOUND MONITORING REPORT 2018-01-22
4. CITY OF PORTLAND - SUMMARY OF SOUND MONITORING PROGRAM-1B (1)
5. 2018-03-12 SOUND MEMO
6. Chapter 4 Re Entertainment Sound Ordinance 6.17.2019

Prepared by:

Date: 7/9/2019

Sec. 15-12. Fees and expiration dates.

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

...

Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$940.00	June 30
Ch. 3, Art. III	Brewery, Winery and Distillery License (must obtain FSE and/or special entertainment if applicable)	\$525.00	Concurrent with state liquor license

...

Ch. 4, Art. III	Music, dancing and special eEntertainment:		
	Entertainment with dancing	\$529.00	Twelve months or concurrent with state liquor license or with any city license
	Entertainment without dancing	\$295.00	Twelve months or concurrent with state liquor license or with any city license
	After-hours Entertainment	\$595.00	Twelve months Or concurrent with state liquor license or with any city license
	Dance hall	\$147.00	June 30
	Concert hall	\$147.00	June 30
	Single dance with alcohol or with	\$38.00	Per dance

	greater than 100 attendees		
	Single concert with alcohol or with greater than 100 attendees	\$38.00	Per concert
	<u>Single Entertainment Event - Private Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Single Entertainment Event - Public Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Indoor Entertainment</u>	<u>\$500</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Outdoor Entertainment</u>	<u>\$700</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Combined Entertainment</u>	<u>\$800</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Expanded Entertainment Addendum</u>	<u>\$100</u>	<u>Per event</u>

Sec. 15-21. Renewal hearings for state liquor licenses, or name changes, ~~or special entertainment licenses~~.

The City License Administrator is authorized to approve the renewal of State liquor licenses, name changes, ~~or special entertainment licenses~~, or any changes in license classification other than a change allowing the sale of spirituous alcohol, without holding a hearing, unless the License Administrator determines that hearing is necessary, or has received a request from a member of the City Council or a City official for a

hearing on a specific application. Hearings shall be held by the City Council.

ARTICLE III. MUSIC, DANCING AND SPECIAL ENTERTAINMENT*

*State law reference(s)--Dances, 8 M.R.S.A. § 161 et seq.; special permit for music, dancing or entertainment, 28 M.R.S.A. § 702.

DIVISION 1. GENERALLY

Sec. 4-41. Purpose.

The purpose of this article is to control the issuance of special permits for ~~entertainment.music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and permits for after-hours entertainment and to control the operation of dance halls, concert halls, single dances and single concerts.~~

(Code 1968, § 907.1; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 165-06/07, 4-4-07)

Sec. 4-42. Definitions.

Terms used in this article shall have their common meanings except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

~~After hours entertainment shall mean music, dancing, or entertainment provided between the hours of 1:00 a.m. and 7:00 a.m.~~

~~Concert shall mean the presentation of live or amplified music for the entertainment of a live audience gathered specifically for that entertainment.~~

~~Concert hall shall mean any building, room or hall which is kept or used for concerts open to the public.~~

~~Dance shall mean every dance not held in a private residence; other than a class in which instruction in dancing is given for hire, or any dance held in a school hall under direct supervision of school authorities, or any dance conducted by and exclusively for the benefit of any bona fide charitable organization.~~

~~Dance hall shall mean any building, room, hall, or other public place which is kept or used for public dancing, or which~~

~~for compensation paid directly or indirectly to the owner, manager, or operator thereof, men, women or children are permitted to engage in dancing.~~

Entertainment shall mean and include any event to which the public is invited or allowed to watch, listen to, or participate in; or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons or guests, including, but not limited to any of the following:

1. Dancing by patrons to live or recorded music;
2. The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as 'disc jockey' or 'DJ';
3. The playing of background music, except where the background music cannot be heard beyond the limits of the premises on which the music is being played;
4. The presentation of live music whether amplified or unamplified;
5. The presentation of music concerts, or other similar forms of musical entertainment from any source; or
6. Any other live performance, including, but not limited to, presentations by single or multiple performers, such as hypnotists, comedians, dance arts, concerts, dances, live bands, karaoke or other live music.

~~amusement, performance, or exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.~~

Indoor Entertainment shall mean entertainment that is conducted within a fully enclosed building or structure, including ensuring that all windows and doors remain closed during the time that entertainment is occurring.

Outdoor Entertainment shall mean entertainment that is conducted outside of a fully enclosed building or structure, or is conducted within a building or structure in any manner such that the sound generated by that entertainment is intentionally projected outside of that building or structure.

(Code 1968, § 907.3; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 165-06/07, 4-4-07)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 4-43. Reserved.
Sec. 4-44. Reserved.
Sec. 4-45. Reserved.
Sec. 4-46. Reserved.
Sec. 4-47. Reserved.
Sec. 4-48. Reserved.
Sec. 4-49. Reserved.
Sec. 4-50. Reserved.

DIVISION 2. LICENSE*

*Cross reference(s)--Licenses and permits generally, Ch. 15.

Sec. 4-51. Required.

(a) No person ~~licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises.~~ shall conduct, or permit to be conducted on a premises or other location owned or controlled by that person, any entertainment without first obtaining a license as provided in this Article.

(b) Single Event Entertainment License - Private Property. A Single Event Entertainment License - Private Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period at the premises for which the license is issued. No more than five Single Event Entertainment Licenses may be issued for events at any one premises in any twelve-month period.

(c) Single Event Entertainment License - Public Property. A Single Event Entertainment License - Public Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period on City-owned property. Multiple events by the same party and on the same City-owned property may be combined into one license.

(d) Indoor Entertainment License. An Indoor Entertainment License shall allow the licensee to conduct indoor entertainment only at the premises for which the license is issued.

(e) Outdoor Entertainment License. An Outdoor Entertainment License shall allow the licensee to conduct outdoor entertainment only at the premises for which the license is issued.

(f) Combined Entertainment License. A Combined Entertainment License shall allow the licensee to conduct indoor and/or outdoor entertainment at the premises for which the license is issued.

(g) Expanded Entertainment Addendum. An Expanded Entertainment Addendum shall be in addition to any entertainment license and shall allow the licensee to conduct after-hours entertainment and/or to exceed the applicable sound limits. Expanded Entertainment Addendum shall be at the sole discretion of the City Council.

~~After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:~~

- ~~(1) Operations under such separate license shall end at 3:00 a.m.~~
- ~~(2) Establishments that have a liquor license shall limit attendance to individuals who are at least 21 years old. Establishments that do not have a liquor license shall limit attendance to individuals who are at least 18 years old.~~
- ~~(3) Any applicant for an after-hours entertainment license shall meet with the police department for review of the security plan and a site visit before the license is brought before the city council.~~
- ~~(4) The license shall allow no more than twenty-four (24) after hour events per calendar year.~~
- ~~(5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the Permitting and Inspections Department during normal business hours specifying the date upon which the event will be held.~~

~~The Permitting and Inspections Department will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.~~

~~(c) Exceptions: Upon application for a license for a single event, the council may allow after hours entertainment to take place after 3:00 a.m. for a public purpose and may permit individuals under the age of 21 to attend the event, subject to such conditions, if any, that the council imposes to protect the public health, safety and welfare. Any events permitted under this paragraph will not count as one of the twenty-four events per year allowed by section (b)(4) above.~~

~~(d) No person shall conduct, maintain or operate a dance hall or a concert hall, as defined in section 4-42 of this code, without a license.~~

~~(e) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on private property, where greater than 100 attendees are anticipated, or where alcohol will be consumed, without a license.~~

~~(f) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on public property without a license from the Parks, Recreation, and Facilities Department.~~

(Code 1968, § 907.2; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Substitute Ord. No. 310-A-01, § 1, 8-20-01; Ord. No. 165-06/07, 4-4-07; Ord. No. 250-07/08, 5-19-08; Ord. No. 163-11/12, 5-7-12; Ord. No. 165-15/16, 3-7-2016; Ord. No. 18-17/18, 8-21-2017)

***Editor's Note:** Sections 4-51.5 thru 4-51.7 *Moratorium on issuance of late-night entertainment licenses* expired on October 17, 2006, pursuant to Ord. No. 216-05/06, passed on 6-5-06.

Sec. 4-52. Application.

(a) Application for a license under this division shall, in addition to the requirements of chapter 15, be submitted on forms provided by the City. Applications shall specifically include contain:

- (1) ~~†~~The name and contact information of the owner or person in control of the building and/or premises;
- (2) The name and contact information of the person responsible for the entertainment, who shall be available to respond to inquiries of the City at all times while entertainment is taking place;
- (3) ~~†~~The location of the premises;
- (4) ~~a~~A plan of the premises, giving in detail the dimensions and diagram of space to be used for dancing, seating, dressing rooms, check rooms, toilet rooms, and means of egress entrances, exits, stairways and fire escapes.

Applicants must provide all required information and pay all required fees before a license application will be considered.

(b) Location of Application. Applications for a Single Event Entertainment License - Public Property shall be submitted to the Parks, Recreation, and Facilities Department for approval. All other applications shall be submitted to the Permitting and Inspections Department.

(c) Timing of Application. Applications must be submitted no later than the following:

- (1) For a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property, a complete application, including license fee and noise deposit, must be submitted no later than seven business days prior to the licensed event.
- (2) For all other licenses, a complete application, including license fee, sound mitigation plan, and review fee, must be submitted no later than four weeks prior to the City Council Meeting at which the applicant wishes the application to be considered.

(d) Noise Deposits. Applications for a Single Event Entertainment License - Private Property and Single Event Entertainment License - Public Property must include a noise deposit as follows:

- (1) The noise deposit must be paid before a Single Event Entertainment License will be issued.
- (2) The noise deposit shall be calculated based on the reasonably anticipated number of attendees:

<u>Anticipated Attendees</u>	<u>Noise Deposit</u>
<u>Less than 200</u>	<u>\$100</u>
<u>200-500</u>	<u>\$250</u>
<u>500-1,000</u>	<u>\$500</u>
<u>1,000+</u>	<u>\$1,000</u>

(3) The noise deposit shall be double the amount listed above for any licensee who has forfeited a noise deposit within the previous two years.

(4) The noise deposit shall be forfeited automatically, and in the City's sole discretion, if the licensee fails to adequately mitigate any noise impacts of the event after being given notice of the impact by the City and an opportunity to correct.

(5) Forfeiture of the noise deposit shall be in addition to any civil penalties or other remedies provided for in this Code, including the denial of a future license.

(e) Sound Mitigation Plan.

(1) A sound mitigation plan shall be required for the following applications:

(i) All initial applications for an Outdoor Entertainment License;

(ii) All initial applications for a Combined Entertainment License;

(iii) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and

(iv) All renewal applications that are required to go before the City Council for consideration.

(2) A sound mitigation plan shall consist of the following:

(i) The sound mitigation plan must be prepared and certified by a professional sound engineer with appropriate experience and training.

(ii) The sound mitigation plan shall be designed to minimize the impact of entertainment on the surrounding uses, and detail the methods by which the applicant will accomplish those goals.

(iii) The sound mitigation plan shall include, at a minimum, speaker location and direction; sound system details and controls; stage and site layout and direction; any noise cancelling or mitigating measures proposed; and anticipated sound readings at the proposed source of the sound, at a location 8' from the means of egress located nearest to the noise source and/or 8' from any outer wall of the premises (for indoor entertainment), at each property line of the premises (for outdoor entertainment), and at the closest residence.

(iv) The sound mitigation plan shall require an on-site monitor when the number of attendees at an entertainment event is expected to exceed, or does exceed, 250. The on-site monitor shall be equipped with a dedicated SPL meter, and shall be available to respond to any inquiry of a City official during the time that the entertainment is being conducted.

(5) The City and/or its designee will review the sound mitigation plan and will provide written recommendations to the City Council with respect to the proposed sound mitigation plan and license application. The applicant shall pay a sound mitigation review fee, as established by the City Council, to cover the costs of review.

(6) The applicant shall be responsible for the City's cost of reviewing the sound mitigation plan.

(7) Compliance with the sound mitigation plan, as approved by the City Council, shall be a condition of the applicant's license, if granted.

(Code 1968, § 907.4; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

Sec. 4-53. Hearings.

(a) A public hearing shall be held prior to issuance of ~~any original license under this division other than a single dance license or a single concert license~~the following:-

(i) All initial applications for an Outdoor Entertainment License;

(ii) All initial applications for a Combined Entertainment License;

(iii) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and

(iv) All renewal applications that are required to go before the City Council for consideration in accordance with subsection (b) below.

(b) At the request of the City Manager or his/her designee, or at the request of any member of the City Council or the Mayor, a public hearing shall be held prior to the issuance of any renewal under this division other than a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property.

(Code 1968, § 907.5; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95)

Sec. 4-54. Appeals.

Appeal from the denial, suspension revocation or issuance with a condition or conditions of an entertainment license to a person ~~licensed by the state to sell liquor~~ shall be taken to the municipal board of appeals within thirty (30) days of such denial, suspension or revocation. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, suspension or revocation was arbitrary or capricious. If a license is issued with a condition or conditions and the board concludes that the condition or conditions do not protect the public health, safety or welfare or are arbitrary or capricious, the board shall refer the license back to the city council to determine whether the license will issue without the condition or conditions or whether the application will be denied. ~~The denial, suspension revocation or issuance with a condition or conditions of all other licenses or permits required hereunder shall be to the superior court under the provisions of Maine Rules of Civil Procedure 80B.~~

(Code 1968, § 907.6; Ord. No. 231-80, 12-22-80; Ord. No. 34-95, 7-5-95; Ord. No. 186-02/03, 4-7-03)

Sec. 4-55. Duration.

(a) *Granting of Licenses.* Licenses shall be granted, denied, suspended, revoked, or granted with a condition or conditions as necessary to protect the public health, safety and welfare and in accordance with chapter 15, except for the following, but in the case of a special entertainment license, it:

- (1) A Single Event Entertainment License - Public Property shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the Parks, Recreation, and Facilities Department.
- (2) An Expanded Entertainment Addendum shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the city manager.

(b) *Expiration of Licenses.* Licenses shall be valid for one year from the date they are granted, except in the following situations:

- (1) Where the licensee holds a state liquor license or a municipal bottle club license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the respective state license ~~to sell alcoholic beverages~~ or the municipal bottle club license, as the case may be, prior to the expiration of the one-year period.
- (2) Where the licensee does not hold a state liquor license or a municipal bottle club license, but does hold a food service establishment license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the food service establishment license prior to the expiration of the one-year period.
- (3) Chapter 15 notwithstanding, the city council may also grant temporary entertainment licenses for a period of less than one (1) year when, in its sole discretion, it determines that one (1) or more trial periods is necessary to evaluate the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety and welfare.

(Code 1968, § 907.7; Ord No. 231-80, 12-22-80; Ord. No. 92-95, 10-16-95; Ord. No. 186-02/03, 4-7-03; Ord. No. 165-06/07, 4-4-07)

Sec. 4-56. Reserved.

*Editor's Note: Pursuant to Order 165-06/07, passed on 4-4-07 this section was relocated to section 4-1.

DIVISION 3. STANDARDS FOR ENTERTAINMENT PURSUANT TO A LICENSE

Sec. 4-57. Conditions; sound and noise limitation.

(a) Any other provision of this Code notwithstanding, a licensee shall not allow the licensed activity or any other activities on the licensed premises to generate sound or noise that exceeds either of the following standards without an Expanded Entertainment Addendum:

(1) Eighty-five (85) dBA; and

(2) Ninety-five (95) dBC.

(b) The standards set forth in subsection (a) above shall be measured as follows:

(1) For indoor entertainment, measurements shall be taken ~~ninety-two (92) decibels, A-weighted, averaged over one (1) minute, when measured~~ eight feet (8') from the means of egress located nearest to the noise source and/or 8' from any outer wall of the premises.

(2) For outdoor entertainment, measurements shall be taken from the property line of the premises nearest to the noise source and/or nearest to the complainant's location, if any., ~~or eight feet (8') from the noise source if it is generated outdoors.~~

(c) A licensee shall not allow the licensed activity to be conducted outside of the following times without an Expanded Entertainment Addendum.

(1) Outdoor entertainment, Sunday through Thursday: 8 a.m. to midnight;

(2) Outdoor entertainment, Friday through Saturday: 8 a.m. to 1 a.m. the following day; and

(3) Indoor entertainment: 8 a.m. to 1 a.m. the following day.

~~—The city council may impose conditions for protecting the public health, safety and welfare on any entertainment license it issues.~~

(Ord. No. 34-95, 7-5-95; Ord. No. 186-02/03, 4-7-03; Ord. No. 23-10/11, 9-13-10)

Sec. 4-57.1. Sound oversight committee.

(a) There shall be a sound oversight committee of four (4) members appointed by the city council. One (1) member shall be a city employee nominated by the city manager; one (1) member shall be a police officer nominated by Portland's Downtown District board; and one (1) member shall be an entertainment licensee nominated by the nightlife oversight committee. The police officer shall be the chair of the sound oversight committee and shall be a non-voting member, except that the police officer shall cast the tie-breaking vote in the event of a tie.

(b) The sound oversight committee shall meet with ~~new~~ entertainment license applicants and licensees when ~~the license application is~~ referred to the ~~team committee~~ either by the city council or by the nightlife oversight committee. The sound oversight committee shall make recommendations to the applicant or licensee regarding actions it can take to mitigate noise and shall make any recommendations regarding noise mitigation it deems necessary to the city council for consideration.

(c) ~~Whenever the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding a particular entertainment licensed establishment a licensee exceeds the standards in § 4-57 of this Article,~~ the police department shall notify the licensee to meet with the sound oversight committee within five (5) business days from the date of the written notification, or such other time as is agreed upon by the sound oversight committee, to identify ways in which the noise problems which have been identified can be mitigated. The sound oversight committee shall notify ~~the any~~ complainants with respect to that licensee in the previous twelve months of the date and time of the meeting.

The licensee shall agree to take effective measures to address the noise issues as recommended by the sound oversight committee, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the sound oversight committee and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the sound oversight committee. Failure to implement the plan in a timely fashion or to comply with all recommendations in the plan will result in a recommendation by the sound oversight committee to the city council to place conditions on or revoke the establishment's entertainment license.

If ~~the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding~~ the same licensed establishment on a subsequent occasion again exceeds the standards in § 4-57 of this Article, then the sound oversight committee is under no obligation to meet with the licensee but may make recommendations to the city council licensing authority to place conditions on or revoke the entertainment license.

(d) The sound oversight committee may also meet with liquor license applicants upon referral by the city council or the nightlife oversight committee and may recommend noise mitigation measures to liquor licensees upon referral by the Portland police department or the city council.

(Ord. No. 23-10/11, 9-13-10)

Sec. 4-57.5. Restricted locations.

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

(Ord. No. 47-97, 8-4-97)

Sec. 4-58. Penalties.

In addition to suspending or revoking a license, the city may prosecute violations in court. A violation of this division Article shall be punished by a fine of five hundred dollars (\$500.00) for a first offense, one thousand dollars (\$1,000.00) for a second

offense and two thousand dollars (\$2,000.00) for a third or subsequent offense regardless of the time between offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this division by appropriate action. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorneys' fees and investigative costs.

(Ord. No. 34-95, 7-5-95)

Sec. 4-59. Applicability.

This division shall not apply to events held: ~~(a) in a private residence; (ab) in a class in which instruction in music is given for hire; (be) school sponsored events in a school~~ under supervision of school authorities; ~~(c) City sponsored events under the supervision of City authorities; or (d) by and exclusively for the benefit of any bona fide charitable organization.~~

(Ord. No. 34-95, 7-5-95)

Sec. 4-60. Severability.

The provisions of section 1-14 of this Code shall apply to this division.

(Ord. No. 34-95, 7-5-95)

***Editor's Note**-Pursuant to Council Order No. 63, 06/07 passed 10-16-06, the moratorium issued for late-night entertainment expired on November 20, 2006.

Sec. 4-61. Reserved.

Sec. 4-62. Reserved.

Sec. 4-63. Reserved.

Sec. 4-64. Reserved.

Sec. 4-65. Reserved.

Sec. 4-66. Reserved.

Sec. 4-67. Reserved.

Sec. 4-68. Reserved.



January 22, 2018

Kevin Schneck
Department of Parks, Recreation, and Facilities
212 Canco Road
Portland, ME 04103

Phone: 207-756-8433
Email: kschneck@portlandmaine.gov

Subject: City of Portland Baseline Sound Monitoring
Acentech Project No. 629174

Dear Kevin:

For a period of approximately three months spanning August 7th through December 12th, 2017, Acentech measured sound levels at 15 locations throughout the greater Portland, Maine community. This effort was in connection with an initiative in the City of Portland to document existing sound levels. This letter documents the preliminary results of our sound measurements.

SUMMARY

The attached Figure 1a illustrates where the 15 sound monitoring systems were placed throughout the community. The systems at locations 1 through 13 were installed the week of August 7, 2017 and retrieved on November 13th. Locations 14 and 15 in South Portland were installed on September 6th and were retrieved on December 11th. Photographs of each monitoring location are presented in Figure 1b.

The monitors logged A-weighted sound levels continuously at each location. Data statistics such as the maximum and average sound levels were saved in one minute intervals. For this report we have condensed the one minute samples into hourly averages, often called “equivalent sound levels” or L_{eq} . For each location, we have presented the overall hourly L_{eq} versus time for the three-month period of measurement for each monitor. We have identified noteworthy events in the Portland area, listed in Figure 2, in these charts. Further, we have compiled and presented the highest, average, and lowest L_{eq} for each hour of each day of the week to display daily trends.

Based on the measured hourly L_{eq} , we have calculated three summary descriptors for each day, including the average daytime sound level L_{day} , the average nighttime sound level L_{night} , and the average day-night sound level L_{DN} . These metrics summarize the overall levels of noise that the community is exposed to, and are parallel to those used in public health literature describing the effects of noise on people (see for example World Health Organization *Night Noise Guidelines for Europe*¹).

The sound levels we measured during this study are typical of urban and suburban communities. The summary figures contained in this report allow one to observe general trends in the acoustic environment at the 15 monitoring locations. More detailed investigations are possible with the tremendous amount of data that has been gathered in this study. We would be happy to discuss what further analyses may be helpful to you.

¹ http://www.euro.who.int/__data/assets/pdf_file/0017/43316/E92845.pdf

BACKGROUND

Measurement Equipment

Acentech has developed remote monitoring systems that we have deployed in many areas throughout the country for a variety of environmental noise studies. The systems are contained in an electronics enclosure about the size of a desktop computer and are built for outdoor or indoor use. The system hardware consists of a microphone with a windscreen, a data acquisition device, and a computer. The microphones were calibrated in the field upon installation and their calibrations were all verified at the end of the study.

The monitoring systems are typically powered from a standard AC wall plug, and include a cellular modem for remote access and communication. In this study most locations were powered by an outlet inside of a traffic control box or an outlet on a light pole. Locations 1, 6, 14, and 15 used available power provided by the site.

Acoustic Terminology

Our ears perceive sound by variations in pressure carried through a medium (air). Generally speaking, the louder the sound, the greater the variations in the sound pressure level. Sound pressure level (SPL) is measured in decibels (dB). Human hearing ranges from roughly 20 Hz to 20,000 Hz, spanning from very low frequency sounds ("bass") to very high frequency sounds ("treble"), and we respond to sounds differently depending on the frequency content. Some sounds (like rock and hip-hop music) have a great deal of sound energy at low frequencies, while other sounds of nominally "equal loudness" may not. We have focused our analysis on the overall or "broadband" sound pressure level expressed in A-weighted decibels (dBA). This metric weights the frequency content following a standard procedure, roughly approximating the frequency sensitivity of human hearing. This is the metric referenced and regulated in Maine's Site Location Law.

Sound levels (particularly during live music) also vary significantly from instant to instant. We have focused our analysis on three ways of accounting for this variability over time:

1. *Hourly "energy-average" sound levels.* Sometimes called "equivalent sound levels" or L_{eq} , measured over the course of 1 hour (1-hour L_{eq}).
2. *Energy-average sound levels over the course of 1 minute.* We have found this finer resolution to be well-correlated with community response to amplified outdoor music. This also corresponds to Portland's noise ordinance pertaining to amusement venues (1-minute L_{eq}).
3. *Summary descriptors such as L_{day} , L_{night} , and L_{DN} .* L_{day} is the L_{eq} of sound levels measured between 7:00 AM and 10:00 PM; L_{night} is the L_{eq} between 10:00 PM and 7:00 AM. The L_{DN} is the L_{eq} for the entire day, with the levels measured during nighttime hours "penalized" (increased) by 10 dB to account for increased community sensitivity to noise during typical sleeping hours.

For more information pertaining to acoustic terminology used in this report please refer to Appendix A.

RESULTS

Available Data

Each monitoring system saved the following data:

- 1-second overall A-weighted L_{eq} sound level
- 1-minute A-weighted overall and 1/3 octave band spectra of the following quantities
 - Peak, L_{eq} , L_{01} , L_{10} , L_{50} , L_{90} , and L_{99} statistical metrics

This produced a tremendous amount of data across the 15 systems, as each monitor recorded more than 120,000 one-minute segments in a three month period. For this report we have condensed the one-minute overall L_{eq} data into hourly L_{eq} quantities. After you have had a chance to review this summary of the monitoring data we would be happy to discuss with you further analyses that may be helpful.

Data Reduction

This report presents four summary figures for each of the 15 monitoring locations. First, from the one-minute overall A-weighted levels we calculated summary values on an hourly basis. Each hourly period spans every

hour on the hour (i.e. 12:00 AM – 12:59 AM). Each of these hourly periods should contain 60 one-minute L_{eq} data points. Due to a number of reasons (as explained in the individual location summaries below), there were not always 60 samples in each hour. Only when there were 30 or more samples in an hourly period did we evaluate its summary quantities. For each valid hour we compiled the L_{eq} (energy average), and the maximum and minimum one-minute L_{eq} values in that hour. The 1-hour L_{eq} , and the maximum and minimum of the 1-minute L_{eq} of each hour are plotted versus time. For a full three-month period this equates to more than 2,000 hourly data points.

We then took the hourly L_{eq} values and categorized each by day-of-week and hour within each day. For example, we observed the hourly L_{eq} for every Sunday in the hour that spans 12:00 AM to 12:59 PM. There were 14 Sundays in our monitoring period (8/7 through 11/12). We then calculated the highest, mean, and lowest hourly L_{eq} sound levels from these 14 time periods. This was done for each hour of every day of the week. The attached figures present these results in both graphical and tabular form.

Based on the hourly L_{eq} data, we calculated daily summary statistics L_{day} , L_{night} , and L_{DN} as described above. These summaries facilitate comparisons to sound levels measured in other communities, as well as evaluation in light of development criteria promulgated by agencies such as the United States Housing and Urban Development

Summary Figures

For each monitoring location, we have created four figures which summarize the measured data:

- Figures ending in “a” (e.g., 3a, 4a) show the hourly overall A-weighted sound pressure levels versus time sequentially for the entire monitoring interval. Included in these charts are numbered callouts that identify the events listed in Figure 2.
- Figures ending in “b” (e.g., 3b, 4b) show the highest, mean, and lowest of the hourly L_{eq} values for each hour of the week for the period the monitoring system was active. These figures present the typical range of levels that would be expected on each day of the week.
- Figures ending in “c” (e.g., 3c, 4c) summarize the typical sound levels (mean L_{eq}) that would be expected on each day of the week. The data shown in the “c” figures are parallel to the “average hourly L_{eq} ” trace shown in the “b” figures.
- Figures ending in “d” (e.g., 3d, 4d) show each date's calculated L_{day} , L_{night} , and L_{DN} versus time sequentially for the entire monitoring interval. Included in these charts are numbered callouts that identify the events listed in Figure 2.

Observations at Each Location

Location 1 – Maine State Pier

Figure 3a shows a clear increase in the hourly L_{eq} sound levels during events 1 and 2 when there were outdoor concerts at the Maine State Pier venue. The monitoring system at this location was on the roof of the building adjacent to the ferry terminal. In early September the rooftop flooded due to heavy rain and destroyed the electronic measurement equipment. Therefore, only data from August 7th to September 6th was recorded for this location.

Figure 3b shows a visible day-night (i.e., diurnal) pattern in the sound levels. The outdoor concerts that happened while this monitor was active occurred on either Wednesday or Friday nights, which is apparent in the average and maximum hourly L_{eq} values during these periods of the week.

Location 2 – Wharf and Dana Street

Figure 4a shows some correlation between observed higher hourly L_{eq} values and outdoor music events; however, these typically coincide with Thursday through Saturday evenings when Wharf Street is already busy with its own local restaurant and bar activity. This monitoring system was in an exposed area and was vandalized on two occasions that rendered the microphone data unusable, which is why there are gaps in the data in late August and from October 25th onward.

A clear increase in typical sound levels during weekend evenings (Thursday through Saturday nights) can be seen in Figures 4b and 4c.

Location 3 – Fore and Union Street

This monitoring system recorded for the full three-month period without any issues. It was mounted to a light pole near the corner of Fore and Union street, so there was significant variation in sound levels due to street traffic, readily apparent in Figure 5a.

Figures 5b and 5c show a slight increase in typical sound levels during Friday and Saturday nights. This location is close to the restaurants and bars characterized by the Wharf and Dana monitoring location.

Location 4 – Brown and Free Street

This monitoring system recorded for the full three-month period without any issues. It was mounted to a light pole near the Cross Insurance Center. Loud periods shown in Figure 6a are likely related to events at this venue.

Figures 6b and 6c show that average hourly L_{eq} were fairly steady throughout each weekday. The hourly L_{eq} appears to be elevated during weekend hours.

Location 5 – Congress and High Street

This monitoring system recorded for the full three-month period without any issues. It was mounted to a light pole at the intersection of Congress and High Streets. As seen in Figure 7a, most of the loudest events at this location are likely due to street traffic.

Figures 7b and 7c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 6 – Thompson Point

This system was offline for about two weeks in the middle of August due to a loss of power. The microphone was mounted on the rooftop of a building overlooking the outdoor concert venue at Thompson Point. We understand that the stage pointed away from this location. The outdoor concert events at this location are still noticeable in the hourly L_{eq} data, displayed in Figure 8a.

Figures 8b and 8c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours, likely due to nearby traffic on I-295 and the Portland Jetport.

Location 7 – Congress and Montfort Street

This monitoring system lost power for about a week towards the end of September and early October, as seen from the gap in the data in Figure 9a. It was mounted to a light pole at the intersection of Congress and Montfort Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 9b and 9c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 8 – Forest and Allen Street

This monitoring system went offline after October 23rd after a hardware crash, as seen in Figure 10a. It was mounted to a telephone pole near a busy intersection. Most of the loudest events at this location are likely due to street traffic.

Figures 10b and 10c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 9 – Stevens and Brighton Street

This monitoring system experienced what we believe was water intrusion in the microphone during the periods without data, as shown in Figure 11a. It was mounted to a telephone pole near the intersection of Stevens and Brighton Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 11b and 11c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours.

Location 10 – Casco Bay Bridge

This monitoring system went offline on a few occasions in the first month of monitoring due to a recurring software crash that was eventually fixed, as seen in Figure 12a. It was mounted to a traffic control box at the intersection of West Commercial and Beach Streets. Most of the loudest events at this location are likely due to street traffic and delivery truck traffic servicing the nearby businesses.

Figures 12b and 12c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours. The highest hourly L_{eq} values were reduced during the weekends, which might indicate that the amount of traffic and delivery truck activity was down at these times.

Location 11 – Washington and Presumpscot Street

This monitoring system recorded for the full three-month period without any issues, as shown in Figure 13a. It was mounted to a traffic control box at the intersection of Washington and Presumpscot Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 13b and 13c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours. The Saturday and Sunday hours appear to have slightly lower sound levels.

Location 12 – Peak's Island Ferry Terminal

This monitoring system was mounted to a light pole near the Peak's Island ferry terminal. There are significant gaps in the data from this location, as seen in Figure 14a. Shortly after we setup in August the cable to the microphone was cut by a vandal. The data excluded in October and November was most likely corrupted by water intrusion to the microphone. Most of the loudest events at this location are likely due to the ferry activity.

Figures 14b and 14c show hourly L_{eq} values which appear random. The daytime hours appear to be louder, but the diurnal pattern isn't as clear as the other locations where vehicle traffic dominates the sound environment. The lowest hourly L_{eq} values were much lower here than some of the more urban locations.

Location 13 – Allen and Washington Street

As seen in Figure 15a, this monitoring system recorded without any issues until October 13th, when it had to be removed so that a construction crew could replace the concrete sidewalk at this location. The microphone was mounted to telephone pole at the intersection of Allen and Washington Streets. Most of the loudest events at this location are likely due to street traffic.

Figures 15b and 15c show that hourly L_{eq} values were fairly steady throughout each weekday, with the highest sound levels occurring during daytime hours. The Saturday and Sunday hours appear to have slightly lower sound levels.

Location 14 – Mechanic Street Pump House – South Portland

This monitoring system recorded without any issues from September 6th to December 11th. The microphone at this location was mounted to the side of the pump house building, at the end of a quiet street. Most of the loudest events displayed in Figure 16a are likely due to town personnel working in the pump house.

Figures 16b and 16c show hourly L_{eq} values which do not exhibit a clear diurnal pattern. The highest hourly L_{eq} periods appear to occur during weekday mornings.

Location 15 – Portland Street Pier – South Portland

This monitoring system recorded without any issues from September 6th to December 11th. The microphone at this location was mounted to a fence at the end of a dock off of Portland Street in South Portland. Most of the loudest events, as seen in Figure 17a, at this location are likely due to boats and waves.

Figures 17b and 17c show hourly L_{eq} values which exhibit a diurnal pattern. Sound levels during the quietest nighttime hours are fairly low, at about 36 dBA.

Summary L_{DN}

Table I presents the mean L_{DN} , L_{night} , and L_{day} measured at each location.

TABLE I. Mean summary descriptors, A-weighted decibels

<i>Location</i>	<i>L_{DN}</i>	<i>L_{night}</i>	<i>L_{day}</i>
1	68	61	64
2	73	66	64
3	70	63	66
4	65	58	62
5	69	62	67
6	67	59	63
7	68	60	67
8	71	62	69
9	72	63	71
10	73	65	70
11	76	68	73
12	56	48	54
13	71	63	70
14	58	51	53
15	58	49	56

Figure 18 shows the L_{DN} at each location graphically.

NEXT STEPS

We look forward to discussing these preliminary results with you. At that time we can discuss further analyses that may be helpful to the City.

I hope that this letter provides the information you need at this time. Please contact me at 617-499-8012 or at ebrush@acentech.com with any questions or if there is anything else we can do to be of service.

Sincerely,

ACENTECH INCORPORATED



Andrew C. Carballeira
Senior Consultant



Ethan R. Brush
Senior Consultant

Encl: Figures 1 through 18
Appendix A

CC: Alex Odom, Ben Markham (Acentech)
Andy Downs (City of Portland)

Figure 1a: Sound Monitoring Locations



Figure 1b: Sound Monitoring Location Photos



Figure 2: Event Times

Event Number	Location/Description	Date
1	Maine State Pier (Outdoor Concert)	8/9/2017
2	Maine State Pier (Outdoor Concert)	8/11/2017
3	Thompson's Point (Outdoor Concert)	8/12/2017
4	Maine State Pier (Outdoor Concert)	8/16/2017
5	Maine State Pier (Outdoor Concert)	9/10/2017
6	Maine State Pier (Outdoor Concert)	9/15/2017
7	Thompson's Point (Outdoor Concert)	9/16/2017
8	Maine State Pier (Outdoor Concert)	9/22/2017
9	Thompson's Point (Outdoor Concert)	9/23/2017
10	Storm Related Power Outage	10/29/2017

Figure 3a: Loc. 1 - Maine State Pier - Hourly Leq Versus Time

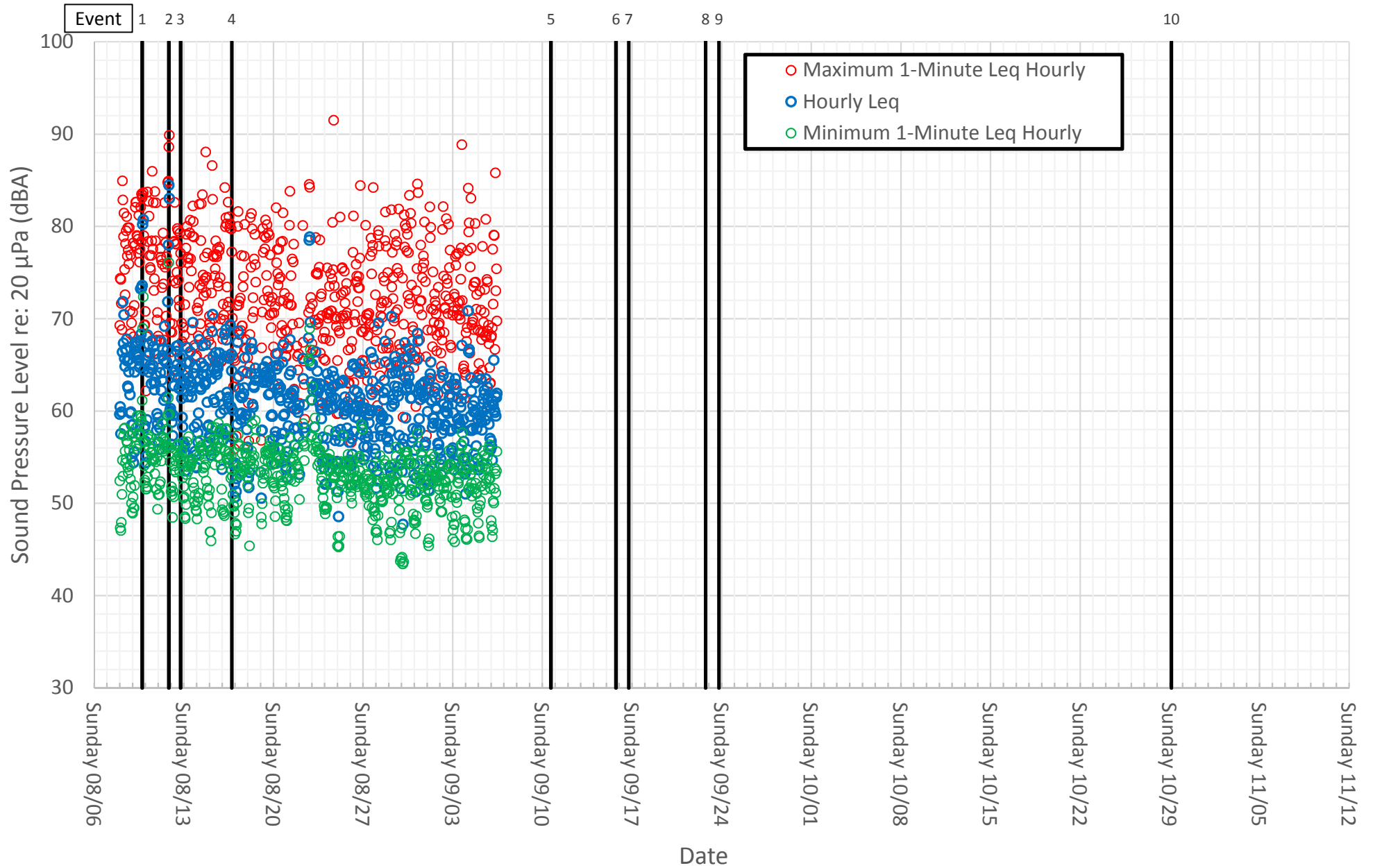


Figure 3b: Loc. 1 - Maine State Pier - Hourly Leq Statistics for Each Day of the Week

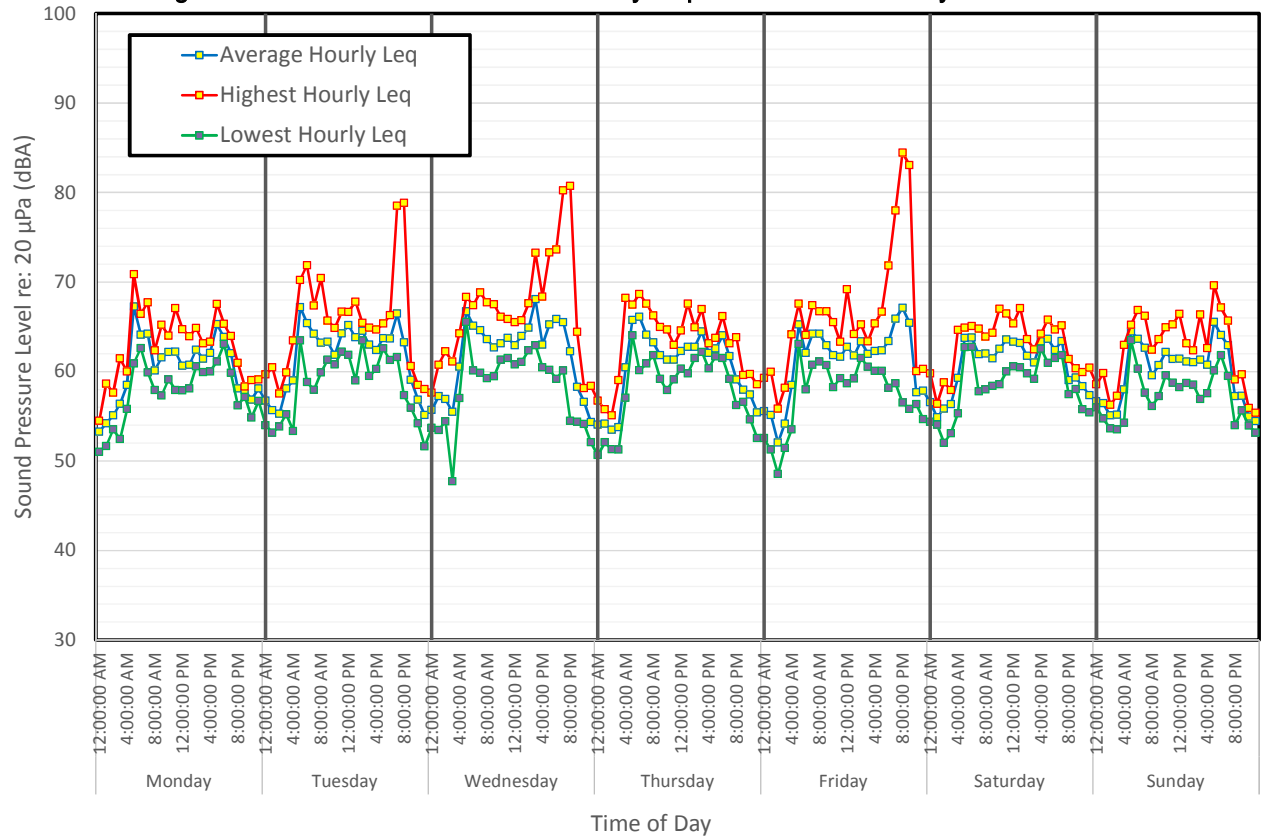


Figure 3c: Loc. 1 - Maine State Pier - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	53	57	56	54	56	57	57
1:00:00 AM	54	56	57	54	55	55	56
2:00:00 AM	55	55	57	53	52	56	55
3:00:00 AM	56	58	55	54	54	56	55
4:00:00 AM	58	59	61	60	58	59	58
5:00:00 AM	67	67	67	66	65	64	64
6:00:00 AM	64	65	65	66	62	64	64
7:00:00 AM	64	64	65	64	64	62	63
8:00:00 AM	60	63	64	63	64	62	60
9:00:00 AM	62	63	63	62	63	61	61
10:00:00 AM	62	62	63	61	62	63	62
11:00:00 AM	62	64	64	61	62	64	61
12:00:00 PM	61	65	63	62	63	63	61
1:00:00 PM	61	64	64	63	62	63	61
2:00:00 PM	62	65	65	63	63	62	61
3:00:00 PM	61	63	68	64	62	61	61
4:00:00 PM	62	62	63	62	62	63	61
5:00:00 PM	65	64	65	63	62	64	66
6:00:00 PM	64	64	66	64	63	62	64
7:00:00 PM	62	66	65	62	66	63	63
8:00:00 PM	58	63	62	59	67	59	57
9:00:00 PM	58	59	58	58	65	59	57
10:00:00 PM	57	57	57	57	58	58	55
11:00:00 PM	58	55	54	55	58	57	54

Figure 3d: Loc. 1 - Maine State Pier - Ld, Ln, Ldn Versus Time

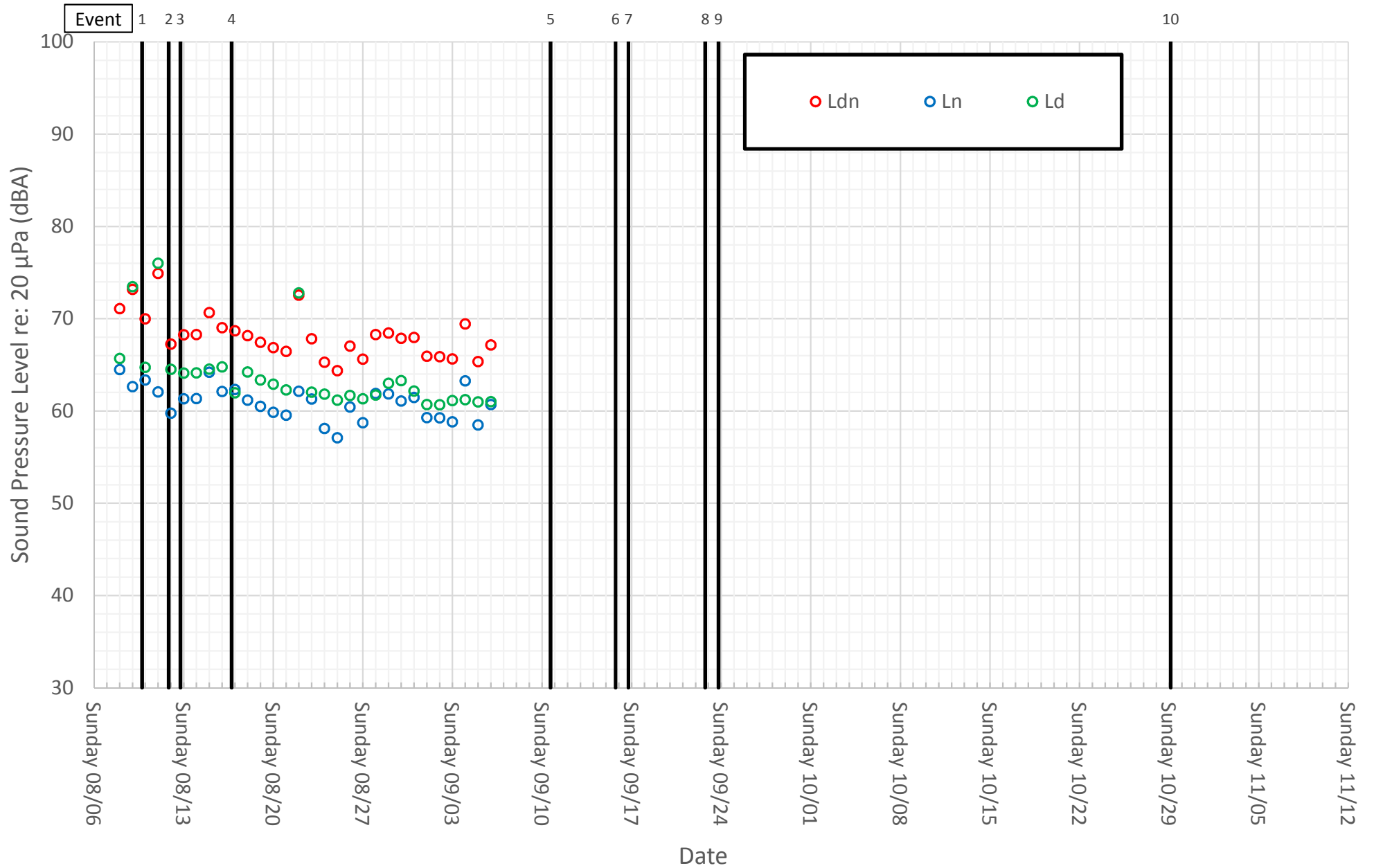


Figure 4a: Loc. 2 - Wharf and Dana - Hourly Leq Versus Time

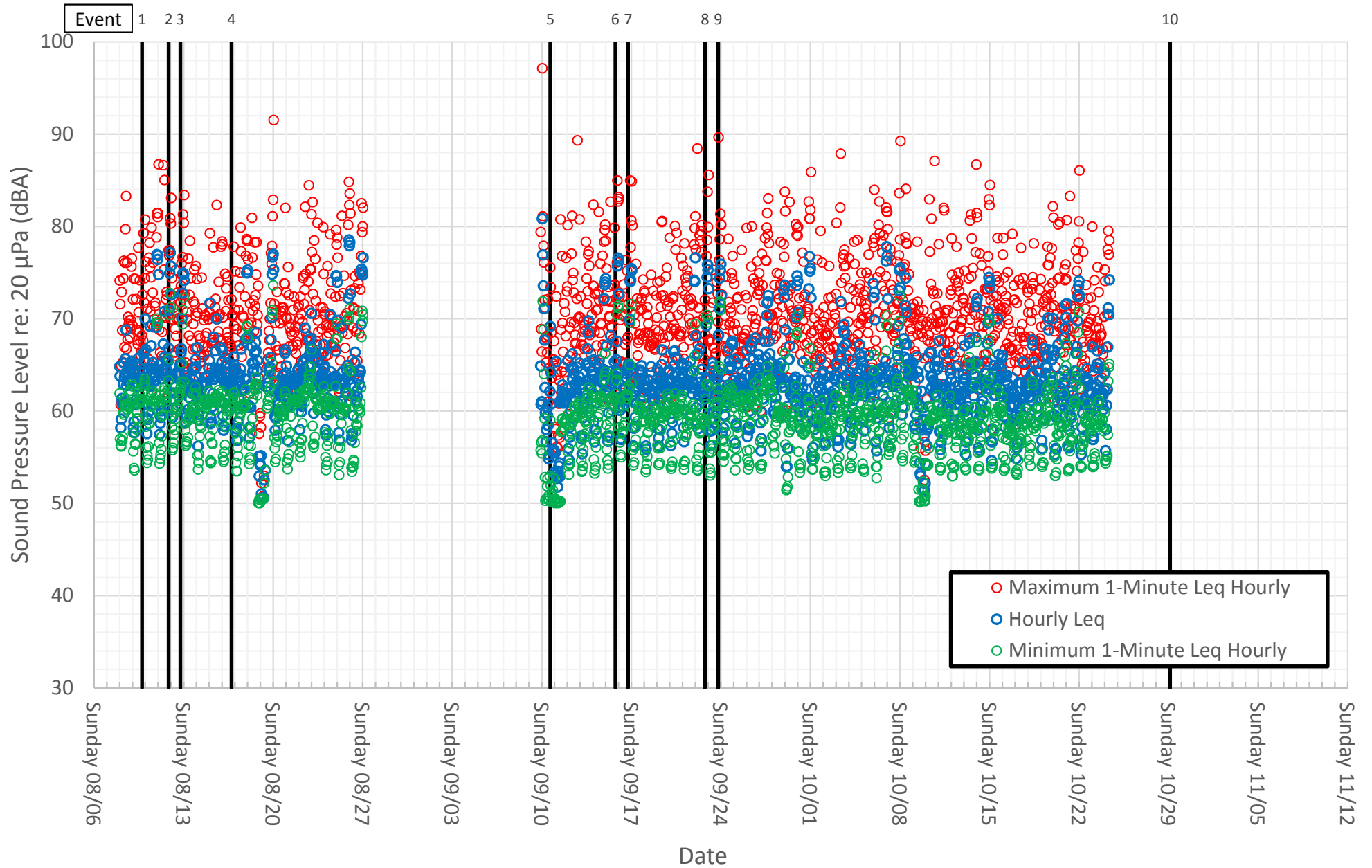


Figure 4b: Loc. 2 - Wharf and Dana - Hourly Leq Statistics for Each Day of the Week

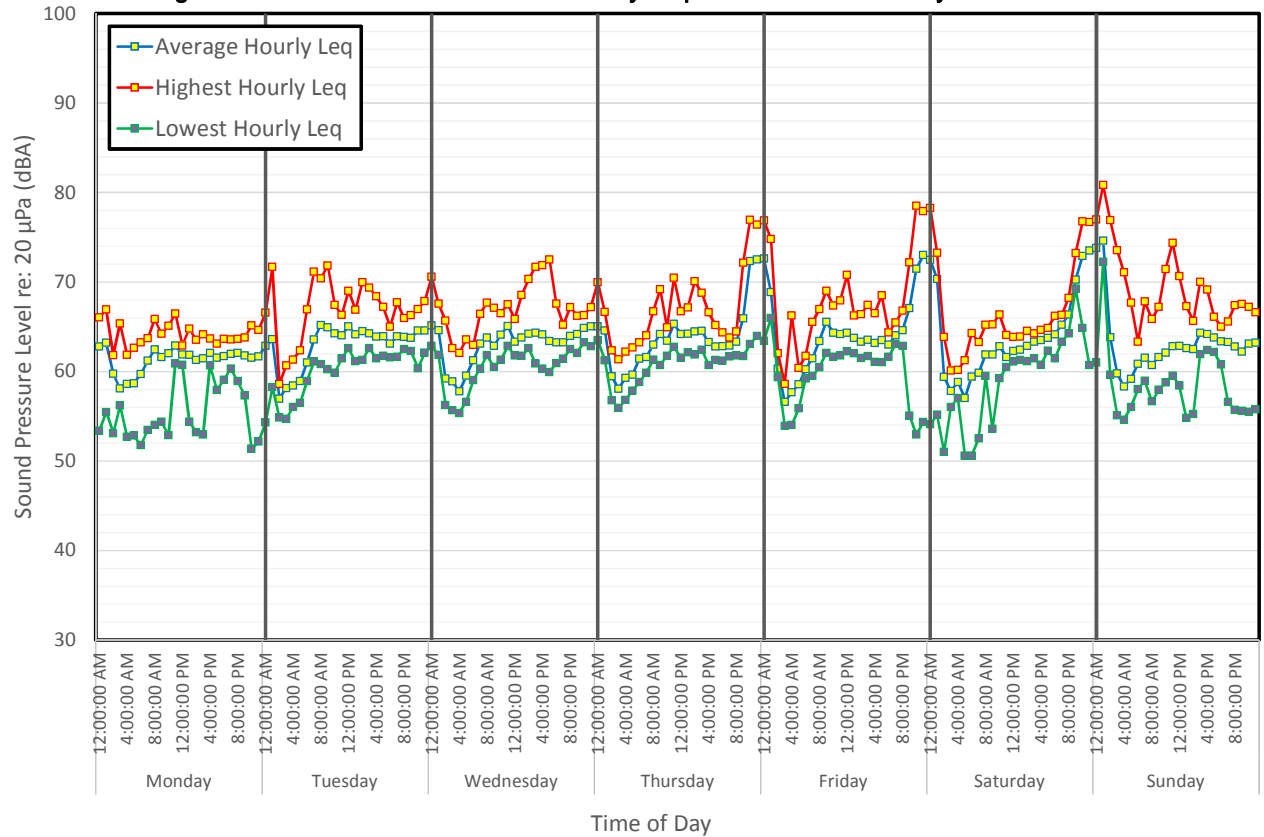


Figure 4c: Loc. 2 - Wharf and Dana - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	63	63	65	65	73	72	74
1:00:00 AM	63	64	65	65	69	70	75
2:00:00 AM	60	57	59	59	60	59	64
3:00:00 AM	58	58	59	58	57	58	60
4:00:00 AM	59	58	58	59	58	59	58
5:00:00 AM	59	59	60	60	59	57	59
6:00:00 AM	60	61	61	61	60	59	61
7:00:00 AM	61	64	63	62	61	60	62
8:00:00 AM	62	65	64	63	63	62	61
9:00:00 AM	62	65	63	64	66	62	62
10:00:00 AM	62	64	64	63	64	63	62
11:00:00 AM	63	64	65	65	64	62	63
12:00:00 PM	62	65	63	64	64	62	63
1:00:00 PM	62	64	64	64	64	62	63
2:00:00 PM	61	65	64	64	63	63	62
3:00:00 PM	61	64	64	65	64	63	64
4:00:00 PM	62	64	64	63	63	63	64
5:00:00 PM	62	64	63	63	63	64	64
6:00:00 PM	62	63	63	63	63	64	63
7:00:00 PM	62	64	63	63	64	65	63
8:00:00 PM	62	64	64	63	65	66	63
9:00:00 PM	62	64	64	66	67	70	62
10:00:00 PM	62	65	65	72	71	73	63
11:00:00 PM	62	65	65	73	73	74	63

Figure 4d: Loc. 2 - Wharf and Dana - Ld, Ln, Ldn Versus Time

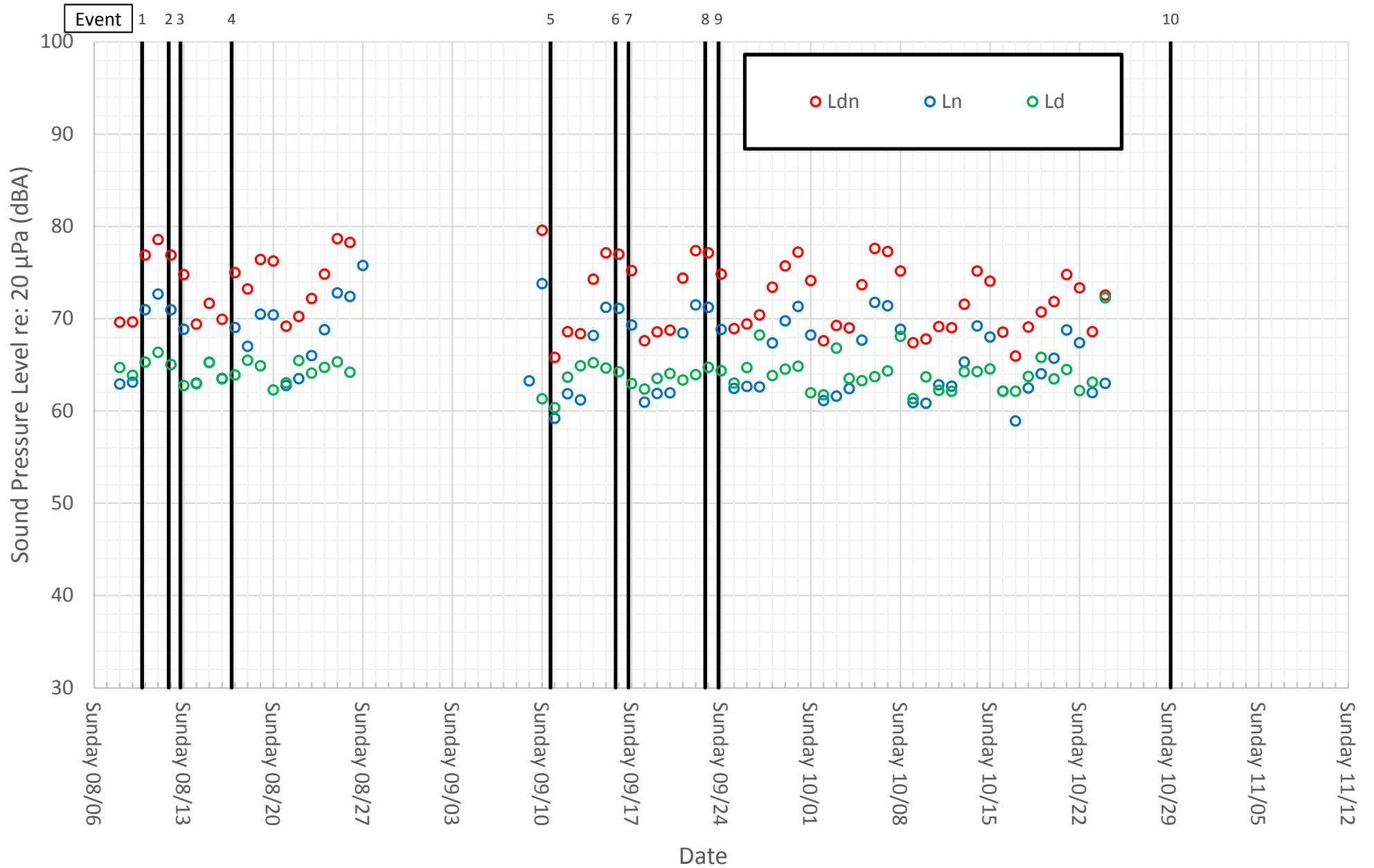


Figure 5a: Loc. 3 - Fore and Union - Hourly Leq Versus Time

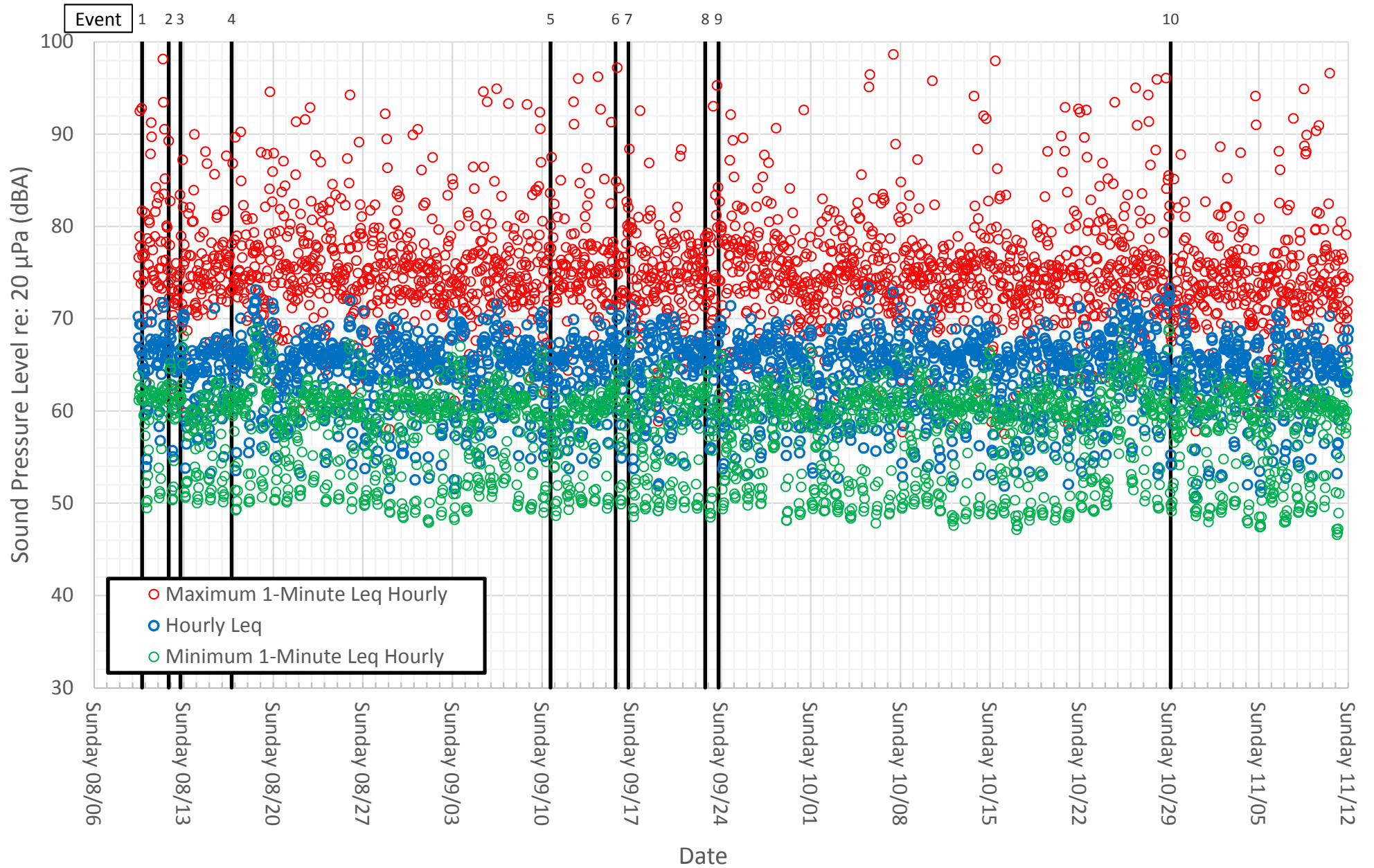


Figure 5b: Loc. 3 - Fore and Union - Hourly Leq Statistics for Each Day of the Week

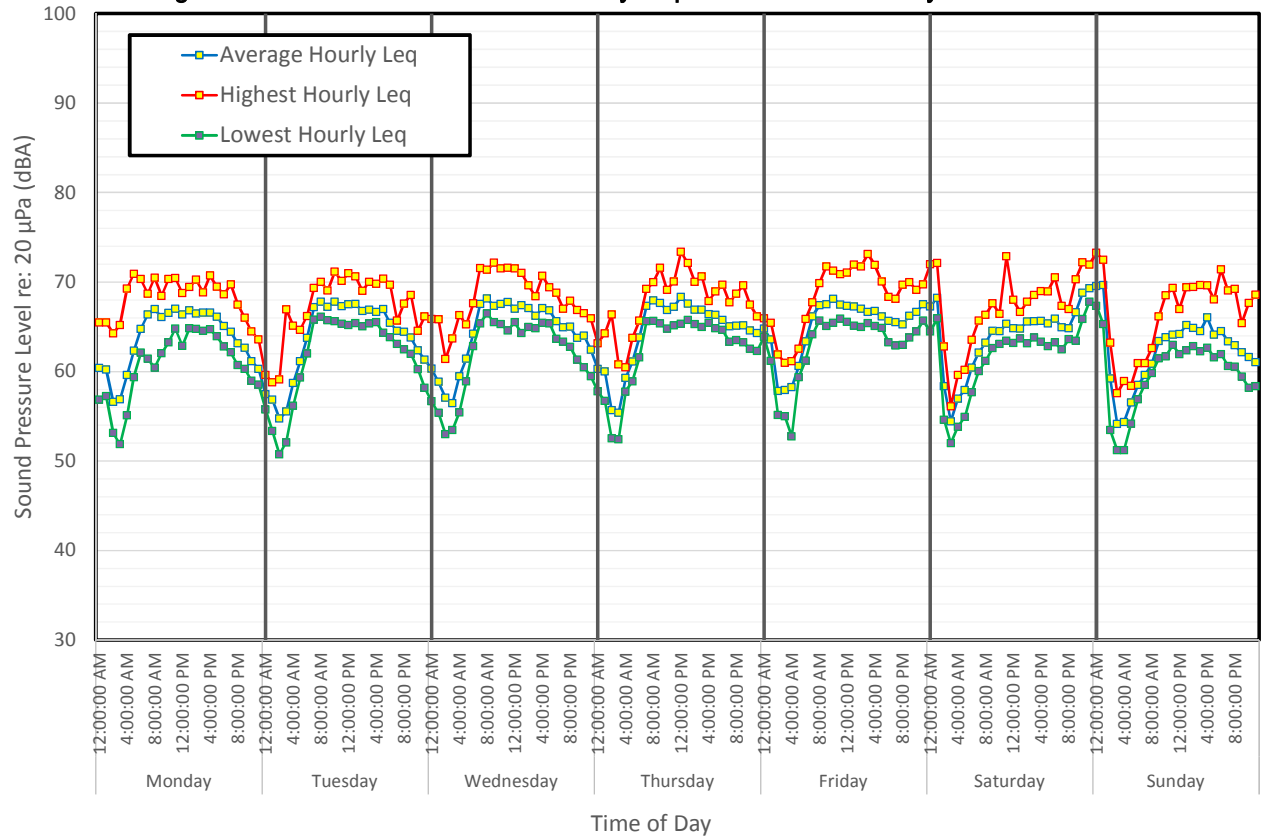


Figure 5c: Loc. 3 - Fore and Union - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	60	57	60	60	65	67	70
1:00:00 AM	60	57	59	60	64	68	70
2:00:00 AM	57	55	57	56	58	58	59
3:00:00 AM	57	56	56	55	58	54	54
4:00:00 AM	60	59	59	59	58	57	54
5:00:00 AM	62	61	61	61	61	58	57
6:00:00 AM	65	64	64	64	63	60	58
7:00:00 AM	66	67	68	67	66	62	60
8:00:00 AM	67	68	68	68	67	63	61
9:00:00 AM	66	67	67	68	67	65	63
10:00:00 AM	67	68	68	67	68	64	64
11:00:00 AM	67	67	68	67	67	65	64
12:00:00 PM	66	68	67	68	67	65	64
1:00:00 PM	67	68	67	68	67	65	65
2:00:00 PM	66	67	67	67	67	66	65
3:00:00 PM	67	67	66	67	67	66	64
4:00:00 PM	67	67	67	66	67	66	66
5:00:00 PM	66	67	67	66	66	65	64
6:00:00 PM	65	65	66	66	66	66	64
7:00:00 PM	64	65	65	65	66	65	63
8:00:00 PM	63	64	65	65	65	65	63
9:00:00 PM	63	64	64	65	66	67	62
10:00:00 PM	61	62	64	65	67	69	62
11:00:00 PM	60	61	62	64	68	69	61

Figure 5d: Loc. 3 - Fore and Union - Ld, Ln, Ldn Versus Time

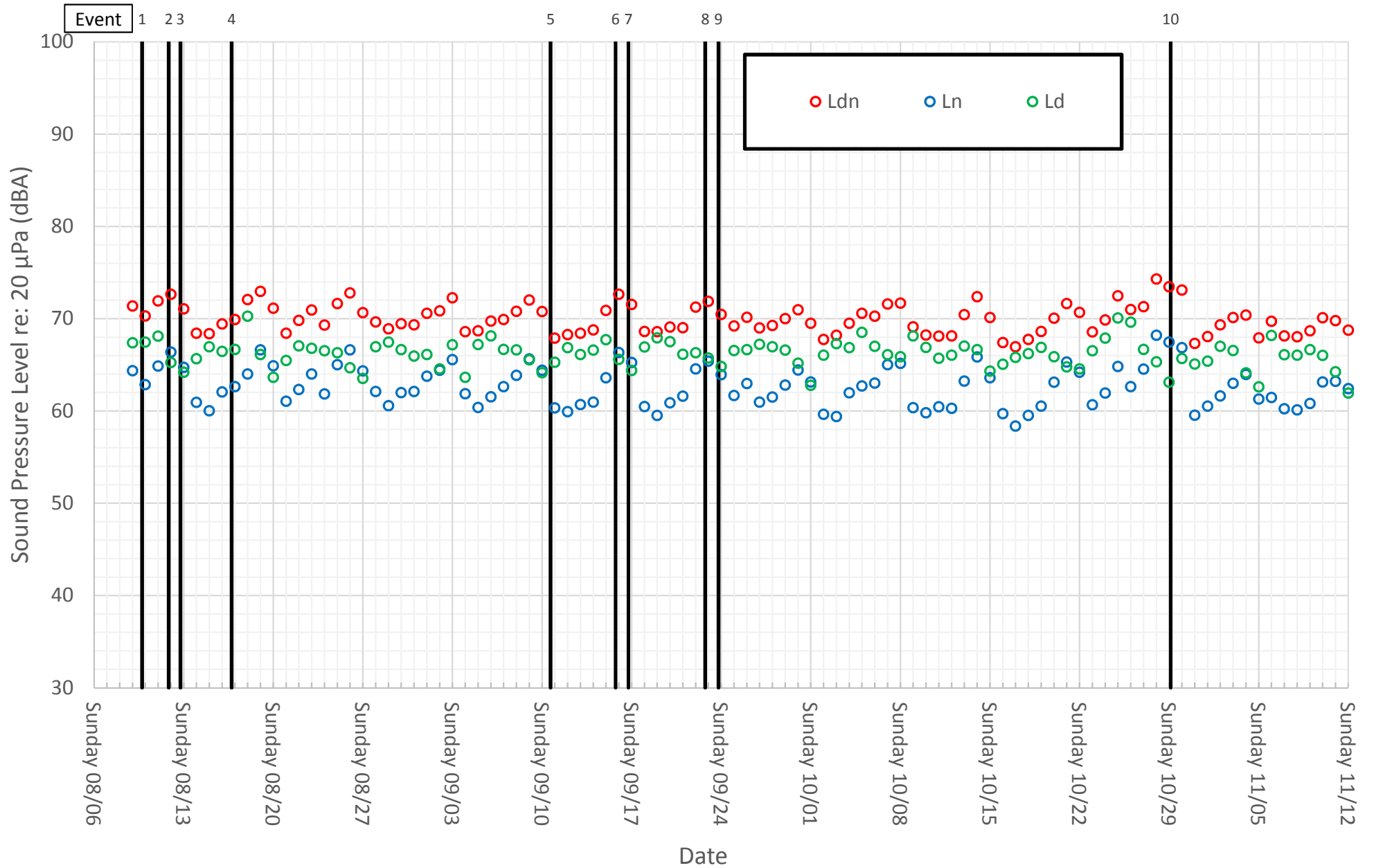


Figure 6a: Loc. 4 - Brown and Free - Hourly Leq Versus Time



Figure 6b: Loc. 4 - Brown and Free - Hourly Leq Statistics for Each Day of the Week

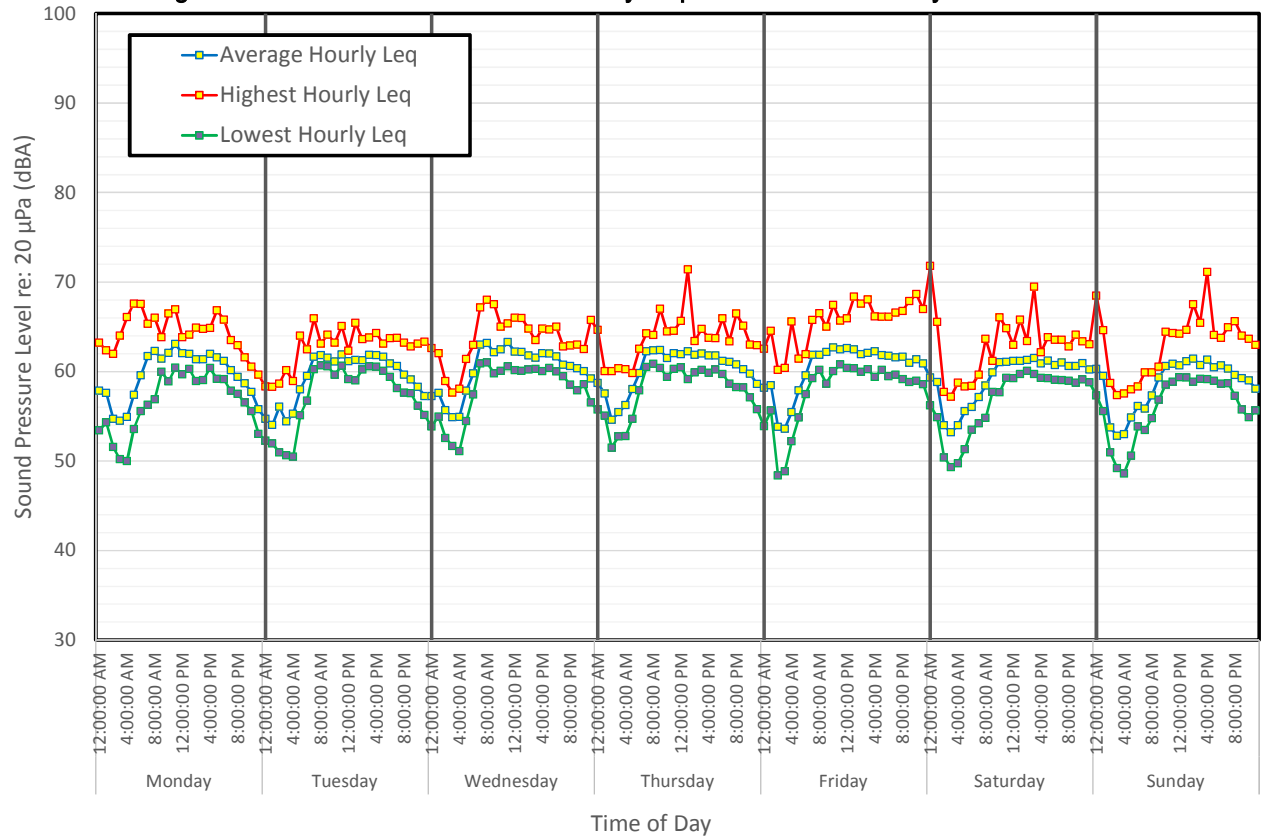


Figure 6c: Loc. 4 - Brown and Free - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	58	55	57	59	58	59	60
1:00:00 AM	58	54	58	58	58	59	59
2:00:00 AM	55	56	56	55	54	54	54
3:00:00 AM	55	54	55	55	54	53	53
4:00:00 AM	55	55	55	56	55	54	53
5:00:00 AM	57	58	58	58	58	56	55
6:00:00 AM	60	59	60	60	60	56	56
7:00:00 AM	62	62	63	62	62	57	56
8:00:00 AM	62	62	63	62	62	58	57
9:00:00 AM	61	62	62	62	62	60	59
10:00:00 AM	62	61	62	61	63	61	61
11:00:00 AM	63	62	63	62	62	61	61
12:00:00 PM	62	61	62	62	63	61	61
1:00:00 PM	62	61	62	62	62	61	61
2:00:00 PM	61	61	62	62	62	61	61
3:00:00 PM	61	62	62	62	62	62	61
4:00:00 PM	62	62	62	62	62	61	61
5:00:00 PM	62	62	62	62	62	61	60
6:00:00 PM	61	61	62	61	62	61	61
7:00:00 PM	60	61	61	61	62	61	60
8:00:00 PM	59	60	61	61	62	61	60
9:00:00 PM	59	59	60	60	61	61	59
10:00:00 PM	58	58	60	60	61	61	59
11:00:00 PM	56	57	59	59	61	60	58

Figure 6d: Loc. 4 - Brown and Free - Ld, Ln, Ldn Versus Time

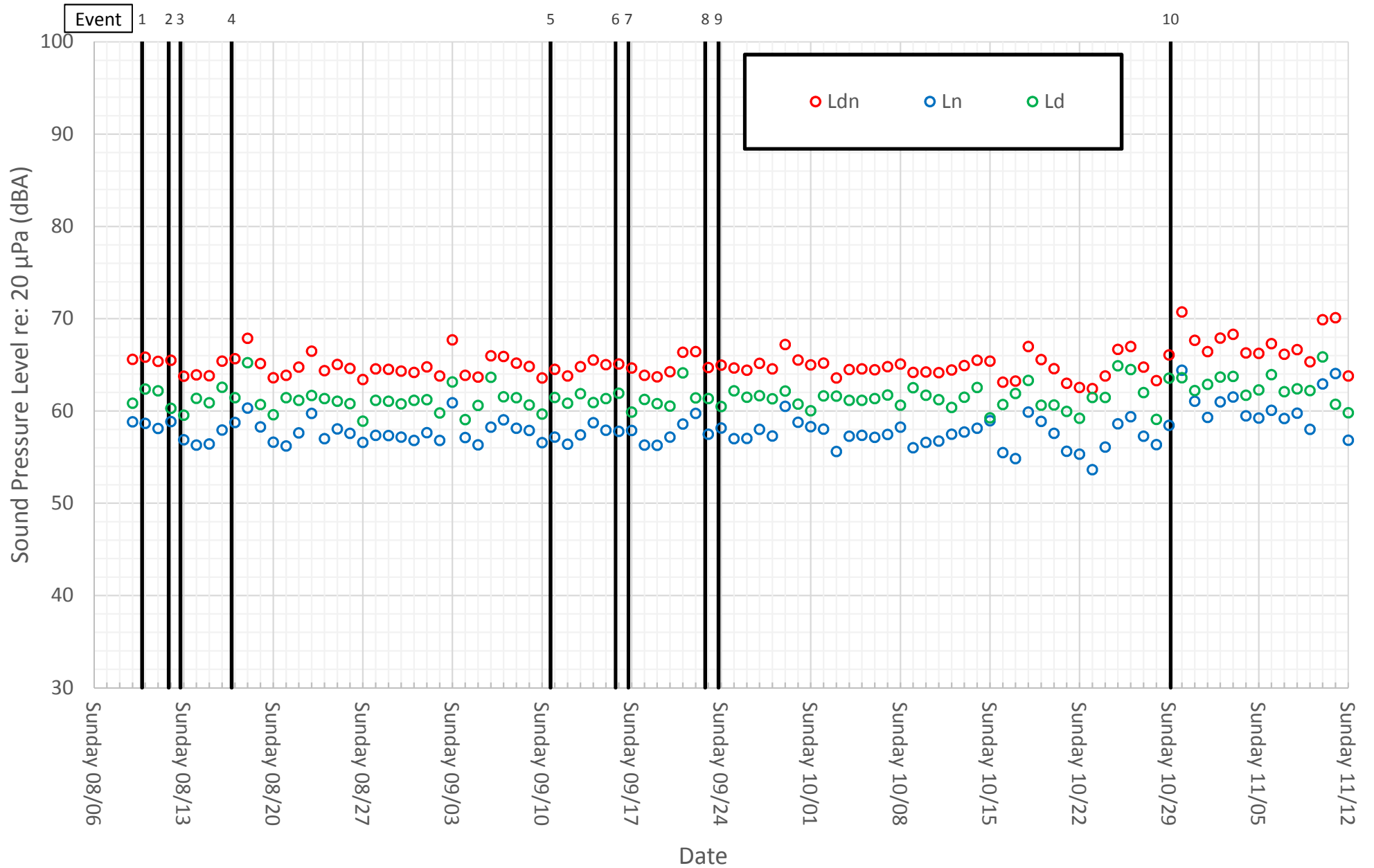


Figure 7a: Loc. 5 - Congress and High - Hourly Leq Versus Time

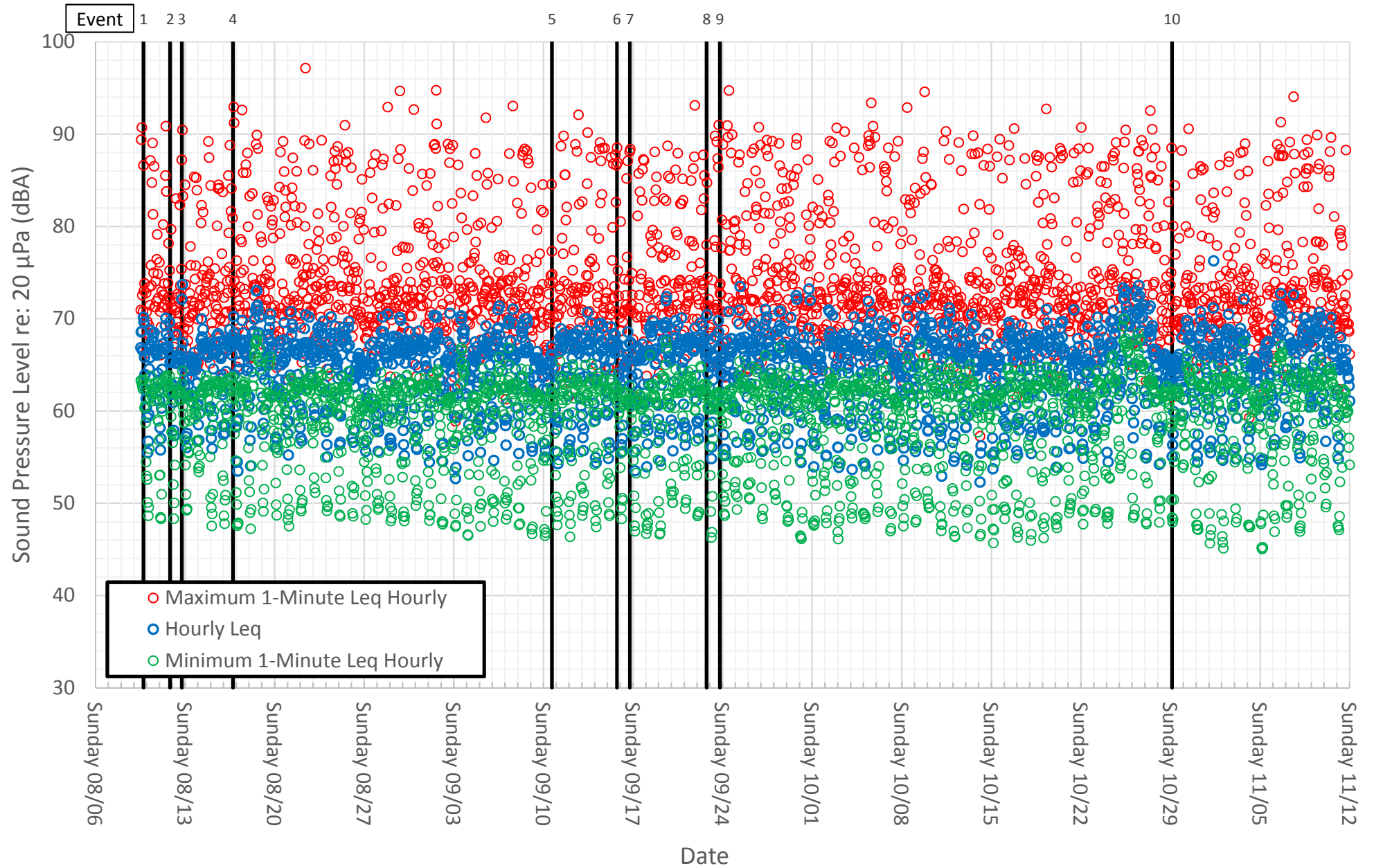


Figure 7b: Loc. 5 - Congress and High - Hourly Leq Statistics for Each Day of the Week

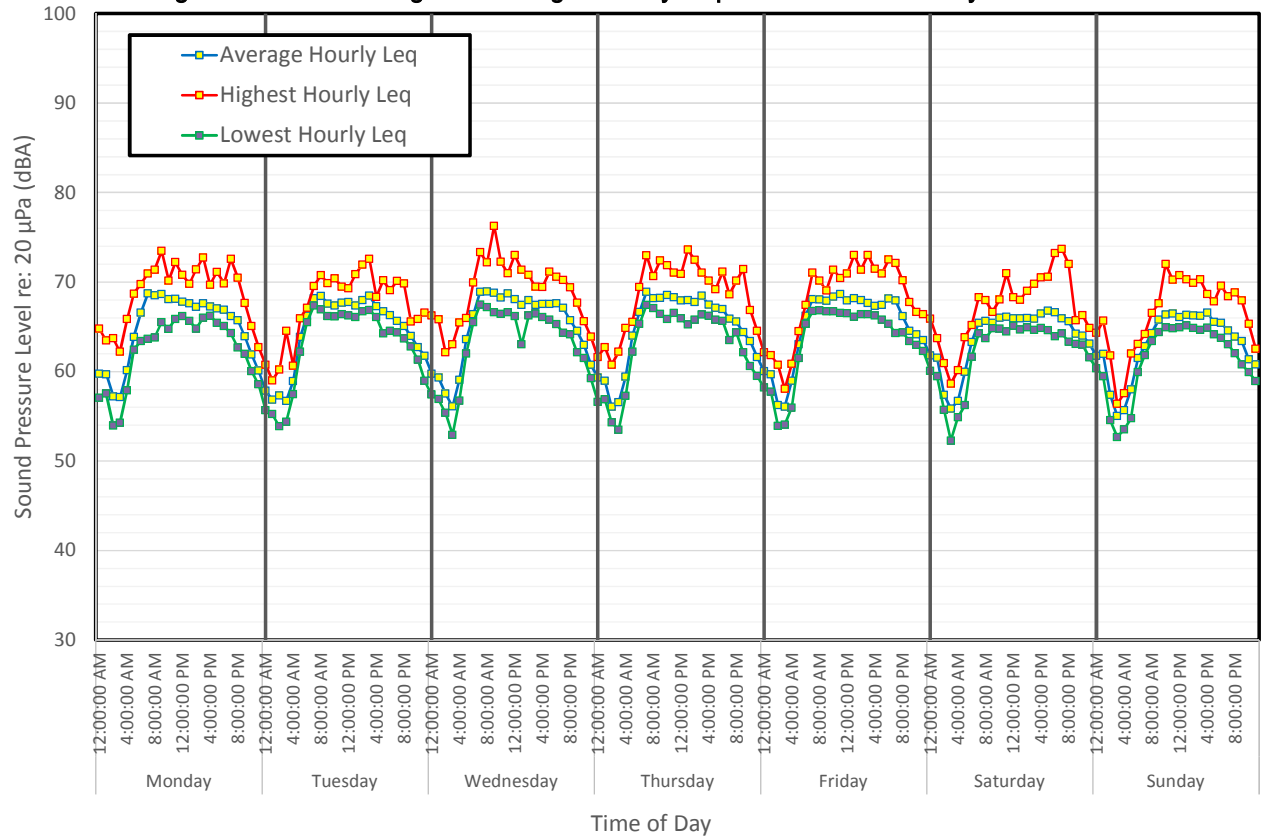


Figure 7c: Loc. 5 - Congress and High - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	60	58	60	59	60	62	62
1:00:00 AM	60	57	59	59	60	62	62
2:00:00 AM	57	57	58	56	56	57	57
3:00:00 AM	57	57	56	57	56	56	55
4:00:00 AM	60	59	59	59	59	57	56
5:00:00 AM	64	64	64	64	63	60	58
6:00:00 AM	67	66	66	67	66	63	61
7:00:00 AM	69	68	69	69	68	65	63
8:00:00 AM	69	68	69	68	68	66	64
9:00:00 AM	69	68	69	68	68	65	66
10:00:00 AM	68	67	68	69	68	66	66
11:00:00 AM	68	68	69	68	69	66	66
12:00:00 PM	68	68	68	68	68	66	66
1:00:00 PM	68	67	67	68	68	66	66
2:00:00 PM	67	68	68	68	68	66	66
3:00:00 PM	68	68	67	68	68	66	66
4:00:00 PM	67	67	68	67	67	66	67
5:00:00 PM	67	67	68	67	67	67	66
6:00:00 PM	67	66	68	67	68	67	65
7:00:00 PM	66	66	67	66	68	66	65
8:00:00 PM	66	65	66	66	66	66	64
9:00:00 PM	64	64	65	64	65	64	63
10:00:00 PM	62	63	63	63	64	64	61
11:00:00 PM	60	62	61	62	64	63	61

Figure 7d: Loc. 5 - Congress and High - Ld, Ln, Ldn Versus Time

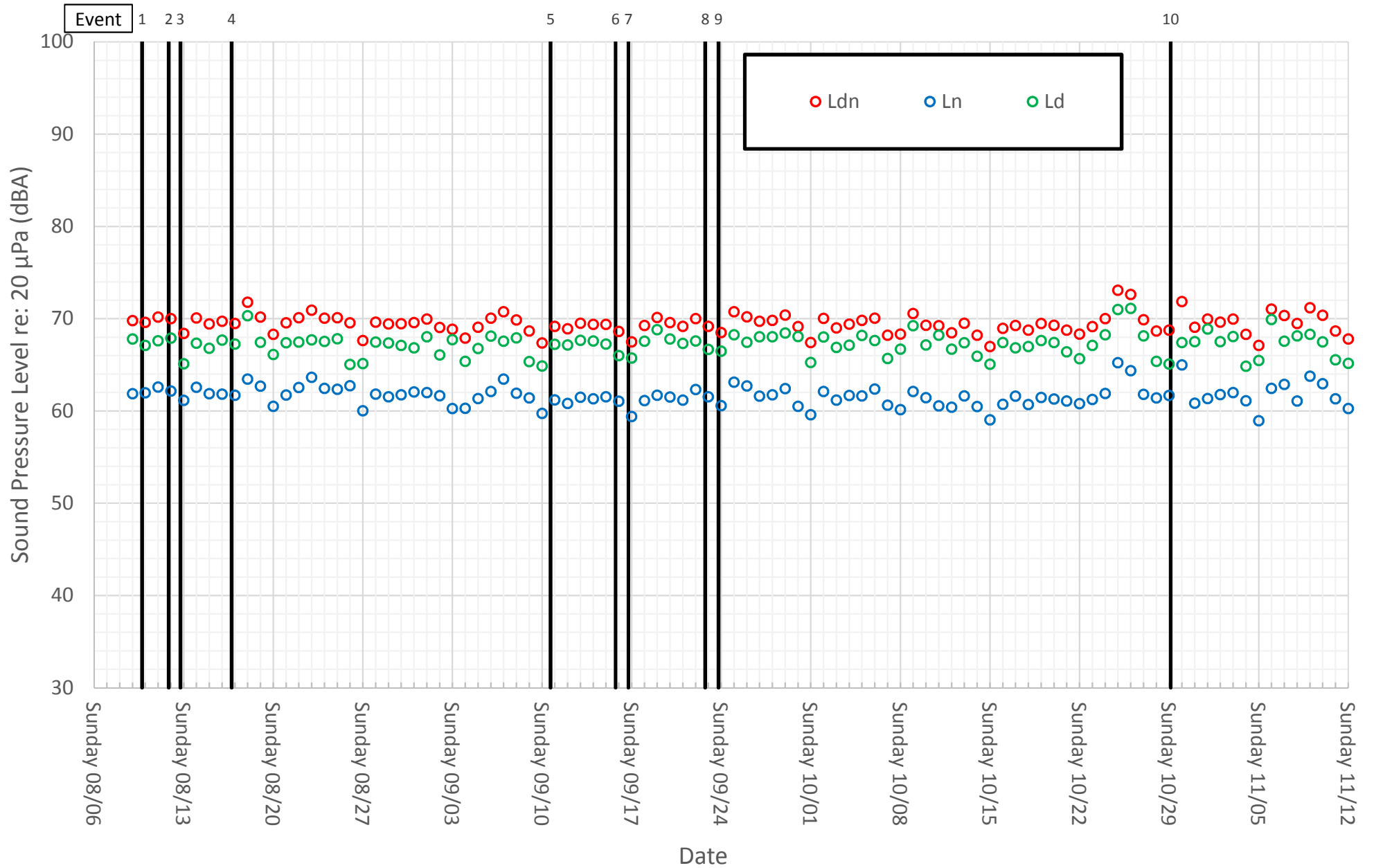


Figure 8a: Loc. 6 - Thompson Point - Hourly Leq Versus Time

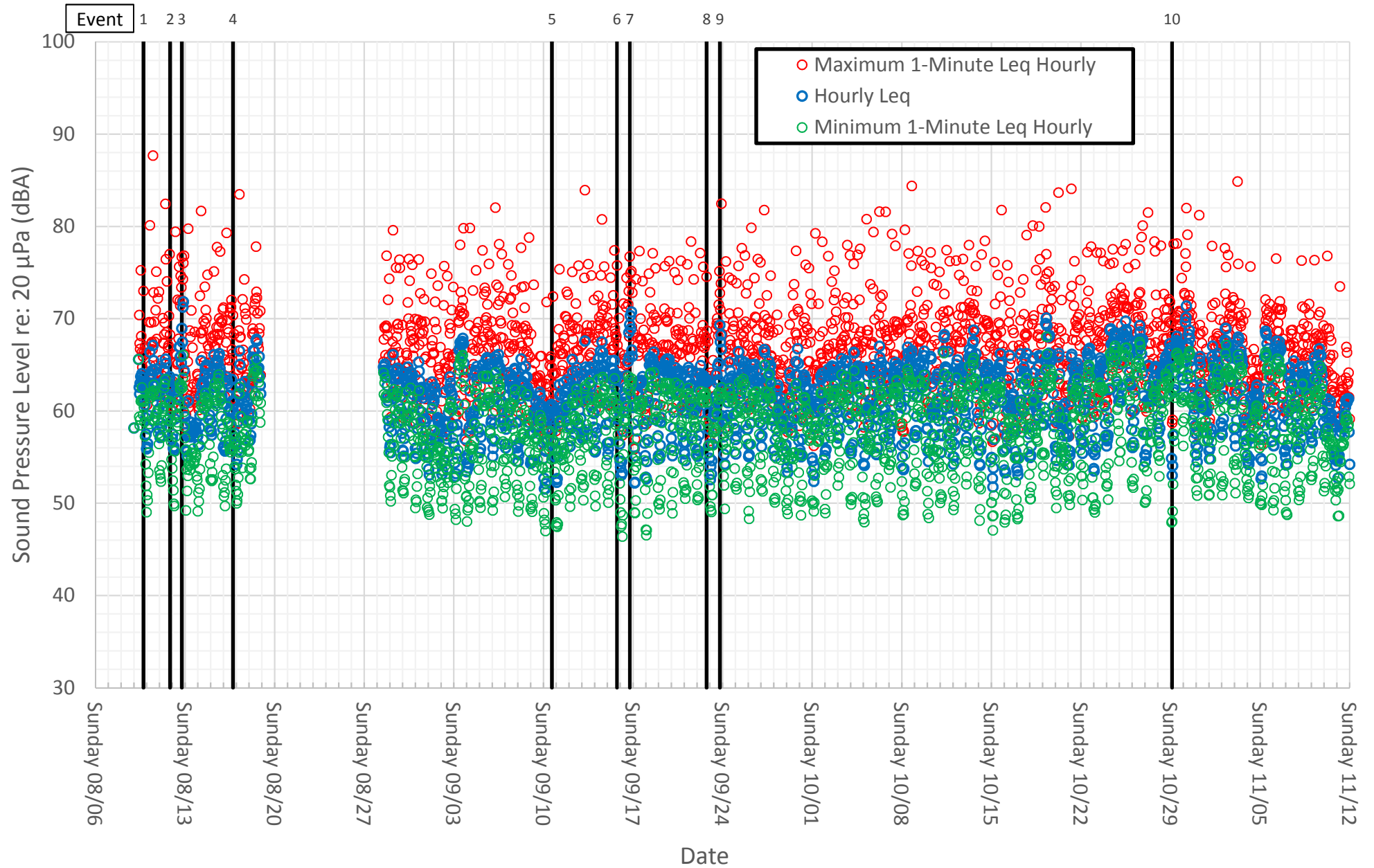


Figure 8b: Loc. 6 - Thompson Point - Hourly Leq Statistics for Each Day of the Week

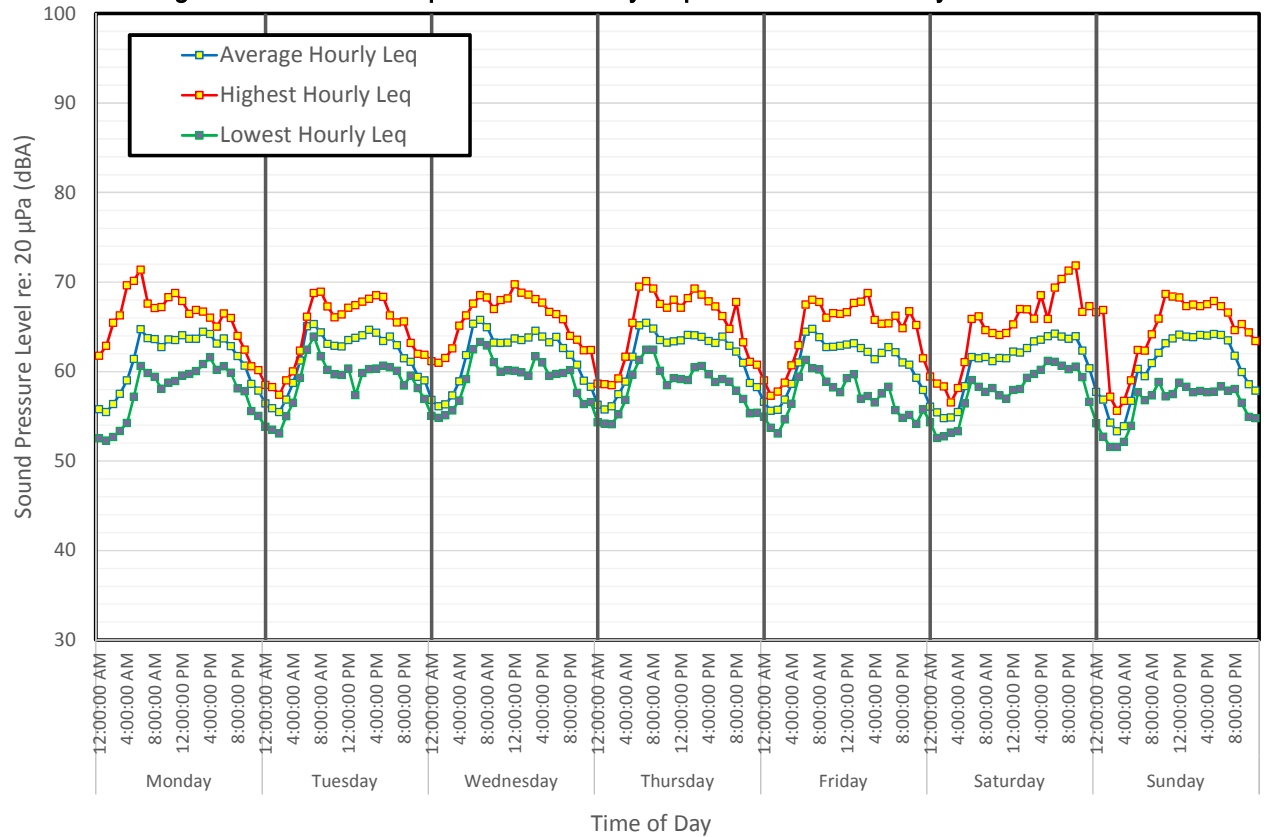


Figure 8c: Loc. 6 - Thompson Point - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	56	56	57	56	57	56	58
1:00:00 AM	55	56	56	56	56	55	57
2:00:00 AM	56	55	56	56	56	55	54
3:00:00 AM	57	57	57	57	57	55	53
4:00:00 AM	59	59	59	59	59	55	54
5:00:00 AM	61	61	62	62	61	58	57
6:00:00 AM	65	65	65	65	64	62	60
7:00:00 AM	64	65	66	65	65	61	59
8:00:00 AM	64	64	65	65	64	62	61
9:00:00 AM	63	63	63	64	63	61	62
10:00:00 AM	64	63	63	63	63	61	63
11:00:00 AM	64	63	63	63	63	61	64
12:00:00 PM	64	63	64	63	63	62	64
1:00:00 PM	64	64	64	64	63	62	64
2:00:00 PM	64	64	64	64	63	63	64
3:00:00 PM	64	65	65	64	62	63	64
4:00:00 PM	64	64	64	63	61	64	64
5:00:00 PM	63	63	63	63	62	64	64
6:00:00 PM	64	64	64	64	63	64	64
7:00:00 PM	63	63	63	63	62	64	63
8:00:00 PM	62	61	62	62	61	64	62
9:00:00 PM	61	61	61	61	61	64	60
10:00:00 PM	59	59	59	59	59	62	59
11:00:00 PM	58	59	58	58	58	60	58

Figure 8d: Loc. 6 - Thompson Point - Ld, Ln, Ldn Versus Time

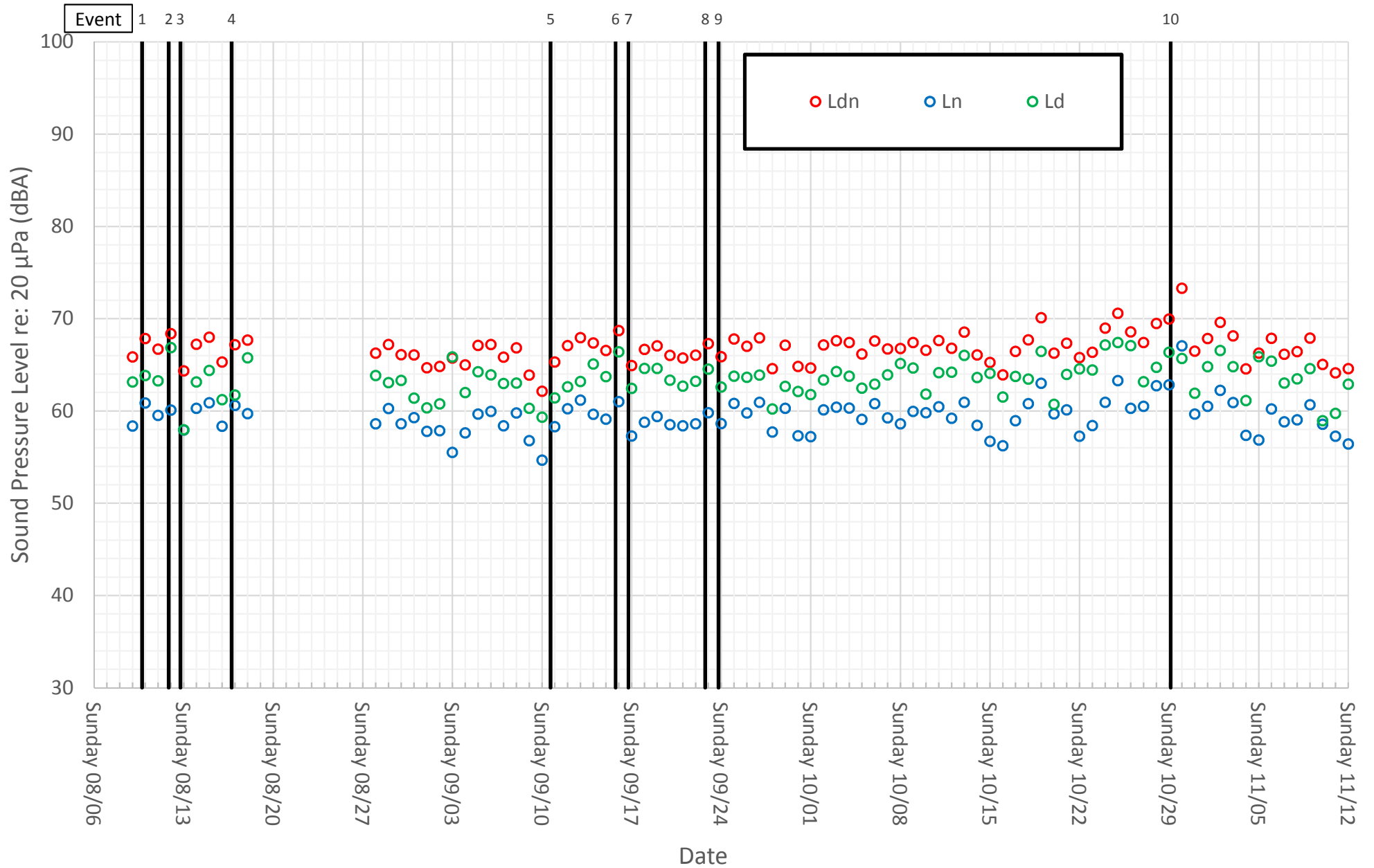


Figure 9a: Loc. 7 - Congress and Montfort - Hourly Leq Versus Time

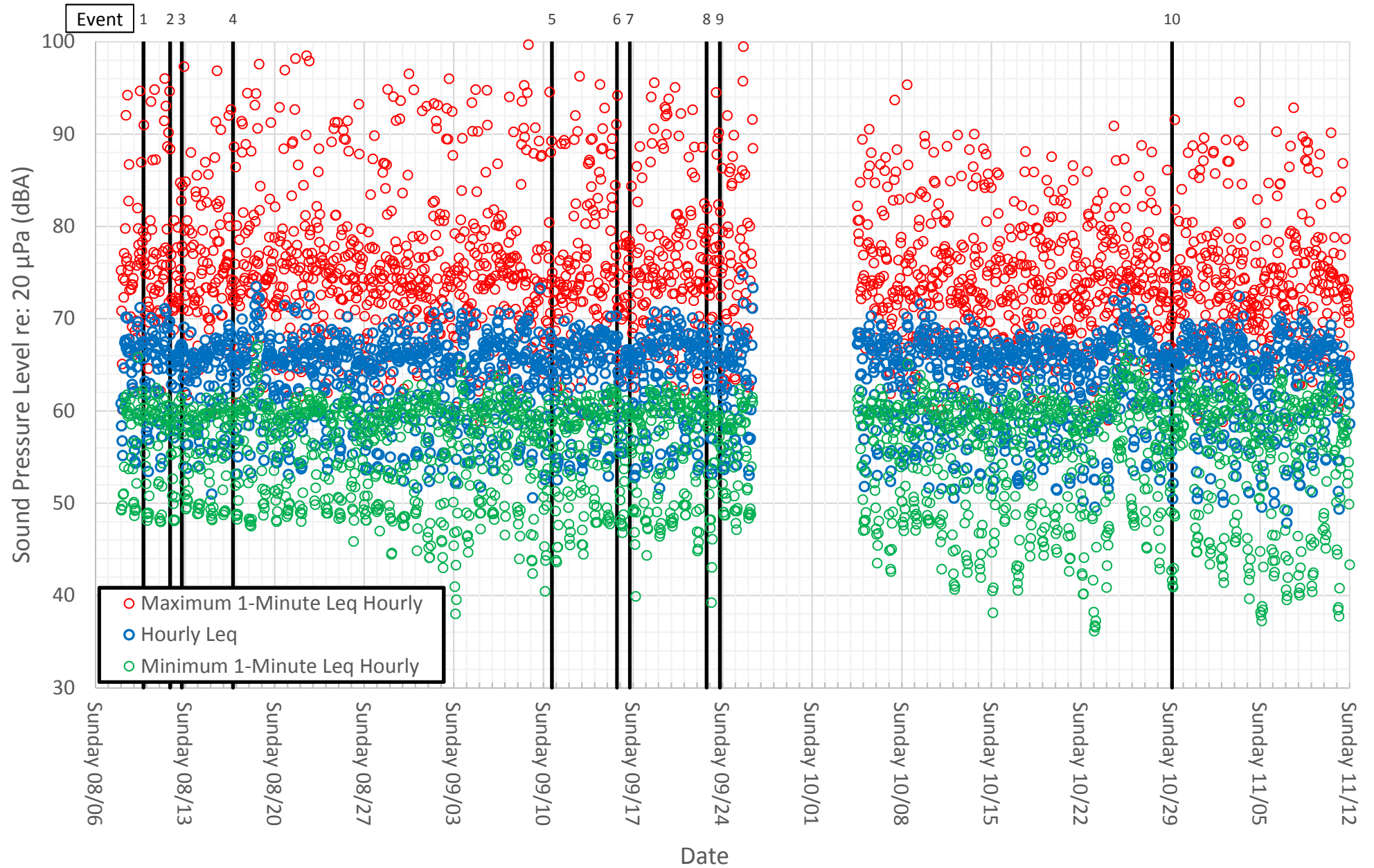


Figure 9b: Loc. 7 - Congress and Montfort - Hourly Leq Statistics for Each Day of the Week

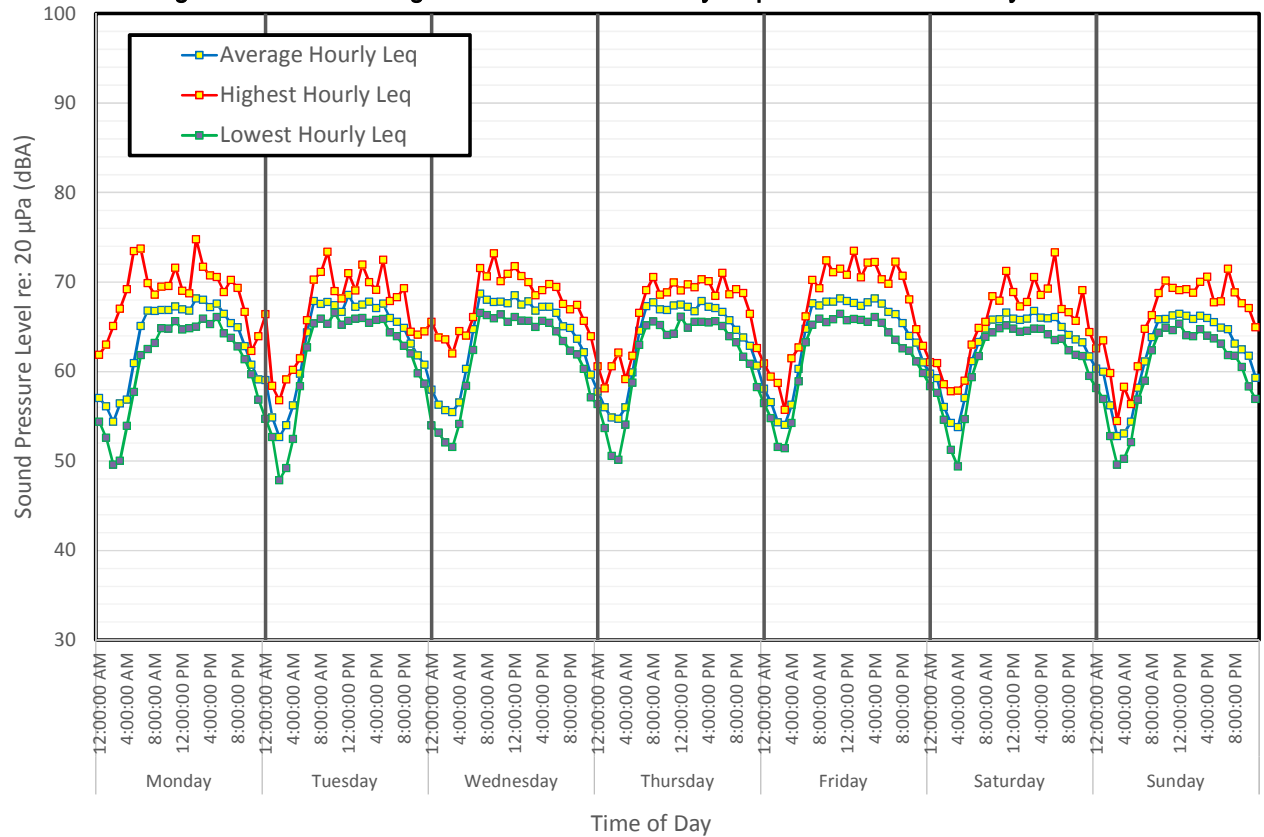


Figure 9c: Loc. 7 - Congress and Montfort - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	57	59	58	58	58	60	60
1:00:00 AM	56	55	56	56	57	59	60
2:00:00 AM	54	53	56	55	54	56	56
3:00:00 AM	56	54	55	55	54	54	53
4:00:00 AM	57	56	57	56	56	54	53
5:00:00 AM	61	60	60	60	60	57	54
6:00:00 AM	65	64	65	65	65	61	58
7:00:00 AM	67	68	69	67	68	63	61
8:00:00 AM	67	68	68	68	67	65	64
9:00:00 AM	67	68	68	67	68	66	66
10:00:00 AM	67	67	68	67	68	66	66
11:00:00 AM	67	67	68	67	68	67	66
12:00:00 PM	67	69	69	67	68	66	66
1:00:00 PM	67	67	67	67	68	66	66
2:00:00 PM	68	67	68	67	67	66	66
3:00:00 PM	68	68	67	68	68	67	66
4:00:00 PM	67	67	67	67	68	66	66
5:00:00 PM	68	68	67	67	68	66	65
6:00:00 PM	66	66	67	67	67	66	65
7:00:00 PM	65	66	65	66	66	65	65
8:00:00 PM	65	65	65	65	65	64	63
9:00:00 PM	63	63	64	64	64	64	62
10:00:00 PM	61	62	62	63	63	63	62
11:00:00 PM	59	61	60	61	61	62	59

Figure 9d: Loc. 7 - Congress and Montfort - Ld, Ln, Ldn Versus Time

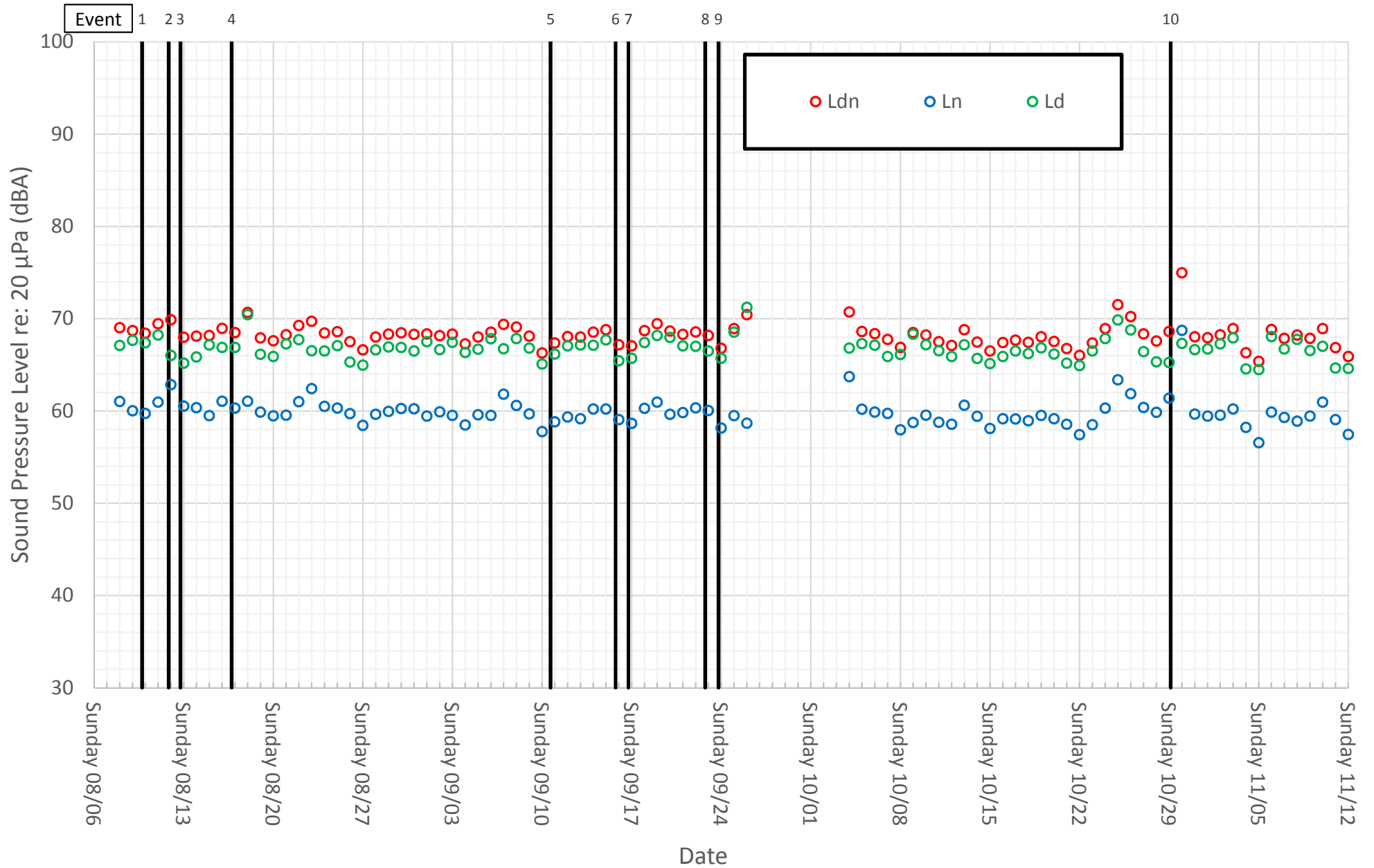


Figure 10a: Loc. 8 - Forest and Allen - Hourly Leq Versus Time

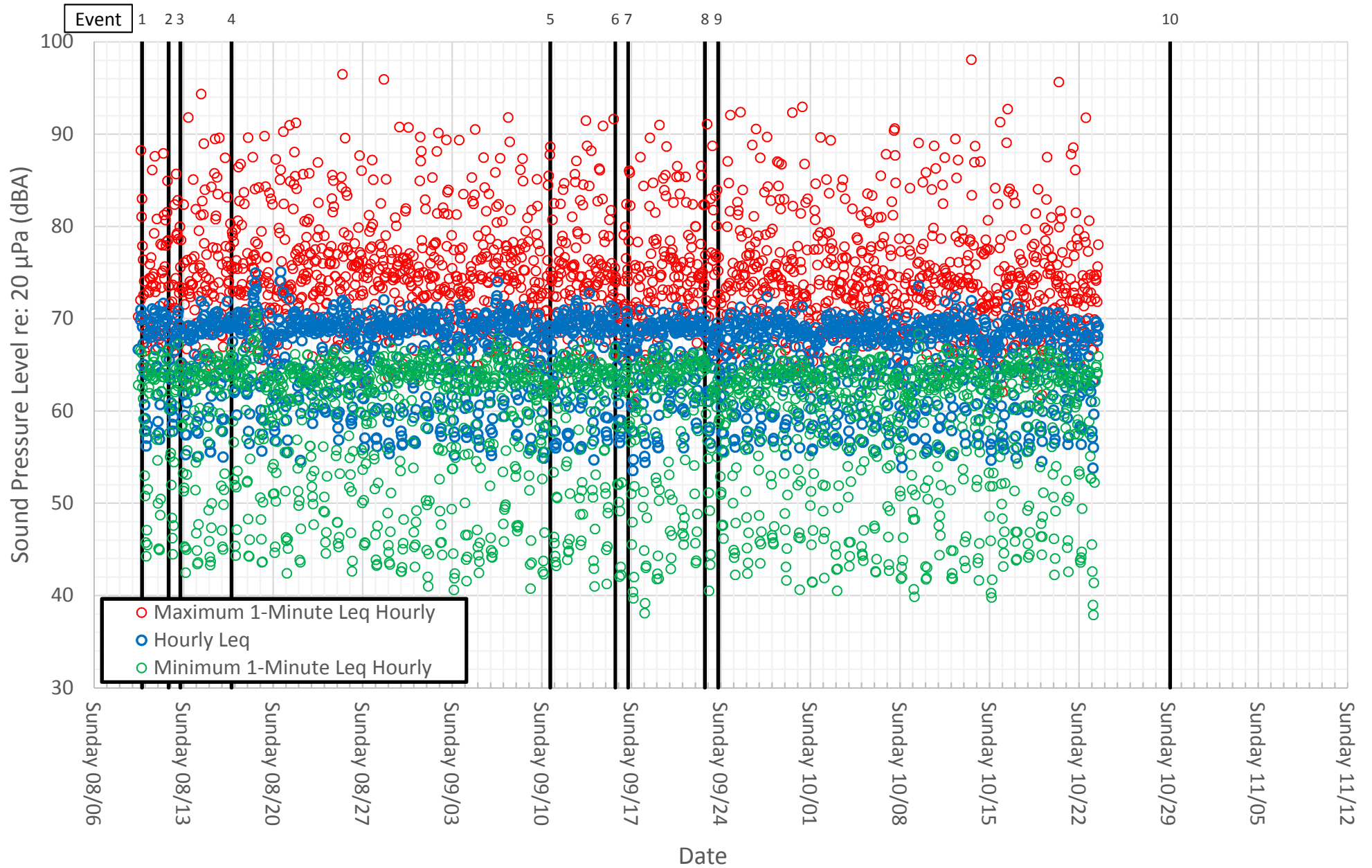


Figure 10b: Loc. 8 - Forest and Allen - Hourly Leq Statistics for Each Day of the Week

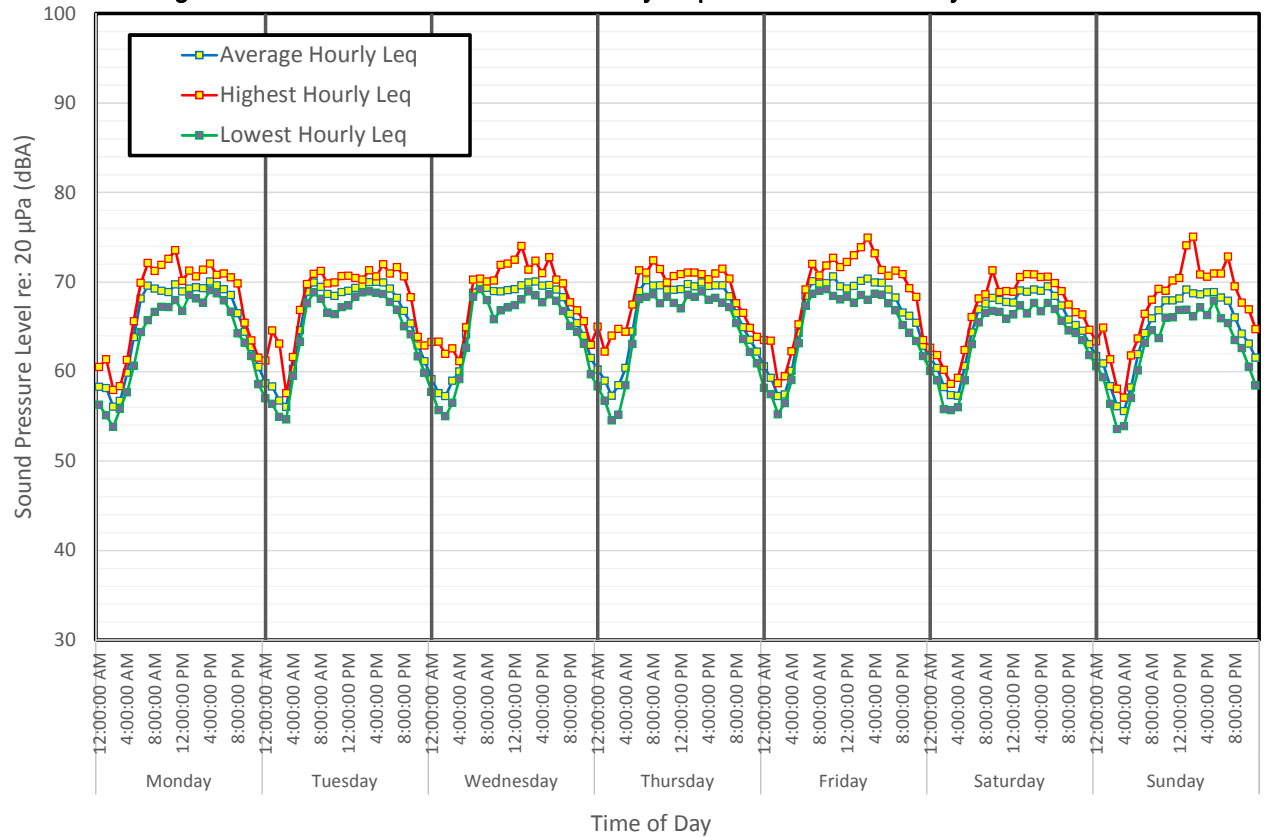


Figure 10c: Loc. 8 - Forest and Allen - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	58	59	59	60	61	61	62
1:00:00 AM	58	58	58	59	59	60	61
2:00:00 AM	56	57	57	57	57	58	58
3:00:00 AM	57	56	59	58	57	57	56
4:00:00 AM	60	60	60	60	60	57	56
5:00:00 AM	64	65	64	64	64	61	58
6:00:00 AM	68	69	69	69	68	64	62
7:00:00 AM	70	70	70	70	70	67	64
8:00:00 AM	69	69	69	70	70	68	66
9:00:00 AM	69	69	69	70	70	68	67
10:00:00 AM	69	68	69	69	71	68	68
11:00:00 AM	70	69	69	69	70	68	68
12:00:00 PM	69	69	69	69	69	68	68
1:00:00 PM	69	69	70	70	70	69	69
2:00:00 PM	69	70	70	70	70	69	69
3:00:00 PM	69	70	70	70	70	69	69
4:00:00 PM	70	70	70	70	70	69	69
5:00:00 PM	70	70	70	70	70	69	69
6:00:00 PM	69	69	69	70	69	68	68
7:00:00 PM	69	68	68	68	68	67	68
8:00:00 PM	66	67	66	67	67	66	66
9:00:00 PM	64	65	65	65	66	65	64
10:00:00 PM	63	63	64	64	65	65	63
11:00:00 PM	60	61	61	62	63	63	62

Figure 10d: Loc. 8 - Forest and Allen - Ld, Ln, Ldn Versus Time

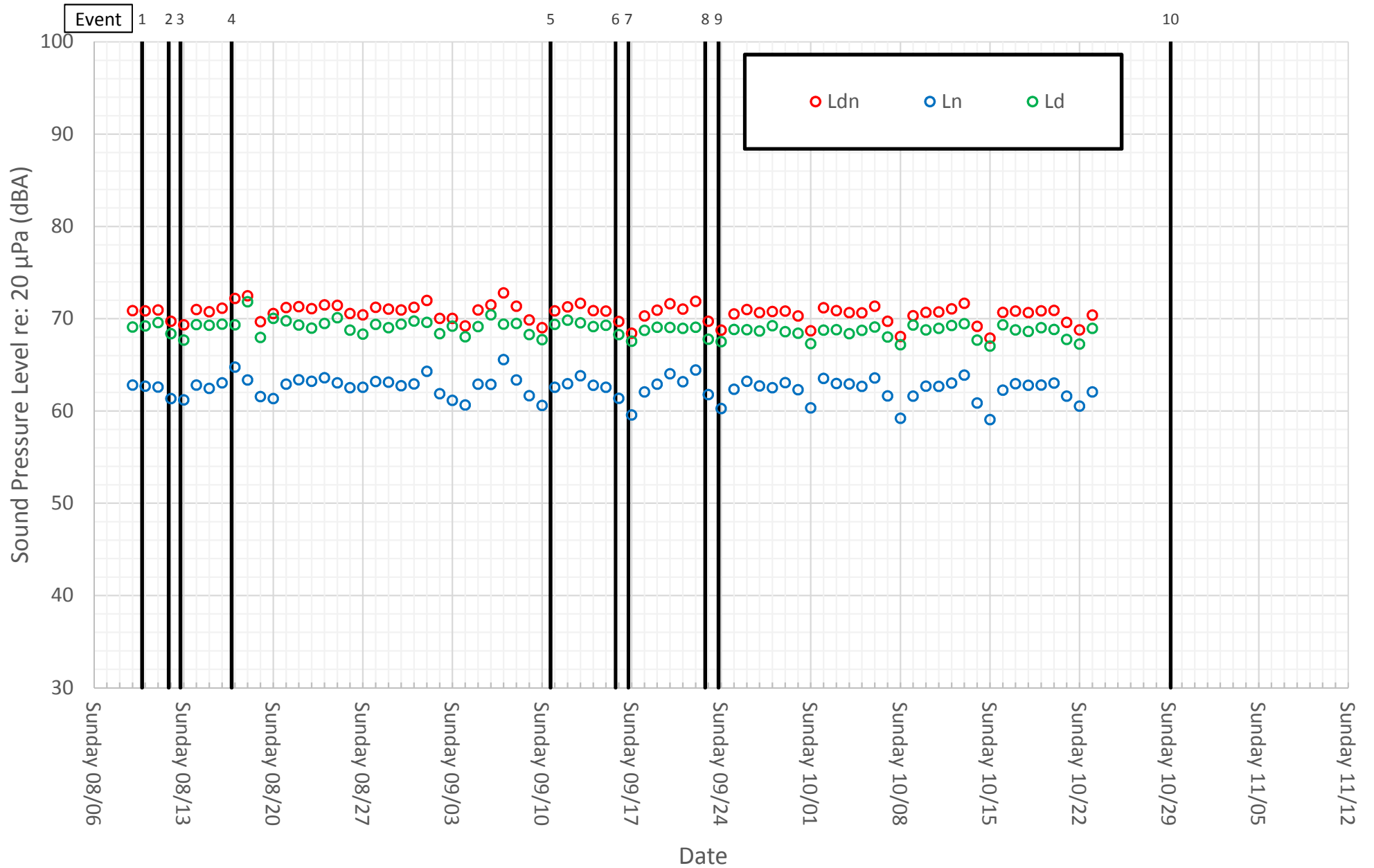


Figure 11a: Loc. 9 - Stevens and Brighton - Hourly Leq Versus Time

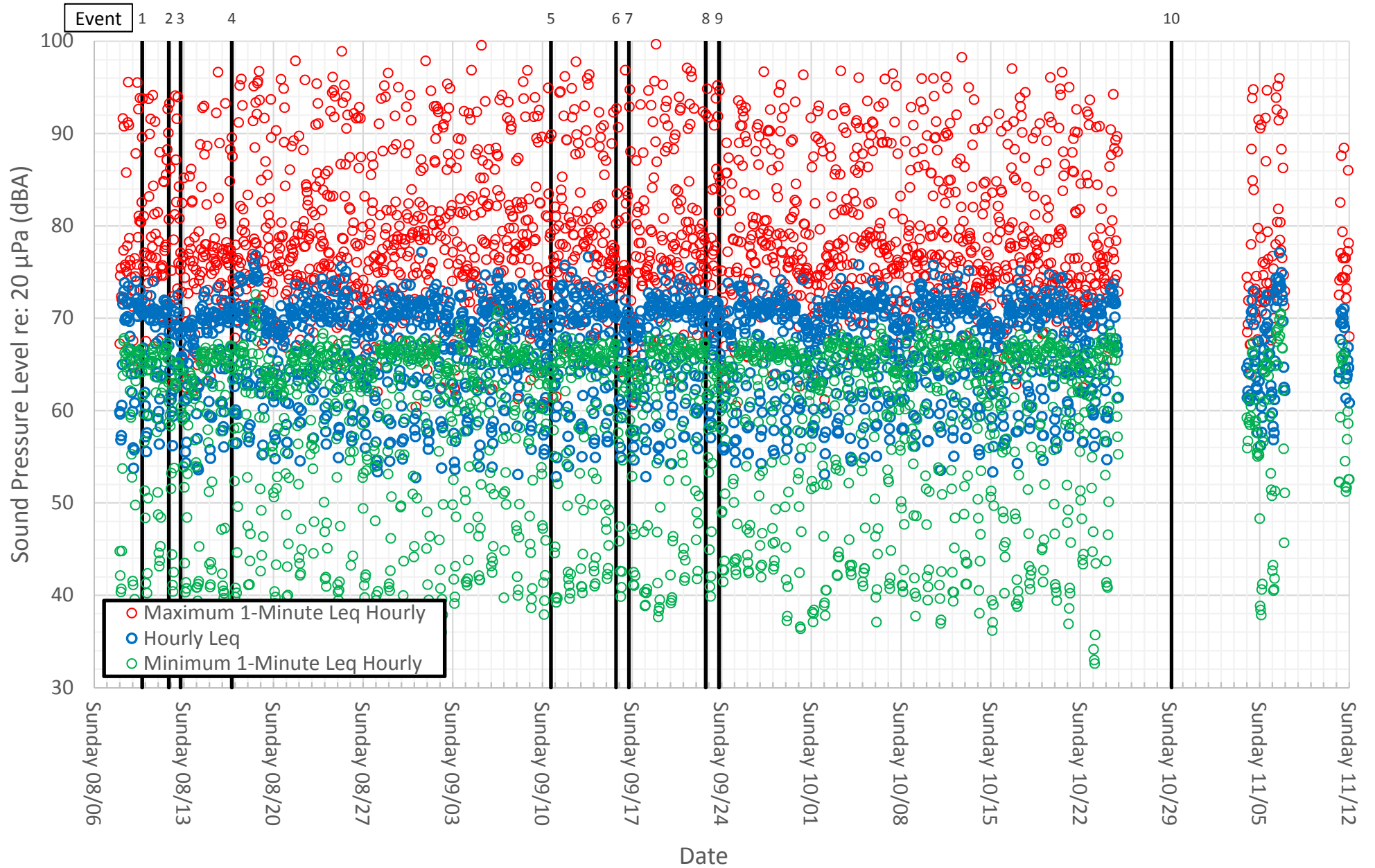


Figure 11b: Loc. 9 - Stevens and Brighton - Hourly Leq Statistics for Each Day of the Week

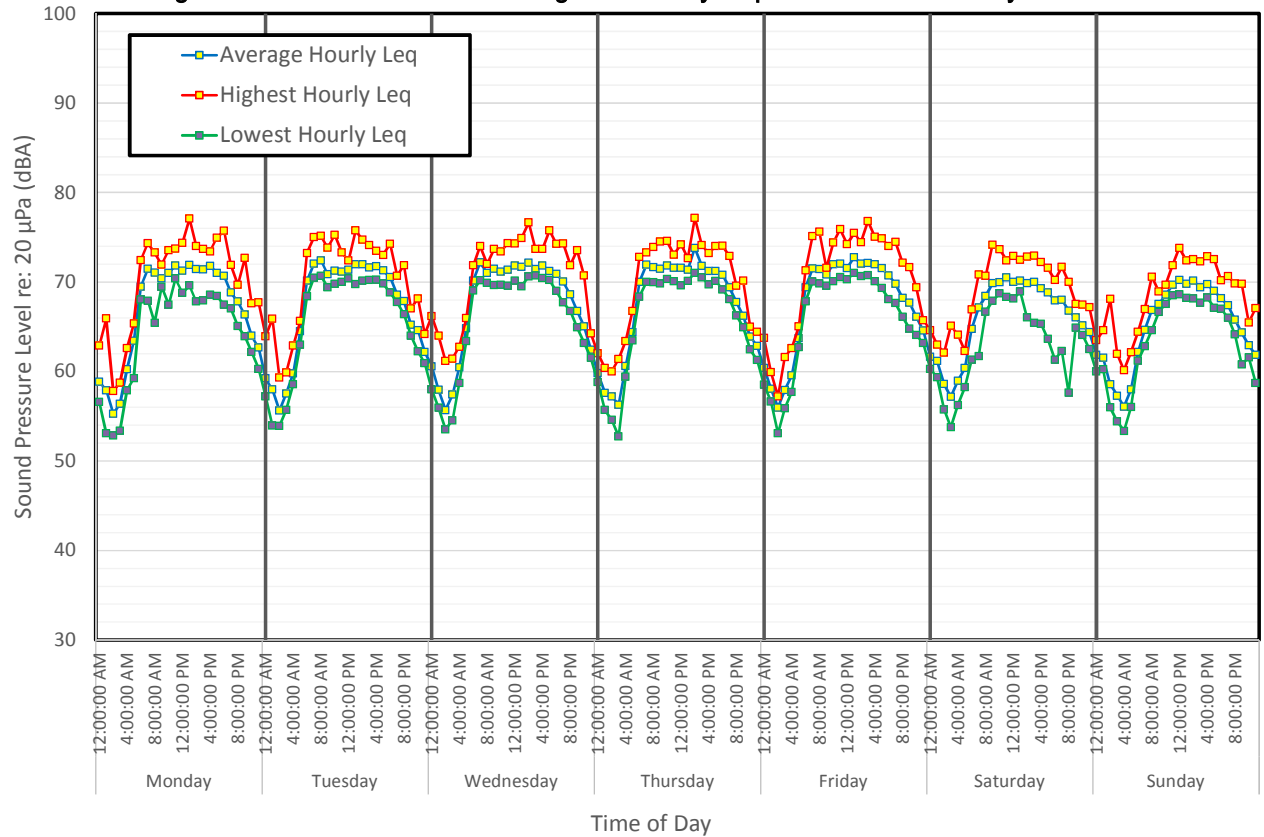


Figure 11c: Loc. 9 - Stevens and Brighton - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	59	59	61	60	60	62	62
1:00:00 AM	58	58	58	58	58	61	62
2:00:00 AM	55	56	56	57	56	59	59
3:00:00 AM	56	58	57	56	58	57	57
4:00:00 AM	60	60	60	61	60	59	56
5:00:00 AM	63	64	65	64	64	60	58
6:00:00 AM	69	70	70	70	69	65	62
7:00:00 AM	71	72	72	72	71	67	65
8:00:00 AM	71	72	71	72	71	68	67
9:00:00 AM	70	71	71	71	71	70	68
10:00:00 AM	71	71	71	72	72	70	69
11:00:00 AM	72	71	71	72	72	71	70
12:00:00 PM	71	71	72	72	72	70	70
1:00:00 PM	72	72	72	71	73	70	70
2:00:00 PM	71	72	72	74	72	70	70
3:00:00 PM	71	72	71	72	72	70	69
4:00:00 PM	72	72	72	71	72	69	70
5:00:00 PM	71	71	71	71	72	69	69
6:00:00 PM	71	71	71	71	71	68	68
7:00:00 PM	69	69	70	69	70	68	67
8:00:00 PM	68	68	69	68	68	67	66
9:00:00 PM	66	65	67	66	68	66	64
10:00:00 PM	64	65	65	64	66	65	63
11:00:00 PM	63	62	62	63	65	64	62

Figure 11d: Loc. 9 - Stevens and Brighton - Ld, Ln, Ldn Versus Time

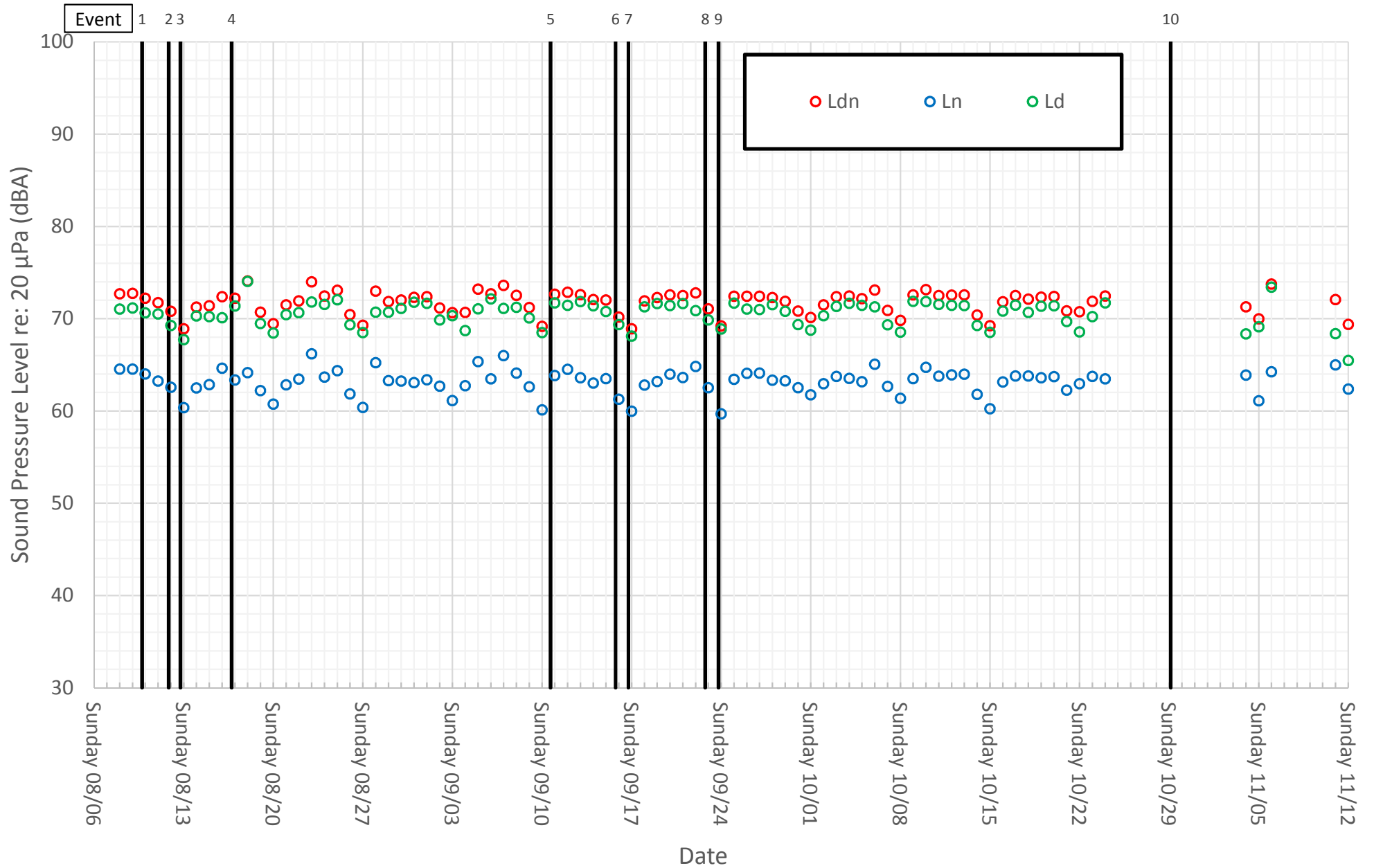


Figure 12a: Loc. 10 - Casco Bay Bridge - Hourly Leq Versus Time

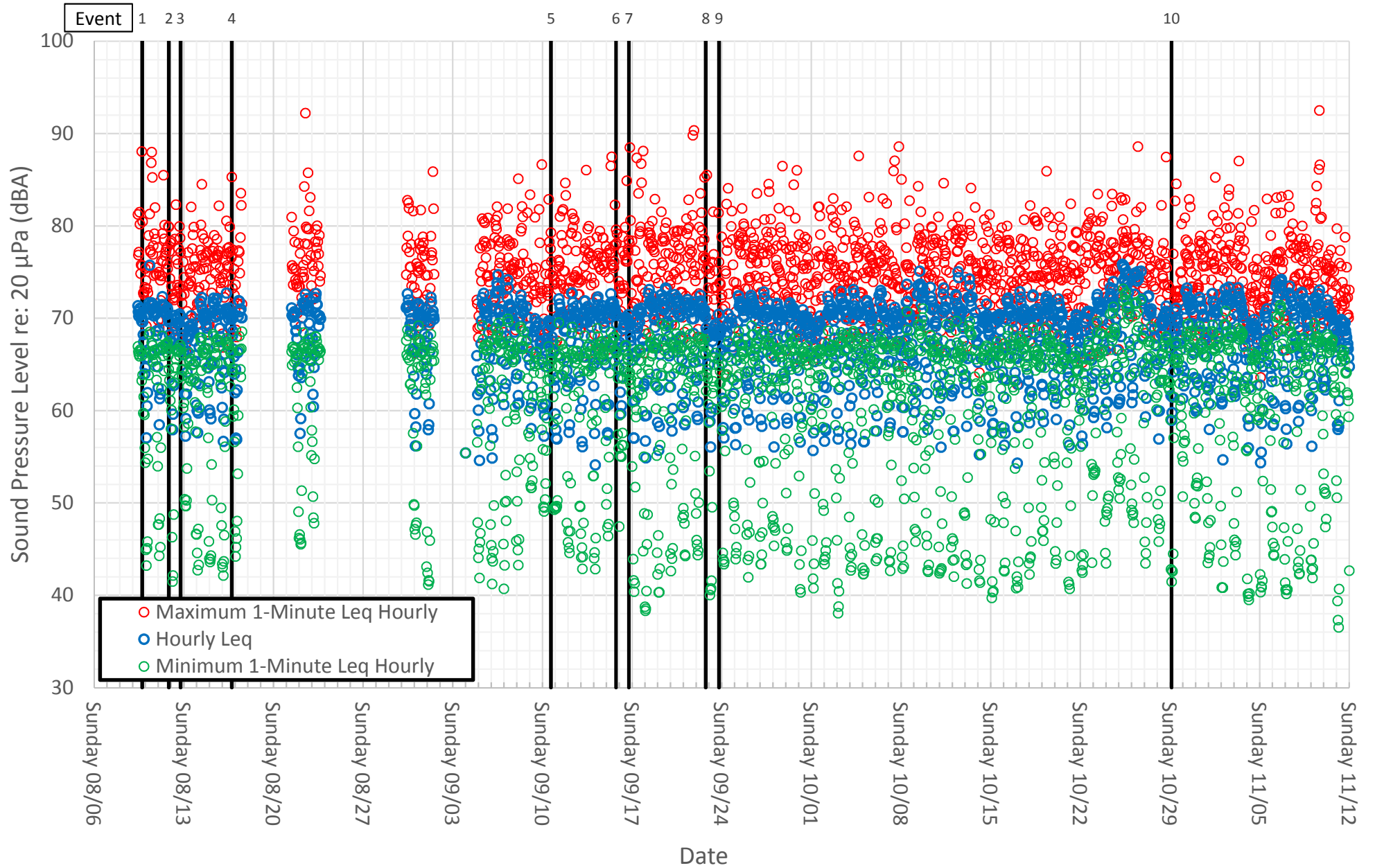


Figure 12b: Loc. 10 - Casco Bay Bridge - Hourly Leq Statistics for Each Day of the Week

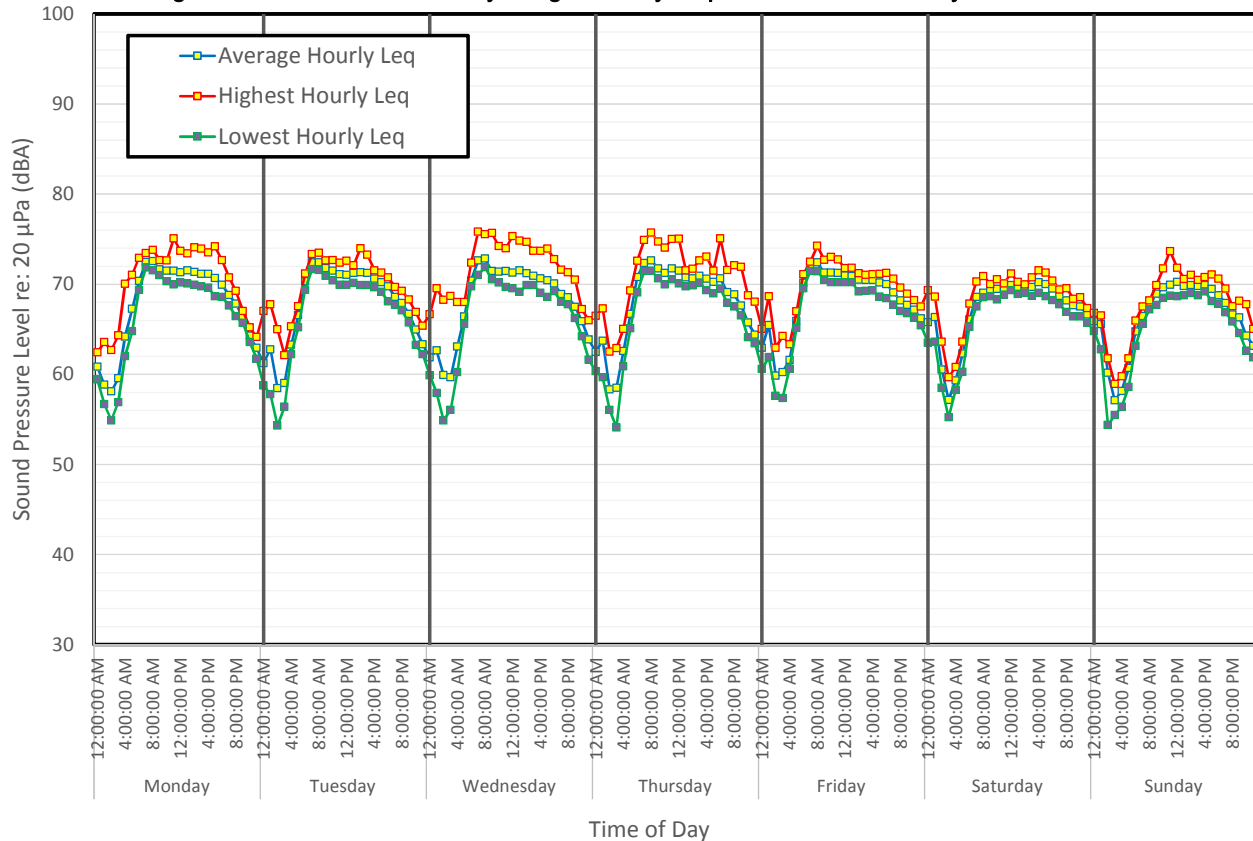


Figure 12c: Loc. 10 - Casco Bay Bridge - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	61	61	62	62	63	66	66
1:00:00 AM	59	63	63	64	65	66	66
2:00:00 AM	58	58	60	58	60	61	60
3:00:00 AM	60	59	60	58	60	57	57
4:00:00 AM	64	63	63	63	62	59	58
5:00:00 AM	67	67	66	67	66	62	61
6:00:00 AM	70	70	70	71	70	66	65
7:00:00 AM	72	72	73	72	72	69	66
8:00:00 AM	73	72	73	73	72	69	68
9:00:00 AM	72	72	71	72	71	69	69
10:00:00 AM	71	71	71	71	71	69	70
11:00:00 AM	71	71	71	72	71	70	70
12:00:00 PM	71	71	71	71	71	70	70
1:00:00 PM	72	71	72	71	71	70	70
2:00:00 PM	71	71	71	71	71	70	70
3:00:00 PM	71	71	71	71	70	70	70
4:00:00 PM	71	71	71	71	70	70	70
5:00:00 PM	71	70	70	70	70	70	69
6:00:00 PM	70	70	70	71	70	70	69
7:00:00 PM	69	69	69	69	69	69	68
8:00:00 PM	68	68	69	69	68	68	67
9:00:00 PM	66	67	67	68	68	68	66
10:00:00 PM	64	65	66	66	67	68	64
11:00:00 PM	63	63	64	64	66	67	63

Figure 12d: Loc. 10 - Casco Bay Bridge - Ld, Ln, Ldn Versus Time

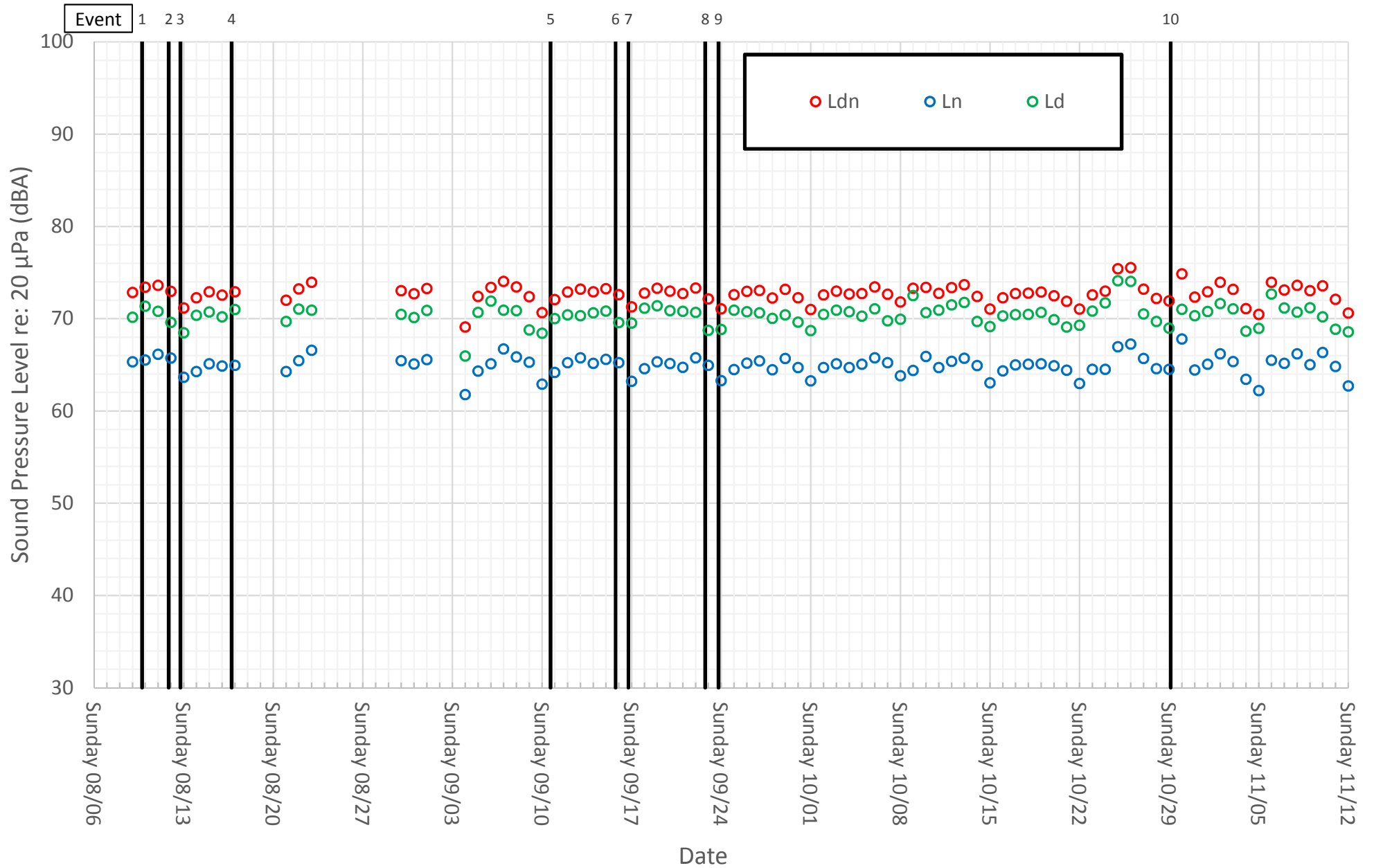


Figure 13a: Loc. 11 - Washington and Presumpscot - Hourly Leq Versus Time

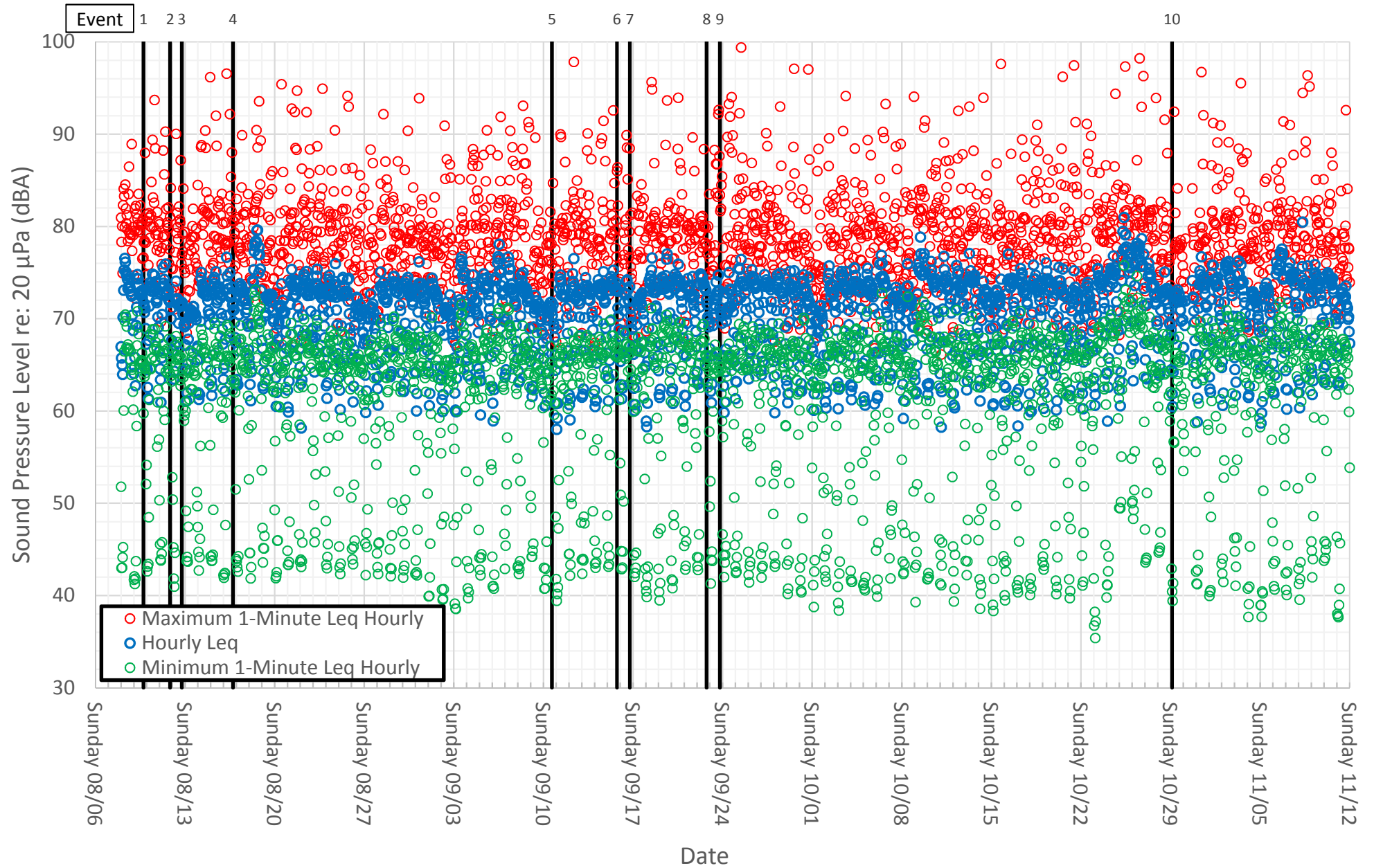


Figure 13b: Loc. 11 - Washington and Presumpscot - Hourly Leq Statistics for Each Day of the Week

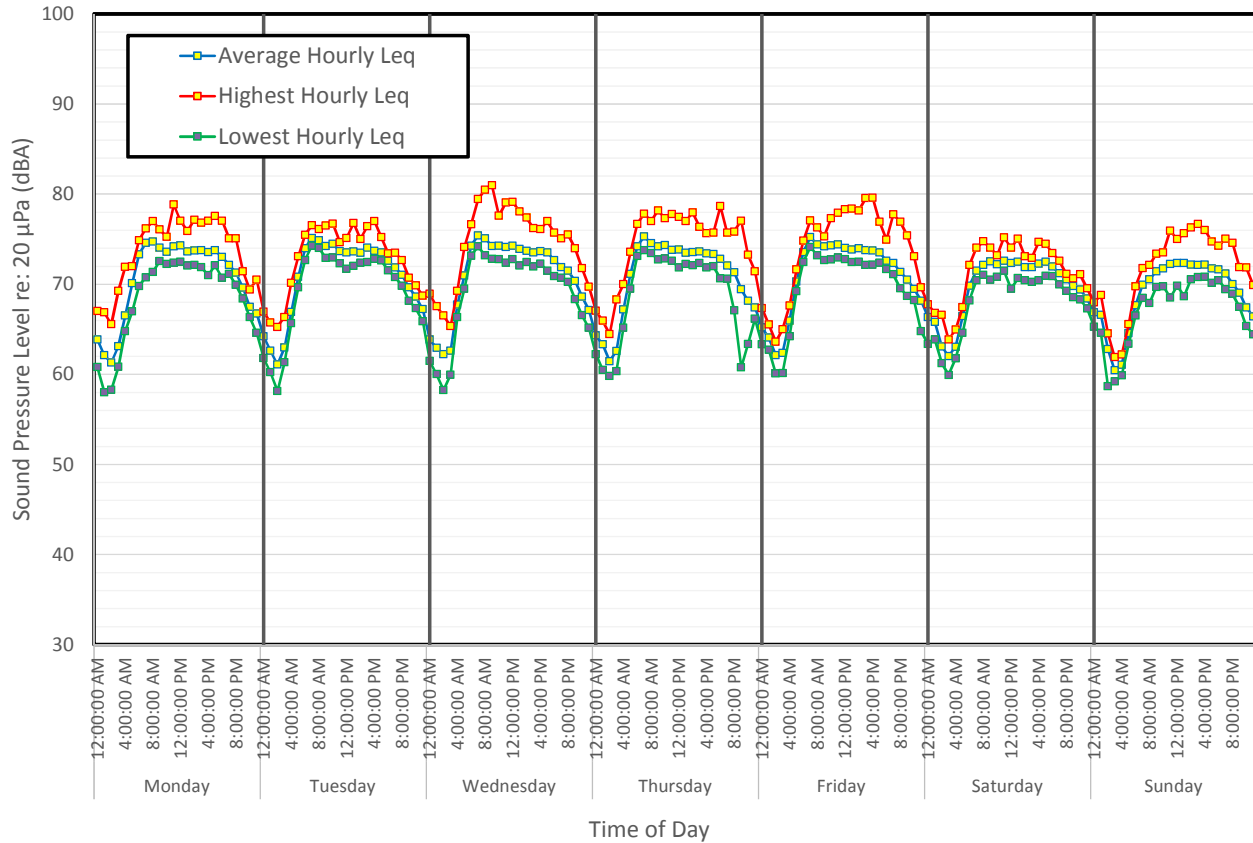


Figure 13c: Loc. 11 - Washington and Presumpscot - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	64	64	64	64	65	66	67
1:00:00 AM	62	63	63	63	64	66	67
2:00:00 AM	61	61	62	61	62	63	63
3:00:00 AM	63	63	63	63	62	62	60
4:00:00 AM	67	67	68	67	66	63	61
5:00:00 AM	70	71	71	71	70	66	65
6:00:00 AM	73	74	74	74	74	70	68
7:00:00 AM	75	75	75	75	75	72	70
8:00:00 AM	75	75	75	75	74	72	71
9:00:00 AM	74	74	74	74	74	73	71
10:00:00 AM	74	74	74	74	74	72	72
11:00:00 AM	74	74	74	74	74	73	72
12:00:00 PM	74	74	74	74	74	72	72
1:00:00 PM	74	74	74	73	74	73	72
2:00:00 PM	74	73	74	74	74	72	72
3:00:00 PM	74	74	74	74	74	72	72
4:00:00 PM	74	74	74	73	74	72	72
5:00:00 PM	74	74	74	73	74	72	72
6:00:00 PM	73	73	73	73	73	72	72
7:00:00 PM	72	72	72	72	72	71	71
8:00:00 PM	71	71	72	71	71	71	70
9:00:00 PM	70	70	70	69	71	70	69
10:00:00 PM	67	69	69	68	69	69	67
11:00:00 PM	67	67	67	67	68	68	66

Figure 13d: Loc. 11 - Washington and Presumpscot - Ld, Ln, Ldn Versus Time

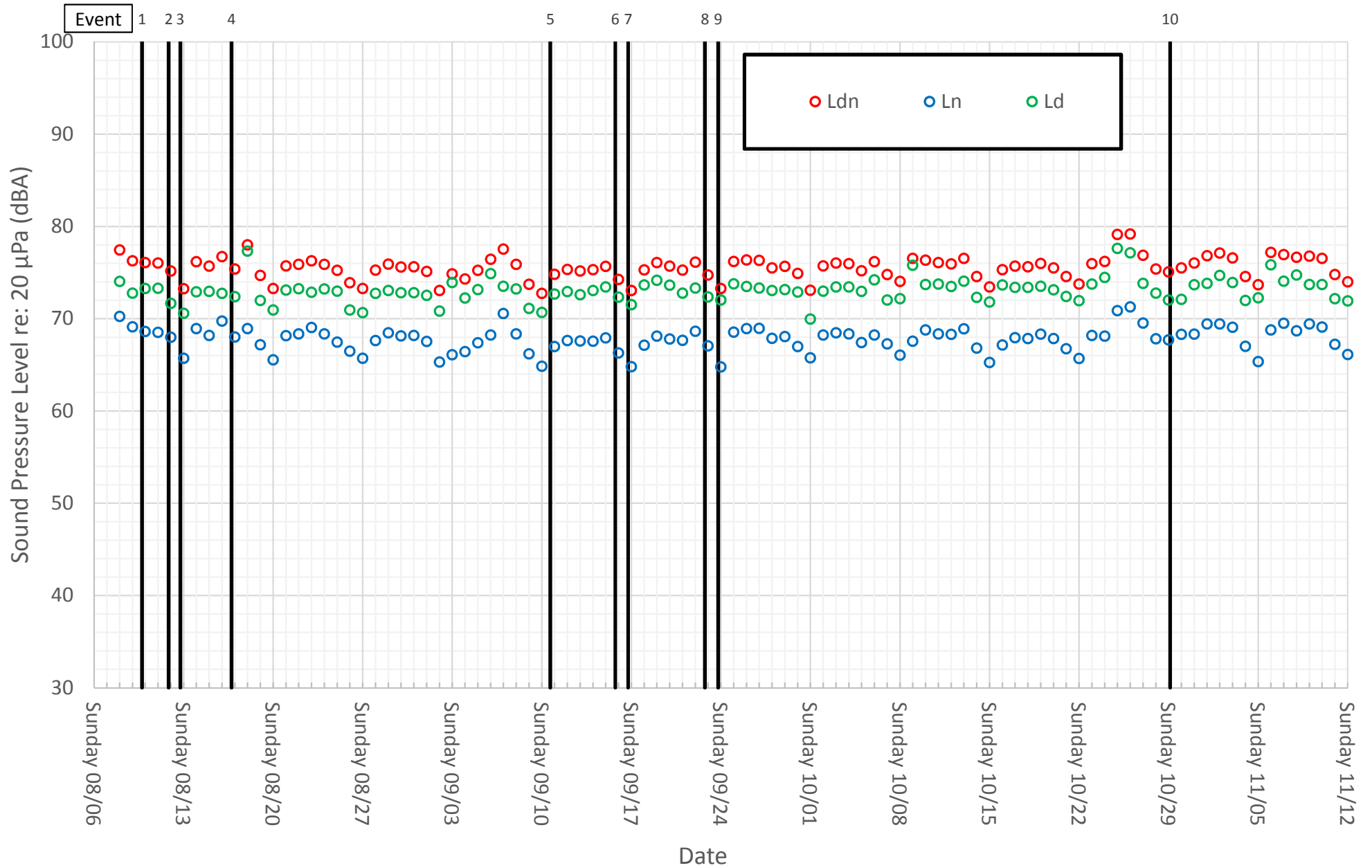


Figure 14a: Loc. 12 - Peak's Island - Hourly Leq Versus Time

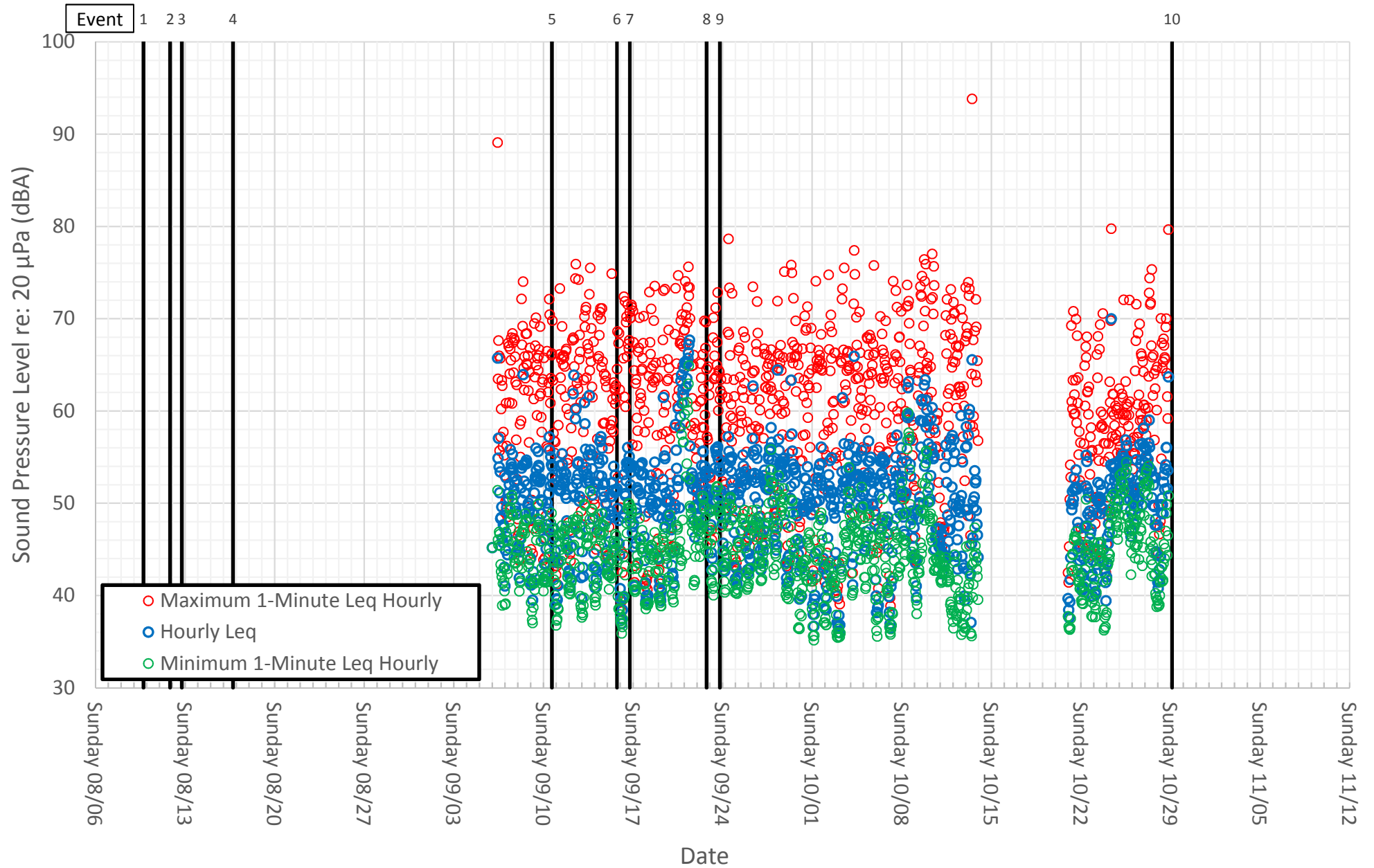


Figure 14b: Loc. 12 - Peak's Island - Hourly Leq Statistics for Each Day of the Week

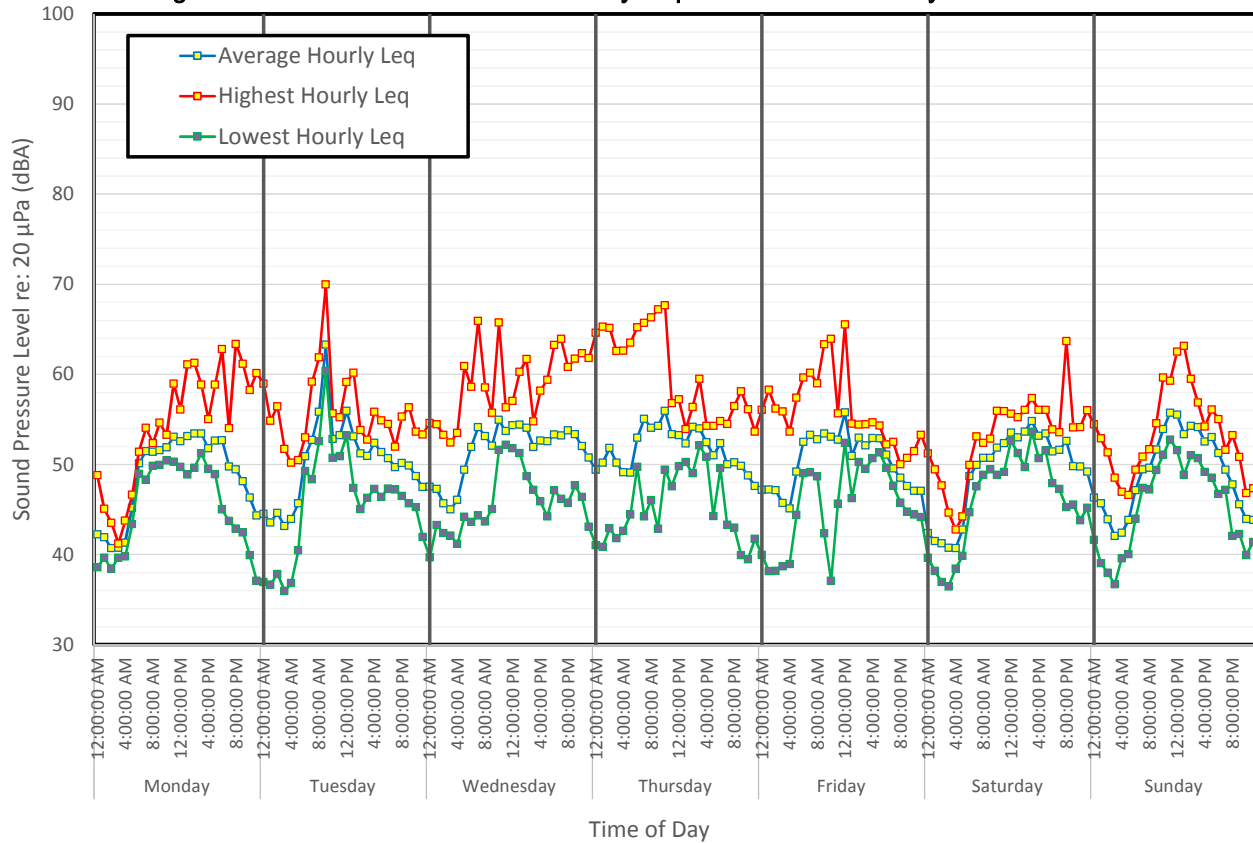


Figure 14c: Loc. 12 - Peak's Island - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	42	44	48	49	47	42	46
1:00:00 AM	42	44	47	50	47	41	46
2:00:00 AM	41	45	46	52	47	41	44
3:00:00 AM	41	43	45	50	46	41	42
4:00:00 AM	41	44	46	49	45	41	42
5:00:00 AM	45	46	49	49	49	43	44
6:00:00 AM	50	51	52	53	52	49	47
7:00:00 AM	51	53	54	55	53	50	49
8:00:00 AM	51	56	53	54	53	51	50
9:00:00 AM	52	63	52	54	53	51	52
10:00:00 AM	52	53	55	56	53	52	54
11:00:00 AM	53	53	54	53	53	52	56
12:00:00 PM	53	56	54	53	56	54	56
1:00:00 PM	53	53	54	52	51	53	53
2:00:00 PM	53	51	54	54	53	54	54
3:00:00 PM	53	51	52	54	52	55	54
4:00:00 PM	52	52	53	52	53	53	53
5:00:00 PM	53	51	53	51	53	53	53
6:00:00 PM	53	51	53	52	51	51	51
7:00:00 PM	50	50	53	50	50	52	49
8:00:00 PM	49	50	54	50	49	53	48
9:00:00 PM	48	50	53	50	48	50	46
10:00:00 PM	46	49	52	49	47	50	44
11:00:00 PM	44	47	51	48	47	49	44

Figure 14d: Loc. 12 - Peak's Island - Ld, Ln, Ldn Versus Time

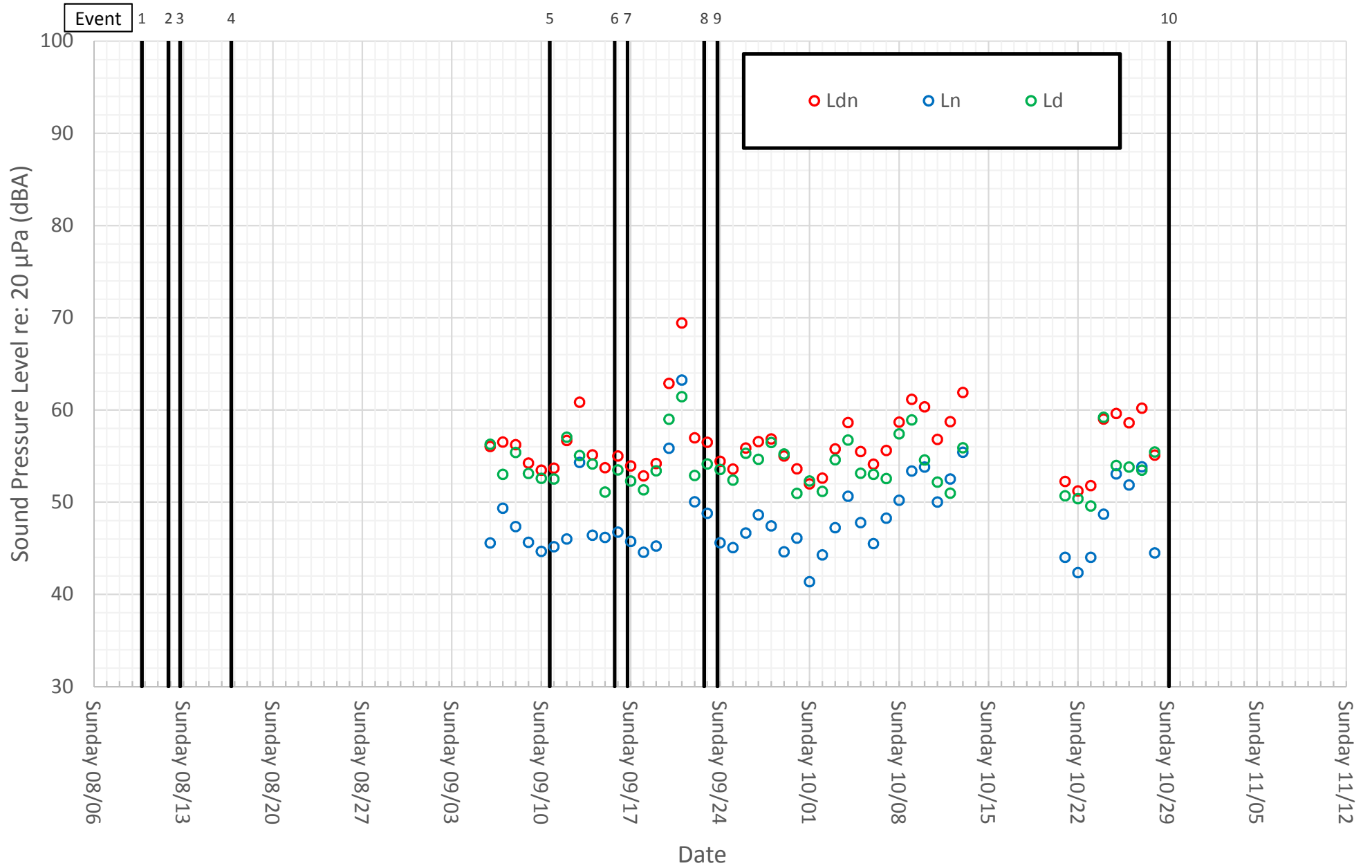


Figure 15a: Loc. 13 - Allen and Washington - Hourly Leq Versus Time

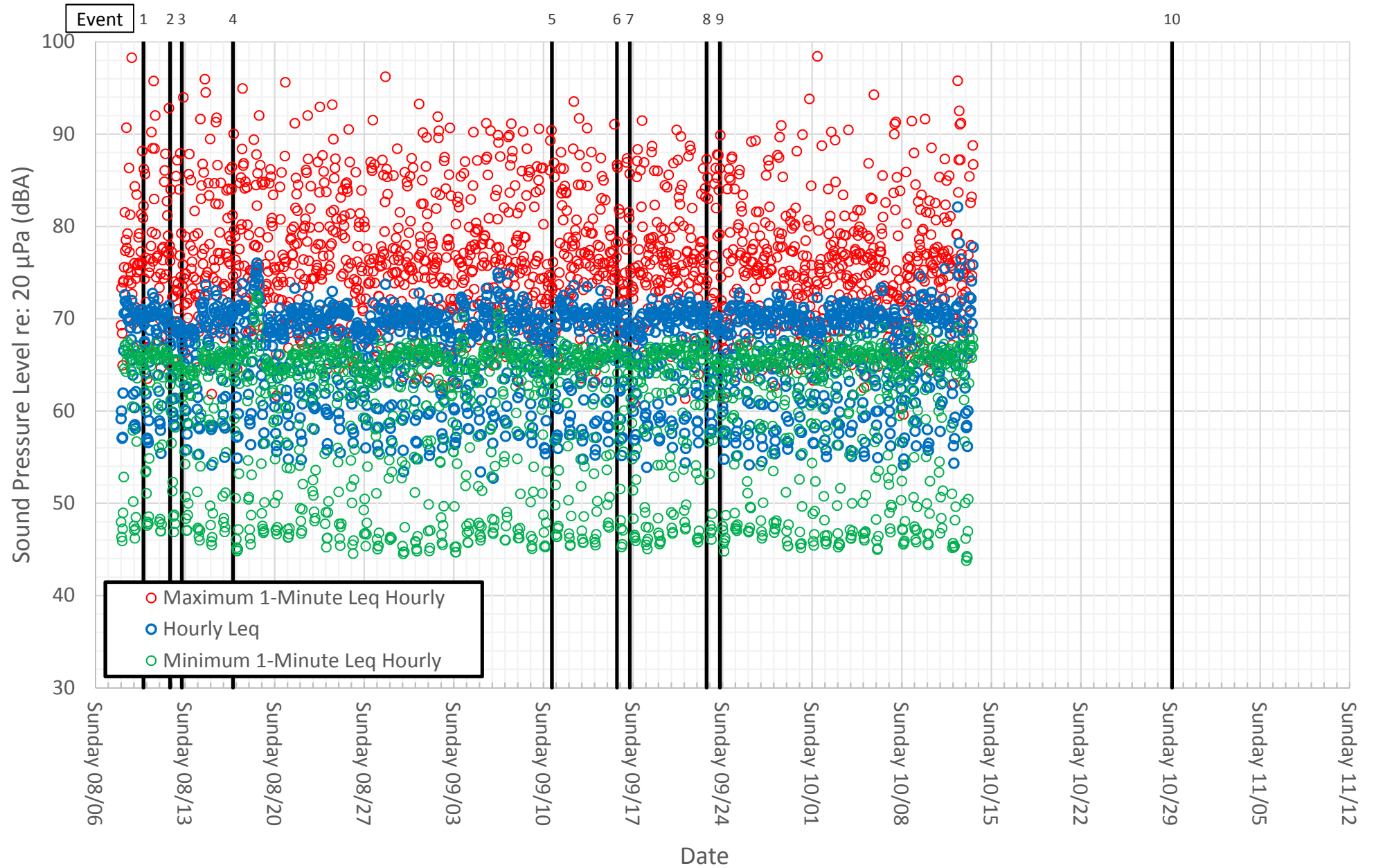


Figure 15b: Loc. 13 - Allen and Washington - Hourly Leq Statistics for Each Day of the Week

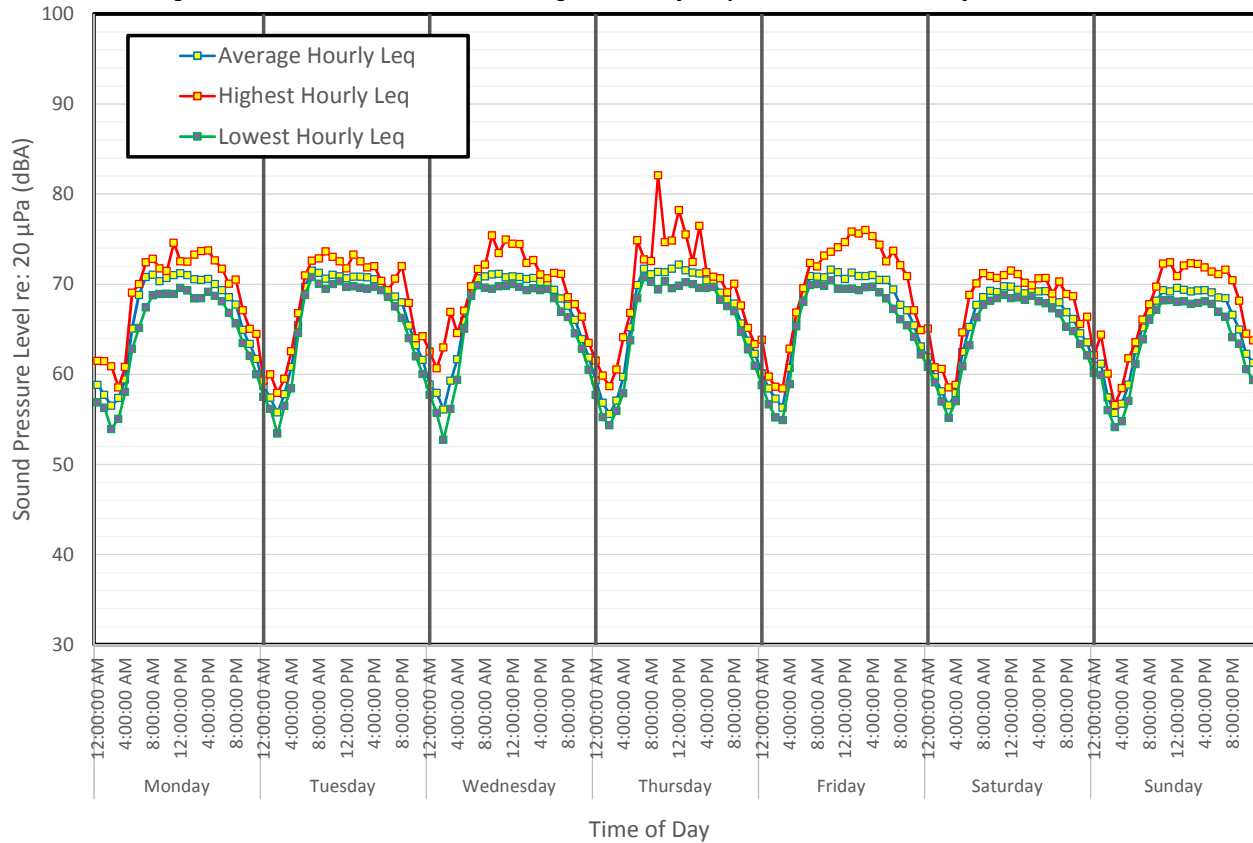


Figure 15c: Loc. 13 - Allen and Washington - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	59	59	59	59	60	62	61
1:00:00 AM	58	57	58	57	58	60	61
2:00:00 AM	56	56	56	56	57	58	57
3:00:00 AM	57	58	59	57	56	57	56
4:00:00 AM	59	61	62	60	61	58	57
5:00:00 AM	65	65	66	65	66	62	59
6:00:00 AM	69	70	69	70	69	65	63
7:00:00 AM	71	71	71	72	71	68	65
8:00:00 AM	71	71	71	71	71	69	67
9:00:00 AM	70	71	71	71	71	69	68
10:00:00 AM	71	71	71	71	72	69	69
11:00:00 AM	71	71	71	72	71	70	69
12:00:00 PM	71	71	71	72	71	70	70
1:00:00 PM	71	71	71	72	71	69	69
2:00:00 PM	71	71	71	71	71	69	69
3:00:00 PM	70	71	71	71	71	69	69
4:00:00 PM	71	71	70	70	71	69	69
5:00:00 PM	70	70	70	70	70	69	69
6:00:00 PM	69	69	69	69	70	68	69
7:00:00 PM	69	69	68	68	69	68	68
8:00:00 PM	68	68	68	68	68	67	67
9:00:00 PM	65	65	66	66	67	66	65
10:00:00 PM	63	63	64	64	65	65	62
11:00:00 PM	62	62	62	62	63	64	61

Figure 15d: Loc. 13 - Allen and Washington - Ld, Ln, Ldn Versus Time

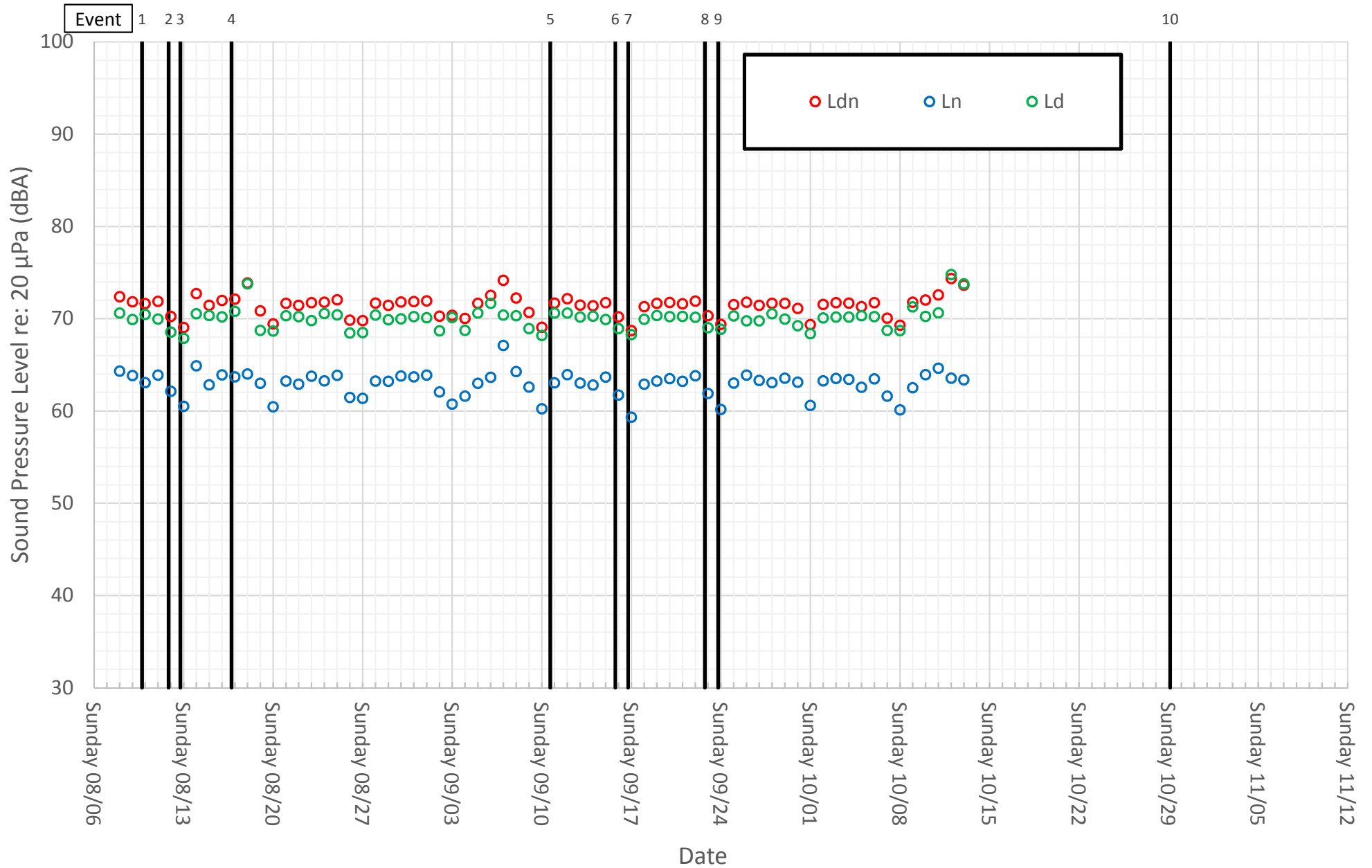


Figure 16a: Loc. 14 - Mechanical Street Pump House - South Portland - Hourly Leq Versus Time

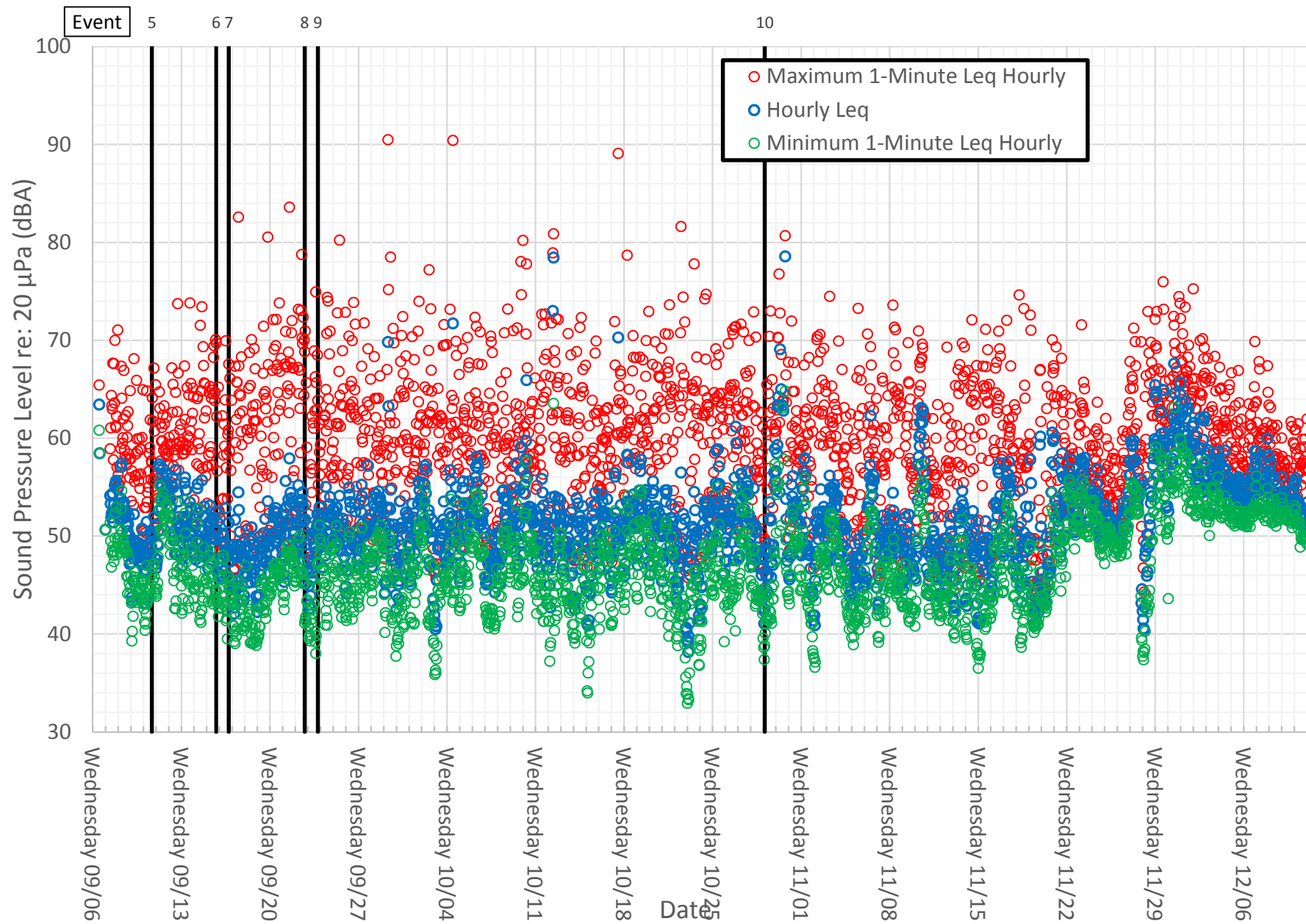


Figure 16b: Loc. 14 - Mechanical Street Pump House - South Portland - Hourly Leq Statistics for Each Day of the Week

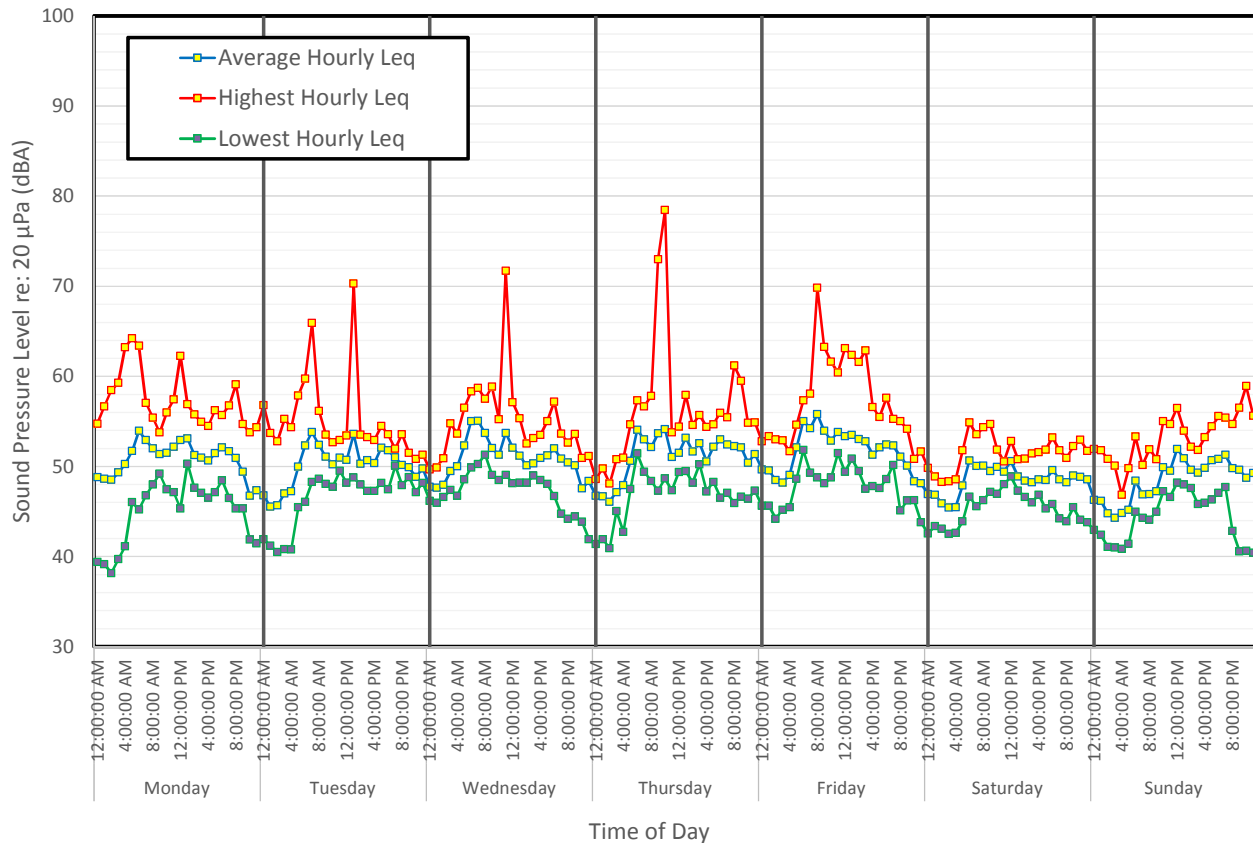


Figure 16c: Loc. 14 - Mechanical Street Pump House - South Portland - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	49	47	48	47	50	47	46
1:00:00 AM	49	46	48	47	50	47	46
2:00:00 AM	49	46	48	46	48	46	45
3:00:00 AM	49	47	49	47	48	45	44
4:00:00 AM	50	47	50	48	49	45	45
5:00:00 AM	52	50	52	51	52	48	45
6:00:00 AM	54	52	55	54	55	51	48
7:00:00 AM	53	54	55	53	54	50	47
8:00:00 AM	52	52	54	52	56	50	47
9:00:00 AM	51	51	52	54	54	49	47
10:00:00 AM	51	50	51	54	53	50	50
11:00:00 AM	52	51	54	51	54	49	50
12:00:00 PM	53	51	52	51	53	51	52
1:00:00 PM	53	54	51	53	53	49	51
2:00:00 PM	51	50	50	52	53	48	50
3:00:00 PM	51	51	50	53	53	48	49
4:00:00 PM	51	50	51	51	51	49	50
5:00:00 PM	51	52	51	52	52	48	51
6:00:00 PM	52	52	52	53	52	50	51
7:00:00 PM	52	51	51	52	52	49	51
8:00:00 PM	51	50	50	52	51	48	50
9:00:00 PM	49	50	50	52	50	49	50
10:00:00 PM	47	49	48	50	48	49	49
11:00:00 PM	47	50	48	51	48	49	49

Figure 16d: Loc. 14 - Mechanical Street Pump House - South Portland - Ld, Ln, Ldn Versus Time

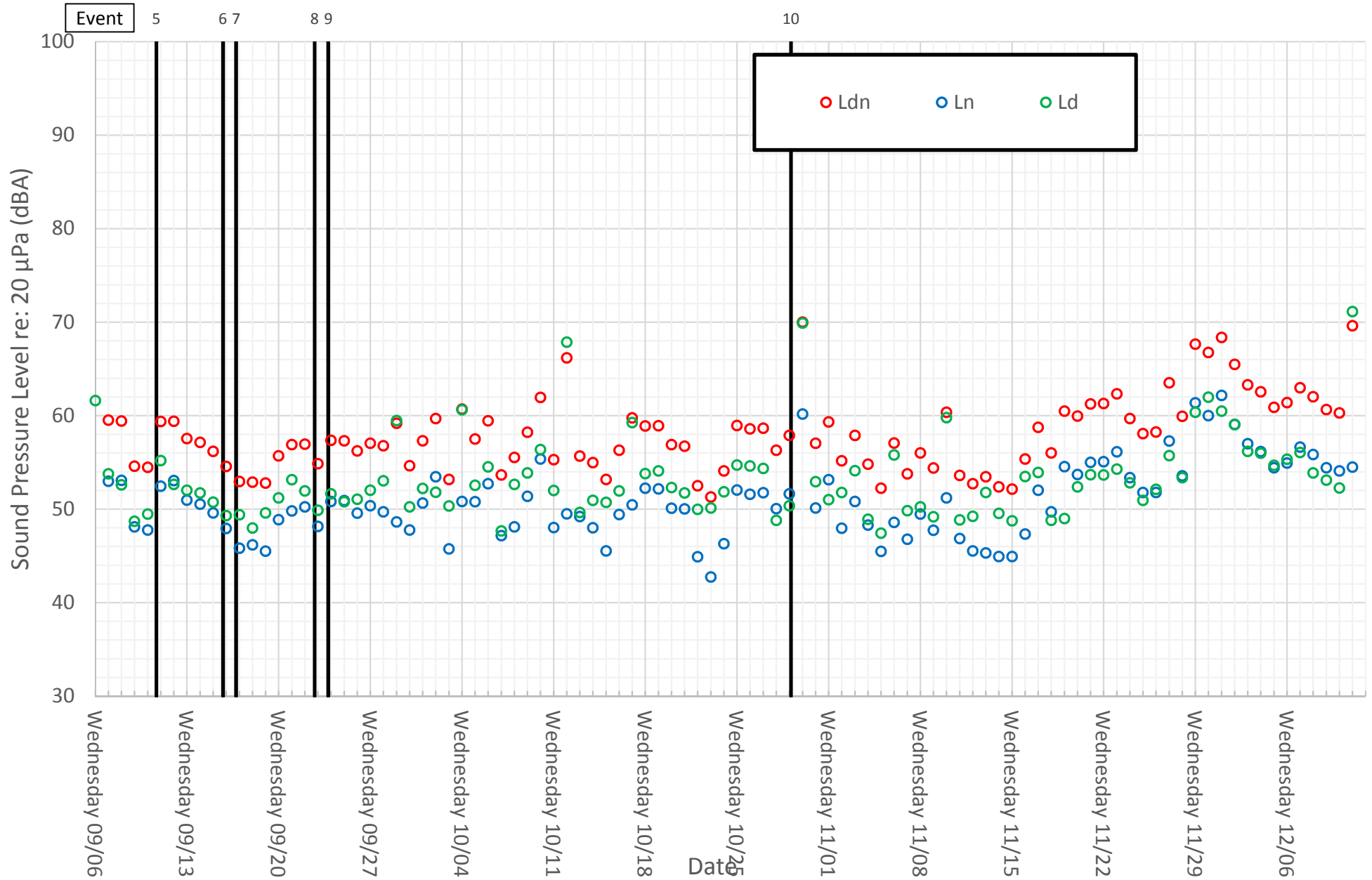


Figure 17a: Loc. 15 - Portland Street Pier - South Portland - Hourly Leq Versus Time

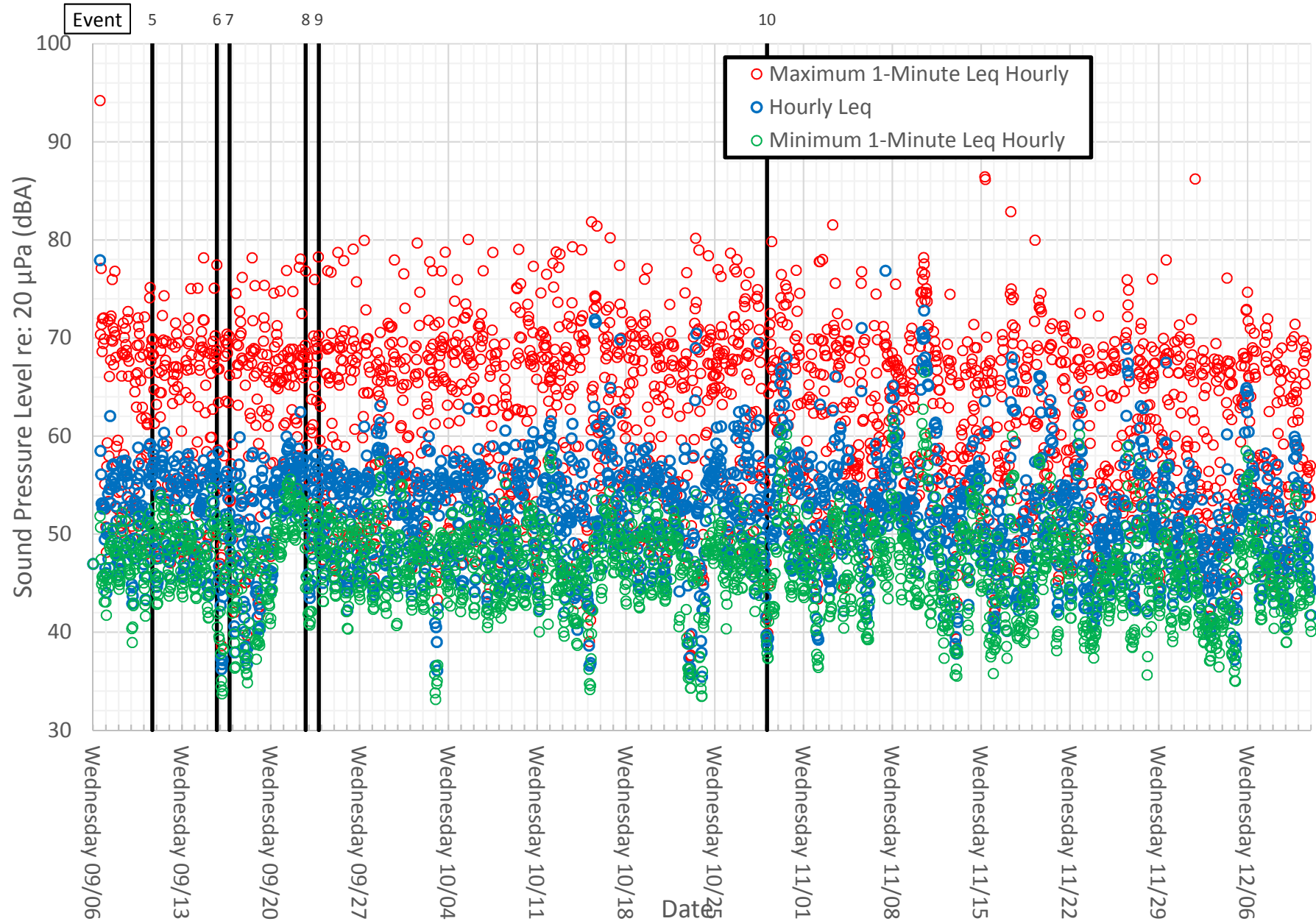


Figure 17b: Loc. 15 - Portland Street Pier - South Portland - Hourly Leq Statistics for Each Day of the Week

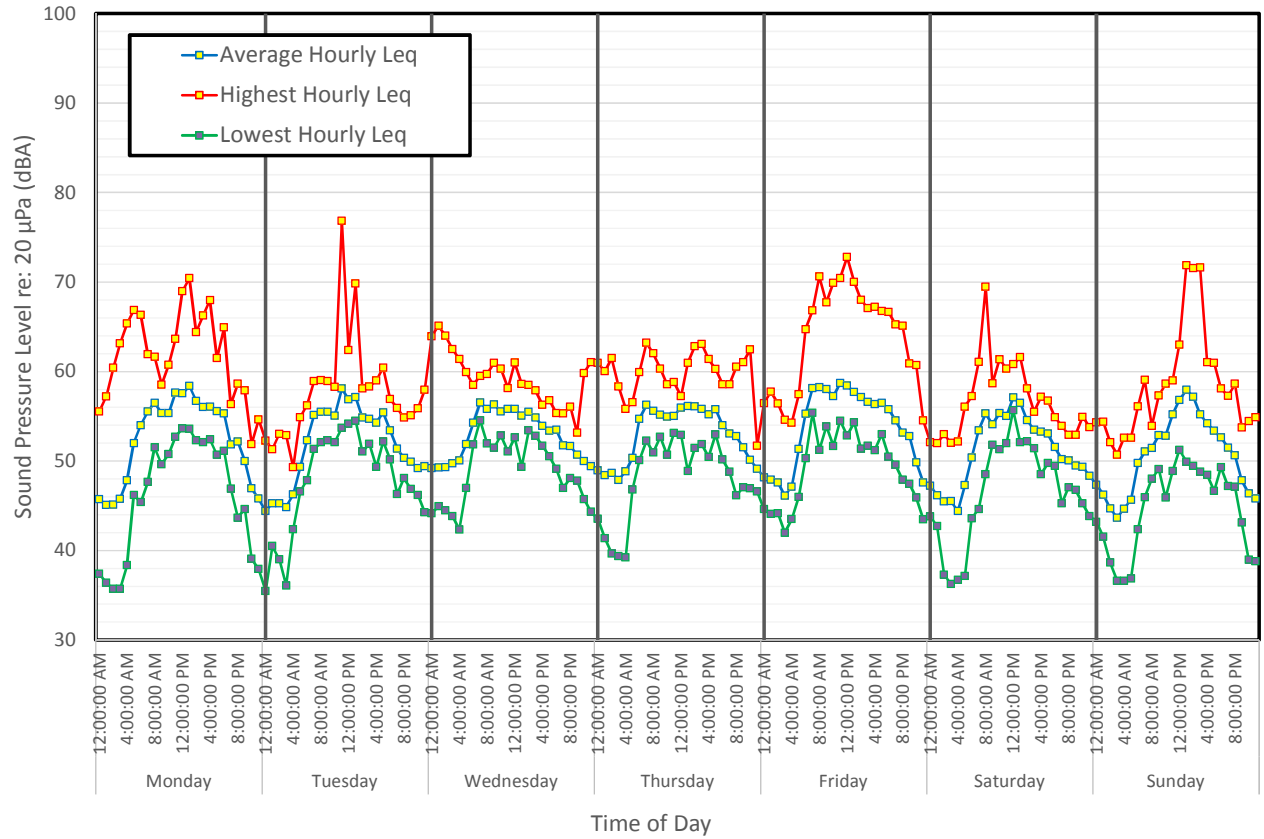


Figure 17c: Loc. 15 - Portland Street Pier - South Portland - Hourly Leq Table for Each Day of the Week

Hour	Average 1-hr Leq (dBA)						
	Weekday						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12:00:00 AM	46	44	49	49	48	47	47
1:00:00 AM	45	45	49	48	48	46	46
2:00:00 AM	45	45	49	49	48	45	45
3:00:00 AM	46	45	50	48	46	46	44
4:00:00 AM	48	46	50	49	47	44	45
5:00:00 AM	52	49	52	50	51	47	46
6:00:00 AM	54	52	54	55	55	50	50
7:00:00 AM	56	55	57	56	58	53	51
8:00:00 AM	57	55	56	56	58	55	51
9:00:00 AM	55	55	56	55	58	54	53
10:00:00 AM	55	55	56	55	57	55	53
11:00:00 AM	58	58	56	55	59	55	55
12:00:00 PM	58	57	56	56	58	57	57
1:00:00 PM	58	57	55	56	58	56	58
2:00:00 PM	57	55	55	56	57	55	57
3:00:00 PM	56	55	55	56	57	53	55
4:00:00 PM	56	54	54	55	56	53	54
5:00:00 PM	56	55	53	56	57	53	53
6:00:00 PM	55	53	53	54	56	52	53
7:00:00 PM	52	51	52	53	55	50	51
8:00:00 PM	52	50	52	53	53	50	51
9:00:00 PM	50	50	51	52	53	49	48
10:00:00 PM	47	49	50	50	50	49	46
11:00:00 PM	46	49	49	49	48	48	46

Figure 17d: Loc. 15 - Portland Street Pier - South Portland - Ld, Ln, Ldn Versus Time

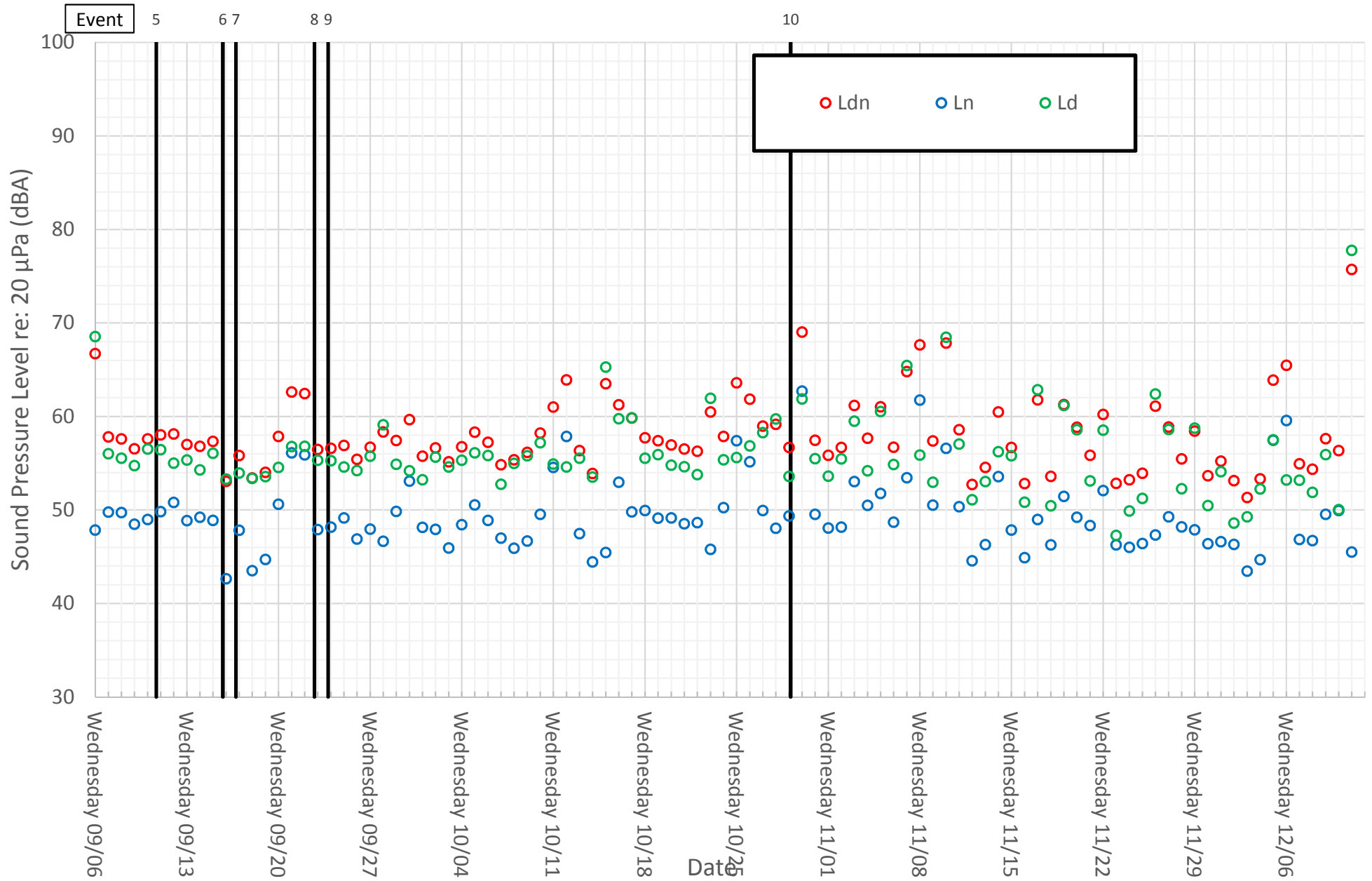
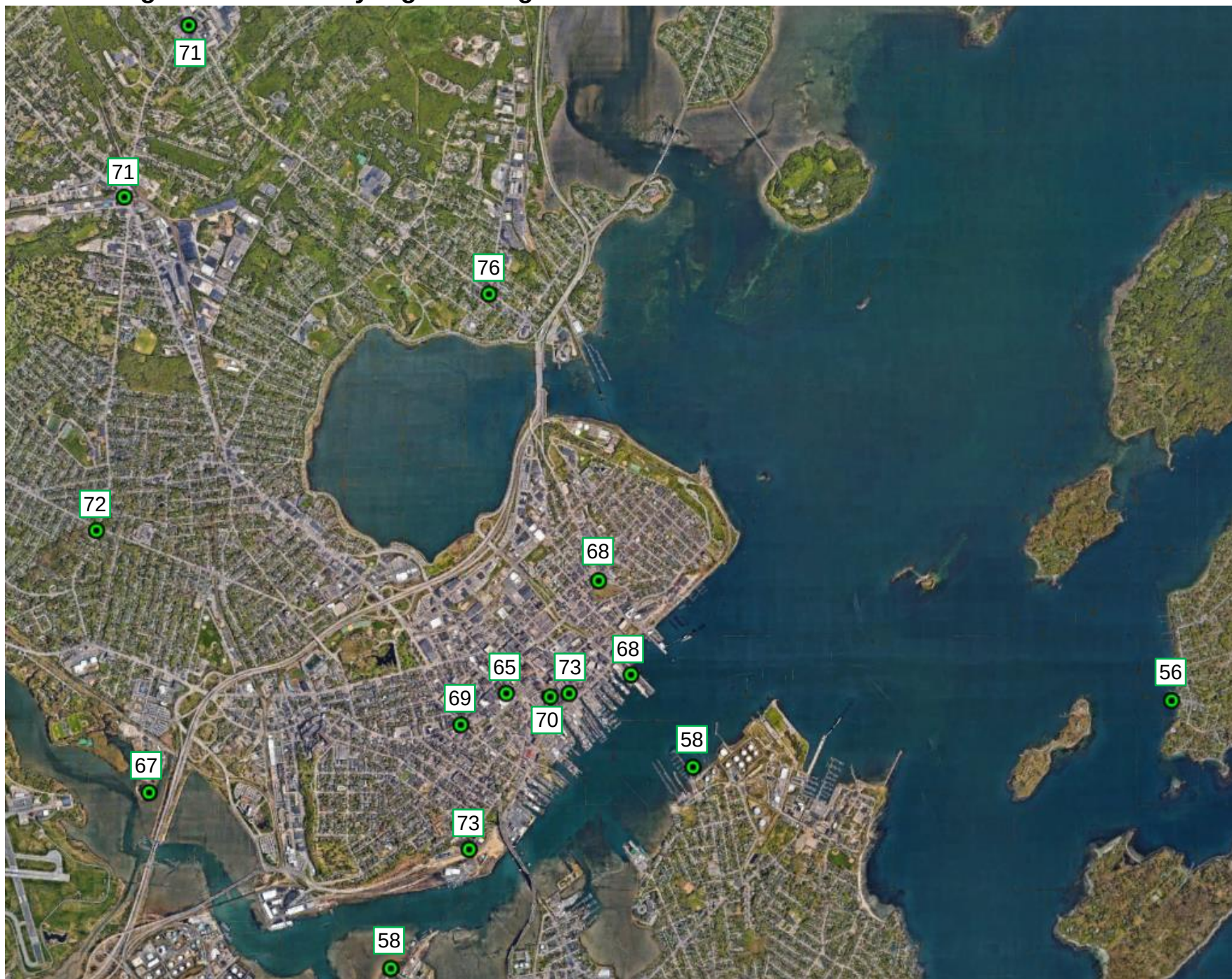


Figure 18: Mean day-night average sound level L_{DN} at each measurement location



APPENDIX A

FUNDAMENTALS OF NOISE

Sounds we hear come from small pressure oscillations, or sound waves, that travel through the air and actuate our hearing mechanism. These airborne pressure oscillations cause the eardrum and small bones of the middle ear to vibrate. These vibrations are transmitted to the fluid-filled cochlea of the inner ear's sensory organ. Sensory hair cells then translate these vibrations into nerve impulses that are transmitted to the brain where they are perceived and interpreted.

Noise is often defined as unwanted sound and the degree of disturbance or annoyance of an intruding noise depends on various factors including the magnitude and nature of the intruding noise, the magnitude of the background or pre-development ambient sound present without the intruding noise, and the nature of the activity of people in the area where the noise is heard. For example, people relaxing at home generally prefer a quiet environment, while factory employees may be accustomed to relatively high noise levels when at work. The following figure describes common A-weighted sound levels as they relate to the range of sound humans encounter in the environment.

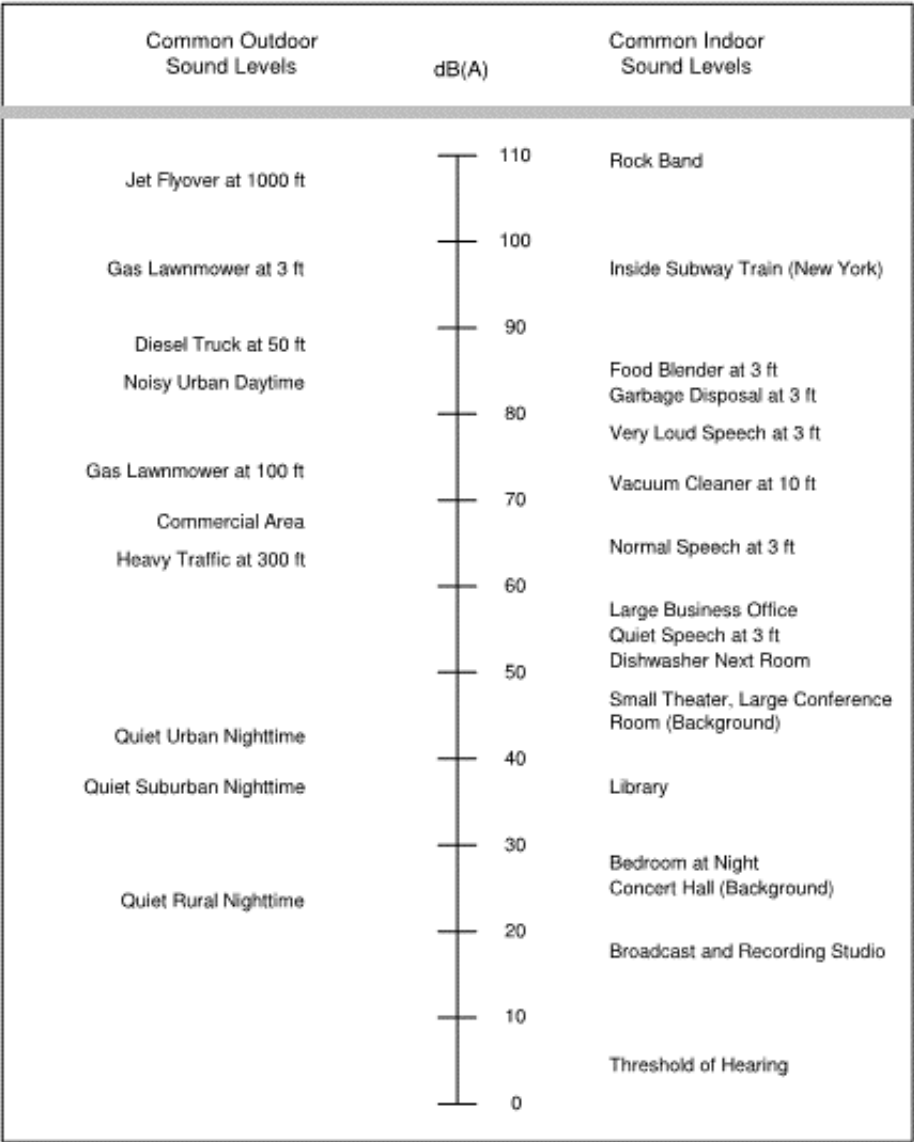


Figure A1: Sound Pressure Levels for Various Sound Sources (dBA)

The magnitude, or loudness, of sound waves (pressure oscillations) is described quantitatively by the terms sound pressure level, sound level, or simply noise level. The magnitude of a sound is measured in decibels, abbreviated dB. The decibel (dB) is a logarithmic unit that is the accepted standard unit for measuring the amplitude of sound because it accounts for these large variations in amplitude and reflects the way people perceive changes in sound amplitude. The faintest sound level that can be heard by a young healthy ear is about 0 dB, a moderate sound level is about 50 dB, and a loud sound level is about 100 dB.

Different sounds may have different frequency content. Frequency content of a sound refers to its tonal quality or pitch. When describing sound and its effect on a human population, A-weighted (dBA) sound levels are typically used to account for the response of the human ear. The term "A-weighted" refers to a filtering of the noise signal to emphasize frequencies in the middle of the audible spectrum and to de-emphasize low and high frequencies in a manner corresponding to the way the human ear perceives sound. This filtering network has been established by the American National Standards Institute (ANSI). The A-weighted noise level has been found to correlate well with peoples' judgments of the noisiness of different sounds and has been used for many years as a measure of community noise.

Figure A1 illustrates sound pressure levels in dBA of various sound sources between 0 dBA (threshold of hearing) and 140 dBA (threshold of pain).

Since noise fluctuates from moment to moment, it is common practice to condense the noise level over a specified period of time into a single number called the Equivalent Noise Level (Leq). The equivalent sound level is the level of a steady-state sound that has the same total (equivalent) energy as the time-varying sound of interest, taken over a specified time period. Thus, the equivalent sound level is a single-valued level that expresses the time-averaged total energy of an entire period. It includes both the high sound level single-event ambient sounds and the relatively steady background sounds. Many surveys have shown that the Leq properly predicts annoyance, and thus this metric is commonly used for noise measurements, prediction, and impact assessment.

ACENTECH

City-Wide Sound Monitoring in Portland



February 13, 2018





Presentation Team



Andy Carballeira, INCE
Senior Consultant, Acoustics





Presentation Outline

1. Rationale for Study
2. Terminology to Describe Sound
3. Codes and Guidelines
4. Measurement Process
5. Presentation of Measured Data
6. Questions?





Why Monitor City Sound?

- Determine typical ambient sound levels
- Understand where it's noisy
- Provide baseline sound data





Terminology to Describe Sound

- Amount – sound pressure level (dB)
- Patterns – daytime level L_d , nighttime level L_n , and day/night average level L_{dn} (dBA)





Sound Pressure Level

- Microphones measure sound pressure (Pa)
- Sound level meters turn this pressure into a pressure level (dB)





Level of Common Sounds

- 10 dBA – normal breathing (at ears)
- 30 dBA – soft whisper at 3'
- 50 dBA – refrigerator in kitchen
- 70 dBA – raised voice conversation at 3'
- 90 dBA – garbage disposal at sink
- 110 dBA – loud shout at 1'
- 130 dBA – air raid siren at 100'





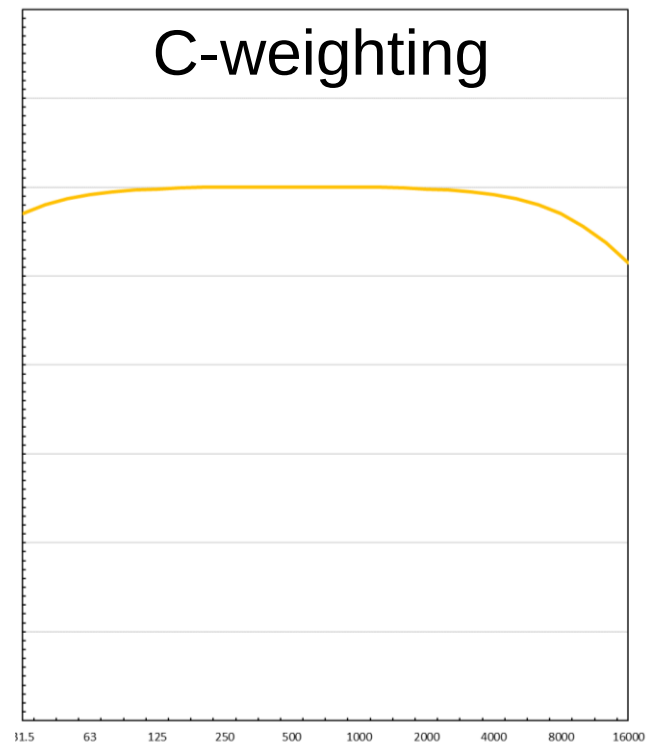
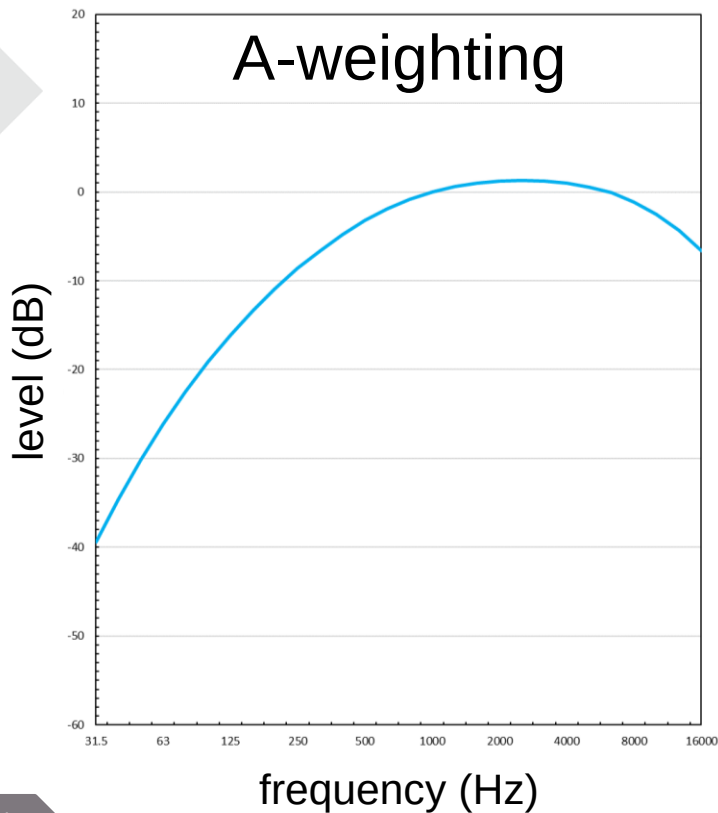
Weighting Filters

- Weighting filters modify the spectrum to approximate human perception
- A-weighting is most appropriate for quiet to moderate loudness levels
- C-weighting is appropriate for moderate to high loudness levels





Weighting Filters





Patterns

- Based on 24-hours of measured data, summary descriptors are calculated.
- L_d and L_n are the average level during day and night hours, with no adjustments.
- L_{dn} is the average daily level, with a “penalty” applied to nighttime hours.
- These summaries correlate well with long-term studies of noise, such as those performed by the World Health Organization.





Codes and Guidelines



Portland Code Summary

- **Amusements (Chapter 4)**

92 dBA, averaged over one minute, when measured 8' from the means of egress located nearest to the noise source (or 8' from the noise source if it is generated outdoors).

- **Land Use (Chapter 14)**

60 dBA (7:00 AM to 10:00 PM), 50 dBA (10:00 PM to 7:00 AM), measured at or beyond the lot line of the source. Use L_{Fmax} for sounds less than 60 seconds, use L_{eq} for steady sounds.

- **Other**

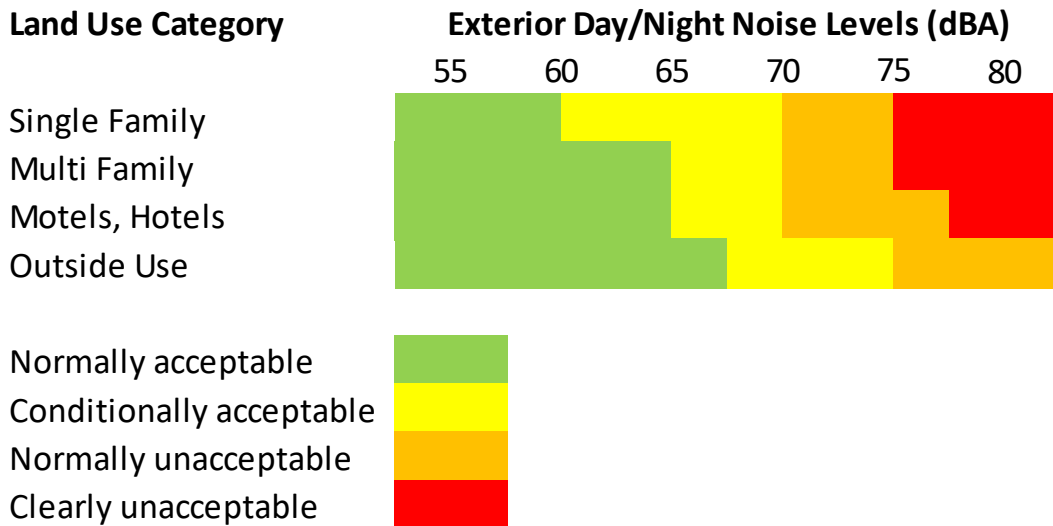
Other codes existing for construction noise, maximum vehicle passby sound level, et cetera. There is also a State code based on existing ambient sound levels





US HUD Development Guidelines

While not a binding regulation, the US HUD site development guidelines provide useful information on community sound levels.



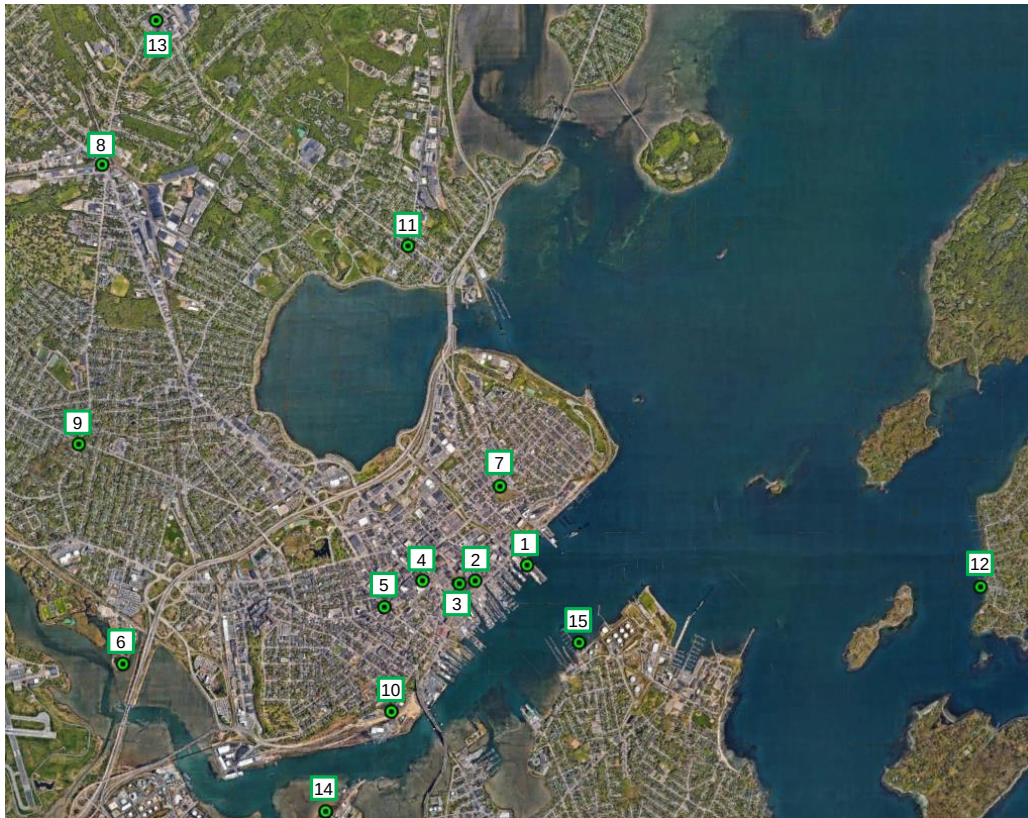


Measurement Process

- Locations
- Equipment



Monitoring Locations



Location

1. Maine State Pier
2. Wharf and Dana
3. Fore and Union
4. Brown and Free
5. Congress and High
6. Thompson Point
7. Congress and Montfort
8. Forest and Allen
9. Stevens and Brighton
10. Casco Bay Bridge
11. Washington and Presumpscot
12. Peak's Island
13. Allen and Washington
14. Mechanic Street Pump House
15. Portland Street Pier





Monitoring Locations 1 – 6



Location 1: Maine State Pier



Location 2: Wharf and Dana



Location 3: Fore and Union



Location 4: Brown and Free



Location 5: Congress and High



Location 6: Thompson Point





Monitoring Locations 7 – 12



Location 7: Congress and Montfort



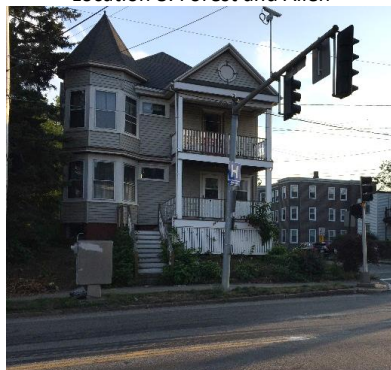
Location 8: Forest and Allen



Location 9: Stevens and Brighton



Location 10: Casco Bay Bridge



Loc. 11: Washington and Presumpscot



Location 12: Peak's Island Terminal





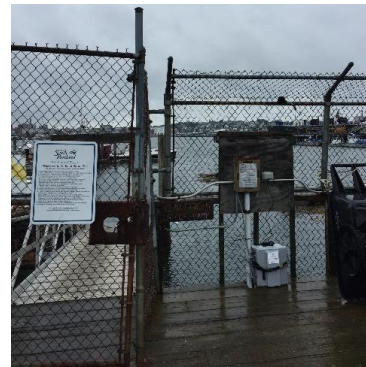
Monitoring Locations 13 – 15



Location 13: Allen and Washington



Location 14: Mechanic Street
Pump House (South Portland)



Location 15: Portland Street Pier
(South Portland)





Measurement Equipment





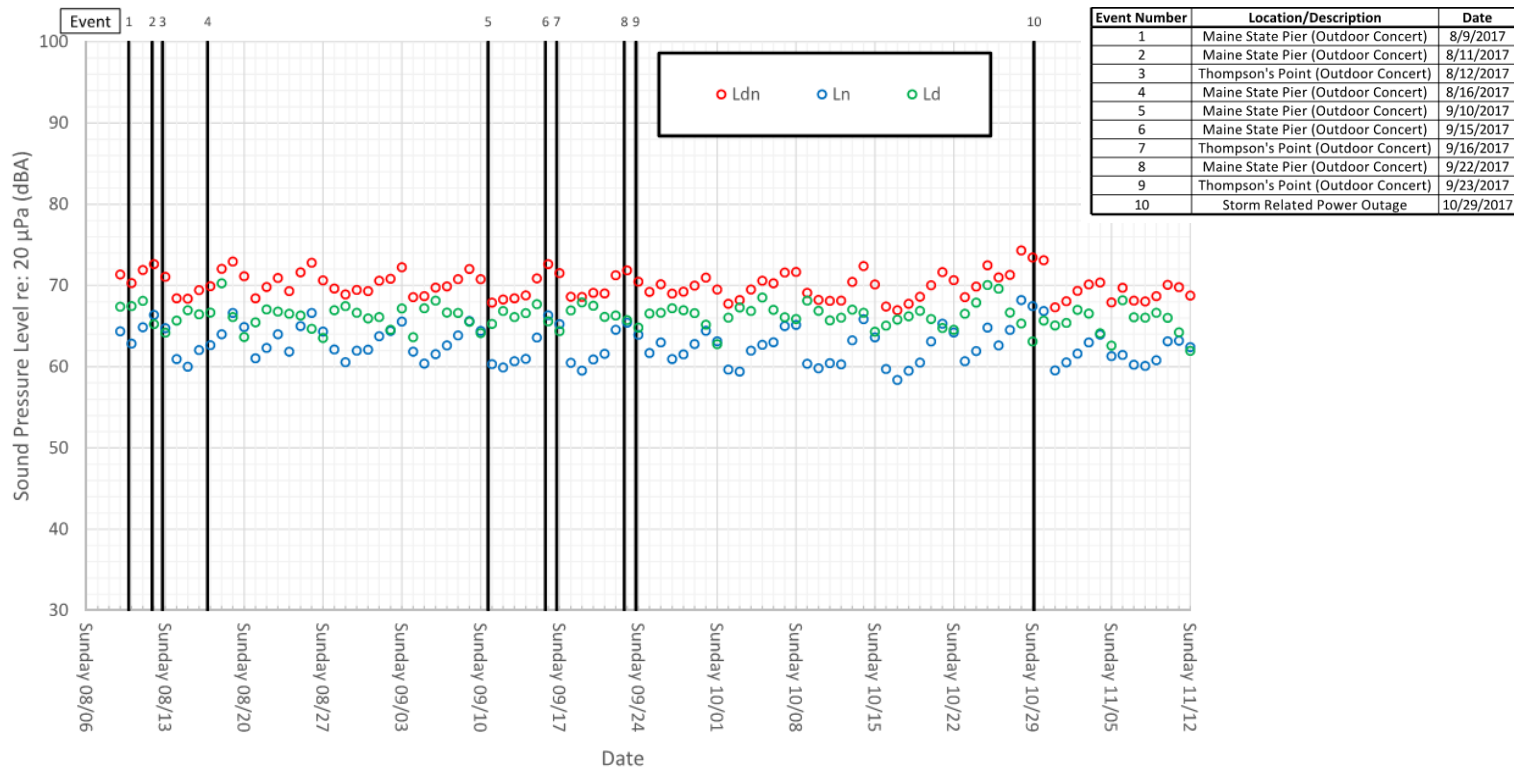
Measured Data

- Continuous daily summaries (L_d , L_n , L_{dn})
- A-weighted daily trends (L_{Aeq})
- C-weighted daily trends (L_{Ceq})
- Day/night average level (L_{dn})



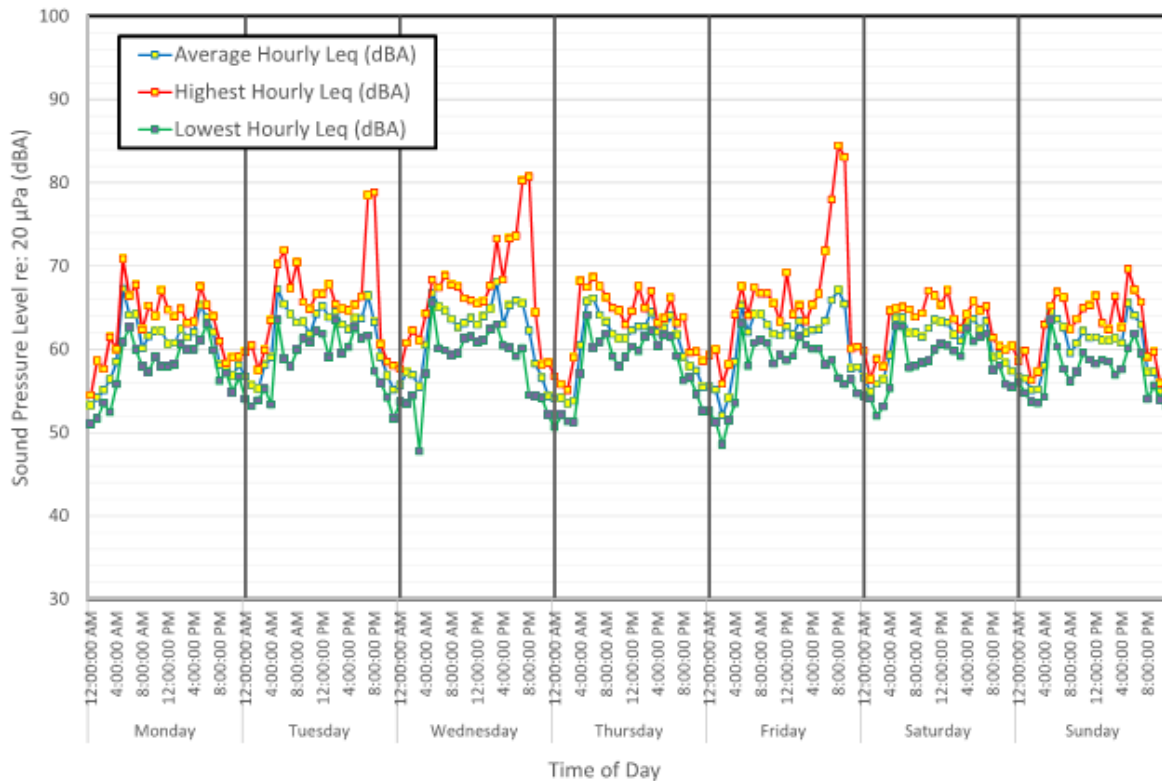


Continuous summary (Location 3)



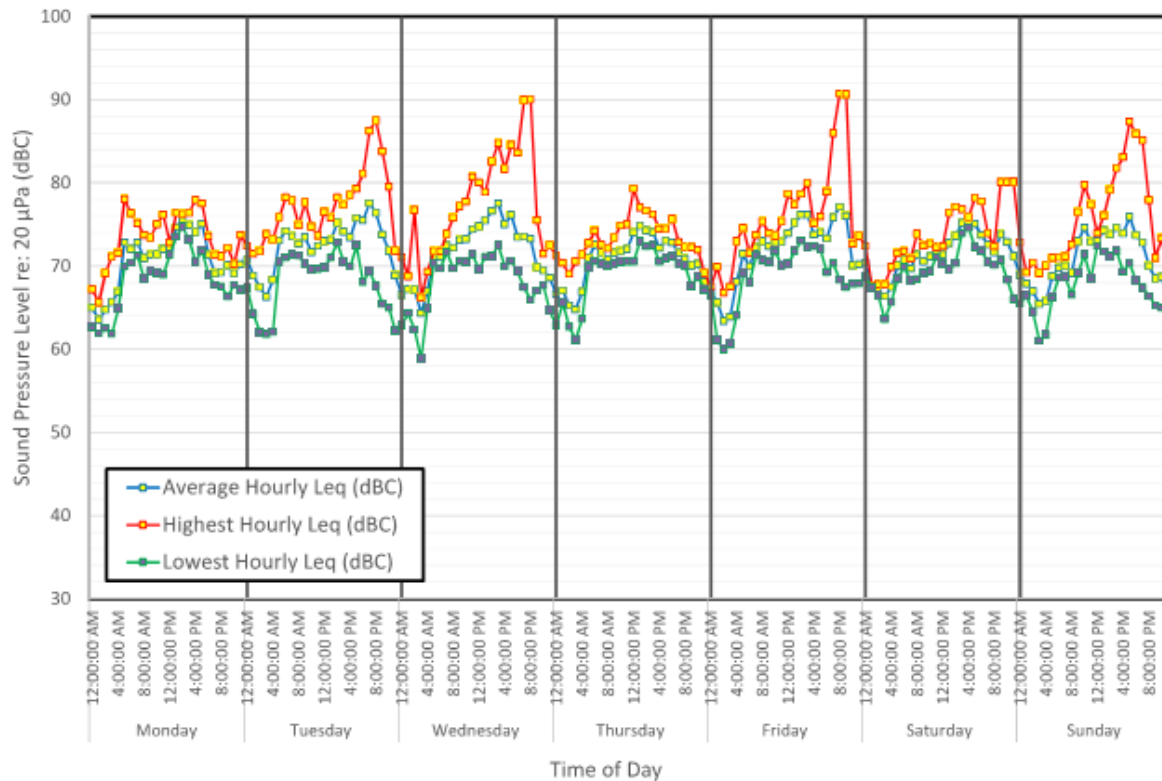


A-weighted trends (Location 1)



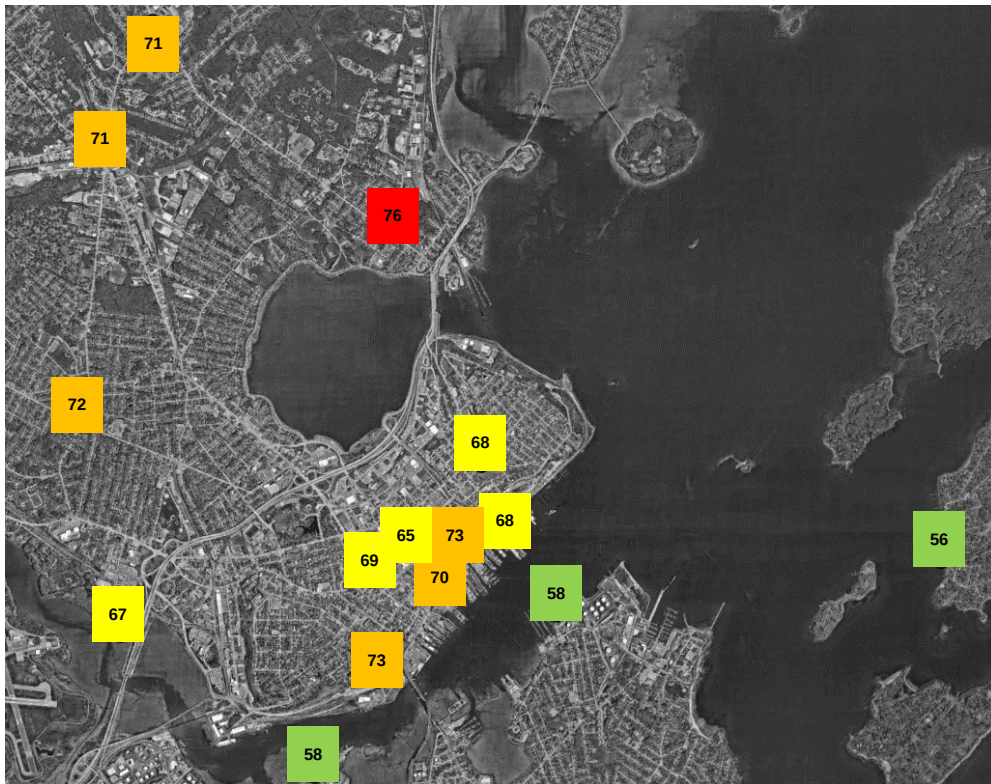


C-weighted trends (Location 1)





L_{DN} at Measurement Locations



Normally acceptable
Conditionally acceptable
Normally unacceptable
Clearly unacceptable

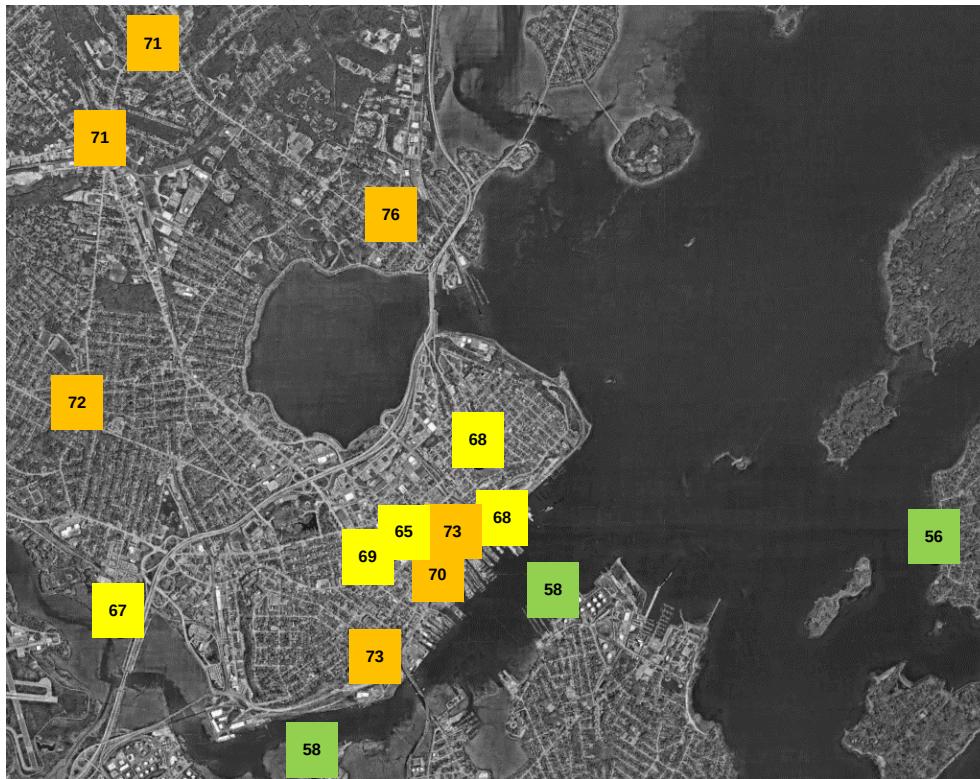


Locations color-coded for single family





L_{DN} at Measurement Locations



Normally acceptable
Conditionally acceptable
Normally unacceptable
Clearly unacceptable



Locations color-coded for motel/hotel





Questions?



Andy Carballeira

acarballeira@acentech.com

617 499 8025



MEMORANDUM

TO: City of Portland Health and Human Services and Public Safety Committee
FROM: Andy Downs, Chief Michael Sauschuck, Jessica Hanscombe, Anne Torregrossa
CC: Jon Jennings, City Manager
DATE: March 15, 2018
RE: Update on Sound Issues

Sound and noise in the City has been a significant concern for both this Committee and staff. We wanted to take an opportunity to update the Committee on steps that have already been taken to address noise concerns in the City, as well as projected goals for addressing noise moving forward.

Steps Taken

Staff has already taken the following steps to help reduce and address noise complaints throughout the City:

- Streamlining the noise complaint process to funnel all complaints through the Police Department. This has allowed a more uniform response to complaints and ensures that proper measurements are taken where appropriate.
- Ensuring that the Sound Oversight Committee reviews all noise complaints, not only those with a high enough reading to trigger an ordinance violation.
- Business Licensing staff is attending the Sound Oversight Committee meetings to answer questions about entertainment licensees and the City's licensing rules.
- The full City Council now receives notification of all entertainment licenses up for renewal to allow a Councilor to request that a particular license be brought back before the Council for review. This has led to the Council review and change one license, as well as changes to a second entertainment license that had been the source of complaints.
- Reducing the number of concerts and the number of back-to-back concerts on public property.
- Installing sound monitoring devices last summer, with phase two of that project planned for this summer.

Additionally, as the summer months approach, staff will be initiating an education campaign regarding outdoor speakers, and the ordinances that limit those speakers. Education will be targeted through NLOC, Sound Oversight Committee, mailings to entertainment license holders, and similar avenues. After that campaign, staff will be stepping up enforcement of existing ordinances (Section 17-17 and Chapter 25) that limit the use of unpermitted outdoor speakers.

Next Steps

There is still much work to be done with the City's sound contractor, Acentech, to digest what their findings might mean for crafting a new and more comprehensive sound ordinance.

Acentech has also sent some documentation (277 pages) on best practices from other municipalities, and staff will also be working to digest those and consider how they might fit into the regulatory scheme in Portland.

In connection with those recommendations, staff anticipates recommending changes to the entertainment licensing structure in Chapter 4 of the City Code. Currently there are approximately 120 entertainment license holders in the City. Some potential thoughts for changes are:

- Reworking available licenses to allow for one class of license for indoor entertainment, and one for outdoor entertainment.
- Subjecting outdoor entertainment to more strict scrutiny, including a requirement to provide a sound mitigation plan to be reviewed by a City representative.
- Alternative funding options for sound mitigation work.

The goal of these changes would be to allow a more thorough review of the sound impacts of any particular venue or event, especially where outdoor amplification will be used, as that seems to generate the most concerns.

Staff looks forward to working with the Committee to create a balance between maintaining the entertainment options that make the City vibrant and addressing the quality of life issues that can come with noise impacts.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE CHAPTERS 4 AND 15
RE: ENTERTAINMENT SOUND ORDINANCE**

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

1. That Sections 4-41 to 4-59 are hereby amended to read as follows:

Sec. 4-41. Purpose.

~~—The purpose of this article is to control the issuance of special permits for entertainment.music, dancing or entertainment in facilities licensed by the state to sell liquor as provided by state law, entertainment in bottle clubs, and permits for after-hours entertainment and to control the operation of dance halls, concert halls, single dances and single concerts.~~

Sec. 4-42. Definitions.

Terms used in this article shall have their common meanings except that the definitions set forth in chapter 15 and/or in this section shall apply unless the context clearly indicates that a different meaning is intended.

~~—*After-hours entertainment* shall mean music, dancing, or entertainment provided between the hours of 1:00 a.m. and 7:00 a.m.~~

~~—*Concert* shall mean the presentation of live or amplified music for the entertainment of a live audience gathered specifically for that entertainment.~~

~~—*Concert hall* shall mean any building, room or hall which is kept or used for concerts open to the public.~~

~~—*Dance* shall mean every dance not held in a private residence; other than a class in which instruction in dancing is given for hire, or any dance held in a school hall under direct supervision~~

~~of school authorities, or any dance conducted by and exclusively for the benefit of any bona fide charitable organization.~~

~~— Dance hall shall mean any building, room, hall, or other public place which is kept or used for public dancing, or which for compensation paid directly or indirectly to the owner, manager, or operator thereof, men, women or children are permitted to engage in dancing.~~

Entertainment shall mean and include any event to which the public is invited or allowed to watch, listen to, or participate in; or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing patrons or guests, including, but not limited to any of the following:

1. Dancing by patrons to live or recorded music;
2. The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as 'disc jockey' or 'DJ';
3. The playing of background music, except where the background music cannot be heard beyond the limits of the premises on which the music is being played;
4. The presentation of live music whether amplified or unamplified;
5. The presentation of music concerts, or other similar forms of musical entertainment from any source; or
6. Any other live performance, including, but not limited to, presentations by single or multiple performers, such as hypnotists, comedians, dance arts, concerts, dances, live bands, karaoke or other live music.

~~amusement, performance, or exhibition or diversion for patrons or customers of the licensed premises, whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.~~

Indoor Entertainment shall mean entertainment that is conducted within a fully enclosed building or structure, including ensuring that all windows and doors remain closed during the time that entertainment is occurring.

Outdoor Entertainment shall mean entertainment that is conducted outside of a fully enclosed building or structure, or is conducted within a building or structure in any manner such that the sound generated by that entertainment is intentionally projected outside of that building or structure.

...

DIVISION 2. LICENSE*

Sec. 4-51. Required.

~~(a) No person licensed by the state to sell liquor to be consumed on the premises, and no bottle club licensed by the city, shall permit on the premises any music except that produced by radio or mechanical device, any dancing, or entertainment of any sort without an entertainment license from the city. The license required by this subsection and state law authorizes entertainment only during the hours when state law permits the sale of alcohol for consumption on the premises. shall conduct, or permit to be conducted on a premises or other location owned or controlled by that person, any entertainment without first obtaining a license as provided in this Article.~~

(b) *Single Event Entertainment License - Private Property.* A Single Event Entertainment License - Private Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period at the premises for which the license is issued. No more than five Single Event Entertainment Licenses may be issued for events at any one premises in any twelve-month period.

(c) *Single Event Entertainment License - Public Property.* A Single Event Entertainment License - Public Property shall allow the licensee to conduct a single indoor or outdoor entertainment event lasting no more than eight hours in one 24-hour period on City-owned property. Multiple events by the same party and on the same City-owned property may be combined into one license.

(d) *Indoor Entertainment License.* An Indoor Entertainment License shall allow the licensee to conduct indoor entertainment only at the premises for which the license is issued.

(e) *Outdoor Entertainment License.* An Outdoor Entertainment License shall allow the licensee to conduct outdoor entertainment only at the premises for which the license is issued.

(f) Combined Entertainment License. A Combined Entertainment License shall allow the licensee to conduct indoor and/or outdoor entertainment at the premises for which the license is issued.

(g) Expanded Entertainment Addendum. An Expanded Entertainment Addendum shall be in addition to any entertainment license and shall allow the licensee to conduct after-hours entertainment and/or to exceed the applicable sound limits. Expanded Entertainment Addendum shall be at the sole discretion of the City Council.

~~After-hours entertainment shall require a separate license as provided in this division subject to the following restrictions and requirements:~~

- ~~(1) Operations under such separate license shall end at 3:00 a.m.~~
- ~~(2) Establishments that have a liquor license shall limit attendance to individuals who are at least 21 years old. Establishments that do not have a liquor license shall limit attendance to individuals who are at least 18 years old.~~
- ~~(3) Any applicant for an after-hours entertainment license shall meet with the police department for review of the security plan and a site visit before the license is brought before the city council.~~
- ~~(4) The license shall allow no more than twenty-four (24) after hour events per calendar year.~~
- ~~(5) In addition to the after-hours license, at least seven (7) days in advance of each event, the license holder shall deliver a written notice to the Permitting and Inspections Department during normal business hours specifying the date upon which the event will be held. The Permitting and Inspections Department will forward the notice immediately to the police department, track the number and frequency of events per licensee per calendar month and inform a licensee if an event is not allowed.~~
- ~~(c) Exceptions: Upon application for a license for a single event, the council may allow after hours entertainment~~

~~to take place after 3:00 a.m. for a public purpose and may permit individuals under the age of 21 to attend the event, subject to such conditions, if any, that the council imposes to protect the public health, safety and welfare. Any events permitted under this paragraph will not count as one of the twenty-four events per year allowed by section (b) (4) above.~~

~~—(d) No person shall conduct, maintain or operate a dance hall or a concert hall, as defined in section 4-42 of this code, without a license.~~

~~(e) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on private property, where greater than 100 attendees are anticipated, or where alcohol will be consumed, without a license.~~

~~(f) No person shall conduct, maintain, or operate a single dance or single concert, as defined in section 4-42 of this code, on public property without a license from the Parks, Recreation, and Facilities Department.~~

Sec. 4-52. Application.

(a) Application for a license under this division shall, in addition to the requirements of chapter 15, be submitted on forms provided by the City. Applications shall specifically includecontain:

(1) ~~†~~The name and contact information of the owner or person in control of the building and/or premises;†

(2) The name and contact information of the person responsible for the entertainment, who shall be available to respond to inquiries of the City at all times while entertainment is taking place;

(3) ~~†~~The location of the premises;† and

(4) ~~α~~A plan of the premises, giving in detail the dimensions and diagram of space to be used for dancing, seating, dressing rooms, check rooms, toilet rooms, and means of egress entrances, exits, stairways and fire escapes.

Applicants must provide all required information and pay all required fees before a license application will be considered.

(b) Location of Application. Applications for a Single Event Entertainment License - Public Property shall be submitted to the Parks, Recreation, and Facilities Department for approval. All other applications shall be submitted to the Permitting and Inspections Department.

(c) Timing of Application. Applications must be submitted no later than the following:

(1) For a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property, a complete application, including license fee and noise deposit, must be submitted no later than seven business days prior to the licensed event.

(2) For all other licenses, a complete application, including license fee, sound mitigation plan, and review fee, must be submitted no later than four weeks prior to the City Council Meeting at which the applicant wishes the application to be considered.

(d) Noise Deposits. Applications for a Single Event Entertainment License - Private Property and Single Event Entertainment License - Public Property must include a noise deposit as follows:

(1) The noise deposit must be paid before a Single Event Entertainment License will be issued.

(2) The noise deposit shall be calculated based on the reasonably anticipated number of attendees:

<u>Anticipated Attendees</u>	<u>Noise Deposit</u>
<u>Less than 200</u>	<u>\$100</u>
<u>200-500</u>	<u>\$250</u>
<u>500-1,000</u>	<u>\$500</u>
<u>1,000+</u>	<u>\$1,000</u>

(3) The noise deposit shall be double the amount listed above for any licensee who has forfeited a noise deposit within the previous two years.

(4) The noise deposit shall be forfeited automatically, and in the City's sole discretion, if the licensee fails to adequately mitigate any noise impacts of the event after being given notice of the impact by the City and an opportunity to correct.

(5) Forfeiture of the noise deposit shall be in addition to any civil penalties or other remedies provided for in this Code, including the denial of a future license.

(e) *Sound Mitigation Plan.*

(1) A sound mitigation plan shall be required for the following applications:

(i) All initial applications for an Outdoor Entertainment License;

(ii) All initial applications for a Combined Entertainment License;

(iii) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and

(iv) All renewal applications that are required to go before the City Council for consideration.

(2) A sound mitigation plan shall consist of the following:

(i) The sound mitigation plan must be prepared and certified by a professional sound engineer with appropriate experience and training.

(ii) The sound mitigation plan shall be designed to minimize the impact of entertainment on the surrounding uses, and detail the methods by which the applicant will accomplish those goals.

(iii) The sound mitigation plan shall include, at a minimum, speaker location and direction; sound system details and controls; stage and site layout and direction; any noise cancelling or mitigating measures proposed; and anticipated sound readings at the proposed source of the sound, at a location 8' from the means of egress located nearest to the noise source and/or 8' from any outer wall of the premises (for indoor entertainment), at each property line of the premises (for outdoor entertainment), and at the closest residence.

(iv) The sound mitigation plan shall require an on-site monitor when the number of attendees at an entertainment event is expected to exceed, or does exceed, 250. The on-site monitor shall be equipped with a dedicated SPL meter, and shall be available to respond to any inquiry of a City official during the time that the entertainment is being conducted.

(5) The City and/or its designee will review the sound mitigation plan and will provide written recommendations to the City Council with respect to the proposed sound mitigation plan and license application. The applicant shall pay a sound mitigation review fee, as established by the City Council, to cover the costs of review.

(6) The applicant shall be responsible for the City's cost of reviewing the sound mitigation plan.

(7) Compliance with the sound mitigation plan, as approved by the City Council, shall be a condition of the applicant's license, if granted.

Sec. 4-53. Hearings.

(a) A public hearing shall be held prior to issuance of ~~any original license under this division other than a single dance license or a single concert license~~the following:-

- (1) All initial applications for an Outdoor Entertainment License;
- (2) All initial applications for a Combined Entertainment License;
- (3) All initial applications for an Indoor Entertainment License if the licensee did not hold an entertainment license for the premises in the previous license year; and
- (4) All renewal applications that are required to go before the City Council for consideration in accordance with subsection (b) below.

(b) At the request of the City Manager or his/her designee, or at the request of any member of the City Council or the Mayor, a public hearing shall be held prior to the issuance of any renewal

under this division other than a Single Event Entertainment License - Private Property or Single Event Entertainment License - Public Property.

Sec. 4-54. Appeals.

Appeal from the denial, suspension revocation or issuance with a condition or conditions of an entertainment license to a person ~~licensed by the state to sell liquor~~ shall be taken to the municipal board of appeals within thirty (30) days of such denial, suspension or revocation. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, suspension or revocation was arbitrary or capricious. If a license is issued with a condition or conditions and the board concludes that the condition or conditions do not protect the public health, safety or welfare or are arbitrary or capricious, the board shall refer the license back to the city council to determine whether the license will issue without the condition or conditions or whether the application will be denied. ~~The denial, suspension revocation or issuance with a condition or conditions of all other licenses or permits required hereunder shall be to the superior court under the provisions of Maine Rules of Civil Procedure 80B.~~

Sec. 4-55. Duration.

~~—(a) Granting of Licenses. Licenses shall be granted, denied, suspended, revoked, or granted with a condition or conditions as necessary to protect the public health, safety and welfare and in accordance with chapter 15, except for the following, but in the case of a special entertainment license, it:~~

- ~~(1) A Single Event Entertainment License - Public Property shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the Parks, Recreation, and Facilities Department.~~
- ~~(2) An Expanded Entertainment Addendum shall be granted, denied, suspended, revoked, or granted with conditions at the sole discretion of the city manager.~~

~~—(b) Expiration of Licenses. Licenses shall be valid for one year from the date they are granted, except in the following situations:~~

~~(1) Where the licensee holds a state liquor license or a municipal bottle club license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the respective state license to sell alcoholic beverages or the municipal bottle club license, as the case may be, prior to the expiration of the one-year period.~~

~~(2) Where the licensee does not hold a state liquor license or a municipal bottle club license, but does hold a food service establishment license, an Indoor, Outdoor, and/or Combined Entertainment License shall be deemed terminated upon expiration or revocation of the food service establishment license prior to the expiration of the one-year period.~~

(3) Chapter 15 notwithstanding, the city council may also grant temporary entertainment licenses for a period of less than one (1) year when, in its sole discretion, it determines that one (1) or more trial periods is necessary to evaluate the impact of the entertainment on the peace and quiet of the neighborhood and on the public health, safety and welfare.

Sec. 4-56. Reserved.

DIVISION 3. STANDARDS FOR ENTERTAINMENT PURSUANT TO A LICENSE

Sec. 4-57. Conditions; sound and noise limitation.

(a) Any other provision of this Code notwithstanding, a licensee shall not allow the licensed activity or any other activities on the licensed premises to generate sound or noise that exceeds either of the following standards without an Expanded Entertainment Addendum:

(1) Eighty-five (85) dBA; and

(2) Ninety-five (95) dBC.

(b) The standards set forth in subsection (a) above shall be measured as follows:

(1) For indoor entertainment, measurements shall be taken ninety-two (92) decibels, A-weighted, averaged over one (1) minute, when measured eight feet (8') from the

means of egress located nearest to the noise source and/or 8' from any outer wall of the premises.

~~(2) For outdoor entertainment, measurements shall be taken from the property line of the premises nearest to the noise source and/or nearest to the complainant's location, if any., or eight feet (8') from the noise source if it is generated outdoors.~~

(c) A licensee shall not allow the licensed activity to be conducted outside of the following times without an Expanded Entertainment Addendum.

(1) Outdoor entertainment, Sunday through Thursday: 8 a.m. to midnight;

(2) Outdoor entertainment, Friday through Saturday: 8 a.m. to 1 a.m. the following day; and

(3) Indoor entertainment: 8 a.m. to 1 a.m. the following day.

~~—The city council may impose conditions for protecting the public health, safety and welfare on any entertainment license it issues.~~

Sec. 4-57.1. Sound oversight committee.

(a) There shall be a sound oversight committee of four (4) members appointed by the city council. One (1) member shall be a city employee nominated by the city manager; one (1) member shall be a police officer nominated by Portland's Downtown District board; and one (1) member shall be an entertainment licensee nominated by the nightlife oversight committee. The police officer shall be the chair of the sound oversight committee and shall be a non-voting member, except that the police officer shall cast the tie-breaking vote in the event of a tie.

(b) The sound oversight committee shall meet with ~~new entertainment license~~ applicants and licensees when ~~the license application is~~ referred to the ~~team committee~~ either by the city council or by the nightlife oversight committee. The sound oversight committee shall make recommendations to the applicant or licensee regarding actions it can take to mitigate noise and shall make any recommendations regarding noise mitigation it deems necessary to the city council for consideration.

~~— (c) Whenever the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding a particular entertainment licensed establishment~~ a licensee exceeds the standards in § 4-57 of this Article, the police department shall notify the licensee to meet with the sound oversight committee within five (5) business days from the date of the written notification, or such other time as is agreed upon by the sound oversight committee, to identify ways in which the noise problems which have been identified can be mitigated. The sound oversight committee shall notify ~~the~~ any complainants with respect to that licensee in the previous twelve months of the date and time of the meeting.

The licensee shall agree to take effective measures to address the noise issues as recommended by the sound oversight committee, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the sound oversight committee and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the sound oversight committee. Failure to implement the plan in a timely fashion or to comply with all recommendations in the plan will result in a recommendation by the sound oversight committee to the city council to place conditions on or revoke the establishment's entertainment license.

If ~~the police receive two (2) or more verified noise complaints from two (2) separate individuals in any seven (7) day period or five (5) or more verified noise complaints in any thirty (30) day period regarding~~ the same licensed establishment on a subsequent occasion again exceeds the standards in § 4-57 of this Article, then the sound oversight committee is under no obligation to meet with the licensee but may make recommendations to the ~~city council~~ licensing authority to place conditions on or revoke the entertainment license.

(d) The sound oversight committee may also meet with liquor license applicants upon referral by the city council or the nightlife oversight committee and may recommend noise mitigation measures to liquor licensees upon referral by the Portland police department or the city council.

Sec. 4-57.5. Restricted locations.

Notwithstanding any other provision of this article, no new licenses shall be issued in the B-3c zone to drinking

establishments and chemical-free night clubs, as defined in section 14-47. For purposes of this section, renewal of an existing license by the party holding the license on the date of enactment shall not be considered a new license. Any transfer of ownership shall be considered a new license.

(Ord. No. 47-97, 8-4-97)

Sec. 4-58. Penalties.

In addition to suspending or revoking a license, the city may prosecute violations in court. A violation of this ~~division~~ Article shall be punished by a fine of five hundred dollars (\$500.00) for a first offense, one thousand dollars (\$1,000.00) for a second offense and two thousand dollars (\$2,000.00) for a third or subsequent offense regardless of the time between offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the city may enjoin or abate any violation of this division by appropriate action. In addition to such penalty, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorneys' fees and investigative costs.

Sec. 4-59. Applicability.

_____This division shall not apply to events held: ~~(a) in a private residence;~~ ~~(ab)~~ in a class in which instruction in music is given for hire; ~~(be)~~ school sponsored events in a school under supervision of school authorities; ~~(c) City sponsored events under the supervision of City authorities;~~ ~~or (d) by and exclusively for the benefit of any bona fide charitable organization.~~

2. That Sections 15-12 and 15-21 are hereby amended to read as follows:

Sec. 15-12. Fees and expiration dates.

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

...

Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	\$940.00	June 30
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Ch. 3, Art. III	Brewery, Winery and Distillery License (must obtain FSE and/or special entertainment if applicable)	\$525.00	Concurrent with state liquor license
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Ch. 4, Art. III	Music, dancing and special e Entertainment:		
	Entertainment with dancing	\$529.00	Twelve months or concurrent with state liquor license or with any city license
	Entertainment without dancing	\$295.00	Twelve months or concurrent with state liquor license or with any city license
	After-hours Entertainment	\$595.00	Twelve months Or concurrent with state liquor license or with any city license
	Dance hall	\$147.00	June 30
	Concert hall	\$147.00	June 30
	Single dance with alcohol or with greater than 100 attendees	\$38.00	Per dance
	Single concert with alcohol or with greater than 100 attendees	\$38.00	Per concert
	<u>Single Entertainment Event - Private Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Single Entertainment Event - Public Property</u>	<u>\$50</u>	<u>Per event</u>
	<u>Indoor</u>	<u>\$500</u>	<u>12 months or</u>

	<u>Entertainment</u>		<u>concurrent with state liquor license or any city license</u>
	<u>Outdoor Entertainment</u>	<u>\$700</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Combined Entertainment</u>	<u>\$800</u>	<u>12 months or concurrent with state liquor license or any city license</u>
	<u>Expanded Entertainment Addendum</u>	<u>\$100</u>	<u>Per event</u>

...

Sec. 15-21. Renewal hearings for state liquor licenses, or name changes, ~~or special entertainment licenses~~.

The City License Administrator is authorized to approve the renewal of State liquor licenses, name changes, ~~or special entertainment licenses~~, or any changes in license classification other than a change allowing the sale of spirituous alcohol, without holding a hearing, unless the License Administrator determines that hearing is necessary, or has received a request from a member of the City Council or a City official for a hearing on a specific application. Hearings shall be held by the City Council.

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

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 6
Re: ENERGY BENCHMARKING**

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

*1. That Chapter 6, Section 6-209 of the Portland City Code is
hereby amended to read as follows:*

6-209. Benchmarking for Municipal and Covered Properties.

(a) No later than May 1, 2019 and no later than May 1 every year thereafter, the total Energy and Water consumed by each Municipal Property, along with all other descriptive information required by the Benchmarking Tool, shall be entered into the Benchmarking Tool for the previous calendar year.

(b) Owners of Covered Property shall annually input the total Energy and Water consumed by each Covered Property, along with all other descriptive information required by the Benchmarking Tool, into the Benchmarking Tool for the previous calendar year. The Owner shall input this information according to the following schedule:

- (1) A Residential Covered Property no later than one year after the Department has certified that utility service providers have made utility use data readily available in a standardized and secure manner through "green button" or similar programs or standards that offer easy access to usage data as needed to use Energy Star Portfolio Manager, whichever date comes later no later than two (2) years after the effective date of this Ordinance and by every May 1 every year thereafter;
- (2) A-Non-residential Covered Property: : For Non-residential Covered Properties in which any single tenant occupies ninety percent (90%) or more of the property's available floor space, by May 1, 2020. For all other Non-residential Covered Properties, no later than one year after the Department has certified that utility service

providers have made utility use data readily available in a standardized and secure manner through "green button" or similar programs or standards that offer easy access to usage data as needed to use Energy Star Portfolio Manager, whichever date comes later by no later than two (2) years after the effective date of this Ordinance and by every May 1 every year thereafter; and

- (3) A new Covered Property that has not accumulated twelve (12) months of energy and water use data by the first applicable date following occupancy for inputting Energy and Water use into the Benchmarking Tool shall comply with this Ordinance in by May 1 the following year.



CITY OF PORTLAND
Executive Department
Jon P. Jennings, City Manager

To: Councilor Thibodeau and the members of the Sustainability and Transportation Committee
From: Troy Moon, Sustainability Coordinator
Re: Setting a reporting deadline for single occupant buildings to report energy data
Date: April 12, 2019

In November 2016, the Portland City Council adopted the Energy Benchmarking and Disclosure Ordinance that required all buildings in the City of Portland with a floor space of 20,000 square feet or more to calculate their annual energy and water consumption and to report it to the Sustainability Office. The first reporting deadline was set for December 2018. In advance of this deadline, City staff collaborated with local property owners associated with the Portland 2030 District, Efficiency Maine, Central Maine Power, and others in order to test-drive the reporting process so we could better assist other business owners with the reporting process. During our work, we determined that Central Maine Power could not make aggregated whole building energy data available to their customers in a convenient, electronic format. Staff recommended that the City Council adopt an amendment to the ordinance postponing the reporting deadline until the Sustainability Office is able to determine that CMP is able to provide whole building data available to their customers. Council adopted this amendment in December, 2018.

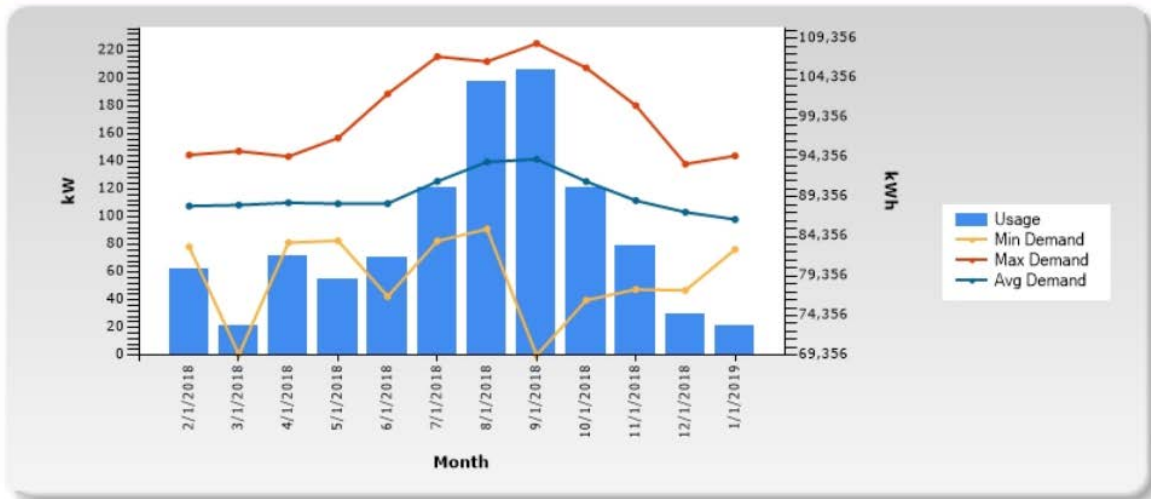
As staff continues to work with Central Maine Power on data access issues we have determined that the owners of buildings with 20,000 square feet or more of floor space that have a single primary tenant currently have access to their energy consumption data in a convenient, electronic format. Recent upgrades to CMP's Energy Manager have made it more visually appealing and easier to use than it was in the past. Customers are able to create a profile and can generate reports about the usage associated with the accounts they control. As an example, the summary below shows the monthly electricity usage of the Trough Ice Arena.

Data Summary

Period Ending	Usage (kWh)	Min Demand (kW)	Max Demand (kW)	Avg Demand (kW)
2/1/2018	80,285.790	78.400	144.800	107.911
3/1/2018	73,006.410	0.600	147.600	108.640
4/1/2018	81,946.780	81.440	143.720	110.292
5/1/2018	78,915.890	82.800	157.120	109.605
6/1/2018	81,624.260	42.560	189.040	109.710
7/1/2018	90,535.280	82.600	215.960	125.743
8/1/2018	104,003.160	91.280	212.400	139.789
9/1/2018	105,445.500	0.000	225.440	141.728
10/1/2018	90,465.750	39.840	207.800	125.647
11/1/2018	83,203.880	47.600	180.560	111.833
12/1/2018	74,581.040	46.920	138.280	103.460
1/1/2019	73,066.200	76.520	144.200	98.207
Total	1,017,079.940	670.560	2,106.920	1,392.567

The data is also available in a graph so customers can recognize trends in energy usage.

Usage and Demand



Energy Manager also shows customers their demand – the amount of electricity they use at any given time. The benchmarking ordinance does not require property owners to report this but they should track it and make efforts to reduce their demand because it plays a large role in determining their energy costs.

Excluding buildings owned by the City of Portland, we have identified 197 buildings subject to the ordinance that appear to have a single primary tenant. These include hotels, warehouses, retail stores, university or private school buildings, buildings owned by other government agencies, and medical buildings. In total, they represent 14,800,000 square feet of building space. Beginning the benchmarking program with this subset of buildings will provide a meaningful amount of data that will help the Sustainability Office understand how commercial buildings use energy. It will also help us to identify buildings that use more energy than similar properties and direct their owners toward resources that can help them make energy efficiency upgrades. This would reduce their costs and their greenhouse gas emissions. We have provided a list of the buildings we believe would be subject to reporting if the Council adopts the amendment.

The proposed amendment sets a reporting deadline for these buildings on May 1, 2020. During the time between adoption of the ordinance and this deadline, the Sustainability Office will notify the affected property owners of the reporting requirement and assist them with technical information about benchmarking and reporting. We have identified partners including the Northeast Energy Efficiency Partnership, EPA Region 1, and the Maine DEP who can assist with the education process by providing the City and property owners with information Portfolio Manager (the reporting platform) and guidance about gathering and analyzing the necessary information. The City webpage already contains extensive information about the benchmarking ordinance and the reporting process:

<http://www.portlandmaine.gov/2389/Energy-Benchmarking>

We will also continue to work with Central Maine Power in an effort to establish to set an aggregation threshold for buildings with multiple occupants and to create a data portal similar the one established by Eversource to support the Cities of Boston and Cambridge. As reported to the Committee last month, CMP has issued an RFP to upgrade their customer service platform and has indicated that the update will allow them to provide aggregate whole building data to their customers.

Attachment: List of affected buildings

Car	NUMBER	LOCATION	BUILDING NAME	AL BUILDING A	OWNER
1	170	ANDERSON ST	CYCLE MANIA	34,164	EAST BAYSIDE STUDIOS LLC
1	138	AUBURN ST	FIRST LUTHERN CHURCH	25,011	FIRST LUTHERAN CHURCH OF
1	850	BAXTER BLVD	SEASIDE PARTNERSHIP	63,574	SEASIDE HEALTHCARE LLC
1	1	BEAN POT CIR		233,075	HERITAGE ACQUISTION CORP
1	29	BEDFORD ST		26,584	UNIVERSITY OF MAINE
1	44	BEDFORD ST	WISHCAMPER CENTER	604,252	UNIVERSITY OF MAINE SYSTEM
1	44	BEDFORD ST	ALBERT BRENNER LIBRARY	-00	UNIVERSITY OF MAINE SYSTEM
1	44	BEDFORD ST	AMBRONSON COMMUNITY CENTER	-00	UNIVERSITY OF MAINE SYSTEM
1	33	BISHOP ST	REICHHOLD PLASMINE	30,381	PLASMINE TECHNOLOGY INC
1	75	BISHOP ST	DOW'S AUTO	22,572	DMR PROPERTIES INC
1	115	BISHOP ST	HAPPY TAILS/ BRACKETT WEST	27,744	BJG LLC
1	2	BLUEBERRY RD	SURBRIDGE YANKEE	55,500	STURBRIDGE YANKEE WORKSHOP INC
1	39	BLUEBERRY RD	RUTH'S REUSABLE RESOURCES	27,513	RUTH'S REUSABLE RESOURCES
1	22	BRAMHALL ST	BEAN WING	1,589,898	MAINE MEDICAL CENTER
1	335	BRIGHTON AVE	UNIT B-1 OF CONDO	28,492	MMC
1	858	BRIGHTON AVE	BREAKWATER SCHOOL	21,288	BREAKWATER SCHOOL
1	1000	BRIGHTON AVE	FOREST CITY CHVRLT	57,432	QV REALTY LLC
1	1150	BRIGHTON AVE	INN AT PORTLAND	50,244	SAI PRASAD LLC
1	1210	BRIGHTON AVE	HAMPTON INN	56,487	PORTLAND HOTELS INC

1	45	BROWN ST	PARKING GARAGE	111,047	477-481 CONGRESS STREET
1	52	CANCO RD	ON TARGET	38,514	CONGDON F GILBERT III ETALS
1	138	CANCO RD	CENTRAL ME POWER	102,641	CENTRAL MAINE POWER CO
1	217	CANCO RD	BIRCHWOOD	77,604	PORTLAND ASSISTED LIVING LLC
1	326	CANCO RD	FIRST BAPTIST CHURCH	28,325	FIRST BAPTIST CHURCH IN
1	60	CASSIDY PT RD	CIANBRO	24,480	CIANBRO CORPORATION
1	92	CASSIDY PT RD	MAINE PORT AUTHORITY	58,220	MAINE PORT AUTHORITY
1	92	CASSIDY PT RD	MERRILLS MARINE	203,300	SPRAGUE OPERATING
1	2	CEDAR ST	SALVATION ARMY	35,985	SALVATION ARMY THE
1	121	CENTER ST	AURA	28,885	TEDLUM ASSOCIATES LLC
1	8	CHESTNUT ST	MASONIC TEMPLE	78,190	MASONIC TRUSTEES OF PORTLAND
1	52	CITY LINE DR	MAINE LOBSTER NOW	20,400	TRANSPORT LEASING CORP
1	1	COLLEGE AVE	LINNELL HALL	78,080	UNIVERSITY OF NEW ENGLAND
1	51	COLLEGE ST	GINN & MCDUGAL HALLS	33,788	UNIVERSITY OF NEW ENGLAND
1	29	COMMERCIAL ST	AUTO EUROPE	45,690	AUTO EUROPE LLC
1	57	COMMERCIAL ST	HILTON GARDEN HOTEL	76,957	OLYMPIA EQUITY INVESTORS V LLC
1	99	COMMERCIAL ST	U S CUSTOMS HOUSE	25,830	UNITED STATES
1	272	CONGRESS ST	N.E. ARMY SUPPLY	31,068	MAINE MEDICAL CENTER
1	307	CONGRESS ST		72,264	ROMAN CATHOLIC BISHOP OF
1	385	CONGRESS ST	PRESS HERALD	76,331	385 CONGRESS LLC

1	390	CONGRESS ST	PRESS HOTEL	75,370	PRESS HOTEL LLC
1	425	CONGRESS ST	MARANDA ADAMS SCHOOL	20,744	FIRST PARISH IN PORTLAND
1	483	CONGRESS ST	LONGFELLOW HOUSE	24,628	MAINE HISTORICAL SOCIETY
1	489	CONGRESS ST	MAINE HISTORICAL SOC	25,169	MHS INC
1	519	CONGRESS ST	MECHANICS HALL	23,142	MAINE CHARITABLE MECHANIC
1	522	CONGRESS ST	MAINE COLLEGE OF ART	146,768	MAINE COLLEGE OF ART
1	540	CONGRESS ST	STORAGE MCA	26,680	MAINE COLLEGE OF ART
1	887	CONGRESS ST		151,776	MAINE MEDICAL CENTER
1	1230	CONGRESS ST	CLARION	91,868	OLYMPIA EQUITY INVESTORS I LP
1	2352	CONGRESS ST	MAINE TURNPIKE	54,648	MAINE TURNPIKE AUTHORITY
1	2445	CONGRESS ST	RACKETT & FITNESS	82,080	APEX FITNESS &
1		CONGRESS ST	NICHOLS	194,830	NICHOLS PORTLAND LLC
1	277	CUMBERLAND AVE	PORTLANDS BOYS CLUB	39,537	PORTLAND BOYS CLUB ASSOC
1	307	CUMBERLAND AVE	AVESTA	25,650	AVESTA HOUSING DEVELOPMENT
1	338	CUMBERLAND AVE	PORTLAND DATA CENTER	52,272	SWEETWATER PARTNERS LLC
1	500	CUMBERLAND AVE	PROP	48,240	AVESTA HOUSING DEVELOPMENT
1	115	DANFORTH ST	SOUTH COMMONS	144,656	HOME FOR AGED WOMEN
1	5	DAVIS FARM RD	VERIZON	83,898	PIZZAGALLI PROPERTIES LLC
1	13	DAVIS FARM RD	VERIZON	58,852	VAN LOAN EUGENE M III &
1	232	DEERING AVE	LAW BUILDING	90,480	UNIVERSITY OF MAINE

1	400	DEERING AVE	TEMPLE BETH EL	20,580	TEMPLE BETH-EL
1	35	DIAMOND ST	ROCKINGHAM ELECTRIC	28,153	ROCKINGHAM ELECTRIC SUPPLY
1	64	EMERY ST		42,779	WAYNFLETE SCHOOL THE
1	56	EVERGREEN DR	IMUCELL	35,896	IMMUCELL CORPORATION
1	96	FALMOUTH ST	GYM	376,942	UNIVERSITY OF MAINE
1	142	FEDERAL ST	NEW COURT HOUSE	157,930	CUMBERLAND COUNTY OF
1	142	FEDERAL ST	CUMBERLAND COUNTY COURTHOUSE	-00	CUMBERLAND COUNTY OF
1	168	FEDERAL ST	FEDERAL COURT BLD	74,851	UNITED STATES
1	127	FORE ST	SHIPYARD BREWERY	82,306	SHIPYARD BREWING COMPANY
1	147	FORE ST	RESIDENCE INN BY MARRIOTT	130,659	APPLE NINE HOSPITALITY
1	158	FORE ST	AC HOTELS BY MARRIOTT	103,898	PORTLAND NORWICH GROUP LLC
1	291	FORE ST	HUB FURNITURE CO	40,756	291 FORE STREET LLC
1	300	FORE ST		46,745	COUNCIL INTERNATIONAL STUDY
1	433	FORE ST	HYATT HOTEL	80,189	COW PLAZA HOTEL LLC
1	468	FORE ST	PORTLAND HARBOR HOTEL	54,376	HARBOR PLAZA ASSOCIATES II
1	25	FOREST AVE	PERFORMING ARTS CNTR	41,910	PORTLAND STAGE COMPANY
1	45	FOREST AVE	N E TELEPHONE	203,827	NORTHERN NEW ENGLAND
1	70	FOREST AVE	YMCA	93,180	YOUNG MENS CHRISTIAN ASSOC OF
1	364	FOREST AVE	OAKHURST DAIRY	96,570	OAKHURST DAIRY
1	524	FOREST AVE	AMERICAN RED CROSS	20,973	AMERICAN NATIONAL RED CROSS

1	880	FOREST AVE	DEERING PAVILLION	135,968	DIOCESAN BUREAU OF HOUSING
1	915	FOREST AVE	CARAVAN BEADS	21,767	BJFC LCC
1	109	FOX ST	MAINE GREEN BUILDING SUPPLY	24,368	FOX STREET REALTY LLC
1	46	FREE ST	HAVARD PILGRIM	33,568	JB BROWN & SONS
1	82	FREE ST	CIVIC CENTER	157,435	CUMBERLAND COUNTY MAINE
1	148	FREE ST	PORTLAND MUSEUM OF ART	72,831	PORTLAND MUSEUM OF ART
1	106	GILMAN ST	SHALOM HOUSE	26,775	SHALOM HOUSE INC
1	82	HANOVER ST	CITY GARAGE	40,768	CITY OF PORTLAND
1	116	HIGH ST	CUMBERLAND CLUB	26,671	CUMBERLAND CLUB
1	156	HIGH ST	CHURCH	31,632	WILLISTON-IMMANUEL UNITED CHURCH
1	157	HIGH ST	WESTIN HOTEL	260,061	RB PORTLAND LLC
1	95	HUTCHINS DR	FEDERAL EXPRESS	34,230	ARROW REALTY
1	102	HUTCHINS DR	MAINE MEDICAL	82,522	JB BROWN & SONS &
1	14	INDUSTRIAL WAY	PORTLAND COLOR	26,427	DAIRY TIMES LLC
1	50	INDUSTRIAL WAY	ALLAGASH BREWING	55,835	50 INDUSTRIAL WAY LLC
1	125	INDUSTRIAL WAY	BOISE CASCADE	100,000	STAG PORTLAND LLC
1	145	JETPORT BLVD	HILTON GARDEN INN	50,138	WIDEWATERS NEW CASTLE
1	90	JOHNSON RD	WHSE/OFFICE FOR TW CABLE	20,346	TRANSPORT LEASING CORP
1	118	JOHNSON RD	TIME WARNER CABLE	42,456	TRANSPORT LEASING CORP
1	71	KENNEBEC ST		186,414	HOWLES CORPORATION

1	65	KENSINGTON ST	MAINE YACHT CENTER	46,984	MAINE YACHT CENTER LLC
1	87	MARGINAL WAY	TRADER JOES	31,097	87 MARGINAL WAY LLC
1	18	MCKINLEY CT	INN AT DIAMOND COVE	46,857	INN AT DIAMOND COVE LLC
1	60	MERRYMEETING DR	FALLBROOK WOODS	27,600	FALLBROOK PROPERTIES LLC
1	20	MILK ST	PORTLAND REGENCY INN	75,561	PORTLAND REGENCY INC
1	56	MILLIKEN ST	BARBER FOODS	206,165	PLYMOUTH 56 MILLIKEN LLC
1	65	MILLIKEN ST	RE-HARVEST INC	45,081	66 MILLIKEN STREET LLC
1	5	MONUMENT SQ	PORTLAND PUBLIC LIBRARY	81,990	CITY OF PORTLAND
1	24	MORRILL ST	MAACO	23,128	24 MORRILL STREET LLC
1	4	MOULTON ST	GENDRON & CO	29,204	ADRIENNE-JANE INCORPORATED
1	158	NORTH ST	BAYVIEW HEIGHTS	53,914	PORTLAND VOA ELDERLY
1	267	OCEAN AVE	CHEVERUS HIGH SCHOOL	104,761	ST IGNATIUS RESIDENCE THE
1	492	OCEAN AVE	PARISH HALL	22,926	ROMAN CATHOLIC BISHOP
1	506	OCEAN AVE	CHANCERY BUILDING	25,254	ROMAN CATHOLIC BISHOP OF
1	587	OCEAN AVE	SPURWINK SCHOOL	21,624	SPURWINK SERVICES
1	620	OCEAN AVE	THE INN AT CEDARS	26,317	JHA ASSISTED LIVING INC
1	630	OCEAN AVE	CEDARS	49,382	CEDARS NURSING CARE
1	640	OCEAN AVE	ATRIUM	87,942	JHA ASSISTED LIVING INC
1	127	OXFORD ST	E W NOYES & SONS	82,662	NOYES EARLE W & SONS
1	340	PARK AVE	LAS QUINTAS	46,632	LQ PORTFOLIO EAST LLC

1	349	PARK AVE	HP HOOD & SONS	50,283	HP HOOD INC
1	134	PARK ST		32,386	ST LUKES PARISH-
1	0	PINE TREE IND PKWY	ALLEN & COLES	47,336	ALCO PARTNERS
1	20	PINE TREE IND PKWY	HALE TRAILER INC	26,668	NORTHWOODS OF PORTLAND LLC
1	106	PINE TREE IND PKWY	WB MASON	52,576	JLTS VIII LLC
1	125	PRESUMPCOT ST	PIZZAGALI	63,471	PORTLAND ROUNDHOUSE
1	340	PRESUMPCOT ST	PACK EDGE	21,262	J & H PROPERTIES LLC
1	419	PRESUMPCOT ST	SEA BREEZE	24,100	P STREET LLC
1	7	RAND RD	EMERY WATERHOUSE	303,156	RAND ROAD HOLDINGS LLC
1	37	RAND RD	LOWES	137,146	CENTRO HERITAGE SPE 4 LLC
1	136	RAY ST	ST JOSEPHS MANOR	66,721	ST JOSEPH'S MANOR
1	150	READ ST	SPC TRANSPORT	59,520	BROWN J B & SONS
1	165	READ ST	AMERICOLD CORP	193,698	AMERICOLD REAL ESTATE LP
1	187	READ ST	BROCKWAY SMITH	167,154	BROCKWAY-SMITH COMPANY
1	217	READ ST	READ ST SELF STORAGE	80,353	READ STREET SELF STORAGE LLC
1	1	RICE ST	ABC SUPPLY CO.	57,724	TRIPLE P INVESTMENTS LLC
1	25	RICE ST	SURFACE CREATIONS OF MAINE	26,908	REDE LLC
1	200	RIVERSIDE IND PKWY	FORM SYSTEMS	26,659	LEFEVRES LLC THE
1	376	RIVERSIDE IND PKWY	UNITIL	65,400	NORTHERN UTILITIES INC
1	414	RIVERSIDE IND PKWY	UNIFIRST CORP	46,500	UNIFIRST CORPORATION TAX

1	423	RIVERSIDE IND PKWY	DOUGLASS BROS	28,408	MITCHELL ROBERT CO INC
1	446	RIVERSIDE IND PKWY	PAUL WHITE TILE CO	46,400	ALBUS BUSINESS GROUP THE
1	500	RIVERSIDE IND PKWY	ENVIROLOGIX	34,400	ENVIROLOGIX INC
1	511	RIVERSIDE IND PKWY	BUILDERS INSULATION	29,120	511 RIVERSIDE LLC
1	524	RIVERSIDE IND PKWY	ENVIROLOGIC	49,450	ENVIROLOGIX INC
1	1	RIVERSIDE ST	MOTEL 6	44,944	G6 HOSPITALITY PROPERTY LLC
1	35	RIVERSIDE ST	VIP	22,110	35 RIVERSIDE LLC
1	81	RIVERSIDE ST	FIRESIDE INN	113,493	LAFAYETTE PORTLAND WEST LLC
1	191	RIVERSIDE ST	BERLIN CITY LEXUS/TOTOTA	64,639	CAR SUM ME RIVER LLC
1	238	RIVERSIDE ST	WICKES LUMBER	59,484	DAVISON/BISSON LLC
1	344	RIVERSIDE ST	KAMCO DIST	50,800	SCAIA JAMES F TRUSTEE
1	375	RIVERSIDE ST	BULL MOOSE HARLEY	26,285	MOOSE LLC
1	563	RIVERSIDE ST	PROTECTION ONE	20,000	SIX G'S COED LLC
1	779	RIVERSIDE ST	HANNAFORD'S	35,802	HANNAFORD BROS CO
1	867	RIVERSIDE ST	YANKEE LANES	30,400	PECOR RAYMOND JR &
1	899	RIVERSIDE ST	REISER BLDG	25,582	SPURWINK SERVICES
1	921	RIVERSIDE ST	TRAMPOLINE PARK	25,000	KOWABUNGA LLC
1	1119	RIVERSIDE ST	VICTORY LANE	32,520	RIVERSIDE STREET
1	2	SOMERSET ST	WHOLE FOODS	55,380	FRANKLIN & SOMERSET PORTLAND
1	88	SPRING ST	HOLIDAY INN	263,806	LAFAYETTE PORTLAND LLC

1	70	ST JOHN ST	BARBER FOODS	146,233	BARBER FOODS LLC
1	75	ST JOHN ST	COZY HARBOR	30,287	WNDK LIMITED LIABILITY CO
1	91	ST JOHN ST	GREATER PORTLAND TRANSIT	62,291	GREATER PORTLAND TRANSIT
1	151	ST JOHN ST	GOULET SUPPLY	31,718	GPP PROPERTIES 1995-1 LLC
1	172	ST JOHN ST	REDLON & JOHNSON SPL	49,708	FACTORS FINANCIAL FRC INC
1	66	STATE ST	ST. DOMENICS SCHOOL	22,200	CATHOLIC CHARITIES MAINE
1	120	STATE ST	MERCY HOSPITAL	237,188	MERCY HOSPITAL
1	152	STATE ST	PORTLAND CLUB	20,902	PORTLAND CLUB THE
1	159	STATE ST	ST LUKES PARISH HOUS	32,385	STATE STREET CONGREGATIONAL
1	671	STEVENS AVE	SCHOOL	39,423	ROMAN CATHOLIC BISHOP OF
1	706	STEVENS AVE	COLLEGE PHARMACY	47,988	UNIVERSITY OF NEW ENGLAND
1	714	STEVENS AVE	HERSEY	162,730	UNIVERSITY OF NEW ENGLAND
1	772	STEVENS AVE	ARMORY	78,396	UNIVERSITY OF NEW ENGLAND
1	16	STORER ST	GYM	73,799	WAYNFLETE SCHOOL THE
1	476	SUMMIT ST	GRACE BAPTIST CHURCH	27,185	GRACE BAPTIST CHURCH
1	476	SUMMIT ST	GRACE BAPTIST CHURCH	27,185	GRACE BAPTIST CHURCH
1	0	THOMPSONS POINT	BRICK SOUTH	32,660	FOREFRONT BRICK SOUTH LLC
1	4	THOMPSONS POINT	BRICK NORTH	34,823	FOREFRONT BRICK NORTH LLC
1	214	VAUGHAN ST	MCGEACHEY HALL	40,746	MAINE MEDICAL CENTER
1	331	VERANDA ST	MARTIN'S POINT	27,540	MARTIN'S POINT HEALTH CARE INC

1	30	WARREN AVE	SALVATION ARMY	41,708	SALVATION ARMY THE
1	267	WARREN AVE	CAPOZZA TILE CO	20,080	CAPOZZA JOSEPH A JR
1	279	WARREN AVE	O'CONNORS MOTOR CO	35,240	HUTCHINS REAL ESTATE LLC
1	400	WARREN AVE	APPLICATOR SALES	45,270	ROBINOV GERALD S &
1	420	WARREN AVE	APPLICATORS SALE	45,368	ROBINOV GERALD S &
1	421	WARREN AVE	SAFELITE AUTO GLASS	26,840	PH WARREN AVE LLC
1	453	WARREN AVE	W W GRAINGER INC	25,500	W W GRAINGER INC
1	508	WARREN AVE	GEORGIA PACIFIC	51,918	ABP ME (PORTLAND) LLC
1	633	WARREN AVE	PINETREE PAPER CO	20,000	PINE TREE PAPER CO INC
1	636	WARREN AVE	HOME DEPOT	116,949	HD DEVELOPMENT OF MARYLAND INC
1	750	WARREN AVE	LOUIS MACK	26,881	ATLANTIC COMMERCIAL
1	765	WARREN AVE	L L BEAN	157,320	WARREN DEVELOPMENT II LLC &
1	513	WARREN AVE REAR	BJ'S WHOLESALE	104,580	BJ/PORTLAND LIMITED PARTNER
1	21	WEST COMMERCIAL ST	PORTLAND RUBBER	36,520	BROWN J B & SONS
1	74	WEST COMMERCIAL ST REAR	NEW YARD LLC	48,784	NEW YARD LLC
1	1021	WESTBROOK ST	NORTHEAST AIRMOTIVE	56,726	NORTHEAST AIRMOTIVE INC
1	1050	WESTBROOK ST	EMBASSY SUITES HOTEL	103,048	KTB HOSPITALITY LLC
1	186	WOODFORD ST	WOODFORD CONGREGATIO	24,600	WOODFORDS CONGREGATIONAL CHURCH

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: July 9, 2019

SUBJECT: **Order 10-19/20 Accepting and Adopting the 2019 Housing Trust Fund Annual Plan - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair**

SPONSOR: Jill C. Duson, Chair of the Housing Committee
(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: Yes (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation) Staff will be available to answer questions.

I. SUMMARY

The 2019 Housing Trust Fund Annual Plan is presented for City Council approval.

II. AGENDA DESCRIPTION

The Housing Committee met on April 10, 2019 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

The Housing Trust Fund is established by Section 14-489 of the City's Code of Ordinances. Section 14-489(e) states that "the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action."

The purpose of the Housing Trust Fund is the "...promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City." and "To serve as a vehicle for addressing very low, low and median income housing needs...". At this time, Housing Trust Fund revenue is generated from fees triggered by the Housing Preservation and Replacement Ordinance, a portion of revenue from the Short Term Rental Registration Program, fee-in-lieu contributions from the Inclusionary Zoning Ordinance (including the hotel inclusionary zoning fees), and other funding resources under Council consideration. The current unencumbered balance of the Housing Trust Fund is \$1,275,820. While staff anticipates increases in revenue in the Housing Trust Fund as a result of the Inclusionary Zoning Ordinance and other sources being considered by the City Council, those anticipated resources are not included in the 2019 Annual Plan.

Proposed revisions included in the 2019 Housing Trust Fund Annual Plan are as follows:

Funding Priorities: creation of workforce housing units through a public/private partnership.

Point System for Evaluation and Scoring Applications: added more detail and clarity to scoring categories.

Maximum Award Amount: average city investment per units, excluding TIF financing, is \$10,000. Maximum city contributions per unit will not exceed \$18,000.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The Housing Trust fund is established by Section 14-489 of the City's Code of Ordinances. Section 14-489 (e) states that "the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action."

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Annual Plan will establish the priorities in which the current balance of the Housing Trust Fund will be allocated.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

Proposed revisions included in the 2019 Housing Trust Fund Annual Plan.

Funding Priorities: creation of workforce housing units through a public/private partnership.

Point System for Evaluation and Scoring Applications: added more detail and clarity to scoring categories.

Maximum Award Amount: Average city investment per units, excluding TIF financing, is \$10,000. Maximum city contribution per unit will not exceed \$18,000.

VII. RECOMMENDATION

Staff is requesting City Council approval of the proposed 2019 Housing Trust Fund Annual Plan for the balance of \$1,275,820 currently existing in the Housing Trust Fund. Any revenue generated above and beyond the existing balance will not be allocated without an amendment to the Annual Plan.

VIII. LIST ATTACHMENTS

1. Housing Trust Fund Annual Plan 2019
2. City Code Chapter 14 Housing Trust Fund
3. Housing Trust Fund Annual Plan 2019 City Council Draft 6.25.19

Prepared by:

Mary Davis, Division Director

Date: 7/9/2019

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER ACCEPTING AND ADOPTING
THE 2019 HOUSING TRUST FUND ANNUAL PLAN

ORDERED, that the 2019 Housing Trust Fund Annual Plan, attached hereto, is hereby accepted and adopted.

forward. At a minimum, no less than 30 days prior to application for site plan review, any project that wishes to take advantage of this section must (1) hold a public meeting noticed to all properties within 500 feet of their site and (2) post a sign on the property in question describing the proposed project; intent to submit an application to the city in 30 days (cite anticipated submission date); and contact information for the developer and the Planning Authority (Department of Planning and Urban Development website link). The Planning Board may adopt regulations regarding the content and processes for noticing as part of the Technical Manual.

(g) *Projects under 14-487.* Projects that are subject to 14-487 that choose to provide the required workforce housing units on site are eligible for a 25% increase in total permitted units. If an eligible project is also subject to 14-487, the applicant shall have the option of utilizing either this bonus or any bonuses they are eligible for under 14-488.1 but not both.

(Ord. No. 98-06/07, 12-4-06; Ord No. 240-09/10, 6-21-10; Ord. 82-15/16, 10-19-2015; Ord. No. 31-17/18, 9/6/2017)

DIVISION 31. HOUSING TRUST FUND

Sec. 14-489. Housing trust fund.

(a) *Purpose.* The purpose of enacting this section is:

1. To establish a City of Portland housing trust fund for the promotion, retention and cration of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.
2. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in section 14-483 of this chapter.

(b) *Definitions.*

Very low income household. A household having an income not exceeding fifty (50%) percent of median income for area of residence as set forth in regulations promulgaged from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Low income household. A household having an income not

exceeding eighty (80%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Moderate income household. A household having an income not exceeding one hundred twenty (120%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

(c) *Establishment of the housing trust fund.* The city council shall establish a special revenue account under the name "City of Portland Housing Trust Fund." Deposits into the fund shall include:

1. Contributions from the city's housing replacement ordinance under 14-483(i);
2. Funds appropriated to be deposited into the fund by vote of the city council;
3. Voluntary contributions of money or other liquid assets to the fund;
4. Any federal, state or private grant or loan funds provided to the fund;
5. Interest from fund deposits and investments; and
6. Repayments of loans made from the fund.

(d) *Management of the trust fund.* The city manager, or his or her designee, shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the city council, shall include:

1. Maintaining the financial and other records of the housing trust fund;
2. Disbursing and collecting housing trust fund monies in accordance with the housing trust fund annual plan; and
3. Monitoring the use of monies distributed to successful applicants for housing trust fund support to assure on-going compliance with the purposes of the fund and

the conditions under which these monies were granted or loaned.

(e) *Housing trust fund annual plan.* Each fiscal year, the city council shall adopt a housing trust fund annual plan. The city manager shall submit to the city council a recommended housing trust fund annual plan, utilizing the revenues of the housing trust fund as well as any other funds the manager may propose as appropriate. The housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

The housing trust fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the housing trust fund;
2. A description of how funds from the housing trust fund will be distributed among very-low-income, low-income and moderate income households; and
3. The amount of funds budgeted for programs funded in part or in full from the housing trust fund.

Priority for the expenditure of funds collected pursuant to the housing replacement ordinance (see Sec. 14-483) shall be given to the creation of new housing stock, through either new construction or conversion of non-residential buildings to residential use.

(f) *Distribution and use of the housing trust fund's assets.*

1. All distribution of principal, interest or other assets of the housing trust fund shall be made in furtherance of the public purposes set out in section 14-483.
2. During each year, the housing trust fund shall disburse as grants or loans so much of the housing trust fund's assets as the city council in its discretion has approved in the housing trust fund annual plan.
3. Funds shall not be used for city administrative expenses.

4. Funds shall not be used for property operating expenses or supporting services.
5. No grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application in the payment of property taxes or other fees to the city of Portland, who Have been convicted of arson, who have been convicted of discrimination in the sale or lease of housing under the fair housing laws of the State of Maine, or who have pending violations of current city electrical, plumbing building or housing codes or zoning ordinances.

(g) *Term of affordability.*

1. Whenever funds from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of thirty (30) years.
2. Whenever funds from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the city of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the city of Portland.
3. The affordability restriction requirements described in this section shall run with the land and the city of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.
(Ord. No. 281-09/10, 7-19-10)

Sec. 14-490. Reserved.

HOUSING TRUST FUND 2019 ANNUAL PLAN

BACKGROUND

The Housing Trust fund is established by Section 14-489 of the City's Code of Ordinances. Section 14-489 (e) states that "the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action."

The Annual Plan will establish the priorities in which the current balance of the Housing Trust Fund will be allocated. The plan is in line with the 2019 Housing Committee objective of increasing access to rental and ownership housing that is safe, affordable, and accessible for working and low-income families.

This budget is based on the balance in the Housing Trust Fund as of March 1, 2019. At this time, Housing Trust Fund revenue is generated from fees triggered by the Housing Preservation and Replacement Ordinance, a portion of revenue from the Short Term Rental Registration Program, fee-in-lieu contributions from the Inclusionary Zoning Ordinance (including the hotel inclusionary zoning fees), and other funding resources under Council consideration. The current unencumbered balance of the Housing Trust Fund is \$1,275,820. While staff anticipates increases in revenue in the Housing Trust Fund as a result of the Inclusionary Zoning Ordinance and other sources being considered by the City Council, those anticipated resources are not included in the 2019 Annual Plan.

Sources and Uses of Housing Trust Fund:

YEAR	DEPOSITS		YEAR	EXPENDITURES	
2002/03	Maine Medical Center HRO	\$ 315,580.00	2011	Avesta Oak Street Lofts	\$ (380,585.00)
2002	Sportsman's Grill HRO	\$ 40,000.00	2014	Housing First Pre-Development RFP	\$ (75,000.00)
2009	Berlin City Auto HRO	\$ 116,000.00	2015	65 Hanover & 52 Alder Sts Feasibility Study	\$ (9,250.00)
2010	Stop n Shop HRO 2010	\$ 289,250.00	2017	65 Munjoy Street	\$ (175,000.00)
2012	Rockbridge/Eastland Park HRO	\$ 42,500.00	2018	37 Front Street	\$ (925,000.00)
2012	Riverwalk/Ocean Gateway HRO	\$ 250,000.00	2018	977 Brighton Avenue	\$ (300,000.00)
2012	118 Congress LLC Easement	\$ 3,500.00		Total Expenditures	\$ (1,864,835.00)
2017	Sale of Tax Acquired Property 91 & 97 Belfort Street	\$ 86,424.00			
2017	Sale of Tax Acquired Property 116 Upper A Street	\$ 78,527.00			
2017	443 Congress Street IZ	\$ 280,000.00			
2018	62 India Street IZ	\$ 276,500.00			
2018	Short Term Rental Fee transfer	\$ 33,318.80			
	Previous INTEREST EARNED	\$ 51,556.00			
2018	0 Thames Street (WEX) sale	\$1,000,000.00			
2019	20 Thames Street IZ & Easement	\$ 277,500.00			
	Total Deposits	\$3,140,655.80		BALANCE	\$1,275,820.80
HRO - Housing Replacement Ordinance; IZ = Inclusionary Zoning Fee-in-lieu					
as of 3-1-2019					

City Ordinance requires that the Housing Trust Fund Annual Plan include a description of the programs to be funded, a budget for each program and identify how the funds will be distributed among very-low (at or below 50% of the area median income), low (at or below 80% of the area median income) and moderate income (at or below 120% of the area median income) households.

The Housing Trust Fund is a valuable tool that can assist the City in meeting the goal of providing increased availability in all segments of the housing market. While the City has other resources such as the HUD HOME and CDBG Programs, those funds are limited in amount and scope. The proposed Housing Program budget for FY 2019-2020 includes \$549,536 in HOME funding for affordable housing development. The HOME program restricts rental housing assistance to households at or below 60% of the area median income and home ownership assistance to households at or below 80% of the area median income. The CDBG program is restricted to households at or below 80% of the area median income. City Ordinance allows the Housing Trust Fund to assist households at or below 120% of area median income.

As always, the City should act prudently when deciding to invest these funds. The Housing Trust Fund should maintain a minimum balance of \$500,000 in order to have resources to act quickly when there is an emergency, such as a need to cure a potential mortgage default that could result in loss of an affordable unit. This right to cure will be included in the affordable housing covenants that are recorded in the Cumberland County Registry of Deeds for each affordable unit.

FUNDING PRIORITIES

The purpose of the Housing Trust Fund is the “...promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.” and “To serve as a vehicle for addressing very low, low and median income housing needs...”. In an effort to ensure that these purposes are met, the Housing Trust Fund Annual Plan may identify specific priorities that support other city goals and priorities, for example goals from the Comprehensive Plan or the City Council Common Goals. A 2019 priority will be to support the creation of workforce housing units through a public/private partnership to add rental and/or ownership units to the City’s housing inventory, as outlined in the Housing Committees 2019 Priorities.

Allocation Process

Housing Trust Funds will be distributed through a competitive application process. A Notice of Funding Availability will be issued at a minimum of an annual basis to notify potential applicants that the application is available. Applications will be reviewed by an evaluation team of City of Portland staff who will evaluate and score each application utilizing the scoring factors outlined in Attachment #1 in order to recommend the most qualified application based on the information submitted. This information will also be included in the Affordable Housing Development Application.

Recommendations will be forwarded to the City Council's Housing Committee for review. Housing Committee recommendations will be forwarded to the City Council for final review and approval.

Eligible Activities

Activities eligible for funding from the Housing Trust Fund are those that promote, retain, and create an adequate supply of housing, particularly affordable housing for all economic groups, and to limit the net loss of housing units in the city. Eligible activities may include: new construction, preservation/rehabilitation of existing affordable housing, adaptive reuse, acquisition, housing first.

In this Plan, adaptive reuse is defined as creating housing in an existing building that was originally built or designed for a use other than housing.

The Housing Trust Fund resources are also intended to promote the retention of affordable housing. Staff recommends that Housing Trust Fund resources be made available, if necessary, to exercise the City's right of first refusal in connection with potential foreclosure issues with affordable homeownership units. This is unlikely to occur in the near future but may come up as more workforce homeownership units are created through Portland's inclusionary zoning ordinance. The City shall have a right of first refusal if an affordable unit is forced to sell due to increased fees or has become delinquent in its payments and is in risk of foreclosure or any other legal threats to the Unit's affordability restrictions. The City shall also have the option of using City funds to support affordable units facing large special assessments that may pose a risk to the owner household's ability to maintain their unit's affordability. The City of Portland shall have the right of first refusal to purchase any affordable unit that is in jeopardy of losing its affordability restrictions due to foreclosure, delinquency of condominium fee payments, or any other cause outside of the agreed upon term of restriction. The City's Right of First Refusal is not intended to infringe upon the ability of a mortgage lender to recapture any money owed by the affordable unit owner. The intent is to ensure affordability of the unit for eligible households.

Financing Parameters

Housing Trust Funds should be a resource of last resort and should be focused on opportunities where other funding sources do not work or are not effective. Applicants requesting financial assistance from the Housing Trust Fund must provide document efforts made to obtain other private, federal, state or local resources for the project.

Form of Awards: A variety of funding mechanisms will be utilized including no-interest loans, below-market loans, forgivable loans, and grants. Type of funding will be determined after review of a number of factors including amount necessary to make the project feasible, the project type, income targeting, number of affordable units, and duration of the affordability period.

Maximum Award Amount: Awards will be determined on a per affordable unit basis. The average City investment per unit, excluding TIF financing, is \$10,000. The City contribution per unit will not exceed \$18,000. This amount may be adjusted at the discretion of the City Council, only for unusual circumstances where a larger amount is the only way a project that meets other

City goals is needed. In those cases, the higher cost per unit ratio must be tied into the goals outlined in the City's Comprehensive Plan.

Income Targeting

Housing Trust Fund resources should be focused on opportunities where other funding sources do not work or are not effective, such as projects designed to create housing affordable to households earning at or below 50% of the area median income, or projects designed to create housing affordable to households earning 80% to 120% of the area median income. Often, other funding sources, such as the Low Income Housing Tax Credit Program or the HOME Program, have restrictions or requirements that limit or prohibit the creation of housing affordable to those in the very low and moderate income ranges.

Affordable means that the percentage of income a household is charged in rent and other housing expenses, or must pay in monthly mortgage payments (including insurance and taxes), does not exceed 30% of a household's income, or other amount established in city regulations that does not vary significantly from this amount.

Affordability Restrictions

Affordability restrictions are required. In the case of rental or cooperative units, the units must remain affordable for the life of the housing unit which is presumed to be a minimum of thirty (30) years.

Homeownership units must include resale restrictions that maintain an "equitable balance" between the interests of the owner and the City. These restrictions must be documented and recorded in the Cumberland County Registry of Deeds.

Sales must be made through an arms-length arrangement. No employee, agent, stockholder, officer, director, servant, or family member of the Owner or its Management Company, or its employees, agents, or servants thereof, related either by blood, marriage, or operation of law may qualify for a unit financed with Housing Trust Funds or receive any benefit related in any way to the administration or compliance with the conditions contained therein.

Affordable Housing Agreement

The owner of each affordable unit will be required to sign and record in the Cumberland County Registry of Deeds an Affordable Housing Agreement (AHA) with the City and to include the affordability restrictions as a covenant to the project's deed. The Affordable Housing Agreement shall be referenced directly in the property's deed unless prohibited by federal, state, or local law. In order to guarantee affordability in homeownership units, this recorded covenant will limit increases in sales price according to the calculation defined by the City as defined in the implementation regulations. It will limit the incomes of subsequent buyers to the same income limits initially applied. It will also provide a right of first refusal and other purchase rights to the City or its designee (e.g. another eligible household, or a nonprofit corporation).

Right of First Refusal

The City of Portland shall have the right of first refusal to purchase any affordable unit that is in jeopardy of losing its affordability restrictions due to foreclosure, delinquency of condominium fee payments, or any other cause outside of the agreed upon term of restriction. The City's Right of First Refusal is not intended to infringe upon the ability of a mortgage lender to recapture any money owed by the affordable unit's owner. The intent is to ensure affordability of the unit for eligible households.

Implementing Regulations

Regulations to further specify the details of the parameters outlined in this Annual Plan, shall be developed, including, but not limited to:

1. Specific methodology for income verification; and
2. Underwriting criteria.

Attachments

#1 Point System for Evaluating and Scoring Applications

Attachment #1

Point System for Evaluating and Scoring Applications (Max 100)

Policy Objectives: Total 50 Points

Proposed use of funds to achieve the City of Portland's goals and address demonstrated need.
26 points

Maximum points will be awarded for those applications that:

1. Market Demand— 2 points
 - a. 2 points high demand,
 - b. 1 point moderate demand,
 - c. 0 points does not demonstrate sufficient market demand
2. Zoning – 10 points
 - a. 10 points Development requires no zoning amendments or contract or conditional zone
 - b. 7 points development requires a zoning amendment which is consistent with the City Comprehensive Plan
 - c. 0 points development requires rezoning that is not consistent with the City's Comprehensive Plan
3. Economic diversity – 4 points
 - a. 4 points creates housing options which promote economic diversity in the neighborhood in which the development is located
 - b. 0 points does not promote economic diversity
4. CHDO – 4 points
 - a. 4 points Developer and owner are both controlled by CHDO
 - b. 2 points either developer or owner are controlled by CHDO
 - c. 0 points neither developer nor owner are controlled by CHDO
5. City Subsidy – 6 points
 - a. 6 points investment from City is <\$10,000/unit
 - b. 5 points investment from City is > or = \$10,000 and <\$12,000/unit
 - c. 4 points investment from City is > or = \$12,000 and <\$14,000/unit
 - d. 3 points investment from City is > or = \$14,000 and <\$16,000/unit
 - e. 2 points investment from City is > or = \$16,000 and <\$18,000/unit
 - f. 0 points investment from City is > or = \$18,000/unit

Impact on surrounding neighborhood, including design compatibility and environmental issues.
24 points

Maximum points will be awarded for those applications where:

- 1) site selection -- 7 points
 - i) 7 points -- fully appropriate for use,
 - ii) 5 points -- appropriate, some concerns
 - iii) 0 points -- significant concerns
- 2) Exterior Design -- 5 points
 - i) 5 points -- the design is fully consistent with neighborhood design characteristics,
 - ii) 3 points -- the design is an adequate fit with the neighborhood design,
 - iii) 0 points -- the design is a significant outlier
- 3) Amenities and unit design -- 7 points
 - i) 7 points -- amenities & unit design are well thought out and appropriate for residents,

- ii) 5 points -- amenities & unit design are adequate,
- iii) 0 points – amenities and unit design raise significant concerns that resident needs will not be adequately addressed
- 4) Environmental -- 5 points
 - i) 5 points – Phase I identifies no environmental issues
 - ii) 3 points – Phase I identifies an environmental issue, but a Phase II shows a feasible, economically viable resolution which is included in the budgets;
 - iii) 0 points – there are significant unresolved environmental issues, or no Phase I has been received.

Underwriting Criteria: Total 50 Points

Financial feasibility, including cost, development budget operating pro forma and the provision of secured and leverage funds. 20 points

Maximum points will be awarded for those applications that:

1. Development budget & sources and uses – 10 points
 - a. 10 points – EVERY development budget line item for which there is a City of Portland guideline complies with that guideline AND all other line items are reasonable and customary;
 - b. 8 points – ONE budget line item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - c. 6 points – TWO budget line items item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - d. Zero points – more than two budget items fail to meet City guidelines or fall outside “reasonable and customary”
2. Operating pro forma – 10 points
 - a. 10 points – EVERY operating pro forma line item for which there is a City of Portland guideline complies with that guideline AND all other line items are reasonable and customary;
 - b. 8 points – ONE budget line item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - c. 6 points – TWO budget line items item falls outside City guidelines or outside the standard of “reasonable & customary”;
 - d. Zero points – more than two budget items fail to meet City guidelines or fall outside “reasonable and customary”

Applicant's ability to complete project, including development team experience, capacity, project readiness and timeframe for completion. 30 points

Maximum points will be awarded for those applications that:

1. Readiness to proceed – 10 points
 - a. 10 points – at least one letter of commitment or interest is included and ALL projected sources are projected at terms and conditions consistent with the City’s prior experience with the funder.
 - b. 5 – ALL projected sources of funding include letters of commitment, letters of interest, or, if no letter is included, are projected at terms and conditions consistent with the City’s prior experience with this funder.

- c. 0 – one or more sources are projected on terms that are not consistent with the City’s prior experience with the funder and are not documented by letter(s) from funder(s).
- 2. Track record of development team – 10 points
 - a. 10 – every development team member has a successful track record with this type of project and at this scale
 - b. 7 – all but one development team members have a successful track record with this type of project and at this scale; one development team member has relevant experience but at a smaller scale or not of this project type
 - c. 3 – two development team members, while having relevant experience, are new to this type of project or this scale of development
 - d. 0 – the development team does not meet the criteria above
- 3. Current Capacity of development team – 10 points
 - a. 10 – development team members have exceptional depth of human and financial resources to complete this project;
 - b. 8 -- development team members have the human and financial resources to complete this project;
 - c. 3 – development team has a staffing gap in a significant role and a plan to address that gap, OR there are some concerns about the financial resources of the team to move the development forward;
 - d. 0 - the development team does not meet the criteria described above