

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)

JUNE 3, 2019 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.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

Arts in the Chamber - Patricia Daunis-Dunning, Daunis Fine Jewelry

ANNUAL MEETING:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft May 20, 2019 City Council Minutes.

PROCLAMATIONS:

Proc 33-18/19 Honoring Devin McKenzie, Information Technology Department, as Employee of the Month for April 2019 - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 250-18/19 Appointing Constables for 2019 for the Fire and Parks, Recreation and Facilities Departments, Parking Division and Portland Jetport - Sponsored by Jon P. Jennings, City Manager

The Fire Department is requesting that Fire Captain Aaron Bridges be appointed as a constable. The Parking Division requests that Matthew Ouellette, Parking Division Supervisor, be appointed Constable.

Constables in the Department of Parks, Recreation, and Facilities enforce dogs at large violations in the parks, playgrounds and cemeteries as well as failure to dispose of animal waste. That department requests that John Mlcuch, Michael Lipka, Carmin Jiadonisi, Samuel Stone and Matt Teneyck be appointed constables.

In order to meet requirements of state law for parking enforcement at the Jetport, the Jetport requests the following SP+ (Standard Parking) employees be named constables: David Doyon, Dale Williams, Frank Oravitz, Andrew Ledger, Greg Hoyt, Dale Hersom, and Nicholas Kenny.

These appointments are effective until 12:00 midnight, December 31, 2019, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties.

Five affirmative votes are required for passage after public comment.

**Order 251-18/19 Appointing Members to Various Boards and Commissions -
Sponsored by the Legislative and Nominating Committee, Councilor Pious Ali,
Chair.**

The Nominating Committee is making the following recommendations to the Various Boards and Commissions.

Name	Board and Commission	Expiration Date
Anna Berk *	Portland Public Art Committee	06/30/2022
Nick Aceto *	Portland Public Art Committee	06/30/2022
Julia Kirby	Portland Public Art Committee	06/30/2022
Caitie Whelan*	Park Commission	06/30/2022
Amy Segal	Park Commission	06/30/2022
Simon Rucker	Land Bank Commission	06/30/2022
Jon Kachmar*	Land Bank Commission	06/30/2022
Patrick Rombalski*	Land Bank Commission	06/30/2022
Stephen Houdlette*	CDBG	09/30/2022
Brad Hanscom*	CDBG	09/30/2022
Lawson Condrey*	CDBG	09/30/2022
Christian MilNeil	Portland Housing Authority	06/30/2024
Robyn Tucker (Resident of PHA)	Portland Housing Authority	06/30/2024
Monique Mutumwinka (Resident of PHA)*	Portland Housing Authority	06/30/2024
April Fournier *	Civil Service Subcommittee: Police Citizen Review Subcommittee	03/30/2022
Dianne Clarke *	Civil Service Subcommittee Employment subcommittee	06/30/2022
Kent Avery*	Fair Hearing Officer	06/30/2022

* = New member

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 252-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Tyrone Muldrow Jr. – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$1,000.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Tyrone Muldrow, Jr.

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

Order 253-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Jason Dean Miller. – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$571.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jason Dean Miller.

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

Order 254-18/19 Declaring July 4, 2019 the July 4th Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares July 4, 2019 the July 4th Festival, to be held on that Thursday from 10:00 a.m. - 10:00 p.m. The rain date is Friday, July 5, 2019. Street closures are included in the agenda backup.

This year's festival will included 25-minute fireworks display, the Portland Symphony Orchestra concert, food and entertainment vendors, reserved seating in the area closest to the stage, and limited ticketed area on grass area closest to the stage.

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

LICENSES:

Order 255-18/19 Granting Municipal Officers' Approval of Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue - Sponsored by Jon P. Jennings, City Manager.

Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue.

Application was filed on 4/19/2019. New City and State Applications. Location was previously Linda Bean Lobster.

Five affirmative votes are required for passage after public comment.

Order 256-18/19 Granting Municipal Officers' Approval of Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street - Sponsored by Jon P. Jennings, City Manager.

Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street.

Application was filed on 4/24/2019. New City and State Applications. New owners of an existing business.

Five affirmative votes are required for passage after public comment.

Order 257-18/19 Granting Municipal Officers' Approval of LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street - Sponsored by Jon P. Jennings, City Manager.

LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street.

Application was filed on 4/17/2019. New City and State Applications. New owners of an existing business.

Five affirmative votes are required for passage after public comment.

Order 258-18/19 Granting Municipal Officers' Approval of Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue - Sponsored by Jon P. Jennings, City Manager.

Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue.

Application was filed on 4/22/2019. New City and State Applications. Applicant currently holds a Class I FSE with Entertainment without Dance.

Five affirmative votes are required for passage after public comment.

Order 259-18/19 Granting Municipal Officers' Approval of Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street - Sponsored by Jon P. Jennings, City Manager.

Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street.

Application was filed on 4/2/2019. New City and State Applications. Location was previously Federal Spice.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

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

UNFINISHED BUSINESS:

Order 246-18/19 Approving Firefighters Local 740, International Association of Firefighters Contract - Sponsored by Jon P. Jennings, City Manager.

This order approves the contract with Firefighters Local 740, International Association of Firefighters. Contract Staff has reached a tentative agreement with the Local 740, International Association of Firefighters on a successor one (1) year contract. The prior contract expired on December 31, 2018. Local 740 has ratified the tentative agreement and the Administration will seek City Council support for the agreement on May 20, 2019. The tentative agreement is within guidance received from the Council. The memorandum reflects the substantive changes to the expired collective bargaining agreement. The parties have tentatively negotiated a one year contract with just a wage adjustment. The cost summary for the tentative agreement is also included as an attachment. Article 25 - Salaries Base Wages 3% increase, effective January 6, 2019, retroactive Article 38 – Term. The new contract term is January 1, 2019, through December 31, 2019.

This item must be read on two separate days. It was given a first reading on May 20, 2019. Five affirmative votes are required for passage after public comment.

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.

The Health & Human Services and Public Safety Committee met on April 16th and voted 3 - 0 to forward this order and the following order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one is the best option for the City.

This order approves Angelo's Acre, 431 Commercial Street, as the location for the Homeless Services Center.

At the May 20, 2019 Mayor Strimling requested that final action on this item be postponed to this meeting. Public comment will be taken from people who did not comment on May 20, 2019. Five affirmative votes are required for passage.

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.

The Health & Human Services and Public Safety Committee met on April 16, 2019 and voted 3 - 0 to forward this order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one was the best option for the City.

This order approves 654 Riverside Street as the location for the Homeless Services Center.

At the May 20, 2019 Mayor Strimling requested that final action on this item be postponed to this meeting. Public comment will be taken from people who did not comment on May 20, 2019. Five affirmative votes are required for passage.

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.

The Planning Board met on May 14, 2019 and voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to forward this item to the City Council with a recommendation for passage.

In December, 2018, the Portland City Council enacted a six-month moratorium on non-marine development within the Waterfront Central Zone (WCZ), to provide time for the City to address concerns raised by members of the fishing community and other interests related to recent development proposals. The City Manager's Office convened the "Waterfront Working Group", a task force representing various stakeholders, with representation from the fishing community, pier and business owners within the zone and other engaged residents. As of the writing of this request, the group has met eleven (11) times, providing feedback on a variety of issues including traffic, parking, waterfront access, marine infrastructure investment and the incompatibility of certain non-marine uses.

The proposed zoning amendments, now before the Council, reflect this feedback and are the synthesis of this months' long discussion with intent of redressing the balance between marine and non-marine use. All sections of the WCZ zoning text considered by the Planning Board featured some level of amendment, with the most substantive changes being reduction of the overlay zone extent, restriction of high traffic generating uses (such as general retail and restaurant) to the overlay zone, elimination of contract and conditional rezoning as a tool permitted within the zone, and a strengthening of the performance standards through a new requirement for an 'Operations and Access Management Plan' (please see attached summary sheet for complete overview of proposed amendments). The resulting text improves the document's interpretability and enforceability, and helps to mitigate legitimate concerns regarding the future success of Portland's working waterfront.

The Planning Board reviewed the proposed text amendments generated by City staff and is forwarding a recommendation, 4-2 (Dundon and Stanley opposed, Dunfey absent) to the City Council to adopt the revised Division 18 Waterfront Central Zone, excluding changes to the overlay zone's extent. Board members voting opposed were supportive of the entire suite of amendments as presented by staff, including reductions to the overlay zone.

This item must be read on two separate days. It was given a first reading on May 20, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 260-18/19 Approving Residential Parking Permit Extension - Sponsored by Councilor Belinda Ray.

This order would extend the approval to maintain 10 spaces on Hancock Street and 12 spaces on Thames Street, four less on Thames Street than last year, as signed one hour parking for another year until June 30, 2020.

It would also approve 42 parking spaces on the north side of Marginal Way from the Park & Ride Lot to Cove Street to be included in the Island Residential Zone for one year, from the effective date of this order and expiring on June 30, 2020.

Staff is requesting that this order be passed as an emergency, in order to allow the order to be effective immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 261-18/19 Approving Portland International Jetport Rental Car Concessionaire Agreement - Sponsored by Jon P. Jennings, City Manager.

The Portland International Jetport is requesting approval of the standard agreement between the City of Portland and its four On-Airport Automobile Rental Concessionaires. The current agreements expire on June 30, 2019 and the new agreements will be for a five year term ending on June 30, 2024. In anticipation of the expiration of the current agreement the City issued competitive Bid #19076 for automobile rental concessionaires. Only the current rental car concessionaires attended the mandatory pre-bid meeting. These are: Avis Budget Car Rental, LLC; Hertz Corporation d/b/a Hertz and Dollar; Enterprise Rent-A-Car Company of Boston, LLC d/b/a Enterprise Rent-A-Car; and Enterprise Rent-A-Car of Boston, LLC d/b/a Alamo Car Rental & National Rent A Car.

Five affirmative votes are required for passage after public comment.

Order 262-18/19 Accepting and Appropriating the Donation of \$8,934.50 from Eyecare Medical Group - Sponsored by Jon P. Jennings, City Manager.

Hooper Street (a dead-end public street) which primarily serves as access to the Eyecare Medical Group (EMG) needs to be repaved and EMG has agreed to provide a donation, in the amount of \$8,934.50, to the City to cover one-half of the expense. See attached aerial map.

Five affirmative votes are required for passage after public comment.

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.

The Economic Development Committee reviewed this item at its May 21, 2019 meeting and voted 3-0 to forward this to the City Council with a recommendation for passage.

City Council authorization of Portland Downtown annual documents for Fiscal Year 2020 is needed for the continued operation of Portland Downtown (PD). This includes: (1) Adopting Development Program for the PD; (2) Assessing Maintenance and Implementation Assessment in the PD District; and (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

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

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.

This item is a companion order to Order 263 above.

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

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.

This is a companion to Orders 264 and 265 above.

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

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.

The Economic Development Committee met on May 7 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Amendments to the Waterfront Tax Increment Financing (TIF) District are proposed to maximize utilization of the TIF District revenue by adding four additional properties to expand the Waterfront TIF District, and propose one adjustment to the WGA Map.

City staff proposed amendments do not involve credit enhancement agreements.

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

AMENDMENTS:

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.

This is a companion order to Order 266 above.

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

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

The developer of the AC Hotel and nearby properties has requested that four parking spaces in front of the new retail spaces at 20 Thames Street be converted to two-hour metered spaces, which this amendment does. The installation of four (4), two-hour parking meters at Thames Street will provide much need turnover parking for the new retail businesses on the block.

This item must be read on two separate days. This is its first reading. Staff is requesting that the second reading be waived, which requires seven votes. Staff is also requesting that this order be passed as an emergency. Seven affirmative votes are required for passage as an emergency following public comment.

AMENDED MINUTES

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. All Councilors were present.

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft May 6, 2019 City Council Minutes.

Motion was made by Councilor Ali and seconded by Councilor Ray to approve the draft minutes of the May 6, 2019 City Council meeting. Passage 9-0.

PROCLAMATIONS:

Proc 32-18/19 Proclamation Honoring Laurie Carlson, Assessor's Office, as Employee of the Month for April 2019 - Sponsored by Mayor Ethan K. Strimling.

BUDGET ITEMS:

SECOND READING AND FINAL PUBLIC HEARING OF THE FISCAL YEAR 2020 SCHOOL BUDGET:

A first read and public comment was taken at the May 6, 2019 City Council meeting on orders 227 to 232A. The orders were brought back for second read and public comment as amended by the School Board.

Order 227-18/19 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M.

Mavodones, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage of Order 227 as amended by the School Board. Passage 9-0.

Order 228-18/19 Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Duson and seconded by Councilor Costa for passage of Order 228 as amended by the School Board. Passage 9-0.

Order 229-18/19 Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage of Order 229 as amended by the School Board. Passage 9-0.

Order 230-18/19 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage of Order 230 as amended by the School Board. Passage 8-1. (Cook)

Order 231-18/19 Appropriating and Raising Funds for Adult Education for Fiscal Year 2020 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage of Order 231 as amended by the School Board. Passage 9-0.

Order 232-18/19 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage of Order 232 as amended by the School Board. Passage 9-0.

Order 232A-18/19 Order Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage of Order 232A as amended by the School Board. Passage 9-0.

SECOND READING AND FINAL PUBLIC HEARING ON FISCAL YEAR 2020 MUNICIPAL BUDGET:

Order 242 Taken out of order. Amendments to order 245 Appropriation Resolve taken up prior to final vote on orders 233 to 241 and 243-to 245.

Order 233-18/19 Approving Fiscal Year 2020 Administrative Fees - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage of Order 233. Passage 9-0.

Order 234-18/19 Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2020 Human Resources and Certain Fringe Benefits Budgets – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage of Order 234. Passage 9-0.

Order 235-18/19 Re: Fiscal Year 2020 Self-Insured Liability Program - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage of Order 235. Passage 9-0.

Order 236-18/19 Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Motion was made by Councilor Batson and seconded by Councilor Thibodeau for passage of Order 236. Passage 9-0.

Order 237-18/19 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2020 Health and Human Services Budget – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage of Order 237. Passage 9-0.

Order 238-18/19 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and Enter into Trust Agreements - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Duson and seconded by Councilor Costa for passage of

Order 238. Passage 9-0.

Order 239-18/19 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage of Order 239. Passage 9-0.

Order 240-18/19 Authorizing Non-Union Wage Adjustment - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage of Order 240. Passage 9-0.

Order 241-18/19 Designating Fiscal Year 2020 Funds for Specific Island Services - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr.-Chair.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage of Order 241. 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 Nicolas M. Mavodones, Jr. Chair.

Since this item has no fiscal impact to the City budget, A motion to postpone Order 242 to the June 17, 2019 City Council meeting was made by Councilor Mavodones and seconded by Councilor Duson. Passage to postpone 9-0.

Order 243-18/19 Appropriating \$750,000 from Assigned Fund Balance for Workers' Compensation and Self Insurance – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Ray and seconded by Councilor Batson for passage of Order 243. Passage 9-0.

RELATED ORDINANCE AMENDMENT:

Order 244-18/19 Amendment to Portland City Code RE: Various Fee Increases for Fiscal Year 2020 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair.

Motion was made by Councilor Ray and seconded by Councilor Cook to amend Order 244 " by striking out in section 28-86 parking meter rates from one dollar and fifty cents

(\$1.50) and adding one dollar and seventy-five cents (\$1.75)" . Passage 5-4 (Mavodones, Ali, Thibodeau, Strimling).

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

APPROPRIATION RESOLVE

Order 245-18/19 Fiscal Year 2019-2020 Appropriation Resolve - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Motion was made by Councilor Mavodones and seconded by Councilor Ray to amend Order 245 " by reinstating funding for the 5th City Shelter overflow \$45,000 and to increase funding for the Community Support Fund by \$50,000". Passage 9-0.

Motion was made by Councilor Cook and seconded by Councilor Duson to "decrease Cultivating Community by \$10,000". Motion failed 1-8(Duson, Mavodones, Ali, Costa, Ray, Thibodeau, Batson,Strimling).

Motion was made by Councilor Strimling and seconded by Councilor Thibodeau to amend Order 245 "by adding \$32,500 for irrigation system to Deering Oaks Baseball field". Motion failed 4-5 (Duson, Mavodones, Cook, Ray, Thibodeau.)

Motion was made by Councilor Thibodeau and seconded by Councilor Ray to " add \$51,864 to the budget to support a new maintenance worker in Parks, Recreation and Facilities". Passage 7-2 (Mavodones, Cook)

Motion was made by Councilor Mavodones and seconded by Councilor Batson to bifurcated amendment 5. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Cook to amend order 245 " by adding \$90,000 to support a new Senior Planner". Motion failed 4-5 (Duson, Mavodones, Costa, Thibodeau, Batson)

Motion was made by Councilor Cook and seconded by Councilor Costa to "reduce the City Clerk's budget for a Presidential Primary by \$38,000.00". Passage 9-0.

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

Motion was made by Councilor Cook and seconded by Councilor Ray to reconsider the vote on adding a Senior Planner. Passage 9-0.

Motion was made by Councilor Cook and seconded by Councilor Ray to "add \$90,000.00 to support a new Senior Planner". Motion failed 4-5 (Duson, Mavodones, Costa, Thibodeau, Batson).

Motion was made by Mayor Strimling and seconded by Councilor Mavodones to" add \$400,000 to the Fire Departments Budget to support 9 FTE's". Motion failed 3-6 (Duson, Mavodones, Cook, Costa, Ray, Thibodeau).

Motion was made by Councilor Cook and seconded by Councilor Ali to amend Order 245 by "to fund P-STEP program with funds from 0 Hancock proceeds". Motion failed 1-8 (Duson, Mavodones, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Mayor Strimling and seconded by Councilor Ali to add "funding for Portland Opportunity Crew". Motion failed 1-7 (Duson, Mavodones, Cook, Ali, Costa, Ray, Thibodeau) (Batson out).

Motion was made by Councilor Costa and seconded by Councilor Ali to reduce the School Budget total to \$117,389,270. Passage 9-0.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to lay Order 245 on the table. Passage 9-0.

Motion was made by Councilor Thibodeau and seconded by Councilor Ray to take Order 245 off the table. Passage 9-0.

Motion was made by Councilor Mavodones and seconded by Councilor Costa for passage as amended. Passage 8-1(Cook).

ORDERS:

Order 246-18/19 Approving Firefighters Local 740, International Association of Firefighters Contract - Sponsored by Jon P. Jennings, City Manager.

This is a first reading.

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 Ray and seconded by Councilor Costa to postpone Order 247 to the June 3, 2019 City Council meeting. Passage to postpone 9-0.

Due to the late hour, public comment will be taken up again at the June 3, 2019 meeting for those that did not have the opportunity to be heard.

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 Ray and seconded by Councilor Thibodeau to postpone Order 248 to the June 3, 2019 City Council meeting. Passage to postpone 9-0.

Due to the late hour, public comment will be taken up again at the June 3, 2019 meeting for those that did not have the opportunity to be heard.

AMENDMENTS:

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.

This is a first reading.

Motion was made by Councilor Ali and seconded by Councilor Batson to adjourn. Passage 9-0 at 12:39 A.M.

A TRUE COPY.

Carolyn M. Dorr, Deputy City Clerk

PROCLAMATION

Honoring

Devin MacKenzie Employee of the Month

WHEREAS: **Devin MacKenzie** of the Information Technology Department, has been named the City of Portland Employee of the Month by a committee of his peers and selected for this distinct honor from a workforce of over 1,300; and

WHEREAS: This award is presented in recognition of **Devin's** role of IT Database Administrator. **Devin** is recognized for his in-depth knowledge of the many City technology systems. **Devin** learns quickly and dedicates himself to resolving issues; and

WHEREAS: **Devin** has worked closely with Tyler in the implementation process and in troubleshooting numerous application issues for multiple departments. **Devin's** sense of ownership and systems knowledge was invaluable working with Tyler and all Treasury stakeholders to work through issues. Whenever there are issues reported, **Devin** always responds quickly to diagnose and fix them; and

WHEREAS: **Devin** has assisted in improvements to IT's Helpdesk and processes by implementing Active Directory, creating tools that will auto install default software to new PCs, writing guidelines for helpdesk reference and building a kiosk system to direct residents visiting City Hall. **Devin** has worked on implementing a new server to boost performance for Tyler applications. **Devin** is always willing to help departments improve their processes, such as Assessors, Police, GIS Public Works, Planning, Permitting and Inspections etc. **Devin's** dedication and generosity in teamwork is greatly appreciated and recognized by the departments he assists.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Devin MacKenzie as City Employee of the Month, April 2019.**

Signed and Sealed this 3rd day of June, 2019



**Ethan K. Strimling, Mayor
City of Portland, Maine**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 7, 2019

SUBJECT: Order 250-18/19 Appointing Constables for 2019 for the Fire and Parks,
Recreation and Facilities Departments, Parking Division and Portland Jetport -
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

The Fire Department is requesting that Fire Captain Aaron Bridges be appointed as a constable. The Parking Division requests that Matthew Ouellette, Parking Division Supervisor, be appointed Constable.

Constables in the Department of Parks, Recreation, and Facilities enforce dogs at large violations in the parks, playgrounds and cemeteries as well as failure to dispose of animal waste. That department requests that John Mlcuch, Michael Lipka, Carmin Jiadonisi, Samuel Stone and Matt Teneyck be appointed constables.

In order to meet requirements of state law for parking enforcement at the Jetport, the Jetport requests the following SP+ (Standard Parking) employees be named constables: David Doyon, Dale Williams, Frank Oravitz, Andrew Ledger, Greg Hoyt, Dale Hersom, and Nicholas Kenny.

These appointments are effective until 12:00 midnight, December 31, 2019, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties.

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. Constables for Fire Dept., Parking Div. and Jetport 6.3.2019

Prepared by:

Date: 5/7/2019

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)

**ORDER APPOINTING CONSTABLES FOR 2019
FOR THE FIRE AND PARKS, RECREATION AND FACILITIES DEPARTMENTS,
PARKING DIVISION AND PORTLAND JETPORT**

ORDERED, that Fire Department Captain Aaron Bridges and Parking Division Supervisor Matthew Ouellette are hereby appointed constables for calendar year 2019; and

BE IT FURTHER ORDERED, that John Mlcuch, Michael Lipka, Carmin Jiadonisi, Samuel Stone and Matt Teneyck are hereby appointed constables for calendar year 2019 to work as Park Rangers for the Parks, Recreation and Facilities Department; and

BE IT FURTHER ORDERED, that the following Standard Parking employees who perform parking enforcement within the Portland International Jetport Public Parking Facilities be appointed constables for calendar year 2019:

David Doyon;
Dale Williams;
Frank Oravitz;
Andrew Ledger;
Gregy Hoyt;
Dale Hersom;
Nicholas Kenny; and

BE IT FURTHER ORDERED, that these appointments shall be effective from the effective date of this order until 12:00 midnight, December 31, 2019;

BE IT FURTHER ORDERED, that these appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and none are allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 16, 2019

SUBJECT: **Order 251-18/19 Appointing Members to Various Boards and Commissions - Sponsored by the Legislative and Nominating Committee, Councilor Pious Ali, Chair.**

SPONSOR: Legislative and Nominating Committee, Councilor Pious Ali Chair.
(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 is making the following recommendations to the Various Boards and Commissions.

Name	Board and Commission	Expiration Date
Anna Berk *	Portland Public Art Committee	06/30/2022
Nick Aceto *	Portland Public Art Committee	06/30/2022
Julia Kirby	Portland Public Art Committee	06/30/2022
Caitie Whelan*	Park Commission	06/30/2022
Amy Segal	Park Commission	06/30/2022
Simon Rucker	Land Bank Commission	06/30/2022
Jon Kachmar*	Land Bank Commission	06/30/2022
Patrick Rombalski*	Land Bank Commission	06/30/2022
Stephen Houdlette*	CDBG	09/30/2022
Brad Hanscom*	CDBG	09/30/2022
Lawson Condrey*	CDBG	09/30/2022
Christian MilNeil	Portland Housing Authority	06/30/2024
Robyn Tucker (Resident of PHA)	Portland Housing Authority	06/30/2024
Monique Mutumwinka (Resident of PHA)*	Portland Housing Authority	06/30/2024
April Fournier *	Civil Service Subcommittee: Police Citizen Review Subcommittee	03/30/2022
Dianne Clarke *	Civil Service Subcommittee Employment subcommittee	06/30/2022
Kent Avery*	Fair Hearing Officer	06/30/2022

* = New member

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 Various Boards and Committees 6.3.2019
2. Memo to City Council for appointments June 2019
3. Various Boards June 3, 2019

Prepared by:

Date: 5/16/2019

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 VARIOUS BOARDS AND COMMITTEES

ORDERED, that the following people are hereby appointed to the Boards and Committees indicated for the stated term:

Name	Board and Committee	Expiration
Anna Berke	Portland Public Art Committee	06/30/ 2022
Nick Aceto	Portland Public Art Committee	06/30/2022
Julia Kirby	Portland Public Art Committee	06/30/2022
Caitie Whelan	Park Commission	06/30/2022
Amy Segal	Park Commission	06/30/2022
Simon Rucker	Land Bank Commission	06/30/2022
Jon Kachmar	Land Bank Commission	06/30/2022
Patrick Rombalski	Land Bank Commission	06/30/2020
Stephen Houdlette	Community Development Block Grant Annual Allocation Committee (CBDG)	09/30/2022
Brad Hanscom	CDBG	09/30/2022
Lawson Condrey	CDBG	09/30/2022
Christian MilNeil	Portland Housing Authority	06/30/2024
Robyn Tucker (Resident)	Portland Housing Authority	06/30/2024
Monique Mutumwinka(Resident)	Portland Housing Authority	06/30/2024
April Fournier	Civil Service Subcommittee – Police Citizen Review Subcommittee	03/30/2022
Dianne Clarke	Civil Service Employment Subcommittee	06/30/2022
Kent Avery	Fair Hearing Officer	11/30/2022



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Ethan Strimling, and Members of City Council
FROM: Katherine L. Jones
DATE: May 14, 2019
RE: Appointments

The Nominating Committee is making the following recommendations to the Various Boards and Committees.

Name	Board and Committee	Expiration
Anna Berke	Portland Public Art Committee	06/30/ 2022
Nick Aceto	Portland Public Art Committee	06/30/2022
Julia Kirby	Portland Public Art Committee	06/30/2022
Caitie Whelan	Park Commission	06/30/2022
Amy Segal	Park Commission	06/30/2022
Simon Rucker	Land Bank Commission	06/30/2022
Jon Kachmar	Land Bank Commission	06/30/2022
Patrick Rombalski	Land Bank Commission	06/30/2020
Stephen Houdlette	CDBG	09/30/2022
Brad Hanscom	CDBG	09/30/2022
Lawson Condrey	CDBG	09/30/2022
Christian MilNeil	Portland Housing Authority	06/30/2024
Robyn Tucker (Resident)	Portland Housing Authority	06/30/2024
Monique Mutumwinka(Resident)	Portland Housing Authority	06/30/2024
April Fournier	Civil Service Subcommittee – Police Citizen Review Subcommittee	03/30/2022
Dianne Clarke	Civil Service Employment Subcommittee	06/30/2022
Kent Avery	Fair Hearing Officer	11/30/2022

Anna Berke

Portland, ME 04103 • [REDACTED]

April 15, 2019

Appointments Committee Chairman
c/o City Clerk
Room 203
389 Congress Street
Portland, ME 04101

Dear Appointments Committee Chairman,

I hope you will consider me for a seat on the Portland Public Art Committee. I believe that everyone benefits from exposure to the arts, and that public art provides a unique, no-cost opportunity to learn something new. As a member of the Committee, I would be thrilled to contribute my professional background as a non-profit fundraiser to make our city an even more interesting and enriching place to live through public art.

For the past seven years, I have worked as the Director of Foundation and Government Development for the local PBS affiliate in Washington, DC, which is known as WETA. I work remotely from my home office in Portland raising \$600,000 each year to fund WETA's arts, cultural and environmental programming as well as WETA's community initiatives. One of the core goals of PBS is to celebrate the arts, and in my role at WETA I have opportunities to engage with artists and the arts in many forms. Locally, I work part-time as a grant writer for Legal Services for the Elderly, headquartered in Augusta, ME. Through this work I have developed skills I could offer to the Committee, including excellent research and writing; program development and evaluation; teamwork and collaboration; and experience and knowledge of the foundation funding landscape.

My family and I are committed to community service and to contributing to our city. I serve as the treasurer for Mom to Mom of Maine, a membership organization providing support and community for Southern Maine mothers, and have volunteered my grant writing skills for the local chapter of an immigrant rights organization. My husband is a member of Portland's Board of Education and has held a leadership position at the local VFW post.

Public art is beautiful, accessible, inviting, unifying and unexpected. For all of these characteristics and more, I believe public art--from Woodford's Corner to the Jetport to the halls of our local high schools--plays an important role in our diverse and changing city. As a member of the Committee, I would work to maintain and expand Portland's public art collection, and grow awareness and support for this special resource.

I look forward to hearing from you. Thank you.

Sincerely,
Anna Berke

Anna Berke

Portland, ME 04103 • [REDACTED]

Master of Public Administration with 13 years of nonprofit development experience, most recently with a focus on foundation and corporate grant writing.

EXPERIENCE

WETA (Washington, DC's largest public television station) (January, 2012-Present), Arlington, VA

Director, Foundation and Government Development

- Responsible for generating \$600,000 annually in restricted and unrestricted funds for arts and cultural television programming; classical music radio programming; and educational initiatives.
- Responsible for conducting the full range of activities required to prepare, submit and manage grant proposals and reports to a portfolio of more than 40 foundation and corporate sources.
- Prospect research on foundations, corporations and government sources.
- Collaborate with finance department to create, analyze and report on budgets.
- Steward funders, including monthly mailings, invitations to events and one-on-one meetings.

Legal Services for the Elderly (LSE) (January, 2018-Present), Augusta, ME

Grant Writer

- Responsible for prospect research and grant writing, working closely with LSE's Executive Director.
- Design and maintain grant calendar and grant tracking system.

The Child and Family Network Centers (CFNC) (January, 2012-August, 2014), Alexandria, VA

Consultant

- Served as a grant writer and editor.

The Child and Family Network Centers (CFNC) (January, 2010-January, 2012), Alexandria, VA

Director of Development

- Responsible for all phases of fundraising efforts for an organization that provides free preschool to children living in poverty, including donor stewardship; grant writing/reporting; individual and corporate giving; local, state and federal funding; and events and direct mail campaigns to support an annual budget of \$2.1 million.
- As a member of CFNC's senior management team, managed a Grant Writer, a Development Associate and a Social Media Intern.
- Communicated CFNC's fundraising progress, goals and development plan at Board meetings.
- Maintained Raiser's Edge database of donor information.
- Managed all aspects of communications and marketing, including website, monthly e-newsletter, annual report, social media and sponsorship materials.
- Continually sought new partnerships and funding opportunities by representing CFNC at meetings and events throughout greater Washington, DC.

Special Olympics International (2006-2010), Washington, DC

Project Manager, Law Enforcement Torch Run® for Special Olympics

- Managed all daily activities and functions of the Law Enforcement Torch Run for Special Olympics, a fundraising initiative that grosses more than \$34 million annually, which consists of 85,000 Law Enforcement volunteers participating in 46 countries.
- Funds raised increased nearly \$10 million during my tenure.
- Oversaw the partnership between Law Enforcement volunteers and Special Olympics leadership as a key member of the International Executive Council, made up of Law Enforcement and Special Olympics staff from around the world.
- Coordinated and executed the annual International Conference that draws more than 1,000 attendees. Supported the bidding process for future conference locations.
- Created, maintained, tracked and provided reports on \$500,000 annual budget. Monitored accounts receivable and payable.
- Assisted in corporate sponsorship development and retention.
- Represented Special Olympics International at meetings and events worldwide.

Police Executive Research Forum (PERF) (2003-2006), Washington, DC

Conference Coordinator/Research Assistant

- Coordinated and executed annual conferences for as many as 500 attendees. Managed conference budgets and pursued federal and private funding opportunities, designed and distributed marketing brochures, monitored on-line registration, assisted with site selection and negotiation of hotel contracts, managed all on-site conference activities.
- Co-authored three publications on Early Warning Systems. Coordinated and executed site visits to police departments throughout the country to conduct research with police personnel.
- Developed and launched a summer internship program. Secured funds, marketed the program, conducted interviews, selected and trained interns.

Community Lodgings (2003-2004), Alexandria, VA

ESL Teacher

- Collaborated with other volunteers to create curriculum for intermediate-level English classes.
- Conducted weekly, two-hour English classes for native Spanish speakers.

National Women's Health Information Center (NWHIC) (2002-2003), Annandale, VA

Bilingual Research Analyst/Guest Editor Manager

- Provided customer service, support and medical counseling to Spanish/English callers of a national women's health hotline.
- Secured articles for Spanish Guest Editor Program by contacting magazines and health organizations.
- Conducted monthly assessments and updates of Spanish/English language health publications on the website.
- Prepared materials and handouts and presented information on NWHIC at national health conferences.

Camp Merrie-Woode (Summer 2002), Sapphire, NC

Director of Dance Program

- Designed dance curriculum and taught beginner, intermediate and advanced ballet and jazz.
- Managed a staff of five dance instructors.

EDUCATION

American University (May 2007), Washington, DC

Master of Public Administration, Concentration Nonprofit Management, Pi Alpha Alpha

Colby College (May 2002), Waterville, ME

B.A. Spanish and Women's Studies, Magna Cum Laude, National Collegiate Hispanic Honor Society

SKILLS/INTERESTS

- Strong proficiency in written and spoken Spanish.
- Strong proficiency: Raiser's Edge, ROI, Team Approach, Adobe InDesign, Microsoft Office.
- Treasurer of Mom to Mom of Maine, a nonprofit membership organization for mothers in Southern Maine.
- Volunteer grant writer.
- Have successfully completed five marathons and four half-marathons.

Anna Berke

Portland, ME 04103 •

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- Collaborated with other volunteers to create curriculum for intermediate-level English classes.
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SKILLS/INTERESTS

- Strong proficiency in written and spoken Spanish.
- Strong proficiency: Raiser's Edge, ROI, Team Approach, Adobe InDesign, Microsoft Office.
- Treasurer of Mom to Mom of Maine, a nonprofit membership organization for mothers in Southern Maine.
- Volunteer grant writer.
- Have successfully completed five marathons and four half-marathons.



Attn: Appointments Committee Chairman
c/o City Clerk
Room 203
389 Congress St.
Portland, ME 04101

April 15, 2019

RE: Portland Public Art Committee

Dear Appointments Committee,

I am pleased to submit my application for appointment to the Portland Public Art Committee. As a native resident of Portland and licensed Landscape Architect I believe public art is an essential component to our city and would be honored to contribute my skill and experience to help further the mission of the public art commission in the City of Portland.

Three years ago, my partner and I returned to my home city, Portland to continue to grow our business while we raise a family. We began our design business in Colorado and were drawn back to Maine after more than 15 years away. I believe Portland is an amazing and beautiful city with much potential. As designers, we hold a special appreciation for well-curated art, particularly that which resides in the public realm. Public art is a means to express the spirit of a community, pose questions, and inspire onlookers. As a Landscape Architect, I believe my technical skill will be of value in helping guide the siting of specific installations as well as attention to context.

Attached, please find my resume and brief bio speaking to my professional experience and personal history both in Maine and abroad.

Thank you for the opportunity to apply for this important position.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Aceto', is located below the 'Sincerely,' text.

Nick Aceto, PLA, ASLA
Aceto Landscape Architects
Principal Landscape Architect & Urban Designer





NICK ACETO, PLA, ASLA

ACETO LANDSCAPE ARCHITECTS

FOUNDING PARTNER, LICENSED LANDSCAPE ARCHITECT | CO #1192

NA@ACETOLA.COM

PERSONAL BIO

Nick is a licensed landscape architect and urban designer with a deep passion for the creative process. Nick believes in landscape as a framework for organizing the patterns and behaviors through which we live. From the private garden to the region, Nick has the ability to recognize and translate patterns into visual narratives which tell the unique story of a place through built form. Nick grew up in Portland, Maine where he developed an deep appreciation for the rich and varied New England landscape, from rocky shorelines of the Atlantic to the forested peaks of the Appalachians. As both a consummate urbanist and adventure-seeking outdoorsman, Nick is intrigued by the interplay between urban form, economics, wild nature, and ecology.

SELECT PROJECTS

The Downs | Scarborough Maine

ALA has worked closely in collaboration with the Planning and Engineering staff at Gorriell Palmer to provide master planning and design services for this 500+-acre master plan which includes a large town center and community park component.

LIBBYTOWN PLAYSCAPE | Portland Maine

ALA worked closely with the Libbytown Neighborhood Association to provide conceptual design and visuals for an interpretive playscape in Dougherty Field Park in Portland. The project was awarded more than \$130,000 in CDBG funding in 2018.

HOTEL ASPEN | Aspen CO

ALA continues to play a key role in the planning and design of this landmark hotel redevelopment in downtown Aspen, CO. Our scope includes the design of intimate public amenity spaces as well as a private 'grotto' pool deck and courtyard spaces.

OUR TOWN BASALT | Basalt CO

Aceto provided large-scale, creative town planning and visioning for a nearly 24-month effort hosted by the Town of Basalt to engage the public and community-at-large around the planning and redevelop-

HONORS + AWARDS

Grand Prize | Bayside Adapts Design Competition (2017)

National ASLA Honor Award, Design Team Member | Lafitte Greenway (Design Workshop, 2013)

Selected Entry | Town of Basalt Monument Sign Design Competition (2012)

Guest Lecturer | North Dakota State University School of Architecture (2011)

Honor Award | Fort Collins Urban Design Awards (2009)

First Prize | CLARB Wayne Grace Memorial Design Competition (2008)

PUBLICATIONS + RECOGNITION

Start Your Engines | Landscape Architecture Magazine, March 2017

Learning By Doing | CCASLA Rocky Mountain Exposures Magazine, Featured Works, 2009

AFFILIATIONS AND VOLUNTEERISM

Member | Portland Bicycle-Pedestrian Advisory Committee

Member | Portland Society for Architecture Sustainability and Transportation Subcommittee

Julia Kirby

[REDACTED] Portland, ME 04101
[REDACTED]

March 20, 2019

Portland Planning Department
389 Congress Street
Portland Maine 04101

Dear Appointments Committee Chairperson,

I have had the pleasure of serving on the City of Portland's Public Art Committee (PPAC) since June, 2013. I served as the Vice-Chair from 2014 to 2018, and currently I am the Chair. I am delighted to be submitting an application stating my interest to renew my committee appointment upon the expiration of my term this summer.

My six years as a member of PPAC have been an exciting opportunity to acquaint myself much more intimately with the amazing collection of public art in our City. In the three years since my appointment was renewed, the committee has been busy with everything from conservation to communications work. Extensive conservation work on many key works in the collection has been completed, *Our Lady of Victories* and the *Longfellow Memorial* to name a couple. PPAC collaborated with USM and their media studies program in the spring semesters of 2017 and 2018, which resulted in the creation of a PSA, a 10-minute video on the Bernard Langlais acquisitions, and two artist talks about works in the collection. These videos now belong to PPAC and are on view via the website.

In December of 2018 PPAC unveiled *Luminous Arbor* by Aaron Stephan, a functional light sculpture and new work of public art installed in Woodfords Corner as part of major traffic plan redesign and upgrades to the sidewalks and bike paths. At present PPAC is continuing its work to install a major work by Sarah Sze studios in Congress Square, the sculpture part of a larger vision for the space including an enhanced landscape architectural design and shared public space. This winter and spring has seen the formation of a subcommittee for the USM Roundabout project, again aligning the efforts of PPAC with other city entities and other organizations to bring change to public space, both in traffic patterns, pedestrian walkways, and the installation of art as placemaking.

Thank you for taking the time to consider renewing my term to serve the City of Portland as a member of its public art committee, I am eager to remain involved!

Sincerely,



Julia Kirby

PROFESSIONAL PROFILE

Demonstrated fundraising, management, and leadership ability in a unique setting. Planned, developed, and coordinated wide range of events. Hired, supervised, and evaluated paid and volunteer staff. Managed customer service problems. Possess strong computer skills (Excel, Adobe InDesign CS4, Microsoft Word and Fundraising software). Excellent presentation and public speaking skills.

EXPERIENCE

St. Lawrence Arts, Portland, ME

2010 to Present

Development Director, Full-time

Responsible for all fundraising, both for the Parish Hall Theater (currently in operation), as well as capital campaign fundraising to rebuild the lost half of the building (historic sanctuary), creating a 401-seat performance space with support spaces. Advertising and marketing of all SLA events and concerts and public relations manager.

Portland Public Library, ME

2010

Programming and External Relations Manager, Part-time, temporary

Coordinate Brown Bag Lecture Series, programs with all Community Partners, and functioned as staff liaison with Friends of Portland Public Library, as well as developed and maintained a media plan for Portland Public Library System.

Victoria Mansion, Portland, ME

2005 to 2010

Deputy Director of Administration

Managed annual fundraising campaign, including corporate sponsorships, foundation support, and membership. Developed marketing strategies and advertising for events. Represented the Mansion in all television, radio, and print advertisements. Gave interviews, wrote press releases and worked with print vendors. Coordinated and developed the *Victoria Mansion Newsletter*.

Acting Director

May - October 2005

Assistant Director

2003 - 2005

Assistant to the Director

1999-2003

Site Manager

1997-1998

Portland Museum of Art, ME

1997 to 1998

Biennial Intern

Involved in all aspects of the 1998 *Portland Museum of Art Biennial Exhibition* including communication with artists, cataloguing over 900 submissions, and planning jury selection. Research and developed an artist's database totaling over 3,000 entries.

EDUCATION

University of Massachusetts, Amherst, MA
Masters, Art History

1997

Texas Christian University, Fort Worth, TX
Bachelors of Art, Art History and English, Cum Laude

1995

COMMITTEE APPOINTMENTS

Portland Public Art Committee

June, 2013

Member, Vice-Chair, Current Chair (2018 – present)

College of Arts, Humanities, and Social Sciences, University of Southern Maine
Advisory Board Member

January, 2016

Appointments Committee Chairman
C/O City Clerk
389 Congress St.
Portland, ME 04101

April 7, 2019

Dear Mr. Chairman:

Public spaces are the heartbeat of a city, and I would like to join the Portland Parks Commission to help make our parks, trails, and open spaces as accessible, communal, and enriching as possible.

Twenty-five years ago, I was a South Portland kid who found herself in parks. I cross-country skied in Hinckley Park. I saw Schooner Fare in Millcreek Park and fireworks from the Eastern Prom; I watched Shakespeare and bought farmers' market pumpkins at Deering Oaks. In these public spaces, I met folks who were different races, ages, incomes levels than my own, and they each gave me a sense of a bigger world than the one I knew. Parks - rich in arts, recreation, activism, serendipitous encounters, and fresh air - gave me a sense of place and belonging that couldn't happen anywhere else.

Without question, the PC has elevated the quality of our city's parks system. The revitalization of Lincoln Park, the support for the now-thriving Congress Square Park, vibrant city gardens, and more are all testament to the positive presence of the PC's work in the community. Now, on the eve of the 2020-2029 Parks CIP, I would be honored to join the Commission to build off this momentum and take our parks system into a thriving future.

I bring to the PC six years of legislative experience and relentless enthusiasm for public spaces. From 2009-2015, I worked in the United States Congress, starting as a staff assistant in the Senate and ending as a Senior Foreign Policy Advisor in the House. Change, I know, is slow, and I have the curiosity and tenacity, strong work ethic, and appreciation for the interpersonal dimension of change-making to help steward meaningful projects across the finish line.

Alongside that experience, I have an unconquerable belief in parks; they are essential to placemaking. We find ourselves in a national epidemic of loneliness that hits my generation (I am 34) and generations on either side. Parks, trails, and open spaces are not a panacea, but they are communal places where citizens of all stripes can be together - whether gardening, salsa dancing, walking dogs, watching *Grease*, and beyond. In these public spaces, we are less alone and more a part of this city, state, country, world.

I have gotten this and more from parks. It would be a privilege to serve on the PC and help ensure our city's public spaces thrive for generations to come.

With my gratitude,

Caitie Whelan

CAITIE WHELAN



Founder/Noter-in-Chief: The Lightning Notes

2015- Present

A short daily Note to help us move the world forward.

Notes off the page and into the world in leadership development workshops.

thelightningnotes.com

Senior Foreign Policy Advisor: United States Congress

2013-2015

Legislative Assistant

2010-2013

Staff Assistant/Legislative Correspondent: United States Senate

2009-2010

Co-Founder/Co-Director, The Merasi School

2006-2009

Co-founded and co-directed school with and for a community of lower caste musicians in Northwestern India.

Education

Brown University, Magna Cum Laude

2008

Truman Scholarship for Public Service

2007

Co-Launched Brown's Social Innovation Initiative

Salt Institute for Documentary Studies, Creative Non-Fiction Track

2003

Co-Chair/Co-Founder: Salt Alumni Board

Community Experience

Treehouse Institute

2017-Present

Board Member

Brown University Women's Leadership Council

2016-Present

Co-Chair, Programming Committee

2018-Present

Launched first digital programming initiative.

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May 1, 2019

Katherine Jones
City Clerk
389 Congress Street
Portland, ME 04101

Re: Parks Commission Public-at-Large Position

Dear Katherine,

I am enthusiastically re-submitting my resume and this cover letter for consideration for another term on the Portland Parks Commission in a Public-at Large position. I have thoroughly enjoyed working with the Parks Department and other Commissioners over the past two years. My knowledge of the both the financial and planning responsibilities of the Department and the important advisory role the Parks Commission plays has exponentially grown over the past two years.

It's a very exciting time with the creation of the Parks Conservancy, the re-development of the parks website, relaunching of the gift catalog, and development of the Baxter Trail! In particular I have appreciated the opportunity to work on the Public Outreach Sub-committee and pulling together the Green Space Gatherings for the past two years. I believe the Green Space Gathering to be held this week represents the critical role the Commission can play in pulling all of the Portland communities together to discuss the best ways to be great stewards of our beautiful Portland Parks!

I still currently serve on the Board for the Deering Center Neighborhood Association, the Maine Section of ASLA, Woodfords Congregational Church Council, Chair the Longfellow Elementary PTO Garden Committee and our family is a member of the Brentwood Farms Community Garden. I continue to work for Terrence J. DeWan & Associates as a Maine licensed landscape architect. Our firm has worked on several open spaces in Portland over the past two years but those projects have not come before the Board so there has been no conflicts of interest to date.

Thank you for this opportunity to continue to serve as a Portland Park Commissioner.

Sincerely,

Amy Bell Segal

[REDACTED]

Portland Maine

[REDACTED]

[REDACTED]

Simon Rucker

April 8, 2019

Katherine L. Jones, CCM
City Clerk, Portland Maine
389 Congress Street
Portland, ME 04101

Dear Ms. Jones:

Attached please find my resume in connection with the opening on the City of Portland Land Bank Commission (LBC). For the past four years I have served an initial term as Commissioner for District 1 and would like to submit this request that I be re-appointed to the position. During my time on the LBC I have worked diligently to help it fulfill its responsibilities to the public by taking on projects like the Annual Report, a record-keeping system and a new program focused on granting funds to community partners. I have served and continue to serve on numerous subcommittees, including the priority parcel subcommittee, the paper streets subcommittee, the tax acquired parcels review subcommittee, and the outreach subcommittee. I was recently nominated for, and accepted, the position of Secretary of the LBC.

There has been a significant uptick in the LBC's activities and more than at any time during my term, I am looking forward to these future developments and figuring out ways we can best serve the City of Portland and its residents. I have learned a lot from this work and my fellow commissioners and I sincerely hope that I can continue for an additional term on the LBC.

Please let me know if you need any additional information in order to be considered for re-nomination.

Best regards,

A handwritten signature in black ink, appearing to be 'S. Rucker', written in a cursive style.

Simon Rucker

Simon Rucker

Portland, ME 04101 * [REDACTED]

PROFILE

Dynamic, innovative conservation leader working to conserve important landscapes for outdoor recreation, economic development, climate change mitigation, and the people of Maine.

PROFESSIONAL EXPERIENCE

MAINE APPALACHIAN TRAIL LAND TRUST

Executive Director, May 2014 – present

- Oversees all operations for community-based, statewide organization with a mission to protect the land along Maine's Appalachian Trail for public benefit
- Completed two land conservation projects of national significance with an additional project slated for completion in June 2019, totaling approximately 23,000 acres of protection for Appalachian Trail landscape (Gulf Hagas Whitecap, Bald Mountain Pond, Redington Forest)
- Acquired over 12,000 acres in fee and easement ownership for the Maine Appalachian Trail Land Trust
- Manages all land holdings of the organization (approximately 15,000 acres) including trails, access, permitted activities and stewardship responsibilities
- Implemented new programming to raise organizational profile, increase capacity, engage the public and generate revenue
- Formed new partnerships with Federal, State, local, NGO, corporate and community partners
- Acquired trademark to Maine's High Peaks as part of regional marketing and branding project with community partners

CITY OF PORTLAND LAND BANK COMMISSION

Commissioner and Commission Secretary, April 2016 – present

- City-appointed Commissioner (District 1) for Portland's equivalent to a conservation commission
- Allocates funding to City land conservation projects
- Works with City staff on due diligence, project management, acquisition prioritization
- Compiles Annual Report for City Council review

THE TRUST FOR PUBLIC LAND, NEW YORK, NY

Senior Legal Assistant, March 2012 – May 2014

- Paralegal support for The Trust for Public Land's Mid-Atlantic region land conservation projects and urban playground/park programs
- Worked with state/county/town agencies and governments in effort to manage and complete complex conservation projects
- Preparation for and attendance at real estate closings; title review; survey review, environmental assessment review
- Reviewed and updated internal guidelines, policies and data for land trust accreditation, grant reporting, and legal, financial and non-profit 501(c)(3) compliance
- Lead for conservation easement monitoring stewardship program for regional office

SCHRECK ROSE DAPELLO & ADAMS LLP, NEW YORK, NY

Media Projects and Legal Assistant, 2003 to 2012

- Drafted and negotiated agreements and releases under attorney supervision
- Internet, copyright and fair use issues lead
- Compiled legal precedents for database and research purposes
- Reviewed and interpreted contracts, filed corporate compliance documents, drafted image and voice releases
- Coordinated legal contracts between clients, studios and production companies
- Maintained contact with high-profile entertainment clients and representatives on a daily basis

EDUCATION

NEW YORK UNIVERSITY

M.A. Cinema Studies, 2002

UNIVERSITY OF MASSACHUSETTS AT AMHERST

B.A. English Literature, 2000

TRINITY COLLEGE OXFORD UNIVERSITY

Summer Study Certificate Program, English Literature, 1998

SUNY COLLEGE OF ENVIRONMENTAL SCIENCE & FORESTRY

B.S. Candidate, Environmental and Forest Biology, 1996-1998

VOLUNTEER WORK

- East End Community School Garden Committee
- East End Community School Garden Classroom Volunteer
- East End Community School Walking School Bus Walk Leader
- Maine Appalachian Trail Club Trail Maintainer
- Southern Maine Conservation Collaborative Board Member

April 3, 2019



Re: Parks Commission or Landbank Vacancy

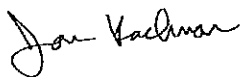
Appointments Committee Chairman:

I am writing to apply for the Parks Commission or the Landbank position. My preference would be to serve as a member of the Parks Commission. However, I would be equally enthusiastic and committed to serving on the Landbank.

My background includes over 20 years working in the environmental field that has direct applicability to city parks and outdoor landscapes as well as the acquisition of land for conservation or open space. I have lived in Portland since 1992 and previously served on the Board of Harbor Commissioners for the Port of Portland for 10 years including as chair for several years. I am deeply committed to the living in the City of Portland and would be honored to fill a vacancy in service of the residents of Portland.

My experience includes several supervisory roles, and I have successfully inspired and empowered others to excel in their work. Please feel free to contact me should you have any questions or need additional information.

Sincerely,



Jon Kachmar

JON KACHMAR

Address: [REDACTED] Portland, Maine 04103

Phone [REDACTED]

Email [REDACTED]

THE NATURE CONSERVANCY—MASSACHUSETTS CHAPTER

Boston, MA

Conservation Director, Urban Programs, January 2016 – Present

The primary focus of my work is leading a multi-disciplinary team of TNC staff within the Massachusetts chapter to implement long-term strategies for meaningful conservation outcomes in Boston's urban watersheds. I have led efforts to successfully develop a three-year urban conservation strategy, including both ecological and social benefits using nature-based solutions. Activities include extensive partnership development with municipal, state and federal agencies, other NGO's, and businesses including underserved and diverse communities. The urban program is focused on flood resilience, air quality, heat resilience and finding nature-based solutions that benefit people in metro Boston and the three urban watersheds that ring the city. I provide leadership as a member of the Massachusetts senior management team and represent the chapter as an urban leader for the Conservancy's North America Cities Network.

NATURE CONSERVANCY—MASSACHUSETTS CHAPTER

Boston, MA

Coastal Program Director/Southern New England Whole System Water Quality Co-Lead, May 2011 – January 2016

Manage the Conservancy's coastal program's conservation and restoration efforts. Focus areas include improved water quality including nutrient reduction in coastal waters, promoting sustainable restoration of shellfish, eelgrass and other coastal resources in Massachusetts. Efforts include developing new strategies and case statements for the identified focus areas, working with local, state and federal policy makers to enhance opportunities for conservation, and undertaking on-the-ground coastal restoration and climate resilience work such as living shorelines to protect natural and human resources. Program development includes significant interactions and cultivation of high capacity private donors, foundations and government grants resulting in \$1.3M for coastal restoration work. Co-lead for regional coastal water quality improvement in the Southern New England (Long Island to Cape Cod) focusing on nutrient reduction. This includes primary responsibility for setting the Conservancy's agenda for nitrogen reduction from point and non-point sources including senior level interactions with EPA Region 1 and state environmental agencies. This also includes interaction with high capacity private donors, foundations and government grants resulting in \$250k for water quality initiatives. Provide Massachusetts Chapter leadership as a member of the Conservation Council including significant work on goal-setting and outcomes to enhance overall productivity.

THE NATURE CONSERVANCY—CONNECTICUT AND LONG ISLAND CHAPTERS

New Haven, CT

Long Island Sound Program Director, July 2008 – May 2011

Manage the Conservancy's regional program for Long Island Sound to identify ecological targets and strategies for the conservation and restoration of the Sound. Focus areas include adaptation to coastal climate change, restoration of migratory fish populations, promoting sustainable shellfish populations, and facilitating habitat restoration and coastal lands conservation projects. This includes responsibilities for all Connecticut and New York coastal and marine waters in Long Island Sound. As the program's first director, my efforts focused on capacity building including integration of Conservancy staff members from the Connecticut, Long Island and Rhode Island chapters. Significant contributions as a member of the CT Chapter Government Relations focused on securing public and private funding for coastal and marine conservation and restoration projects. This included significant involvement in securing \$700K for seagrass research and restoration, \$2.4M for the NY/CT Coastal Resilience Project, and \$250K for Long Island Sound shellfish restoration. Interactions included significant state and federal agency engagement with NOAA, EPA, Army Corps of Engineers, Connecticut Department of Energy and Environmental Protection and New York Department of Environmental Conservation.

MAINE COASTAL PROGRAM/MAINE STATE PLANNING OFFICE
GULF OF MAINE COUNCIL / NOAA HABITAT RESTORATION PARTNERSHIP

Augusta, ME

Senior Planner / Habitat Restoration Program Manager, June 2002 – April 2008

Provide coordination and technical assistance to state agencies, municipalities, and non-profits to undertake coastal habitat restoration projects. Develop capacity to strategically restore coastal areas based on the habitat functions and values of subtidal, intertidal and riverine areas. Restoration objectives include dam removal and/or improved fish passage, removal of tidal restrictions to salt marshes, and river channel enhancement for diadromous species, among others. Administer Gulf of Maine Council / National Marine Fisheries Service Habitat Restoration Partnership grant program for meeting restoration objectives. This program provides funding and technical assistance for restoring coastal habitats throughout the Gulf of Maine, including Massachusetts, New Hampshire, Maine, New Brunswick, and Nova Scotia, including several projects on Cape Cod. Over \$2.5 granted and administered. Highlights of these efforts include development of a regional strategy and improved technical assistance to municipalities, non-profits, state and provincial agencies.

BOARD OF HARBOR COMMISSIONERS, PORT OF PORTLAND

Portland, ME

Board Chair January 2000 – April 2008

Develop agendas for Board work pertinent to core responsibility of safe navigation and commerce in the Port. Specific duties include permitting of marine construction projects, licensing and regulation of harbor pilots and docking masters, and enforcing the Board's rules for safe, efficient recreational and commercial vessel movements. Over the past seven years I have contributed to the development of harbor management rules for safe, efficient vessel transits and improved marine development activities. This includes extensive amendments to improve standards for pilot licensing, clarification of waterfront development rules to ensure adequate navigation needs, and the development of a personnel manual for office staff. My position on the Board requires supervision of all employees, as well as other Board members.

WATERFRONT ALLIANCE

Portland, ME

Chair April 2006 – April 2008

Develop monthly meeting agendas and policy discussions, interpret waterfront policy making initiatives, and provide consensus-based guidance on harbor issues for nonprofit entity. The membership includes businesses, non-profits, municipal governments, and individuals with vested interests in waterfront activities. The Alliance is a driving force in waterfront policy setting, including planning and zoning topics. The mission of the Alliance is to promote a sustainable working waterfront that is vibrant and economically productive. The membership base of waterfront interests provides a monthly forum for discussing waterfront zoning, redevelopment, and other waterfront initiatives. Recent efforts have focused on waterfront zoning ordinance development aimed at protecting the working waterfront while stimulating economic development in Maine's largest port.

THE COMPASS PROJECT

Portland, ME

Board of Directors, President, May 2002- May 2004

Acted as board member and president during the upstart of this nonprofit organization. The mission of the organization is to provide at-risk youth opportunity to excel through interactive boat building and rowing activities. Tasks included oversight of the annual budget, development efforts, and marketing and outreach to expand the program. Seven years after inception, the organization is still providing services to at-risk youth and greatly expanding programs to accommodate additional users.

SOUTHERN MAINE REGIONAL PLANNING COMMISSION

Springvale, ME

Coastal Resources Planner, October 1998 – May 2002

Coordinated three-year regional beach management plans for beaches in southern Maine, comprising five coastal municipalities. Provided professional staffing to multi-jurisdictional coastal resources steering committee as well as local stakeholder planning committees to develop and implement beach management plans in three geographic regions in southern Maine. Offered technical assistance to municipalities regarding state and federal regulatory requirements for buildings and structures in coastal areas, regulatory and nonregulatory conservation laws, rules and strategies. Prepared and presented beach management information, including fund requests and public policy analysis, to municipal councils and boards of selectmen. Assisted coastal municipalities with technical information and research as requested, including watershed management and local, state and federal natural resources laws. These efforts resulted in the development of multi-stakeholder management plans that are the basis for on-going management efforts in the region.

MAINE STATE LEGISLATURE

OFFICE OF POLICY AND LEGAL ANALYSIS

Augusta, ME

Research Analyst, January 1996 – September 1998

Provided policy and legal research for legislative committees with jurisdiction over marine and natural resources, transportation, fish and wildlife, utilities and energy, and labor. Compiled and prepared technical background information and reports for committees and staff members. Assisted with drafting laws and rules regarding natural resources management. Staffed interim study commissions and task forces as needed.

EDUCATION

MUSKIE SCHOOL OF PUBLIC SERVICE—UNIVERSITY OF SOUTHERN MAINE

M.A. in Public Policy and Management May 1995—policy and public financial management focuses

UNIVERSITY OF RHODE ISLAND

B.A. in Marine Affairs, December 1990—coastal watershed focus

MCGILL UNIVERSITY

New England - Quebec Exchange focusing on Earth Sciences, September-January 1989—Arctic studies focus

CERTIFICATION/ASSOCIATIONS/AWARDS

- United States Coast Guard Licenses: 100 Ton Master Near Coastal; Commercial Towing Endorsement; Auxiliary Sail Endorsement
- American Institute for Avalanche Research and Education (AIARE) Level 1 Avalanche Safety Certification
- Memberships: The Coastal Society, MA Division of Marine Fisheries Shellfish Advisory Committee, Southern New England Coastal Watershed Restoration Partnership Steering Committee.
- 2005 Portland High School (MB) Mentor of the Year
- 2007 Maine State Planning Office Employee of the Year
- 2013 New York Department of Environmental Services Water Quality Award for Southern New England/New York
- 2013 The Nature Conservancy Emerging Leaders Program Training
- 2014 The Nature Conservancy, Massachusetts Chapter Oak Award for Creativity
- 2015 The Nature Conservancy, Highly Effective Teams Training
- 2016 The Nature Conservancy, Strategic Gifts Training (over \$100k)
- 2017 The Nature Conservancy, Engaging Across Difference
- 2017 The Nature Conservancy, Massachusetts Chapter Oak Award for Innovation
- 2017 The Nature Conservancy, Youth Safety Certification
- 2018 The Nature Conservancy, Major Gifts Skills Practicum Training (over \$100k)
- 2018 The Nature Conservancy, Racial Equity Leadership Lab

SELECTED PUBLICATIONS

- *A Legislator's Guide to Maine's Marine Resources Laws*, produced for the Maine State Legislature, Office of Policy and Legal Analysis, September 1996.
- *Case Studies in Estuary Management: Maine and Puget Sound Washington*, M.A. thesis, December 1996.
- *OPLA Internet Guide and Resource Directory*, produced for the Maine State Legislature, Office of Policy and Legal Analysis, September 1998.
- *Beach Nourishment: The Answer in Maine?* Coastlines, Issue 9.6, pp. 14-15, 1999.
- *Saco Bay Regional Beach Management Plan*, produced for the Saco Bay Planning Committee, February 2000.
- *Gulf of Maine Regional Habitat Restoration Strategy*, produced for the Gulf of Maine Council Restoration Subcommittee, October 2004 (co-author).
- Collins, M., K. Lucey, B. Lambert, J. Kachmar, J. Turek, E. Hutchins, T. Purinton, and D. Neils, 2007. *Stream Barrier Removal Monitoring Guide*. Gulf of Maine Council on the Marine Environment.
- Beck, M.W., Z. Ferdana, J. Kachmer, K.K. Morrison, P. Taylor and others 2009. *Best Practices for Marine Spatial Planning*. The Nature Conservancy, Arlington, VA.
- Charles T. Roman, and David M. Burdick 2013, *Restoring Tidal Flow to Salt Marshes: A Synthesis of Science and Management*, (J. Kachmar chapter on Maine restoration practices). Island Press.

April 11, 2019

City of Portland
Appointments Committee Chairman
389 Congress Street
Portland, ME 04101

via e-mail to: klj@portlandmaine.gov

Dear Sir or Madam:

I am writing to express my interest in two current board vacancies, the Fair Hearing Officer and the Portland Housing Authority.

I currently live at 188 Spring Street, Portland and have been a resident since 2008. As my attached resume reflects, I am currently working as an Assistant Attorney General, representing the Maine State Police and the Fire Marshal's Office. Prior to my current position, I was an Assistant District Attorney in the York County District Attorney's Office, specifically in Alfred Superior Court. In this position I was responsible for criminal prosecution of defendants charged with felony offenses, from charging decisions through trial and sentencing. Before working for the York County District Attorney's Office, I was a solo-practitioner in Hartford, Connecticut where I focused primarily on criminal defense work in state and federal courts, but also had significant experience in a variety of civil matters, including representing pro bono tenants against landlords.

I have had experience in many varied types of hearings, from municipal hearings to motor vehicle hearings to Superior Court criminal trials. I also currently serve on the Portland Zoning Board of Appeals and served as Chair of the ZBA from 2015-2017, presiding over dozens of hearings. I am familiar with the Rules of Evidence as well as less formal evidentiary rules which are likely applicable to General Assistance hearings, as well as hearing procedures, findings of fact and law. I have written hundreds of legal memoranda, briefs and other legal opinions based in federal, state and local law.

I am also interested in a position on the Portland Housing Authority. In addition to a general interest in public service, my interest in a position on the Portland Housing Authority comes in part from my business and professional experience in real estate. I currently own several multi-family homes in both Maine and Connecticut and have been involved in real estate transactions both as an owner and as an attorney for both landlords and tenants. I have been involved in the real estate business since 1998 and am familiar with the general requirements of the HUD rent subsidy programs.

In closing, I feel both my professional and personal experience has prepared me well for a position as Fair Hearing Officer and the Portland Housing Authority and look forward to continuing to serve the people of Portland.

Thank you for considering my application and I look forward to the opportunity to discuss these positions in greater detail with you in the near future.

Sincerely,

Kent Avery

[REDACTED]

Kent Avery

E-mail: [REDACTED]

EDUCATION

University of Connecticut School of Law
Juris Doctor, May, 2002

Hartford, Connecticut

Rensselaer Polytechnic Institute
Master of Business Administration, May, 1997

Hartford, Connecticut

University of Connecticut
Bachelor of Arts, Economics, May, 1987

Storrs, Connecticut

BAR ADMISSIONS

Maine

Connecticut

District of Columbia

United States District Court, District of Connecticut

United States District Court, District of Maine

Mashantucket Pequot Tribal Court, Mashantucket, Connecticut (Inactive Status)

PROFESSIONAL ASSOCIATIONS / BOARDS

Maine State Bar Association, Member

Maine Prosecutors Association, Member

Portland, Maine Zoning Board of Appeals, Chair (12/2015-12/2017); Secretary (2015); Member (2013-2019)

Chair, Maine Sex Offender Management and Risk Assessment Advisory Commission, 2018-Present (Attorney General appointment)

PROFESSIONAL EXPERIENCE

State of Maine, Office of the Attorney General
Assistant Attorney General

10/2015 – Present

Description:

- Represent and advise the Maine State Police regarding the Maine Sex Offender Registry and various sex offender registration acts; respond to inquiries from statewide District Attorney's offices, law enforcement, legislators, defense attorneys, and other interested parties regarding the Maine Sex Offender Registry and sex offender registration acts; review registrant files to ensure that the registry is in compliance with judicial rulings; serve on the Management and Risk Assessment Advisory Commission; coordinate with the Civil Litigation Division on any legal actions regarding the Maine Sex Offender Registry. Represent and advise several licensure boards of the Maine State Police and the Fire Marshal's Office.

State of Maine, York County District Attorney's Office
Assistant District Attorney

8/2007 – 10/2015

Description:

- Responsible for criminal prosecution of defendants in all York County District Courts, including case evaluation, charging decisions, plea negotiations, trial and sentencing. Also responsible for police relations, training and advice, and evaluation of requests for search and arrest warrants.
- In February, 2011, promoted to Superior Court to handle felony cases and misdemeanor cases transferred from District Courts for jury trial.

Law Office of Kent Avery, LLC – Hartford, Connecticut
Owner and Principal

5/2004 – 8/2007

Description:

- Solo law firm primarily limited to DUI and criminal defense work in state and federal courts. Represented defendants in misdemeanor and felony criminal cases, child protection cases and civil matters.

State of Connecticut, Judicial Department – New Britain Superior Court
Temporary Assistant Clerk

4/2003 – 5/2004

Description:

- Reported to Chief civil clerk for New Britain Judicial District. Reviewed, accepted and recorded pleadings for civil cases. Assisted in coordinating weekly motion calendars. Participated in civil and family trials and hearings, working closely with presiding judge and involved attorneys.

Mashantucket Pequot Tribal Nation - Tribal Prosecutor's Office
Law Clerk / Assistant Prosecutor

5/2001 – 1/2003

Description:

- Involved in all facets of criminal prosecution of Native American tribal members including charging decisions, plea negotiations, factual investigation, motion practice, preparation of complaints, trial preparation and court appearances. Researched statutory and case law (tribal, state and federal) relative to criminal law and procedure. Represented tribe in child protection cases in tribal and state courts.

University of Connecticut School of Law Legal Clinic – Criminal Trial Division
Student Attorney – Certified Legal Intern

9/2000 – 5/2001

Description:

- Participated in clinical program which included both intensive classroom study and actual representation of indigent criminal defendants in Connecticut trial courts; classroom curriculum consisted primarily of Connecticut and federal criminal procedure. Handled all facets of representation including initial screening of clients, case investigation, plea negotiations, motion practice, court appearances and, if

necessary, trial preparation and practice. Participated in representation of defendants from misdemeanors to major felonies.

Aetna, Inc. – Purchasing Legal Department
Legal Intern

Hartford, Connecticut
4/2000 – 4/2001

Description:

- Reviewed contract templates used by Purchasing Department for corporate-wide procurement. Assessed contracts for legal sufficiency, consistency and overall coherence. Suggested changes based on legal and business needs.
- Provided legal support for major sale of business units. Analyzed language in existing contracts to determine assignability of rights to new corporate entity. Prepared appropriate correspondence to suppliers regarding assignment of contracts.

United Technologies Corporation, Pratt & Whitney
Business Consultant / Financial Analyst
Industrial Engineering / Financial Analyst

East Hartford, Connecticut
4/1998 – 4/2000
5/1990 – 12/1993

Description:

- Oversaw a manufacturing overhead budget of \$20 million to ensure that operating expenses were held at or below budgeted levels. During a three-year period, successfully maintained expenditures at or below budgeted levels. Identified and implemented cost reductions amounting to \$600,000 in support of Pratt & Whitney's reorganization.
- Participated in systems development teams consisting of programmers, systems analysts and end-users to create a machine capacity planning system for use by manufacturing forecasting analysts.
- Prepared reports and recommendations for senior management outlining current financial performance as well as year-end forecasts. Formulated upcoming years' budget plans based on anticipated projects and priorities. Coordinated various special projects as required by management.

PRO BONO ACTIVITIES

Lawyers for Children America **5/2004 – 8/2007**

- Represented and acted as guardian ad litem for children in child protection cases involving abuse, neglect and termination of parental rights.

Greater Hartford Legal Aid **5/2004 – 8/2007**

- Represented indigent tenants in landlord/tenant disputes.

TECHNICAL SKILLS

- Microsoft Word, Outlook, Excel, Access, PowerPoint, Word Perfect, Lexis-Nexis and Westlaw.

REFERENCES

Available upon request.

PATRICK ROMBALSKI, Ed.D.

North St. Apt. 2

Portland, ME 04101

PROFILE

Executive in higher education management and operations with exemplary strength in results-driven outcomes, mission-centric growth, change management, and team development. Brings flexibility, tenacity, and compassion to challenging situations, as well as the courage to make difficult decisions. Repeated success as a transformational leader with experience across nonprofit and proprietary settings.

EXPERTISE

STRATEGIC SUCCESS

Provide leadership to advance an organization's goals and vision through strategic planning, operations management and colleague engagement. Implement programs that align with agreed-upon goals to produce desired results. Formulate strategic plans, synthesize data, and communicate persuasive business cases to stakeholders. Actively work with academic leaders to develop environments that facilitate learning, growth, and achieve results-driven outcomes related to student retention and success.

LEADERSHIP DEVELOPMENT

Consistently build strong teams by hiring good leaders, developing talent, and planning for succession. Nurture individual and team success to foster an efficient, fulfilling, and healthy organizational culture. Internalize and communicate mission to ennoble individual and ultimately team goals that reflect positive culture and improved bottom line.

OPERATIONS MANAGEMENT

Clearly communicate ambitious goals that align operations, resources, and people to get the job done. Maintain fiscally responsible growth through strict adherence to budgets, deadlines, and complex regulatory standards. Improve efficiencies by creatively marrying cost-cutting strategies with high-quality standards. Require accountability in myself and my team to identify potential risks to success. Able to see challenges and solutions from multiple viewpoints and act with empathy, authority, and self-confidence to achieve excellence.

BOARD DEVELOPMENT

Advance and develop boards through membership in the Association for Governing Boards. Engage stakeholders in the business and mission of higher education by orienting and onboarding new members. Develop lasting relationships with business and community partners and enhance their understanding of educational programs and organizational mission. Chair Board committees to advocate for student services, actively participate in Board and executive-level meetings with organization's full trust and confidence.

CHANGE MANAGEMENT

Initiate significant change management processes in dynamic settings. Highly adept at maintaining valuable colleague engagement through communication, scope of knowledge, and sensitivity to the impact change can bring to people's lives. Employ assessment tools and evidence-based approaches to guide decision making. Able to pivot when appropriate.

PROFESSIONAL EXPERIENCE

VICE PRESIDENT, CAMPUS OPERATIONS

CHAMBERLAIN UNIVERSITY, Downers Grove, IL, 2018 – Present

Lead all operations for a complex, 22 campus, and national Nursing BSN program. Oversee all aspects of operations including expansion and growth, academic quality, real estate, P&L, facilities, human resources, etc. Supervise three regional directors, an online dean, and a general education operations manager. Set, meet and exceed both financial and academic quality / student success metrics. Build brand through quality improvement, national and local partnerships, and excellent student outcomes.

SENIOR DIRECTOR, CAMPUS OPERATIONS

CHAMBERLAIN COLLEGE OF NURSING, Downers Grove, IL, 2014–Present

Lead and manage the Northeast region for Chamberlain's Bachelor of Science in Nursing program, overseeing onsite operations and supervising the affiliated campus presidents. Ensure quality academic programs, curricula, and advanced experiential opportunities in clinical and lab settings. Maintain efficient operations while improving overall quality. Establish and maintain consistent, productive communication and program delivery in complex matrix organization between campuses, regional program experts, and national team leaders. Initiate creative colleague-based work models in order to develop leaders and accelerate project completion.

Campus Development Led expansion efforts to open two new campuses: Provided campus setup, identified leadership team, and initiated all operations. Assisted with market development, facility/vendor management, hiring and orienting faculty, and overseeing accreditation and regulatory processes. On-boarded four new campus presidents and provided positive culture of continuous colleague development and strong, positive communication.

Student Experience Built a student-centered culture in a rigorous learning environment to boost retention and passing rates for board exams. Key strategies included ongoing faculty development, careful oversight of program delivery, and implementation of high-touch faculty/student mentoring. Utilized planning tools and check-points to ensure campuses were on track to succeed.

Project Work Co-led effort to transition all science courses from DeVry University to Chamberlain University. Now in Phase II of the work, managing transition of remaining general education courses with a goal of improving program quality of course delivery and overall operational efficiencies.

VICE PRESIDENT FOR STUDENT AFFAIRS

BOSTON COLLEGE, Boston, MA, 2008–2012

Served as leader of multifaceted Student Affairs division comprised of dozens of departments and hundreds of full-time employees. Successfully restructured and transformed the division and its \$80 million budget to enhance programs and services that support learning goals and student needs and aligned them more closely with the university's mission. Completed division review, drafted and presented new mission and strategic plan to university leadership. Created new departments for a Wellness Center, Title IX, and Leadership Center. Supervised nine upper-level managers, one assistant vice president, and one dean.

Assessment Program Strengthened division's reputation with critical stakeholders through relationship building and establishing a best-practice assessment program. Established division's first learning outcomes tied specifically to programs that led to improved quality and closer alignment with faculty. Held regular symposia to showcase progress and innovative methods. Staff became known externally as experts and were invited to speak at regional and national meetings and conferences.

Learning-Centered Approach Teamed up with Provost and his staff to create new models for working with faculty to enhance learning outside the classroom. Sponsored sessions to elicit faculty input, which led to dinner conversation groups to design programs to support the new approach. One newly developed program and approach, "Pathways," is a residential living model for students that was faculty led and managed and supported specific classes, concentrations, and majors.

Communication Strategies To better serve students and be more responsive to faculty and other constituents, established a team to develop a social media strategy and robust communication and outreach plan. Developed new marketing materials, web pages, and communication patterns. Increased my time with students in a more strategic way, leading to better planned office hours and focused, regular sessions with students and faculty on a continual basis.

Fundraising With Advancement team, developed a comprehensive fundraising strategy to support programs outside of the budget, such as a mentoring program, services for students with addictions, and a co-curricular leadership effort. Secured \$1 million endowment to support operating costs. Actively partnered with Advancement team to improve alumni involvement and fundraising.

Cost Savings & New Revenue Restructured end-of-year residence hall closing system by using outside vendors to clean, recycle, and resell unwanted goods. Redirected savings from personnel costs to needed campus improvements. Created a new revenue-generating program and helped reverse deficit by centralizing campus business operations into one service center, reducing staff, and streamlining processes.

New Programs & Procedures Instituted a strategic and entrepreneurial think-tank style project-management model in order to develop improved programs and services. This team of cross-functional members, identified as rising stars, worked directly with me and an outside consultant to inject creativity into the workplace with strong results. New departments arose out of this work as well as new grant-funded programs, including The Office of Health Promotion and The Center for Leadership Development.

VICE PRESIDENT OF STUDENT AFFAIRS

JOHN CARROLL UNIVERSITY, University Heights, OH, 1997–2008

Began as Dean of Students and, after five years, selected to be the Vice President for a fourteen-department division. Revamped Student Affairs into a robust division that delivered high-quality student programs as measured by improved attendance and satisfaction. Developed a division that advanced academic mission through close linkages of programs with university learning outcomes, building a cooperative spirit with faculty, and aligning strongly with the President's desires and university mission. When President retired, was asked to advise and strategize regularly with the new President on executive matters and played central role in university-wide implementations and overall management. Conducted review and drafted strategic plan designed to help curb financial struggles, which led to reorganization of division and funds re-allocation. Right-sized operating budget based on enrollments. Designed and implemented retention programs that tracked student behaviors and academic performance. This led to an advising model that provided regular monitoring of students and weekly touch points of faculty and students.

Mission Chosen by President to co-chair all-university committee dedicated to improving the integration of mission into university life, from programs and services to policy and marketing. This also involved representing the President on national committees and serving as his spokesperson. Worked with team to rewrite the mission and foundational documents aligned with overall marketing strategy. Point person for major university events such as visits from Supreme Court justices, national politicians, and dignitaries.

Community Recognized by Mayor with *Key to the City* for years of service and strong community relations. Served as university spokesperson at City Council meetings and local events. Met regularly with Mayor, Police Chief, and Council members to advance university business and relations.

Leadership Served in the President's cabinet, including chairing the Student Affairs Committee of the Board of Directors. Gave presentations to the Board of Regents and Board of Directors, conducted related training, and presented at national meetings. Led efforts to orient new university President and served as his confidant during the initial year of his presidency. Led inauguration efforts for President. Chaired Search Committee for important leadership positions such as Vice President for Enrollment Management and Vice President for Academic Affairs. Chosen to give commencement address and led all commencement exercises.

Dean of Students Supervised the Residence Hall and Student Life programs, served on the University Planning and the Admissions and Retention Committees as well as member and sub-committee chair of the ten-year accreditation team. Facilitated professional staff development, created and managed assessment process and implemented targeted programs to serve diverse student populations. Served as university's top conduct officer and main liaison with Police Department and municipal court officials.

ADDITIONAL EXPERIENCE

EXECUTIVE DIRECTOR

ROSTRO DE CRISTO, Needham, MA, 2002–2013

Selected to be the inaugural Executive Director for a fast-growing not-for-profit organization that provided educational and humanitarian services to residents and organizations in Duran, Ecuador. Created the roadmap for growth and served as top administrator for this 501(c)(3) legally incorporated in Massachusetts and Ecuador. Oversaw Board of Directors, partner organizations, development operations, and fundraising campaigns that raised up to \$100,000 annually to supplement organization's \$450,000 annual budget. Hired, trained, and supervised a total of twelve U.S. and Ecuadorian staff members and volunteer program of sixteen college graduates. Managed volunteer immersion program for twenty-six U.S. high schools and universities. Served as Board Vice Chair.

ADJUNCT FACULTY

BOSTON COLLEGE, LYNCH SCHOOL OF EDUCATION, 2011–2012

- Developed and taught graduate-level course, Contemporary Issues in Higher Education
- Served as reader on dissertation committees and academic advisor for incoming students

JOHN CARROLL UNIVERSITY, 1997–2008

- Taught Politics of Education course, a three-credit freshman seminar, and a discernment course

UNIVERSITY OF SCRANTON, COLLEGE OF HEALTH, EDUCATION, AND HUMAN SERVICES 1996–1997

- Developed and taught three-credit course on college student development
- Helped faculty develop three-credit course for students on academic probation

EDUCATION

DOCTOR OF EDUCATION — HIGHER EDUCATION MANAGEMENT

University of Pennsylvania, Philadelphia, PA

Dissertation: John Carroll University: A Review and an Assessment of its Jesuit and Catholic Mission

MASTER OF SCIENCE — STUDENT PERSONNEL

Iowa State University, Ames, IA

BACHELOR OF ARTS — RELIGIOUS STUDIES, EDUCATION

Marquette University, Milwaukee, WI

SELECT PROFESSIONAL ACTIVITIES

University of Pennsylvania Alumni Advisory Board, elected for two-year term, 2017–2019

Catalyst Participant, ADTALEM, 2016–Present

Colleague Experience Council for DeVry Education Group, DeVry Education Group, 2016, 2017

Peer Evaluator, New England Association of Schools and Colleges (NEASC), 2009–2011

Franklin Covey 7 Habits Facilitator, 1995–Present

Advisory Committee Member, Church in the 21st Century Board, Presidential appointment, 2008–2012

Executive Committee, Jesuit Universities Humanitarian Action Network (JUHAN), 2006–2009

Consultant Reviewer, Higher Learning Commission, 2004–2008

Local Advisory Committee, The Cardinal Suenens Center in Theology and Church Life, 2000–2008

Local Host Chair, Heartland-Delta Conference for faculty at all 28 Jesuit universities, 2007

Conference Host Committee Chair, *The Vocation of the Teacher in the Ignatian Tradition*, Paris, France, 2006

Host Chair, International Children's Games, Cleveland, OH, 2002

Grand Marshal for Commencement, John Carroll University, 2002–2008

389 Congress Street, Room 203
Portland ME 04101
Appointments Committee Chairman
c/o City Clerk

April 8, 2019

To whom it may concern,

Please find this letter along with a resume as submission for the position on the board of the CDBG Allocation Committee.

The charge of evaluating CDBG projects is a critical part of one of the most important and beneficial programs (among excellent company) that the City of Portland offers. I hope you will find my technical expertise a good match to the task, and I consider the general thrust of my work experience as one that harkens to the community building and public service that is at the center of the Block Grants' stated goals.

I see three areas of strength that would contribute to me being an effective appointment:

- Direct experience with CDBG administration - I managed a sizeable portfolio of projects while working for the City of Somerville. This wasn't an arms-length activity, as I inherited existing projects, sponsored my own new initiatives, interfaced directly with recipients and was personally responsible for tasks as minute as processing invoices and as large as helping to assemble our department's annual and 5-year compliance documents.
- Background in financial due diligence - While my degree is in economics, I have collegiate level training in accounting and business finance and have used these throughout my professional career. This was in play when overseeing operational performance for Union Square Main Streets or advising the Somerville Arts Council on how to manage their revolving loan fund. Outside of my salary work, I manage rental property (not in Portland) and deal directly with investors and contractors. At NNEPRA I support our CFO on issues dealing with vendor invoicing, procurement and financial reporting to our Board.
- An appreciation of the civic life of Portland - This appointment would be another step in my continuing efforts to contribute to a special place. When I first moved back here, I swept floors and sold popcorn at the community theater. The last year I've been the treasurer for the Bike/Ped Committee and on Portland Downtown's Transportation Committee. Spending even a small amount of time in public meetings gives you the sense of the sophistication, respectfulness and passion of Portland residents. I try to keep up.

I have a keen understanding of the value of well-placed public investment along with insight on the details of how to implement it. I have seven years of work experience managing CDBG funds. I play well with others and am eager to help Portland during an exciting time in the City's development. I hope to get the chance to continue making my case with an interview in person.

Best regards,

Stephen Houdlette

[REDACTED]

Stephen Houdlette

Portland, ME 04102

Adept and tireless project manager with quantitative background seeks fast-paced work environment to continue sharpening the saw.

Qualifications include:

- *Proven ability to deliver under time constraints on projects with multiple (often external) moving parts*
- *Excellent in public-facing situations across a range of audiences and subject matter*
- *The ability to quickly synthesize dense information and visualize it in a way that is digestible for others*
- *Deep understanding of business development that can be flexibly applied from the regional level down to specific real property applications*

PROFESSIONAL EXPERIENCE

Data Analyst for the largest transit agency in the State of Maine Portland, ME (2016-Present)

- Tasked with recreating NNEPRA's data infrastructure from whole cloth, bringing it into the 21st century
 - Developed database and cataloging system for performance, operational and financial data
 - Created new class of automated reporting for performance feedback at increasing time intervals
 - Populate warehouse of tabular and spatial data resources with dashboard and querying interfaces
- Data insight and policy consultation across other departments: Finance, Operations, Marketing, Engineering
- Developed oversight system for capital projects to manage materials and resources for 8 figure investments
- Acted as liaison as needed for projects from Amtrak's *Reports Working Group* to expansion projects within Maine (Lewiston-Auburn) and in support of station communities from Brunswick, ME to Boston, MA.

Independent Consultant taking on project-based opportunities while repositioning a rental property and relocating family South Portland, ME (2015)

- Performing real estate, zoning and demographic evaluations for prospective development concern
- GIS analytics and mapping developed both to support evaluation and report production
- Contracting and management for investment property. Increased NOI 250%.

Research Analyst in the Data Services division of the largest public planning shop in New England Metropolitan Area Planning Council, Boston, MA (2014-2015)

- Managed outreach to municipal and regional partners for development project data
- Worked on pre/post process applications for Development Database
- Prepared key metrics as modeling inputs for transportation and land use forecasting
- Developed data and policy recommendations for Ashland Comprehensive Planning efforts
- Responded to data requests for both external and internal audiences on issues of commuter flows, census population estimates and development/land use trends

Sr. Economic Development Specialist during city's once-in-a-generation investment in land development and infrastructure City of Somerville Planning Office, Somerville, MA (2008-2014)

- Project lead to redevelop 117 acres of underutilized urban land through urban renewal
- Coordinated across City departments and State economic and transportation agencies
- Conducted property surveys, developed financing plan and produced tax financing report for Union Square
- Managed over \$500k portfolio of federal community development projects from procurement to operations
- Analyzed feasibility for City owned real estate interests and conducted disposition for Powderhouse School

- Developed budget and compliance reporting for federal developmental programs
- Provided quantitative support and public presentations for three successful neighborhood rezonings
- Managed consulting and engineering teams for road and sewer reconstruction, land redevelopment
- Provided site-finding and fast-tracked permitting needs for burgeoning fabrication cluster
- Oversaw small business loans program and conducted small business training programs
- Worked on team to produce City's first comprehensive plan over five years of public engagement
- Acted as liaison to wide range of local non-profits: Main Streets, Arts Union, neighborhood groups, Artisan's Asylum, Young Somerville, Somerville Local First

Economist at one of the most commonly cited firms for economic data and commentary in market news
IHS Global Insight, Lexington, MA (2006-2007)

- Principal analyst for CT, CO, MT, NM, WY and all metro- and micropolitan areas
- Created 5-year and 30-year forecasts tracking all economic indicators for all regions
- Consulted for U.S. clients on issues ranging from business climate to labor markets
- Developed in-house regional impact analysis capabilities

Economist at the largest economic development and housing agency in the Nutmeg State
Connecticut Department of Economic and Community Development, Hartford, CT (2004-2006)

- Evaluated tax incentive scenarios as part of State due-diligence process for relocating companies
- Prepared revenue and job creation estimates for decisions on State loans and grants
- Developed, maintained and innovated agency econometric analysis capabilities
- Individual research projects in support of initiatives for Bradley Airport, Base Closings and annual reporting
- Prepared economic impact analyses and presented findings for internal and external audiences

Economic Consultant for first-in-class economic software firm during period of expansive product development
Regional Economic Models, Inc., Amherst, MA (2002-2004)

- Sales representative for Florida, Midwest, Pacific Northwest and Canada
- Performed economic, fiscal and benefit/cost analysis of development projects using the REMI model
- Provided technical support and training to clients both during onboarding and project support
- Organized seminars and presented on topics ranging from policy analysis, economic geography, transportation planning, and land use analysis

EDUCATION, VOLUNTEER WORK & OTHER INTERESTS

Studied at University of Massachusetts, Amherst, MA with a B.A. in Economics/minor in Mathematics University Honors Program; with focus in applied statistics, econometrics, mathematics of finance, technical writing

Fluent in software applications MS Office, Mathematica, Visions, Sage, Q/Arc-GIS, REMI, Implan, EViews, TransCAD and TransPlan with programming in JSS, VBA, R

Presented at...

- Guest lecture at MIT Department of Urban Studies and Planning on transportation and access modeling
- Led 'bureaucracy' session at Artisan Asylum's inaugural *How To Make A Makerspace*
- Presented on the *Data of The Creative Economy* at New England Foundation for the Arts conference

Volunteered with...

- MSPCA, teaching children about animal care, cruelty prevention and farm animals
- VA Medical Center, visiting time and care with homeless veterans and those in hospice care
- Sports mentoring, coaching town youth soccer teams and summer basketball programs

References available upon request

April 8, 2019

Appointments Committee Chairman
City of Portland - City Clerk's Office
389 Congress Street
Portland, ME 04101

To whom it may concern:

Please accept this application for a seat on the City of Portland Community Development Block Grant Allocation Committee.

My interest in community engagement and development has prompted me to apply. I have served on neighborhood associations in two separate cities and volunteer at my children's schools in Portland. I am also a Boy and Girl Scout volunteer. In a nearly twenty-year career in public administration, I have developed an interest in economic development, community and transportation planning, all of which I believe will keep me engaged in this role.

From a technical perspective, I have experience in public request for proposal (RFP) writing and proposal evaluation. In 2017-2018, for example, I managed a project to evaluate proposals for a modernized revenue system for a large state agency in New Hampshire. I have experience using an objective, structured system to make awards.

Finally, I have been a city resident for eight years. I live and work in Portland and have a vested interest in the development and success of the city.

Thank you for your consideration and I look forward to your reply.

Sincerely,

Brad Hanscom

Brad Hanscom

Portland, ME 04103

PROFESSIONAL SUMMARY:

- Experienced manager focused on process improvement, strategic planning, procurement and contracting
- Project Management Professional (PMP) certified project manager
- Accomplished relationship builder and networker
- Seasoned public speaker, presenter and meeting facilitator

ACCOMPLISHMENTS AND EXPERIENCE:

BerryDunn, Portland, ME

Project Manager – Information Technology (2019-present)

Project manager for internal information technology projects. Assist with development of project management processes and templates.

Consulting Manager- Government Consulting Group (2010-2019)

Project manager, analyst and advisor for state government clients throughout the country. Provide project management and oversight, business analysis, point-in-time assessments, and business process improvement for strategic information technology (IT) projects. I help clients define their issues and determine definable, documented solutions, and drive projects to completion.

- Project manager for a multimillion dollar project for a state agency in the northeast. The project objective is implementation of new software and hardware at headquarters and in multiple regional locations throughout the state. I manage schedule, develop monthly project health assessments, coordinate stakeholder input, and monitor adherence to contractual requirements. The project will fundamentally alter the business of our client and our contract has been extended on more than two occasions.
- Completed a \$450,000 project to evaluate system modernization needs of a large state agency. Facilitated stakeholder requirements development sessions. Oversaw the development of written reports culminating in issuance of a Request for Proposals (RFP) that ultimately lead to selection of a proposed solution. Throughout the project, I managed and monitored schedule, resources and work product.
- Completed a business case, software and hardware requirements and RFP identity card production procurement project for a southeastern state agency. I lead a team of two, collaborated with the client both on-site and off-site, and finalized all required deliverables. The RFP was accepted, issued, and a \$30 million card production contract was awarded as a result.
- Completed the development of an RFP, scoring methodology and evaluation of responses for a northeastern state agency. I lead the team that merged two RFPs into one, developed evaluation criteria, and finalized proposal scoring. The result was a contract award of approximately \$6 million for a new enterprise resource planning (ERP) and point of sale solution (both software and hardware) that is currently under deployment.
- Defined, developed, executed and updated annually a Revenue/Motor Vehicles and Alcoholic Beverage Control business plan. My practice has established sales goals, budget, marketing plans, and staff allocation. The practice has seen production of \$2.5 million since FY2015.

New York State Department of Motor Vehicles (DMV), Albany, NY

Project Manager, Program Manager, Analyst (2001-2010)

- Organized Testimony Training Initiative with a team of eight members, developed project goals and course content, oversaw creation of testimony training manual, developed, managed and created agency office workflow diagrams for inclusion in training manual.
- Co-developed Continuity of Operations Plan with a team of four and a software vendor. The plan was used to prepare for conducting DMV essential services during an emergency or disaster.
- Managed and supervised a program and office that ensures compliance with 2,600 Freedom of Information Law (FOIL) requests and 4,500 subpoenas annually. Included overseeing production/development of a new program database that simplified data entry, billing and data reporting. Reduced number of duplicate subpoena entries in records database by 20%.

New York State Office of Alcoholism and Substance Abuse Services (OASAS), Albany, NY
Senior Administrative Analyst (2000-2001)

- Administrative analyst responsible for evaluating and analyzing agency policies, procedure and programs.
- Awarded a Public Management Internship in 2000 to provide OASAS with assistance in the Management Information Services (MIS) office.

PRESENTATIONS

- Emerging Payment and Payment Card Trends, presented at 2017 American Association of Motor Vehicle Administrator's (AAMVA) Region 1 Conference
- Freedom of Information Law in New York State, presented to the Department of Motor Vehicles
- ABCs of RFPs, presented at 2016 National Alcoholic Beverage Control Association (NABCA) Administrator's Conference
- IT Systems Procurement Planning, presented at 2012 NABCA Administrator's Conference

EDUCATION AND PROFESSIONAL DEVELOPMENT:

Master of Public Administration

Nelson A. Rockefeller College of Public Affairs and Policy, University at Albany
Albany, NY

Bachelor of Arts, Political Science

Rutgers, the State University of New Jersey
New Brunswick, NJ

Project Management Professional (PMP) (License #1692175) (2017/2014)

Lean/Six Sigma Green Belt (2015)

ICMA Emerging Leaders Development Program – Essentials Certificate (2013)

CIVIC INVOLVEMENT:

North Deering Neighborhood Association (Treasurer and Board Member) (2014-2017)
Project Management Institute (PMI) (2013- present)

Lawson T. Condrey
Portland, ME

[REDACTED]
[REDACTED]@gmail.com

Hi Kathy,

I am eager to dive in to something as rewarding and important as the Community Development Block Grant Committee. I have been looking for the right opportunity to give back to the community and participate in bigger ways.

My background is largely in Project Management for marketing and advertising, but more recently I have segued into project managing large-scale technical, database projects for nonprofit clients around the country.

As you might know, working on the services side of business means you have to navigate complex client relationships and internal stakeholders. Navigating those personalities is something that comes naturally to me. I am eager to take my skills and join the CDBG Committee and work with folks on the committee and the City Council in order to do right by the people of Portland.

My track record shows that I know how to be adaptive and resourceful, a team player but also self-sufficient, and most importantly how crucial it is to stick to a budget.

I look forward to discussing my experience in more detail and how I can be an integral member of the CDBG Committee.

Thanks,
Lawson Condrey

Lawson T. Condrey

Portland, ME 04103

Fionta

Portland, ME, August 2018 - Present

Project Manager

- Point of contact for 8-12 clients managing account relationship, budget, resources, & scope
- Manage all phases of technical consulting from discovery through implementation of large Salesforce projects for nonprofits
- Guide strategic conversations around vision and goals for organizations

CIEE Teach English Abroad: Thailand

Bangkok, October 2017 - May 2018

English Teacher — Grades 4-9

The VIA Agency

Portland, ME, July 2014 - October 2017

Project Lead

- Lead resourcing, workload, and staff forecasts for multiple \$1MM+ clients including Sam's Club, Perdue, People's United Bank, T. Rowe Price, Facebook, and Unilever
- Primary liaison between all functions including client strategy, planning, and creative ensuring that all parties understood client requests
- Managed multiple, simultaneous projects to execution, while being on time & on budget
- Developed and managed project scopes for AOR and single-project campaigns

Quantcast

New York, NY, August 2012 - July 2014

Marketing Project Manager

- Led team of freelance designers and copywriter
- Project managed daily production and major initiatives including website design overhaul and inaugural conference in March 2014
- Managed workflow of creative requests for global teams

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New York, NY, October 2010 - August 2012

Resources Manager, Marketing & Creative

- Oversaw all projects from brainstorming stage to completion
- Managed workflow for all designers and copywriters

Grassroots Campaigns, Inc.

Boston/Denver, July 2008 - November 2008

Assistant Director/Recruiter/Logistics Coordinator

- Recruited volunteers through door-to-door canvassing on behalf of DNC & 2008 Obama Campaign
- Managed specific districts in Denver, CO to ensure voter turnout in each respective district
- Coordinated logistical support for 50 offices across the country — including everything from renting office space to voter registration support

VOLUNTEER

Portland Adult Education — English language tutor for recent immigrants and refugees

EDUCATION

St. Lawrence University, Canton, NY. — Bachelor of Arts in Government & African Studies May 2008

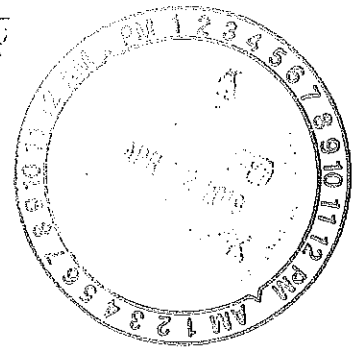
Study Abroad: Kenya, August 2006 – December 2006

St. Lawrence University Men's Crew Team, Fall 2004 – Spring 2008

SKILLS

Basic HTML — learned through website updating at Quantcast and a crash-course through General Assembly.

Resident



Position: Board of Commissioner at Portland Housing Authority

April 12, 2019

To Whom It May Concern:

It is with great interest that I submit my resume and offer my time and expertise to the Portland Housing Authority Board of Commissioners. I believe you will find that I am qualified by virtue of my leadership skills and breadth of knowledge in working both locally and internationally on issues that affect families.

My position at Portland Public Schools has given me an understanding of both the challenges and strengths that our communities face as they navigate a new language, culture and educational system here in Portland, Maine.

I am very interested in learning how I may be of service as part of your efforts to include diverse members of the community. Please feel free to contact me if you have any questions.

Sincerely,

Monique Mutumwinka

MONIQUE MUTUMWINKA

Portland, ME 04103

SKILLS AND QUALIFICATIONS

- Supervisory, management and teaching experience
- Excellent organizational and interpersonal skills and caring and friendly personality
- Proficiency in Microsoft office (Word, Excel, PowerPoint, Outlook)
- Cultural competency and fluency in English, French, Swahili, Kinyarwanda, Kirundi, and Lingala

PROFESSIONAL EXPERIENCE

Parent Community Specialist

May 2013 – Present

Multilingual & Multicultural Center, Portland Public Schools, Portland Maine

- Provide support and assistance to Portland's multicultural and multilingual families to encourage and enable parental involvement in their children's education and to help facilitate the entry, integration and success of their children in Portland's schools.

Personal Support Specialist

July 2011 – 2013

Home Health Care Solution, Portland, Maine

- Providing support services to elderly clients and people living with disabilities so that they may continue to live independently in their homes

Dentist, Head of Dental Department, Lecturer

1999 - 2010

Kigali Health Institute (public dental clinic), Kigali, Rwanda

Held several positions at Kigali Health Institute, a community college in Kigali, Rwanda with more than 10 departments related to medical and paramedical field.

- Treated patients, both children and adults, with routine dental care and surgical extractions.
- As Head of the Dental Department, managed the academic affairs of 80 students and 10 staff of dentists and dental therapists
- As a lecturer, taught Dental Anatomy and Restorative Dentistry for first and second year students.

Dentist

Various Private Clinics, Rwanda and Congo

1985 -1998

- Performed tasks of diagnosis oral problems, filling cavities, tooth extraction, root canal treatment, oral surgery, and gum diseases.
- Prescribed medication, and educated adults and children on prevention of oral diseases.

EDUCATION

Faculty of Medicine - Bachelor's Degree in Dental Surgery
University of Kinshasa, Democratic Republic of Congo

1984

VOLUNTEER EXPERIENCE

Volunteer Dental Assistant

December 2013 - present

The Root Cellar, Portland, Maine

- Serve as chairside assistant treating both children and adults

PROFESSIONAL DEVELOPMENT

Assist to Succeed, Portland, Maine

- Radiation Health and Safety, Dental Assisting National Board, Inc. **2015**
- CPR Certification –American Red Cross **2015**
- Dental Assisting Course **2015**

Maine Community Health Worker Initiative

2014

- 45 Hour Core Competency Certificate course for Community Health workers

Portland Adult Education, Portland, Maine

- College Transition Program – English and Mathematics **2012**
- New Mainers Customer Service Workshop Series **2012**

Learning Works, Portland, Maine

- CPR Certification **2015**
- Community Health Worker Certificate **2014**
- Personal Support Specialist (PSS) Course **2010**
- Certified Personal Support Specialist **2010**

Portland
Maine

Yes, Google's good here.

Katherine Jones <klj@portlandmaine.gov>

Portland Housing Authority board appointment1 message

Christian MilNeil [REDACTED]
To: Katherine Jones <klj@portlandmaine.gov>

Fri, Mar 22, 2019 at 9:16 PM

To the City Clerk and Honorable Councilors of the Appointments Committee:

I'd like to formally express my interest in serving for another term on the Portland Housing Authority Board of Commissioners.

Serving on the PHA board has been a pleasure and an honor. I'm extremely proud of the work we've accomplished since I first joined in 2012, and I'm eager to see through some of the exciting projects we've got planned:

- In 2017 we opened the Bayside Anchor building, the city's most energy-efficient structure, with 45 new apartments for low- and middle-income families and a new Head Start classroom (it's also just two blocks from my own home, and a great addition to our neighborhood).
- Site work in underway for 58 Boyd Street, a new 55-unit apartment building across the street from Bayside Anchor. These two new buildings, together, represent a 10% increase in the PHA's portfolio of apartment units.
- We successfully lobbied the planning department to legalize affordable housing in more neighborhoods across the city through the "Division 30" amendments that passed in 2017.
- We've got exciting plans to replace the aging structures of our Front Street neighborhood with attractive, higher-density new housing for families and seniors right next to Payson Park.
- We've started a program to subsidize METRO bus passes for our residents, and reduce the large amount of money PHA has to spend on parking lots.
- And we've got a busy redevelopment pipeline for the next few years as we upgrade our properties through HUD's "rental assistance demonstration" program.

I'd love to continue serving on the board and see these initiatives through to their successful completion. Thanks for the opportunity to serve.

Yours,

Christian MilNeil

double u double u double u dot christianmilneil dot com

**MilNeil resume-1.pdf**

74K

Christian N. MilNeil

christianmilneil.com | [REDACTED] | [REDACTED] | [REDACTED]

Freelance Writer and Web Developer

2008-2012; 2019-present

- My journalism and essays have appeared in the Boston and Portland *Phoenix*, *Orion Magazine*, *Grist.org*, *Citylab*, and others (see below for a list of selected publications).

Data Journalist

Portland Press Herald/Maine Sunday Telegram, 2012-2019

- Assisted other reporters with data analysis, interpretation and communication for news stories. Responsibilities include building interactive features for the web, with a particular focus on maps and charts, enterprise data stories, assisting other reporters with data interpretation, and designing and coding special sections and reports.

Director of Communications

Maine Audubon, 2009-2011

- Managed internal and external communications for a Maine Audubon, a leading Maine environmental nonprofit. Responsibilities include press relations, drafting op-ed columns and press releases, website maintenance, analytics, and development, copywriting and strategic messaging for fundraising campaigns, and advancing technological improvements to the organization's constituent databases.
- Edited *Habitat*, a quarterly newsletter for members.

Communications Director

GrowSmart Maine, 2007-2009

- Maintained internal and external communications for a GrowSmart Maine, a nonprofit, statewide public policy organization.

Backcountry Hut Crew, Caretaker, Carpenter

Appalachian Mountain Club, 2003-2006

EDUCATION

1999 - 2003 **Reed College**, Portland, OR

- Interdisciplinary B.A. in math and economics received May 2003.

CIVIC SERVICE

2012 - present **Board of Commissioners, Portland Housing Authority (chair, 2014-2016)**

Other interests and skills

- Fluent in HTML, CSS and Javascript (including Node.js), with particular experience in the D3.js library.
- Statistical analysis, including the R software package
- Familiarity with PHP, Python, SQL and open-source geospatial tools like ogr2ogr and PostGIS.
- Proficient in Wordpress and in most Adobe Creative Suite applications.

Re-Appointment to the
Portland Housing Committee
(Resident)

Robyn L. Tucker, Notary Public
[REDACTED]

SUMMARY OF SKILLS

Executive Office Support
Front Office Operation
On-Boarding / Applicant Tracking Systems
Maintained Employee Files (EEO & ACA)
SAP / SAGE-CRM & Salesforce

Project & Team Leadership
Microsoft Office Suite
Accounts Payable and Receivable
Communication/Customer Service Skills

EDUCATION AND TRAINING

Master of Science in Management, Leadership Concentration April 2016
Kaplan University: South Portland, Maine

Relevant Courses: Strategic Human Resource Management; Organizational Excellence and Change; Action Research and Consulting Skills; Mentoring and Coaching

Bachelor of Science in Business Administration February 2013
Kaplan University: South Portland, Maine

Relevant Courses: Quality Management; Management Policy and Strategy; Conflict Management and Team Dynamics

Associate of Applied Science in Paralegal Studies November 2004
Andover College: Portland, Maine

PROFESSIONAL EXPERIENCE

CLIENT SUPPORT SPECIALIST: November 2017 to Present
JobsintheUS.com: Portland, Me

- Provide technical and product support to clients
- Assist clients with a variety of software set-ups
- Diagnose and solve technical problems
- Provide walk-through of our site
- Receive payments

RESERVATION SPECIALIST: January 2017 to September 2017
AutoEurope: Portland, Maine

- Inbound / Outbound calls.
- Assisted clients and travel agents with their reservations for international air, hotel, and car rentals.
- Detail orientation was necessary to ensure safe quality travel. Assisted with various problems and quickly solved those problems.
- Set and met high productivity expectations along with high quality standards

OPERATIONS COORDINATOR: October 2013 to April 2015

Kellogg Corporation: Auburn, Maine

- Supported daily operations of the department; provided administrative support to the Director/Manager; coordinated office activities, administrative, procurement, and business/financial activities.
- Experienced with educational programs, Sentara Health Care systems, policies/procedures, and regulatory requirements.
- Created Safety Tips that were used Globally.

EXTERNSHIP, PROJECT MANAGEMENT: November 2012 to March 2013

Great Falls Construction Company: Gorham, Maine

- Worked with accounts payables, accounts receivables, project management and account files for all subcontractor invoices.
- Assisted the office with answering/directing phones to management team. Exposed to Pro-Contractor software.

**DISTRIBUTION ADMINISTRATIVE ASSISTANT: August 2008 to June 2011
ROUTING COORDINATOR**

Oakhurst Dairy: Portland, Maine

- Supported the distribution department head and assisted all departments where needed.
- Project managed routing for all of New England, assisted supervisors when on-boarding new employees, organized calendars, and made travel arrangements.

OTHER RELEVANT EXPERIENCE

Commissioner for Portland Housing Authority for 10+ years. I was apart of the Human Resource committee while serving in the commissioner capacity.

I will be finishing my Master's in Business Administration with a concentration on Human Resource Development and Management in June 2019.

I ran the office at Orkin Pest control for 6 months. I was able to create a functioning office along with implemented and updated rules and regulations compliant with state and federal standards within that time frame.

Portland
Maine

Yes, Google's good here.

Katherine Jones <klj@portlandmaine.gov>

PCRS Application

1 message

April Fournier <[REDACTED]>
To: [REDACTED]

Fri, Apr 12, 2019 at 7:17 PM

Hello, I am submitting my application via email for the Police Citizen Review Subcommittee.
I have attached my resume.
Please contact me with any questions
Thank you!
April

--
April Fournier
[REDACTED]
[REDACTED]

**April Fournier-Resume.docx**

116K

April Fournier

[REDACTED]

[REDACTED]

Portland, ME 04103

[REDACTED]@maine.edu
<https://www.facebook.com/aprilfournier1988>

Objective I am passionate about my family, public service, equality, and working hard to serve others.

Skills & Abilities

- Communication
 - I strive for open, direct and consistent communication
- Leadership
 - I strive to be a collaborative, responsive and decisive leader
- Conflict Resolution
 - I strive for communication in conflict, working towards a framework of restorative justice.

Experience

December 2018 – Present
Operations and Special Services Manager, Promise Early Education Center

- Responsible for staffing and operations for 16 HeadStart, Pre-K and Early Headstart Classrooms serving a diverse population in Androscoggin County.
- Responsible for the review and implementation of special education, mental health and behavioral health plans within the classroom environment.

November 2014 – December 2018
IEP Team Administrator, Child Development Services-REACH

- Responsible for facilitating Individual Education Plan meetings in accordance with Maine Special Education Regulations for children ages 3-5 years old. This includes developing the plan with a multi-disciplinary team and committing funds for services.
- Responsible for the Portland school district caseload, including partnerships with Portland Public Schools for work within the public pre-k classrooms and transitions into kindergarten from preschool services.

Education **University of Maine – Orono – M.Ed.**
May 2018
GPA 4.0 Special Education with a concentration in Early Intervention Studies.

Additional Experience Emerge Maine-Class of 2018; completed the candidate training program with a concentration on running a campaign for office.
Leadership Education in Neurodevelopmental Disabilities (LEND) Trainee-2018-2019; a partnership program between University of New Hampshire, University of Maine and the Geisel School of Medicine at Dartmouth College focused on connecting systems of care for families of children with developmental disabilities.

Leadership I currently serve on the board of Maine Roller Derby as an at-large member. My concentration as a board member is to serve as a liaison to Human Resources and the Grievance/Mediation Committee.
I currently serve on the Diversity and Inclusion Committee for the international governing body for roller derby-WFTDA and have worked as a paid consultant to develop organizational materials for land acknowledgements, code of conduct reviews to ensure language is non-discriminatory and trauma-informed.

References Maria Testa
MTesta@maine.rr.com

I'm well suited for the position. I am often told that I'm both a great listener and speaker. Diplomacy, collaboration, the ability to have difficult conversations while still listening and taking in information, are traits that are innate to me. I understand systems work. I have a little sense of the social, emotional and legal aspects of being a police officer.

I've had opportunity to facilitate a couple of meetings when Mike Sauschuck was Chief. I've co-facilitated a training at the Portland Police Department (approximately a year-and-a-half ago). I attend some City council meetings. I have been active in various groups for social justice in Portland. I am a Portland resident. I've raised three successful adult children whom all attended Portland public schools.

Please consider interviewing me for the vacancy. I look forward to hearing from you.

Sincerely

Dianne Clarke

DIANNE CLARKE

OBJECTIVE

To be a vital non bias participant on the Police Citizen Review Committee

SKILLS & ABILITIES

Diplomacy, community organizing, Microsoft Publisher, Excel, Public Speaking

EXPERIENCE

Winter 2014 – Present Survivor Speak USA
Portland Me. (statewide)

Founder, Ex. Director

Create leadership programs, mentor, educate public and survivors of sex trafficking.

Jan 11- June 21 2018 Portland Stage

Portland Me.

2nd Lead Actor "Rachel"

Perform in several shows, and interviews.

June 2014 – Dec 2014 Presble St Anti Trafficking Coalition

Portland Me.

Out Reach-mentor

Out reach at teen center and neighborhood for high risk youth and women as well as out reach on Portland's "track" (where sex buyers cruise)

EDUCATION

2012 – 2012 USM Continuing Ed

Portland Me.

Communications Certificate

Facilitation, Dynamic Presentations, Difficult Conversations

1995

SMTI/Southern Me. Technical College

Emergency Medical Tech

REFERENCES

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 APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: TYRONE MULDROW, JR.

ORDERED, that the City Council hereby accepts \$1,000.00 in forfeited assets in the case of State of Maine vs. Tyrone Muldrow, Jr. from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-18-4870

State of Maine

v.

Tyrone Muldrow, Jr.
Defendant

\$2,000.00 U.S. CURRENCY
Defendant In Rem

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$1,000.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$1,000.00, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on June 3, 2019.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

May 9, 2019

Portland Police Department
Interim Chief Vern Malloch
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Tyrone Muldrow, Jr.
Cumberland County Unified Criminal Court Doc. No. CR-18-4870
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Malloch:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Johanna Gauvreau for".

Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-18-4870

State of Maine	}	
	}	
v.	}	City of Portland
	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Tyrone Muldrow, Jr.,	}	
Defendant;	}	
	}	
And	}	
	}	
\$2,000.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$1,000.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2019.

Mayor

(Impress municipal legislative body seal here)

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 APPROVING TRANSFER OF FUNDS
UNDER
15 M.R.S. §§ 5824(3) and 5826(6)
RE: JASON DEAN MILLER

ORDERED, that the City Council hereby accepts \$571.00 in forfeited assets in the case of State of Maine vs. Jason Dean Miller from the State of Maine to the City of Portland, pursuant to 15 M.R.S. § 5824(3) and § 5826(6) and as provided in the attached “Approval of Transfer.”

STATE OF MAINE
Cumberland, SS

UNIFIED CRIMINAL DOCKET
Criminal Action
Docket No. CR-19-871

State of Maine

v.

Jason Dean Miller,
Defendant

\$571.00 U.S. CURRENCY
Defendant In Rem

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City of Portland
Approval of Transfer
15 M.R.S. §5824(3)
and §5826(6)

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and Section 5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem*, namely \$571.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the portion of the Defendant *In Rem*, namely \$571.00, to the City of Portland, Maine pursuant to 15 M.R.S. §5824(3) and §5826(6) on June 3, 2019.

Dated: _____

Mayor
(Impress Legislative Body Seal Here)

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

May 15, 2019

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
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TEL: (207) 822-0260
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TEL: (207) 496-3792
FAX: (207) 496-3291

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

Portland Police Department
Interim Chief Vern Malloch
109 Middle Street
Portland, ME 04101

RE: State of Maine vs. Jason Dean Miller
Cumberland County Unified Criminal Court Doc. No. CR-19-871
Criminal Forfeiture
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Malloch:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or

municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Johanna Gauvreau".

Johanna Gauvreau
Assistant Attorney General
CRIMINAL DIVISION

Enclosure

STATE OF MAINE
Cumberland, ss

UNIFIED CRIMINAL COURT
Docket No. CR-19-871

State of Maine	}	
	}	City of Portland
v.	}	Approval of Transfer
	}	15 M.R.S. §5824(3) and §5826
Jason Dean Miller,	}	
Defendant;	}	
	}	
And	}	
	}	
\$571.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the City of Portland, Maine, by and through its legislative body, the City Council, and does hereby grant approval pursuant to Section 5824(3) and §5826(6) of Title 15 of the Maine Revised Statutes, to the transfer of any portion of the above captioned Defendant *In Rem* namely \$571.00 U.S. Currency, on grounds that the City of Portland Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the Portland City Council does hereby approve of the transfer of the Defendant(s) *In Rem* to the City of Portland, Maine pursuant to 15 M.R.S. § 5824(3) and §5826(6) as approved on _____ 2019.

Mayor

(Impress municipal legislative body seal here)

MEMORANDUM
City Council Agenda Item

FROM: Ted Musgrave

DATE: May 20, 2019

SUBJECT: **Order 254-18/19 Declaring July 4, 2019 the July 4th Festival - Sponsored by Jon P. Jennings, City Manager.**

SPONSOR: City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/3/2019

Final Action 6/3/2019

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

PRESENTATION: none

I. SUMMARY

The July 4th Festival has a new lead sponsor this year, Shamrock Signature, and will feature a Portland Pops concert featuring the Portland Symphony Orchestra, as well as the traditional fireworks display.

II. AGENDA DESCRIPTION

This order declares July 4, 2019 the July 4th Festival, to be held on that Thursday from 10:00 a.m. - 10:00 p.m. The rain date is Friday, July 5, 2019. Street closures are included in the agenda backup.

This year's festival will included 25-minute fireworks display, the Portland Symphony Orchestra concert, food and entertainment vendors, reserved seating in the area closest to the stage, and limited ticketed area on grass area closest to the stage.

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

III. BACKGROUND

The City has sponsored the July 4th Fireworks and activities on the Eastern Promenade for a number of years, attracting 40,000+ individuals, a large percentage of which are families. Shamrock Signature is the organizer and fundraiser. This July 4th, a new Portland Pops celebration featuring the Portland Symphony Orchestra conducted by their new Music Director, Eckart Preu, will premier on the Eastern Prom. This event is free and open to the public. Additionally 500 VIP Tickets will be for sale at \$50.00 per ticket that includes premium seating, parking, food and beverages. A limited number of reserved tickets will be sold at \$25.00 per ticket that includes preferred seating on the grass, and a beverage voucher.

This year's Festival which is being funded by private donations, fundraising activities (including Pops with a Purpose event at Ocean Gateway), and limited ticket revenue, will include:

25 Minute Fireworks Display

Portland Symphony Orchestra concert

Food & Entertainment Vendors

Reserved Seating in area closest to stage
Limited Ticketed area on grass area closest to stage

The Festival runs from 10:00am – 10:00pm Thursday July 4, 2019. (Rain date is Friday July 5th 2019).

A licensed qualified caterer will be providing food and beverages (alcohol included) in a designated area near the stage. City of Portland will be responsible for providing the fireworks display, ensuring that all vendors at the festival have complied with appropriate license requirements, including food service and street goods. All Security for the event will be provided by the City of Portland's Public Assembly Facilities Division.

Fireworks will be launched from the East End Trail. The Trail will need to be closed from Cutter Street to the Water Treatment Plant from 6am until deemed safe by City Staff (approximately 11pm.) In the event of rain, these Trail closings would be in effect until Friday, July 5th (same times would apply).

In order for the Festival to be held, a portion of the Eastern Promenade needs to be barricaded and closed to traffic.

The Festival area will include:

Fore Street at Mountfort Street to Eastern Promenade, Eastern Promenade to Washington Avenue, Washington Avenue to Congress Street, and Congress Street at Mountfort Street to Fore Street. Festival Area will include the Fort Allen Park area, the Eastern Promenade (including sidewalk areas on both sides of the street) from Morning Street to Loring Memorial near East End Community School, the Payson Park area, as well as Baxter Boulevard area, as many families take in the fireworks display from those areas.

The following streets will be closed to vehicular traffic from approximately 10:00am to 10:00pm, on Thursday, July 4th (July 5th Rain date): Eastern Promenade at Morning Street, Wilson Street, Moody Street, and Congress Street. Also, Morning Street at Eastern Promenade, Wilson Street, Moody Street, and Congress Street. In the event of rain, these street closings would be in effect for Friday, July 5th.

The following streets will be closed to vehicular traffic from approximately 3:00pm to 10:00pm, on Thursday, July 4th (July 5th Rain date): Eastern Promenade at Turner Street and Walnut Street; Morning Street at Turner Street; Emerson Street at Quebec Street and Melbourne Street; and Willis Street at Montreal Street and Walnut Street. In the event of rain, these street closings would be in effect for Friday, July 5th.

All of Munjoy Hill and the Eastern Prom will be closed to traffic (from Washington Ave. up), starting at 4pm on Thursday July 4th (July 5th Rain date). Street closures include Mountfort Street at Fore Street and Congress Street; Washington Avenue at Marion Street, Cumberland Avenue, Walnut Street, and Eastern Promenade. Streets will be opened up again after the fireworks display (at approximately 10pm). In the event of rain, these street closings would be in effect for Friday, July 5th.

On-street parking will be restricted from 7am until 11pm on Thursday July 4th at Eastern Promenade (both sides) from Morning Street to Washington Avenue, Fort Allen Park (both sides), Walnut Street from Eastern Promenade to Washington Avenue, and Mountfort Street from Congress Street to Fore Street (both sides). These streets will be posted in advance, any cars parked illegally will be towed at the owner's expense. In the event of rain, these restrictions would be in effect for Friday, July 5th.

Cutter Street will be closed to vehicular traffic (except for designated handicapped parking), including parking for boat launching from 6 a.m. on Thursday, July 4th and will be opened again after the fireworks display (at approximately 10pm on July 4th or when deemed safe by City Staff). In the event of rain, these street closings would be in effect at 6am on Friday July 5th and ending at approximately 10pm on Friday, July 5th.

The Festival area will also be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for use by the City of Portland for the purpose of administering the Festival. City of Portland will charge a fee to the vendors to participate in the festival.

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

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Festival Declaration.

V. FINANCIAL IMPACT

Organizer is fundraising to cover cost of Festival.

City has budgeted \$40,000 for fireworks display.

VI. STAFF ANALYSIS AND BACKGROUND

City Staff are working with lead sponsor to produce the festival.

VII. RECOMMENDATION

Staff recommends passage.

VIII. LIST ATTACHMENTS

1. July 4th Festival 6.3.2019

Prepared by:

Ted Musgrave

Date: 5/20/2019

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 JULY 4, 2019
THE JULY 4TH FESTIVAL**

ORDERED, that the July 4th Festival be and hereby is declared for Thursday, July 4, 2019 from 10:00 a.m. to 10:00 p.m., with a rain date of Friday, July 5, 2019, in the City of Portland, organized by the City of Portland; and

BE IT FURTHER ORDERED, that the July 4th Festival area shall include:

Fore Street at Mountfort Street to Eastern Promenade, Eastern Promenade to Washington Avenue, Washington Avenue to Congress Street, and Congress Street at Mountfort Street to Fore Street and the Fort Allen Park area; the Eastern Promenade (including sidewalk areas on both sides of the street) from Morning Street to Loring Memorial near East End Community School, as well as Payson Park area and Baxter Boulevard, in the City of Portland; and

BE IT FURTHER ORDERED, that the following streets will be closed to vehicular traffic from approximately 10:00 a.m. to 10:00 p.m. on July 4th (or if necessary on the July 5th rain date):

Eastern Promenade at Morning Street, Wilson Street, Moody Street, and Congress Street, Morning Street at Eastern Promenade, Wilson Street, Moody Street, and Congress Street; and

BE IT FURTHER ORDERED, that the following streets will be closed to vehicular traffic from approximately 3:00 p.m. to 10:00 p.m. on July 4th (or if necessary on the July 5th rain date):

Eastern Promenade at Turner Street and Walnut Street; Morning Street at Turner Street; Emerson Street at Quebec Street and Melbourne Street; and Willis Street at Montreal Street and Walnut Street; and

BE IT FURTHER ORDERED, that all of Munjoy Hill and the Eastern Prom will be closed to traffic (from Washington Avenue up) starting at 4:00 p.m. on July 4, 2018 (or if necessary on the July 5th Rain date):

Mountfort Street at Fore Street and Congress Street; Washington Avenue at Marion Street, Cumberland Avenue, Walnut Street, and Eastern Promenade. Streets will open again after the fireworks display (at approximately 10:00 p.m.); and

BE IT FURTHER ORDERED, that on-street parking will be restricted from 7:00 a.m. until 1:00 p.m. on July 4, 2018 at Eastern Promenade (both sides) from Morning Street to Washington Avenue, Fort Allen Park (both sides), Walnut Street from Eastern Promenade to Washington Avenue, and Mountfort Street from Congress Street to Fore Street (both sides), and these streets will be posted in advance; and

BE IT FURTHER ORDERED, that Cutter Street will be closed to public traffic, including boat launching, on July 4th (or if necessary on the July 5th rain date) beginning at 10 p.m. on the previous day; 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 July 4th Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that admission will be charged for reserved seating at the enclosed area by the stage for the Portland Symphony and in an enclosed area on the grass also near the stage;

BE IT FURTHER ORDERED, that the City of Portland shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the July 4th Festival; and

BE IT FURTHER ORDERED, that the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the City of Portland has agreed shall participate; 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 City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 13, 2019

SUBJECT: Order 255-18/19 Granting Municipal Officers' Approval of Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean 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

Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue.

Application was filed on 4/19/2019. New City and State Applications. Location was previously Linda Bean Lobster.

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. Fire & Company
2. 20190513115113165

Prepared by:

Date: 5/13/2019

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)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at
1035 Ocean Avenue.**

Natalie Corbin
1025/1035 Ocean Ave
Portland, Maine 04103
natalie@fireandcompany.com

4/10/2019

Ethan Strimling
Mayor, Portland Maine
389 Congress St
Portland, Maine 04101

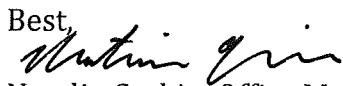
Dear Mr. Strimling and Members of City Council,

I work with a catering company out of Portland Maine wishing to apply for a liquor license. I'm writing today with intent for our company to operate beer, wine, and spirit bars throughout southern and coastal Maine at our catered events such as weddings, graduation parties, and rehearsal dinners. Our licensing would be exercised on mainly Friday, Saturday and Sundays throughout the months of June-November with exceptions. Our bars cease operating by 11pm at the latest.

We offer wood fired fair that focuses on outdoors and rustic venues. Local beer, customized cocktails and paired wines help guests celebrate an experience to remember with a staff trained to maintain a safe environment.

It is with deep understanding that we are the utmost responsible for the wellbeing of individuals at our catered events as well as the respect for premises and local businesses we are privileged to work amongst. We understand and respect the liabilities that come along with this authority and licensing.

We appreciate your time and consideration.

Best,

Natalie Corbin, Office Manager

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Fire + Company		Phone: 207 299-6995
Location Address:	1035 Ocean Ave Portland, ME		Zip: 04103
If new, what was formerly at this location:	Linda Bean Lobster		
Mailing Address:	1035 Ocean Ave Portland, ME		Zip: 04103
Contact Person:	Natalie Corbin	Phone: 207	432-1471
Contact Person Email:	natalie@fireandcompany.com		
Manager of Establishment:	Natalie Corbin	Date of Birth: 0110611192	Phone: 207 432-1471
Owner of Premises (Landlord):	Joe Nelson		
Address of Premises Owner:	1035 Ocean Ave Portland, ME		Zip: 04103

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

Name of Owner(s)	Date of Birth	Residence Address
Ryan Carey	02104184	434 Woodford St. Portland, ME 04103

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

Corporate Name		Corporate Mailing Address	
Pizza Pie on the Fly LLC		434 Woodford St. Portland, ME 04103	
Contact Person:	Ryan Carey	Phone:	207-299-6995
Principal Officers	Title	Date of Birth	Residence Address
Ryan Carey	Owner	214184	434 Woodford St. Portland, ME 04103

About Your Establishment

Class of Liquor License:	Qualified Caterer	
Type of food served:	Wood, grilled meats + vegetables, apps, pizza	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food: \$750K	Generated from Alcohol: \$250K
Hours & days of operation:	Typically Fri, Sat, Sun 9am-12am	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain:	
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?	
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): Noble BBQ 1706 Forest Ave Portland, ME 04103	
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 Natalie Corbin 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 Natalie Corbin Title Office Manager Date 4.16.19

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

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND 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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

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) |
| ☐ GOLF COURSE (Class I,II,III,IV) | ☐ TAVERN (Class IV) | ☒ QUALIFIED CATERING |
| ☐ OTHER: _____ | | ☐ SELF-SPONSORED EVENTS |

(QUALIFIED CATERERS ONLY)

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: Pizza Pie on the Fly LLC			Business Name (D/B/A) Fire + Company		
APPLICANT(S) –(Sole Proprietor) Ryan Carey			DOB: 2/4/84		
DOB:			Physical Location: 1025 Ocean Ave		
Address 1706 Forest Ave			City/Town Portland	State ME	Zip Code 04103
City/Town Portland			State ME	Zip Code 04103	
Telephone Number 207-299-6995			Fax Number		
Business Telephone Number 207-299-6995			Fax Number		
Federal I.D. # 45-2582314			Seller Certificate #: or Sales Tax #:		
Email Address: booking@fireandcompany.com			Website: www.fireandcompany.com		

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 \$ N/A FOOD \$ 750K LIQUOR \$ 250K

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 permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

CAR-2017-10059 Noble BBQ
License # _____ Name of Business _____
1706 Forest Ave Portland, ME 04103
Physical Location _____ City / Town _____

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

7. Business records are located at: 1025 Ocean Ave

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
Natalie Corbin	11/6/92	Portland, ME
Ryan Carey	2/4/84	Banger, ME
Tyler Yeo	7/16/87	Banger, ME
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name: Natalie Corbin 49 Sawyer St. Portland	City: Portland	State: ME 04103
Name: Ryan Carey 434 Woodford St. Portland	City: Portland	State: ME 04103
Name: Tyler Yeo 73 Saddleback Rd Baldwin 04091	City: Baldwin	State: ME

12. 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: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Joe Nelson
1035 Ocean Ave Portland, ME 04103

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) Commissary Kitchen
and offices

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

YES ☒ NO ☐ Applied for: _____

18. 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? 1.3 miles

Which of the above is nearest? School

19. 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 ☒

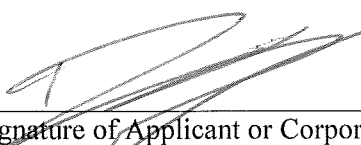
If YES, give details: _____

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, Maine on 4/23, 20 19
Town/City, State Date

PLEASE SIGN IN BLUE INK



Signature of Applicant or Corporate Officer(s)
Ryan Carey
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, 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 Spirituous, 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 Spirituous 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;	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: 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 V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$ 2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$ 1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	
SELF-SPONSORED EVENTS: Qualified Caterers Only	\$ 700.00



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: Pizza Pie on the Fly
2. Doing Business As, if any: Noble Barbecue
3. Date of filing with Secretary of State: May 17' State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Ryan Carey	434 Woodford St. Portland, ME 04103	2/4/84	Owner	100%

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

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. 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

8. If Yes to Question 7, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

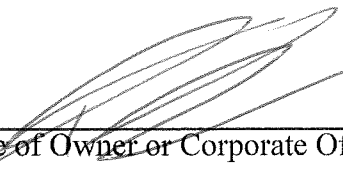
Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

PLEASE SIGN IN BLUE INK



Signature of Owner or Corporate Officer

4-1-19

Date

Ryan Carey

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

LANDLORD

LANDLORD HALLWAY

KITCHEN

KITCHEN

WALL

WALK
IN

KITCHEN
PREP
AREA

SHELVING

LIQUOR,
BEER,
WINE
CLOSET

LOCKED
DOOR

SHELVING

HALL

DOOR

DOOR

STORAGE

DOOR

HALL

OPEN
SPACE/
STORAGE

DOOR

OUTSIDE

DOOR

BATHROOM

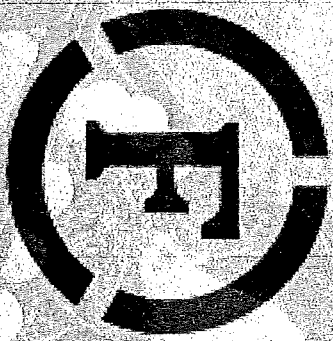
DOOR

TURN

OFFICE

OFFICE

OUTSIDE



I

R

E

&

C

CO

WOOD-FIRED CATERING

TABLE OF CONTENTS

ESTABLISHED IN 2013, FIRE & CO. IS
A WOOD FIRED EVENT COMPANY

BASED IN PORTLAND, ME.

SPECIALIZING IN WOOD- FIRED
CUISINE PREPARED IN CUSTOM

BRICK OVENS, WOOD- FIRED

SMOKERS AND CUSTOM WOOD-
FIRED SKILLETS. HEARTY HORS

D'OEUVRES, FRESH SALADS & HAND
CRAFTED WOOD- FIRED DISHES

ARE COOKED ON SITE &

TASTEFULLY PRESENTED ON BARN

BOARD TABLES & FIRE & CO.

BOARDS. WE SERVE MAINE MADE
CRAFT BEER, SPIRITS & WINE TO

APPROPRIATELY MATCH THE VIBE

OF YOUR EVENT.

WE LOOK FORWARD TO WORKING

WITH YOU!

PIZZA DINNERS

GRILLED DINNERS

GRAZING STATIONS

LOBSTER BAKES

APPETIZER OPTIONS

SPECIALTY SALADS & SIDES

DESSERT BOXES

BAR SERVICES

PIZZA

DINNERS

VINTAGE TRUCKS · HANDMADE · COMFORTABLE & CASUAL

VINTAGE TRUCKS, WOOD-FIRE AROMAS & HAND TOSSED PIZZA SET THE TONE FOR AN EVENT THAT IS COMFORTABLE, CASUAL & A BIT OUT OF THE ORDINARY. OUR MOBILE OVEN WAS IMPORTED FROM ITALY & HANDCRAFTED FROM TERRA COTTA BRICKS TO CREATE AN INTENSE HEAT OF OVER 750°. OUR PIZZA DINNERS ARE PERFECT OPTIONS FOR A VARIETY OF CELEBRATIONS & GATHERINGS FROM APRIL TO NOVEMBER.

PRICING	INCLUDED	ADDITIONAL
CLASSIC PIZZA MENU \$40/Guest	FIRE & CO. FARM TABLES (For Appetizers & Pizza Buffet)	A LA CARTE APPETIZERS (Priced Per Guest)
REHEARSAL DINNER MENU (Please Inquire For Details)	FIRE & CO. BOARDS (For Appetizers)	MINIMUM \$7,500 FOOD COST (For Saturday Events)
SUBSTITUTE SALAD \$4/Guest	BIODEGRADABLE PLATES & WOODEN UTENSILS (Rental Packages Available)	8% FOOD & BEVERAGE TAX
SUBSTITUTE SIDES \$3/Guest	LATE NIGHT TO-GO PIZZA (10-15 Boxed Pizzas)	20% LABOR CHARGE
ADDITIONAL SIDE \$6/Guest	ANTIQUE WOODFIRED PIZZA TRUCK (For Pizza Events Only)	18% GRATUITY
	WOOD-FIRED SKILLET	\$200 TRAVEL CHARGE (Additional Charges May Apply)
		\$1,032.00 OUTDOOR KITCHEN RENTALS

PIZZA DINNERS

WE PREPARE OUR SIX
SIGNATURE PIZZA FLAVORS

FOR YOUR EVENT.

WE ARE ABLE TO
ACCOMMODATE CUSTOM &
SPECIALTY PIZZAS ARE
AVAILABLE AT AN ADDITIONAL
CHARGE.

WE ARE ALSO ABLE TO PLAN
AHEAD AND ARRANGE GLUTEN
FREE & DAIRY FREE PIZZA
OPTION FOR GUESTS WITH
DIETARY RESTRICTIONS.
WE LEAVE AN EXTRA TREAT OF
10-15 BOXED UP PIZZAS FOR
YOU & YOUR GUESTS TO
MUNCH ON LATE-NIGHT.

CHEESE

House made pizza sauce · Mozzarella · Provolone · Dried oregano

MARGARITA

Garlic · Basil · Mozzarella

BLT

Blue cheese · Tomato · Bacon · Iceberg

FARM VEGETABLE

Onions · Peppers · Mushrooms · Squash

MEATBALL

Ricotta · Pickled onion · Basil

PEPPERONI

Pepperoni · Mozzarella · Dried oregano

ALL PIZZA DINNERS SERVED WITH THE FOLLOWING

LOCAL FARMHOUSE SALAD

Mixed greens · Tomatoes · Carrots · Cucumbers · Onions · Balsamic dressing

SEARED ROSEMARY POTATOES

Local rosemary

SEASONAL VEGETABLES

Local spices & herbs

WOOD-FIRED S'MORES

Reese's Peanut Butter Cup

GRILLED DINNERS

THOUGHTFULLY CRAFTED
FEASTS COOKED OVER FIRE.
OUR GRILL AND ROTISSERIE
DINNERS PROVIDE AN
ELEVATED TYPE OF DINING
EXPERIENCE WHILE STILL
STAYING TRUE TO A
COMFORTABLE & RELAXED
EVENT ATMOSPHERE. THE
FAMILIAR SMELL OF A
ROARING CAMPFIRE MINGLING
WITH CRISP MAINE AIR IS
SIMPLY AN UNFORGETTABLE
COMBINATION.

CUSTOM GRILLS · SMOKED · CAMPFIRE · INVITING & WARM

PRICING	INCLUDED	ADDITIONAL
SIGNATURE MAINS \$70/Guest SUBSTITUTE ONE PREMIUM MAIN +\$10/Guest REHEARSAL DINNER MENU (Please Inquire For Details) SUBSTITUTE SALAD \$4/Guest SUBSTITUTE SIDES \$3/Guest ADDITIONAL SIDE \$6/Guest	FIRE & CO. FARM TABLES (For Appetizers & Buffet Style Meals) FIRE & CO. BOARDS (For Appetizers) FIRE & CO. SERVING PLATTERS (For Buffet & Family Style Meals) FIRE & CO. SERVING UTENSILS (For Buffet & Family Style Meals) BIODEGRADABLE PLATES & WOODEN UTENSILS (Rental Packages Available) WOOD-FIRED SKILLET & WOOD FIRED SMOKER	A LA CARTE APPETIZERS (Priced Per Guest) MINIMUM \$10,000 FOOD COST (For Saturday Events) 8% FOOD & BEVERAGE TAX 20% LABOR CHARGE 18% GRATUITY \$200 TRAVEL CHARGE (Additional Charges May Apply) \$1,032.00 OUTDOOR KITCHEN RENTALS

FIRE & CO.
WOOD-FIRED CATERING

GRILLED

DINNERS

FIRE & CO. GRILLED DINNERS
ARE \$70/GUEST & INCLUDE

YOUR CHOICE OF TWO
SIGNATURE MAINS.

YOU MAY SUBSTITUTE ONE
SIGNATURE MAIN FOR A
PREMIUM MAIN FOR AN
ADDITIONAL \$10/GUEST OR

CHOOSE TWO PREMIUM MAINS
FOR AN ADDITIONAL
\$20/GUEST.

SMOKED CHICKEN IS OUR
FLAGSHIP MAIN AT FIRE & CO.
AND IS A FAVORITE ACROSS
THE BOARD. WE HIGHLY
RECOMMEND THIS MAIN FOR A
UNIVERSALLY LOVED CHOICE.

SIGNATURE MAINS

Spitfire & Smoked Chicken · Porchetta · Suckling Pig Roast · Wood Fired
Steak · Skillet Seared Salmon
(\$70/Guest)

PREMIUM MAINS

Spitfire & Smoked Prime Rib · Wood Roasted Lobster Tails · 12Hr Smoked &
Coffee Rubbed Beef Ribs
(Substitute one Premium Main +\$10/Guest)

ALL GRILLED DINNERS SERVED WITH THE FOLLOWING

LOCAL FARM HOUSE SALAD

Mixed greens · Tomatoes · Carrots · Cucumbers · Onions · Balsamic dressing

SKILLET SEARED ROSEMARY POTATOES

Local rosemary

WOOD ROASTED SEASONAL VEGETABLES

Local spices & herbs



WOOD-FIRED CATERING

CURATED · GRAZE · WOODFIRED · CASUAL & SOCIAL

GRAZING STATIONS

RATHER THAN RESTRICTING YOUR GUESTS TO A SPECIFIC DINNER TIME, LET YOUR PARTY MINGLE, EAT & DRINK AT WILL. GUESTS ARE FREE TO VISIT THE STATIONS THEY CHOOSE IN A LAID BACK & FREE FLOWING ATMOSPHERE. OUR GRAZING STATIONS ARE PERFECT FOR THE SOCIABLE, PARTY CROWD & CASUAL CORPORATE AFFAIRS.

PRICING	INCLUDED	ADDITIONAL
GRAZING STATION MENU \$90/Guest	FIRE & CO. FARM TABLES (For Appetizers & Buffet Style Meals) FIRE & CO. BOARDS (For Appetizers) FIRE & CO. SERVING PLATTERS (For Buffet & Family Style Meals) FIRE & CO. SERVING UTENSILS (For Buffet & Family Style Meals) BIODEGRADABLE PLATES & WOODEN UTENSILS (Rental Packages Available)	A LA CARTE APPETIZERS (Priced Per Guest) MINIMUM \$10,000 FOOD COST (For Saturday Events) 8% FOOD & BEVERAGE TAX 20% LABOR CHARGE 18% GRATUITY \$200 TRAVEL CHARGE (Additional Charges May Apply)
REHEARSAL DINNER MENU (Please Inquire For Details) CUSTOM MENU AVAILABLE FOR NON-SATURDAY EVENTS (Please Inquire For Details)	WOOD-FIRED SKILLET	\$1,032.00 OUTDOOR KITCHEN RENTALS

GRAZING STATIONS

OUR GRAZING STATIONS HAVE
BEEN THOUGHTFULLY
CREATED BY OUR CHEFS TO
ADD INTERACTIVE OPTIONS TO
YOUR EVENT.
THE GRAZING STATION MENU
IS PRICED AT \$90/GUEST &
INCLUDES FIVE STATIONS
WITH SEVERAL BITE OPTIONS
ALLOWING YOU TO CUSTOMIZE
YOUR MENU.

BUTCHER BOARD STATION

Cheese · Charcuterie · Seasonal Vegetables & House Dips · Homemade
Pickles

COLD BITE STATION

(CHOOSE 3)

Farm House Salad · Kale Caesar Salad · Deviled Egg ·
Chicken & Waffles · Toast Point

TACO STATION

(CHOOSE 3)

Pork · Avocado · Mushroom · Beef · Chicken

BARBECUE BITES

(CHOOSE 3)

Beef Skewer · Chicken Skewer · Lamb Skewer · Pork Belly Skewer ·
Buffalo Chicken Slider · Chopped Pork Slider

SEA STATION

(CHOOSE 3)

Lobster Roll · Tuna Poke Stack · Raw Oyster · Wood Grilled Oyster



WOOD-FIRED CATERING

LOBSTER

BAKES

TREAT YOUR GUESTS & YOURSELF TO A REAL - DEAL MAINE LOBSTER BAKE, FIRE & CO. STYLE.

THIS TRADITIONAL NEW ENGLAND METHOD OF STEAMING YOUR MEAL HAS BEEN A MAINE FAVORITE OF LOCALS AND THOSE FROM AWAY.

A GREAT FIT FOR YOUR REHEARSAL DINNER OR COMPANY PICNIC.

STEAMED · EXPERIENCE · MAINE TRADITION · LOCAL

PRICING	INCLUDED	ADDITIONAL
LOBSTER BAKE MENU \$60/Guest	FIRE & CO. FARM TABLES (For Buffet Style Meals) FIRE & CO. BOARDS (For Appetizers) FIRE & CO. SERVING PLATTERS (For Buffet & Family Style Meals) FIRE & CO. SERVING UTENSILS (For Buffet & Family Style Meals)	A LA CARTE APPETIZERS (Priced Per Guest) MINIMUM \$10,000 FOOD COST (For Saturday Events) 8% FOOD & BEVERAGE TAX
ADDITIONAL SALAD \$4/Guest	BASIC LOBSTER DINING NECESSITIES (Rental Packages Available)	20% LABOR CHARGE 18% GRATUITY
REHEARSAL DINNER MENU (Please Inquire For Details)	WOOD-FIRED SKILLET	\$200 TRAVEL CHARGE (Additional Charges May Apply) \$1,032.00 OUTDOOR KITCHEN RENTALS

FIRE & CO.
WOOD-FIRED CATERING

LOBSTER BAKES

OUR LOBSTER BAKES INCLUDE
ALL THE FIXINGS OF A
TRADITIONAL MAINE BAKE.
WE PREPARE OUR BAKES THE
'GOOD OL WAY' BURIED UNDER
SEAWEED, STEAMING OVER
FLAMES.
ADD OYSTERS AND BISCUITS &
BERRIES FOR AN ENHANCED
MAINE EXPERIENCE.

SWEET CORN

On the Cob · Butter

LOCAL MAINE POTATOES

Steamed

STEAMERS

Hot Drawn Butter

WHOLE LOBSTERS

Hot Drawn Butter

THE TOOLS

Crackers · Bibs · Wet Naps

FIRE & CO

WOOD-FIRED CATERING

APPETIZERS

DEVILED EGG Paprika · Chives · Pickled Fresno TOAST POINT Seasonal Farm Vegetables · Ricotta QUESADILLA Black Bean · Lime Crema · Salsa SPICY VEGETABLE EMPANADA Black Bean · Corn · Poblano AVOCADO TACO Pickled Vegetable · Panko · Poblano FRESH VEGETABLE BOARD Seasonal Farm Vegetables · Dipping Sauce \$4/Guest	LOBSTER ROLL Buttered Roll · Parsley · Lemon PORK TACO Smoked Pineapple · Lime Crema · Scallions CHICKEN TACO Poblano · Corn · Crema MUSHROOM TACO Hummus · Feta · Fried Shallots BUFFALO CHICKEN SLIDER Blue Cheese · Iceberg CHICKEN SKEWER Cabbage · Barbecue Sauce · Chives PORK BELLY SKEWER Maple · Blueberry · Scallions CHICKEN & WAFFLES Honey · Sriracha · Scallions \$5/Guest	TUNA POKE STACK Corn Tortilla · Avocado · Sesame BRISKET SLIDER Sriracha · Pickled Vegetables · Cilantro SHORT RIB TOAST Caramelized Onion · Chives RAW OYSTER Lemon · Fresno Mignonette · Smoked Cocktail GRILLED OYSTER Roasted Garlic · Butter · Chives BEEF SKEWER Bourbon · Brown Sugar · Garlic LAMB KABOB Fennel · Mustard · Chives \$6/Guest	CHEESE & CHARCUTTERIE BOARD Flatbread · House Mustard \$7/Guest
---	---	---	---

FIRE & CO

WOOD-FIRED CATERING

SALAD & SIDE SUBSTITUTIONS

OUR PIZZA & GRILLED DINNERS
COME WITH OUR FARM HOUSE
SALAD, SEARED ROSEMARY
POTATOES & SEASONAL
VEGETABLES.

YOU MAY SUBSTITUTE OUR
HOUSE SIDES & SALAD FOR AN
ADDITIONAL CHARGE.

YOU MAY ALSO ADD AN
ADDITIONAL SIDE &/OR SALAD
OPTION FOR AN ADDITIONAL
CHARGE.

SPECIALTY SIDES		SPECIALTY SALADS	
ADDITIONAL SIDE \$6/Guest SUBSTITUTE ONE SIDE \$3/Guest		ADDITIONAL \$4/Guest	
PIMENTO MAC N CHEESE Cavatappi · Ritz · Scallions SKILLET CORNBREAD Spiced Honey Butter		WEDGE Iceberg · Blue Cheese · Bacon · Tomato · Hard Boiled Egg BABY KALE CAESAR Parmesan · Croutons · Anchovies · Buttermilk	
ROASTED GREEN BEANS Garlic · Soy · Pecans MEXICAN STREET CORN Poblano · Asiago · Cilantro		BRUSSEL SPROUT & HARDY GREENS Local Farm Greens · Mustard Vinaigrette · walnuts	
SUCCOTASH Beans · Leeks · Tomato			

DESSERT BOXES

FIRE & CO. OFFERS CAKE
CUTTING SERVICES FOR YOUR
WEDDING CAKE FOR A FLAT \$75.
OUR IN HOUSE PASTRY CHEF
PREPARES SEVERAL UNIQUE
DESSERT OPTIONS TO ADD TO
ANY MENU.

WHOOPIE PIES

Traditional Maine Whoopie Pies

SEASONAL MINI PIES

House Made Pie Crust · Seasonal Fruit Filling

HOMEMADE ICE CREAM SANDWICHES

Cookies · Ice Cream · Sprinkles

WARM BISCUITS & BERRIES

Griddled & Buttered House Made Biscuits · Seasonal Berries

DESSERT BITES

Assorted House Made Treats

\$6/Guest

(F) I R E & C O

WOOD-FIRED CATERING

CRAFT · LOCAL · BEER · WINE · SPIRITS · CUSTOM COCKTAILS

BAR SERVICE

SEAL THE DEAL WITH OUR
PROFESSIONAL, FULLY
INSURED BAR SERVICE.
WE OFFER THE BEST LOCAL
BEERS & SPIRITS TO CREATE
BEVERAGE MENUS THAT FULLY
COMPLIMENT YOUR EVENTS
FOOD CHOICES.
OUR BEVERAGE PACKAGES
RANGE FROM CASH BARS TO
TABLE WINE SERVICE.
WE WORK WITH YOU TO
CREATE THE MOST COHESIVE
SERVICE FOR YOUR EVENT.

PRICING	INCLUDED	ADDITIONAL
CASH BAR \$7/Guest BEER & WINE ONLY \$25/Guest BEER, WINE & TWO COCKTAILS \$27/Guest FULL OPEN BAR \$30/Guest DINNER WINE POUR \$4/Guest CHAMPAGNE TOAST \$4/Guest COFFEE SERVICE \$2/Guest BAR TRUCK RENTAL \$750 ADDITIONAL HALF HOUR OF SERVICE \$5/Guest	FIRE & CO. FARM TABLE (For Bar) MIXERS, GARNISHES & ICE DISPOSABLE CUPS & COCKTAIL NAPKINS (Glassware Rental Packages Available)	MINIMUM \$1,500 BAR SERVICE CHARGE (For Saturday Events) 18% INSURANCE, LICENCING & PERMITTING CHARGE 8% FOOD & BEVERAGE TAX \$200/BARTENDER LABOR CHARGE 18% GRATUITY \$200 TRAVEL CHARGE (Additional Charges May Apply)

FIRE & CO

WOOD-FIRED CATERING

BAR

SERVICE

OUR BEVERAGE PACKAGES
START WITH 5 CONSECUTIVE
HOURS OF BAR SERVICE AT

YOUR EVENT.

ADDITIONAL TIME MAY BE
ADDED FOR AN ADDITIONAL

CHARGE.

WE WORK CLOSELY WITH
LOCAL BREWERIES TO PROVIDE
YOU WITH A VARIETY OF
CRAFT BEVERAGES FOR YOUR

EVENT.

OUR UNMISTAKABLE VINTAGE
BAR TRUCK IS AVAILABLE TO
ADD ON TO YOUR BAR SERVICE

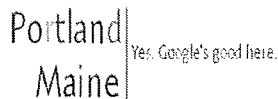
FOR \$750.

BEER & WINE ONLY	BEER, WINE & TWO COCKTAILS	FULL OPEN BAR
TWO LOCAL DRAFT BEERS	TWO LOCAL DRAFT BEERS	TWO LOCAL DRAFT BEERS
FIVE CANNED BEERS & CIDERS	FIVE CANNED BEERS & CIDERS	FIVE CANNED BEERS & CIDERS
TWO RED WINE	TWO RED WINE	TWO RED WINE
TWO WHITE WINES	TWO WHITE WINES	TWO WHITE WINES
ONE ROSE	ONE ROSE	ONE ROSE
	TWO CUSTOM COCKTAILS	FULL PREMIUM SPIRITS LIST



FINE & CO

WOOD-FIRED CATERING



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Fire & Company

cstacey <cstacey@portlandmaine.gov>
To: Zoning <zoning@portlandmaine.gov>
Cc: jhanscombe@portlandmaine.gov

Thu, Apr 25, 2019 at 7:59 AM

A Qualified Catering Class I is a permitted use (as commercial kitchen) in the I-M Zone under section 14-247(k) with the condition that food is not prepared for service on the premises in Chapter 14, City Code of Ordinances.

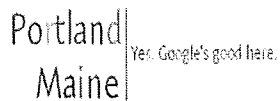
Thanks,
Chris

On Tuesday, April 23, 2019 at 8:55:19 AM UTC-4, Jessica Hanscombe wrote:

Good Morning

Please see the attached application for Fire & Company for a Qualified Caterer. This will go before council on 6/3. Please advise. Thanks Jessica

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



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Fire & Company

Nicholas Goodman <nickg@portlandmaine.gov>

Tue, Apr 23, 2019 at 11:15 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Pd has no objections. Ng

On Tue, Apr 23, 2019 at 8:55 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Fire & Company for a Qualified Caterer. This will go before council on 6/3. Please advise. Thanks Jessica

Jessica Blais Hanscombe

Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov



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 #: MIQ99D950919

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-04-23) :

Inquiries Name(s) **RYAN CAREY (1984-02-04)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



Permitting and Inspections Department

May 14, 2019

Pizza Pie on the Fly LLC
1035 Ocean Ave
Portland ME 04103

Re: Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue.

Dear Ryan Carey,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 3, 2019 at 5:30 p.m.**, for the review of application for a Qualified Caterer at 1035 Ocean 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 Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 3, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Pizza Pie on the Fly LLC dba Fire & Company. Application for a Qualified Caterer at 1035 Ocean Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 13, 2019

SUBJECT: Order 256-18/19 Granting Municipal Officers' Approval of Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant.
Application for a Class III & IV FSE at 269 St. John Street - 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

Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street.

Application was filed on 4/24/2019. New City and State Applications. New owners 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. 20190513115509586

2. Huong's Vietnamese

Prepared by:

Date: 5/13/2019

City of Portland Maine

Mr. Ethan Strimling, Mayor

04/17/2019

Dear Mr. Mayor;

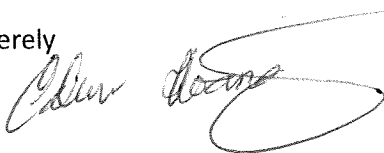
This is my letter of intent to purchase and continue the restaurant operations at Houngs Vietnamese Restaurant located at 267 St. John Street in Portland Maine.

This restaurant is currently in operation under owner Huong T. Le. I, Calvin Ho, am purchasing the business and will continue its present operations. No remodels or changes will be made. Basically, change of ownership.

Date to change ownership will be July 1, 2019.

Thank you for taking the time to review my request. I look forward to providing excellent food and customer service to all customers and tourists that come to Huongs Vietnamese Restaurant.

Sincerely

A handwritten signature in black ink, appearing to read "Calvin Ho", with a large, stylized flourish at the end.

Mr. Calvin Ho

207-602-8784



Permitting and Inspections Department

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Huong's Vietnamese Restaurant Phone: 207 775-2344
Location Address:	267 St. John Street Portland Maine 04102 Zip:
If new, what was formerly at this location:	269 - Assestors
Mailing Address:	267 St John Street Portland Maine Zip: 04102
Contact Person:	Calvin Ho Phone: 207 602-8784
Contact Person Email:	
Manager of Establishment:	Calvin Ho Date of Birth: 2/15/1973 Phone: 207 602-8786
Owner of Premises (Landlord):	PHUONG TRANG, LLC
Address of Premises Owner:	2455 SEDGWICK AVE #2K Zip: 10468 BRONX, NY

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

Name of Owner(s)	Date of Birth	Residence Address
CALVIN HO		214 LANE AVE PORTLAND ME 04103

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

Corporate Name		Corporate Mailing Address	
Huong's Vietnamese Restaurant, LLC		267 St. John Street Portland Me 04102 Zip:	
Contact Person:	Calvin Ho	Phone:	207 602 8784
Principal Officers	Title	Date of Birth	Residence Address
N/A			
Calvin Ho	Owner	2/15/1973	214 Lane Ave Portland

About Your Establishment

Class of Liquor License:	Class III + Class IV		
Type of food served:	Asian/Vietnamese Cuisine		
Please circle all that will be served:	Beer	<u>Wine</u>	Liquor
Projected percentage of sales:	Generated from Food: 95%	Generated from Alcohol: 5%	
Hours & days of operation:	M-Sun 10A-9p		

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	<u>Y</u>
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	<u>Y</u>
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	<u>Y</u>
Will you permit dancing on the premises?	<u>Y</u>
Will you permit dancing after 1:00 a.m.?	<u>Y</u>
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	<u>Y</u>
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)?	<u>Y</u>
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? <u>Currently Operating, New Ownership effective 7/1/2019</u>	<u>Y</u>
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	<u>Y</u>
If Yes, please list business name(s) and location(s):	
<u>Maine Temps Services Portland 249 St. John Street</u>	<u>Y</u>
Is any principal officer under the age of 21?	<u>Y</u>
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	<u>Y</u>
If Yes, please explain:	

I, Calvin Ho 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 Calvin Ho Title Owner Date 4/18/19

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

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND 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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 7/1/2019

Requested inspection (New Licensees/ Ownership Changes Only) Date: 6/5/19 Business hours: M-Sun 10A-9p

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: <u>Huong's Vietnamese Restaurant</u>		Business Name (D/B/A)	
APPLICANT(S) (Sole Proprietor) <u>Calvin Ho</u>		Physical Location: <u>267 St. John Street</u>	
DOB: <u>2/15/1973</u>		City/Town State Zip Code <u>Portland Me 04102</u>	
Address <u>214 Lane Avenue</u>		Mailing Address <u>Same</u>	
City/Town State Zip Code <u>Portland ME 04103</u>		City/Town State Zip Code	
Telephone Number <u>207 602-8784</u>		Business Telephone Number <u>207 775 2344</u>	
Fax Number <u>207 775 3833</u>		Fax Number <u>207 775 5833</u>	
Federal I.D. #		Seller Certificate #: or Sales Tax #:	
Email Address: Please Print <u>huongrestaurantportland@gmail.com</u>		Website:	

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ _____ LIQUOR \$ _____
- 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.
- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____

Physical Location _____ City / Town _____

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

7. Business records are located at: 267 St. John Street Portland Me 04107

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
Calvin Hoang Ho	2/15/73	Vietnam

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: <u>214 Lane Avenue</u>	City: <u>Portland</u>	State: <u>ME</u>
Name: _____	City: _____	State: _____
Name: _____	City: _____	State: _____

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

Name: N/A Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

Phuong Trang 2455 Sedgewick Avenue #2K Bronx NY 10468

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

See Attached Diagram

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

YES ☐ NO ☐ Applied for: _____

18. 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? .9 Miles

Which of the above is nearest? Reiche School

19. 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 on April 23, 2019
Town/City, State Date

Calvin Hoang
Signature of Applicant or Corporate Officer(s)
Ho, Calvin
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be <u>included</u> on all applications).....	\$ 10.00
Class I Spirituous, 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 Spirituous, 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 Spirituous 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 III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: 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 V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, 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.



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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.

- Exact legal name: Huongs Vietnamese Restaurant, LLC
- Doing Business As, if any: _____
- Date of filing with Secretary of State: 4/3/19 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- 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 %
Calvin Ho.	214 Lane Ave. Portland Me	2/15/73	Owner	100

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

- If Co-Op # of members: _____ (list primary officers in the above boxes)

7. 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

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

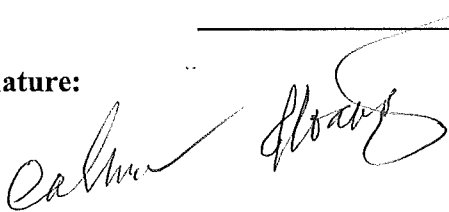
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Owner or Corporate Officer

4/23/19
Date

Ho, Calvin.
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

KITCHEN

267 St John Street
Portland Me 04102

DOOR

BATHROOM
LADIES

BATHROOM
MEN

COUNTER

CHAIR CHAIR

TABLE

CHAIR CHAIR

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KICHEN

Huong's Vietnamese Restaurant
260 267 St. John Street
Portland ME 04102

DOOR

BATHROOM
LADIES

BATHROOM
MEN

COUNTER

CHAIR CHAIR

TABLE

CHAIR CHAIR

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TABLE

CHAIR CHAIR

WALL

ENTREE

OO



Huong's

VIETNAMESE RESTAURANT

BUSINESS HOURS

MONDAY - SUNDAY 10 AM - 9PM

Before placing your order, please inform your server
if a person in your party has a food allergy

Consuming raw or undercooked meat, poultry,
seafood, shellfish, or eggs may increase your risk
of foodborne illnesses.

Appetizers - Món Khẩu Vị

A 01. Fresh Vegetarian Spring Rolls \$3.95

Chả giò chay

A 02. Fresh Spring Rolls (SH / CH / PK) \$5.95

Chả giò (Shrimp / Chicken / Pork)

A 03. Shredded Pork Spring Rolls \$5.95

Chả giò thịt heo

A 04. Vegetable Egg Rolls \$4.95

Chả giò rau củ

A 05. Pork Egg Rolls \$5.95

Chả giò thịt heo

A 06. Crispy Chicken Wings \$5.95

Chicken wings giòn

A 07. Pork Dumplings \$5.95

Chả giò thịt heo (5)

A 08. Wonton Soup with Pork & Shrimp (5) \$5.95

A 09. Beef Teriyaki \$5.95

Thịt bò sốt

A 10. Chicken Teriyaki \$5.95

Thịt gà sốt

A 11. Tofu Triangles \$5.95

Chả giò đậu hũ

A 12. Cream Cheese Rangoons \$5.95

Chả giò phô mai

Special Salads - Xà Lách

X 01. Rare Beef Salad

Bò Tai Chanh

\$17.95

X 02. Chicken Salad

Gỏi Gà

\$16.95

X 03. Grilled Shrimp

Tôm Nướng

\$17.95

X 04. Hường Vietnamese Shaking Beef \$16.95

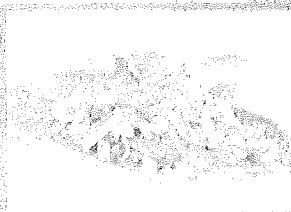
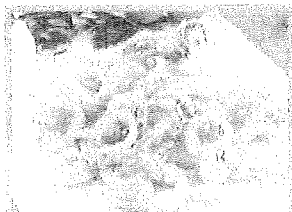
Bò Lạc Lắc

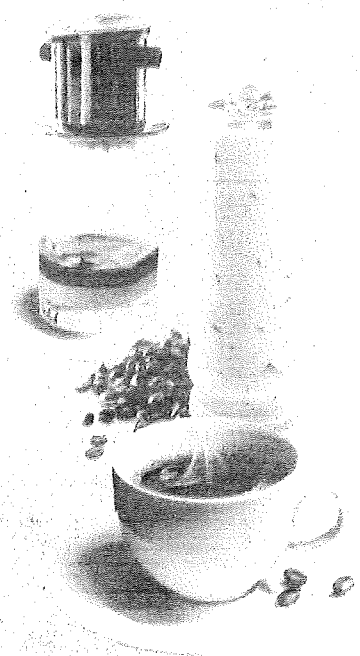
X 05. Salted Fried Shrimp *Tôm Rang Muối* \$17.95

X 06. Mango Salad with Dried Shrimp \$16.95

Gỏi salad Tôm Hấp

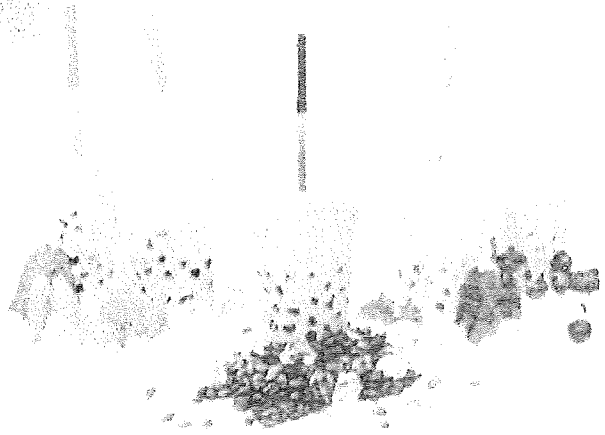
X 07. Fried Squid *Mực Chìu* \$16.95





D01. Soda Cans		\$1.00
D02. Vietnamese Lemonade		\$3.00
D03. Salty Lemonade		\$3.00
D04. Black Hot Coffee		\$2.50
D05. Black Iced Coffee		\$3.00
D06. Sweetened Hot Coffee		\$3.00
D07. Sweetened Iced Coffee		\$3.50
D08. Egg Soda		\$4.00
D09. Iced Tea With Lime		\$3.50
D10. Vietnamese Shaved Ice With Flavored Syrup		\$3.00

Fruit Smoothies With Bubble Tea



S01. Avocado		\$4.50
S02. Strawberry		\$4.50
S03. Durian		\$4.50
S04. Jack Fruit		\$4.00
S05. Banana		\$4.00
S06. Sour Sop		\$4.50
S07. Coffee		\$4.00

BEER - BIA



Budweiser	\$3.00
Bud Light	\$3.00
Heineken	\$3.50
Tiger	\$4.00



Chardonnay	\$4.00
Pinot Grigio	\$4.00
Sauvignon Blanc	\$4.00
White Zinfandel	\$4.00
Merlot	\$4.00
Pinot Noir	\$4.00
Cabernet Sauvignon	\$4.00

WINE



Vietnamese Beef Noodle Soup

Phở



- P 01. Extra Large House Pho with Rare Steak, \$11.95**
Meatball, Well-Done Flank, Tendon and Tripe

Phở Xe Lửa

- P 02. Large House Pho with Rare Steak, \$9.95**
Meatball, Well-Done Flank, Tendon and Tripe

Phở Đặc Biệt

- P 03. Pho with Rare Steak \$8.95**

Phở Tái

- P 04. Pho with Meatball \$8.95**

Phở Bò Viên

- P 05. Pho with Rare Steak and Meatball \$8.95**

Phở Tái Bò Viên

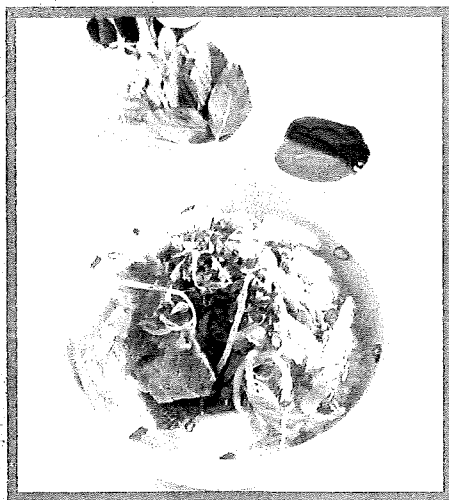
- P 06. Pho with Rare Steak and Well-Done Flank \$8.95**

Phở Tái Nạm

- P 07. Pho with White Meat Chicken \$8.95**

Phở Gà

Egg Noodle Soup - Hủ Tiếu Mì



- M 01. Egg Noodle Soup with Pork \$8.95**

Hủ Tiếu Mì Heo

- M 02 Egg Noodle Soup with Chicken \$8.95**

Hủ Tiếu Mì Gà

- M 03. Egg Noodle Soup with Seafood \$10.95**

Hủ Tiếu Mì Đồ Biển

- M 04. Round Rice Noodle Soup with Pork and Shrimp \$10.95**

Bánh Canh Tôm Heo

- M 05. Clear Noodle Soup with Seafood and Quail Egg \$10.95**

Hủ Tiếu Nam Vang

Fresh Vermicelli Noodle Bowl

Bún



B 01. Vermicelli Egg Rolls \$8.95

Bún Chả Giò

B 02. Vermicelli Egg Roll and Shredded Pork \$9.95

Bún Chả Giò Bì

B 03. Vermicelli House Special \$10.95

Bún Đặc Biệt

B 04. Vermicelli Grilled Beef \$10.95

Bún Thịt Bò

B 05. Vermicelli Grilled Shrimp \$10.95

Bún Tôm



Rice Combo - Cơm

(Served with Chicken Broth Soup)

C 01. Pork Chop \$8.95

Cơm Sườn Nướng

C 02. Pork Chop and Shredded Pork \$10.95

Cơm Sườn Bì

C 03. Pork Chop and Egg Meatloaf \$10.95

Cơm Sườn Chả

C 04. Pork Chop Combination \$11.95

Cơm Sườn Bì Chả

Fried Rice - Cơm Chiên



C 05. Vegetable or Tofu \$9.95

Rau / Đậu Hũ

C 06. Chicken / Beef / Pork \$10.95

Gà / Bò / Heo

C 07. Shrimp / Calamari \$11.95

Tôm / Mực

C 08. House Combination \$11.95

Thập Cẩm

Soft Lo Mein - Mì Xào Mềm

M 06. Vegetable or Tofu \$9.95

Rau / Đậu Hũ

M 07. Chicken / Beef / Pork \$10.95

Gà / Bò / Heo

M 08. Shrimp / Calamari \$11.95

Tôm / Mực

M 09. House Combination \$11.95

Thập Cẩm

Crispy Lo Mein - Mì Xào Dòn

M 10. Vegetable or Tofu \$9.95

Rau / Đậu Hũ

M 11. Chicken / Beef / Pork \$10.95

Gà / Bò / Heo

M 12. Shrimp / Calamari \$11.95

Tôm / Mực

M 13. House Combination \$11.95

Thập Cẩm

Rice Noodle Stir Fry - Hủ Tiếu Xào

M 14. Vegetable or Tofu \$9.95

Rau / Đậu Hũ

M 15. Chicken / Beef / Pork \$10.95

Gà / Bò / Heo

M 16. Shrimp / Calamari \$11.95

Tôm / Mực

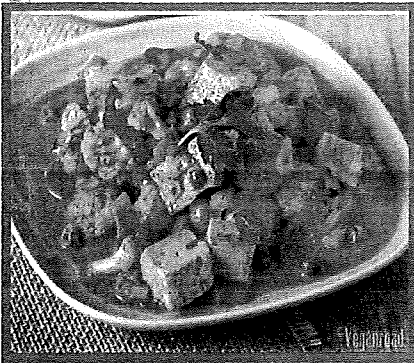
M 17. House Combination \$11.95

Thập Cẩm



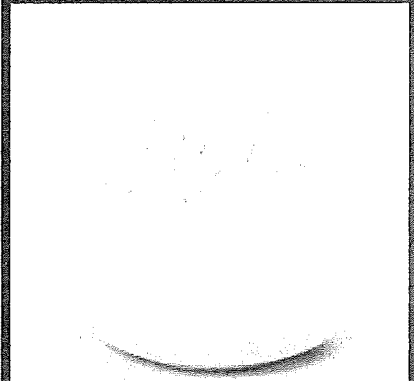
Curry Stir Fry Served With Rice

Cơm Cà Ri



- | | |
|------------------------------------|---------------|
| C 09. Vegetable or Tofu | \$8.95 |
| Rau / Đậu Hủ | |
| C 10. Chicken / Beef / Pork | \$8.95 |
| Gà / Bò / Heo | |
| C 11. Shrimp / Calamari | \$9.95 |
| Tôm / Mực | |
| C 12. House Combination | \$9.95 |
| Thập Cẩm | |

Sides

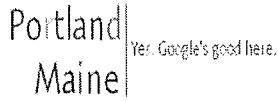


White Rice **\$2.00**
Cơm



Steamed / Fried Vegetables **\$3.00**
Rau Hấp / Rau Chiên

Noodles **\$2.00**
Bánh Phở / Mì / Bún



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Huong's Vietnamese Restaurant

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Wed, Apr 24, 2019 at 11:30 AM

Pd has no objections. Ng

On Wed, Apr 24, 2019 at 11:22 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a change of ownership for a Class III & IV. This will go before council

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

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department

May 14, 2019

Huong's Vietnamese Restaurant
267 St John Street
Portland ME 04102

**Re: Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant.
Application for a Class III & IV FSE at 269 St. John Street.**

Dear Calvin Ho,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 3, 2019 at 5:30 p.m.**, for the review of application for a Class III & IV FSE at 269 St. John Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 3, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Huong's Vietnamese Restaurant, LLC dba Huong's Vietnamese Restaurant. Application for a Class III & IV FSE at 269 St. John Street. 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 M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

**Huong’s Vietnamese Restaurant, LLC dba Huong’s Vietnamese Restaurant. Application
for a Class III & IV FSE at 269 St. John Street.**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 13, 2019

SUBJECT: Order 257-18/19 Granting Municipal Officers' Approval of LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street - 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

LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street.

Application was filed on 4/17/2019. New City and State Applications. New owners 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. LFK
2. 20190513120015090

Prepared by:

Date: 5/13/2019

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)
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PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street.

LFK Portland
188 A State St.
P.O. Box 5093
Portland, ME 04101

April 11, 2019

Mayor of Portland
City of Portland Council Members
389 Congress St.
Portland, ME 04101

Dear Sir and Council Members:

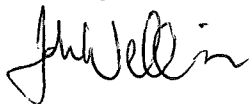
LFK will celebrate seven years of successful business in Portland, Maine, this coming May 12.

Last June, I joined my son John Welliver as 20-percent co-owner of LFK Portland. Because the ownership of the business has changed from a sole proprietorship to a father-son co-ownership business, we have been informed that we need to re-apply to the city for our licensing.

We have included with this letter of intent the required application and application fees, and we will be present at the June 3 Council Meeting.

Please let us know if there is anything else we should provide.

Sincerely,



John Welliver
Robert Lawson

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	LFK Phone: 207-899-3277
Location Address:	188 A State St., Portland, ME Zip: 04101
If new, what was formerly at this location:	
Mailing Address:	PO Box 5093, Portland, ME Zip: 04101
Contact Person:	Robert Lawson Phone: 802-579-8585
Contact Person Email:	RobertFentonLawson@gmail.com
Manager of Establishment:	Brandon Adams Date of Birth: 12-30-81 Phone: 207-523-0234
Owner of Premises (Landlord):	Port Property Management
Address of Premises Owner:	104 Grant St., Portland, ME Zip: 04101

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
LFK Portland, LLC		PO Box 5093, Portland, ME Zip: 04101	
Contact Person:	Robert Lawson	Phone:	802-579-8585
Principal Officers	Title	Date of Birth	Residence Address
John Welliver	Co-Owner	7-21-81	667 Congress St., #202, Portland, ME 04101
Robert Lawson	Co-Owner	11-16-48	PO Box 543, Rockport, ME 04856

About Your Establishment

Class of Liquor License:	<u>Restaurant/Lounge (Class XI) Class I FSE</u>		
Type of food served:	<u>American Pub Food</u>		
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>		
Projected percentage of sales:	Generated from Food: <u>\$140,000</u>	Generated from Alcohol: <u>\$560,000</u>	
Hours & days of operation:	<u>5pm - 1am M-Sun. / 10am - 2pm Sun.</u>		

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y ☒ N
If No, please explain: <u>Kitchen hours 5-11pm M-Sun. / 10am - 2pm Sun.</u>	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y ☒ N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y ☒ N
Will you permit dancing on the premises?	Y ☒ N
Will you permit dancing after 1:00 a.m.?	Y ☒ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y ☒ N
If yes, will the outside dining be on <u>PUBLIC</u> 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?	
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): <u>Lfk 188 A State St. (Same location for 7 years)</u>	
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 Robert Lawson 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 Robert Lawson Title Co-owner Date 4-11-19

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

Portland, Maine



Yes. Life's good here.

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

Outdoor Dining Permit on Public Property Supplemental Application

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

☐ Legal Advertisement Deposit \$100.00	(9'x15')
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>135</u> SF = <u>\$270</u>	
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____	

Business Information	
Business Name (d/b/a):	LFK PORTLAND, LLC Phone: 207-899-3277
Location Address:	188 A state st., Portland, ME Zip: 04101
Mailing Address:	PO Box 5093, Portland, ME Zip: 04101
Contact Person:	John Welliver Phone: 207-449-6072
Contact Person Email:	welliverj@gmail.com
Manager of Establishment:	Brandon Adams Date of Birth: 12-30-81 Phone: 207-523-0234
Owner of Premises (Landlord):	Port Property Management
Address of Premises Owner:	104 Grant St., Portland, ME Zip: 04101

Owner Information

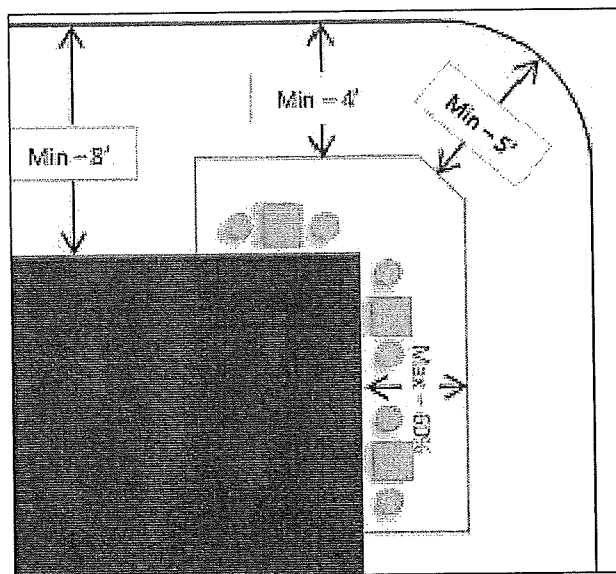
Corporate Name		Corporate Mailing Address	
LFK Portland, LLC		PO Box 5093, Portland, ME Zip: 04101	
Contact Person:	John Welliver	Phone:	207-449-6072
Principal Officers	Title	Date of Birth	Residence Address
John Welliver	Co-Owner	7-21-81	667 Congress St. #202, Portland, ME 04107
Robert Lawson	Co-Owner	11-16-48	PO Box 543, Rockport, ME 04856

About Your Establishment

Class of License:	Restaurant/Lounge (XI Class) CLASS I FSE
Type of food served:	American Pub Food
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	5pm-1am M-Sun. / 10am-2pm Sun.
Number of Tables	3
Number of Chairs	4 chairs - 2 benches

Design and Construction

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

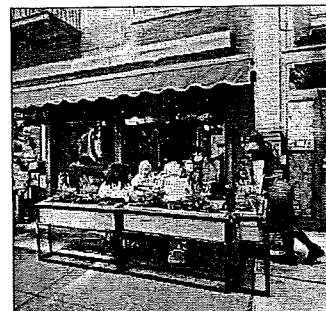
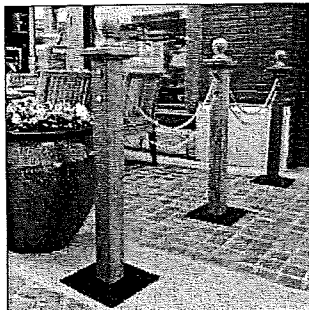
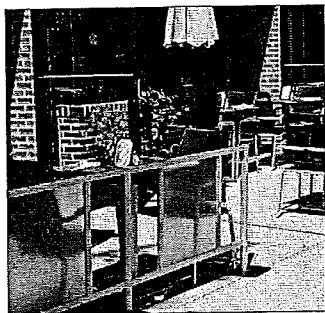


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

Example barrier types that meet regulation



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.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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

Signature  Title Co-owner Date 4-11-19

For Administrative Use Only

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

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND 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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: 5/3/2019

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: 6/1/18

Requested inspection (New Licensees/ Ownership Changes Only) Date: _____ Business hours: _____

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: <u>LFK Portland, LLC</u>		Business Name (D/B/A) <u>LFK</u>	
APPLICANT(S) –(Sole Proprietor) <u>John Welliver</u>		Physical Location: <u>188 A State St.</u>	
DOB: <u>7/21/81</u>		City/Town State Zip Code <u>Portland, ME 04101</u>	
Address <u>667 Congress St.</u>		Mailing Address <u>PO BOX 5093</u>	
City/Town State Zip Code <u>Portland, ME 04101</u>		City/Town State Zip Code <u>Portland, ME 04101</u>	
Telephone Number Fax Number <u>207-449-6072</u>		Business Telephone Number Fax Number <u>207-899-3277</u>	
Federal I.D. # <u>EIN 81-2946746</u>		Seller Certificate #: or (Sales Tax #): <u>004-82-1378</u>	
Email Address: Please Print <u>LFKisfun@gmail.com</u>		Website: <u>N/A</u>	

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
2. State amount of gross income from period of last license: ROOMS \$ FOOD \$ 140,000 LIQUOR \$ 570,000
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 permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # _____ Name of Business _____

Physical Location _____

City / Town _____

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

7. Business records are located at: LFK 188A State St

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
John Welliver	7/21/81	MAINE
Robert Lawson	11/16/48	Ohio
Brandon Adams	12/30/81	Maine

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: <u>John Welliver</u>	City: <u>Portland</u>	State: <u>ME</u>
Name: <u>Robert Lawson</u>	City: <u>Rockport</u>	State: <u>ME</u>
Name: <u>Brandon Adams</u>	City: <u>Portland</u>	State: <u>ME</u>

12. 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)

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

Port Property Management, 104 Grant St., Portland, ME 04101

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

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

YES ☒ NO ☐ Applied for: _____

18. 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? .5 mile

Which of the above is nearest? School

19. 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 4/11, 20 19
Town/City, State Date

[Signature]
Signature of Applicant or Corporate Officer(s)
John Wellner
Print Name

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)
Robert Lawson
Print Name

FEE SCHEDULE

FILING FEE: (must be <u>included</u> on all applications)	\$ 10.00
Class I Spirituous, 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 Spirituous, 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 Spirituous 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 III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: 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 V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, 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.**



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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.

- Exact legal name: LFK Portland, LLC
- Doing Business As, if any: LFK
- Date of filing with Secretary of State: 6/3/16 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
- 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 %
John Welliver	667 Congress St. #202 Portland, ME 04101	7/21/81	Co-Owner	80
Robert Lawson	PO BOX 543 Rockport, ME 04856	11/16/48	Co-Owner	20

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

- If Co-Op # of members: _____ (list primary officers in the above boxes)

7. 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

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

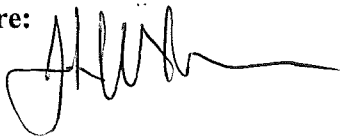
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



John Welliver
Signature of Owner or Corporate Officer

4-11-19
Date

Robert Lawson
Print Name of Owner or Corporate Officer
Robert Lawson

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

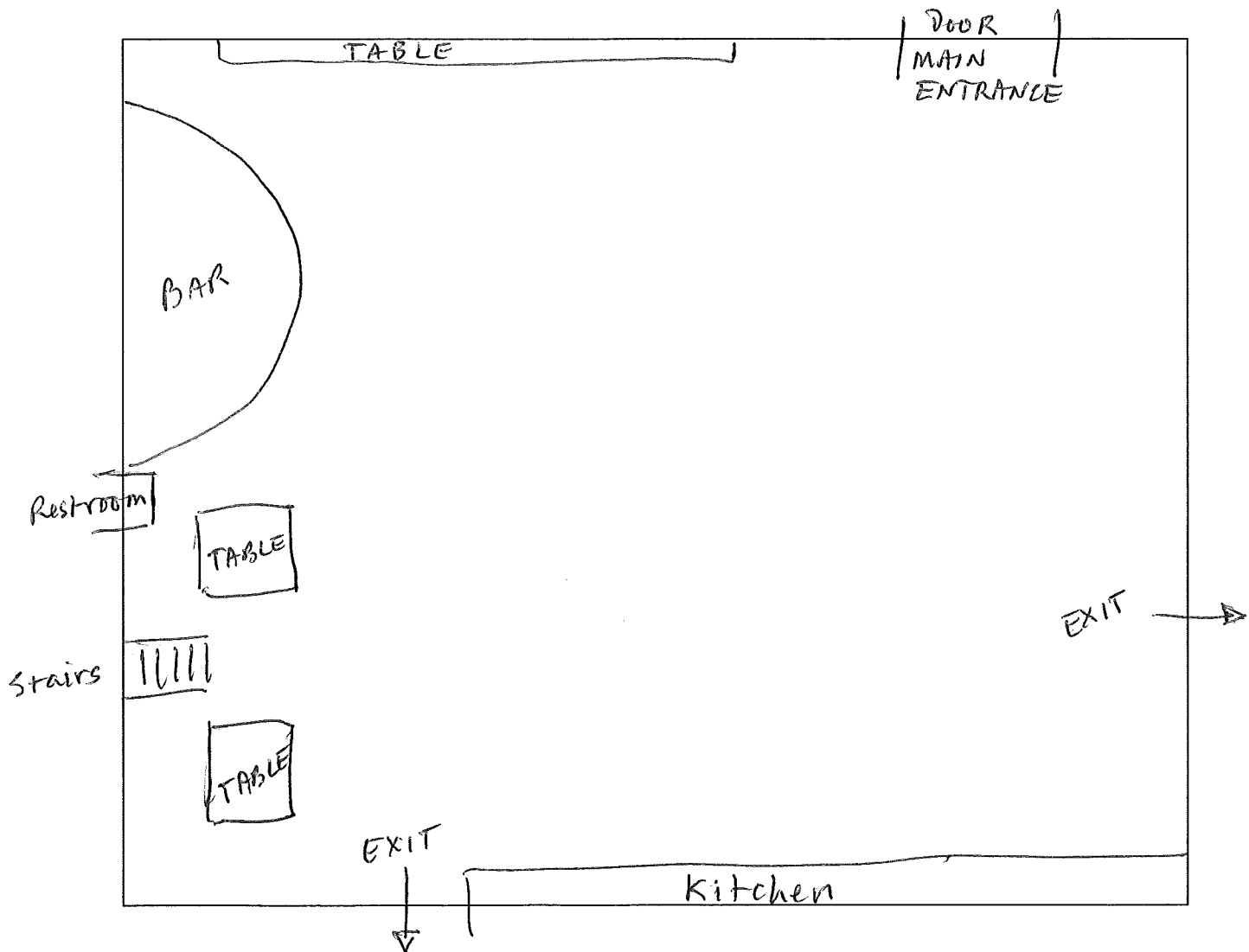
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@maine.gov

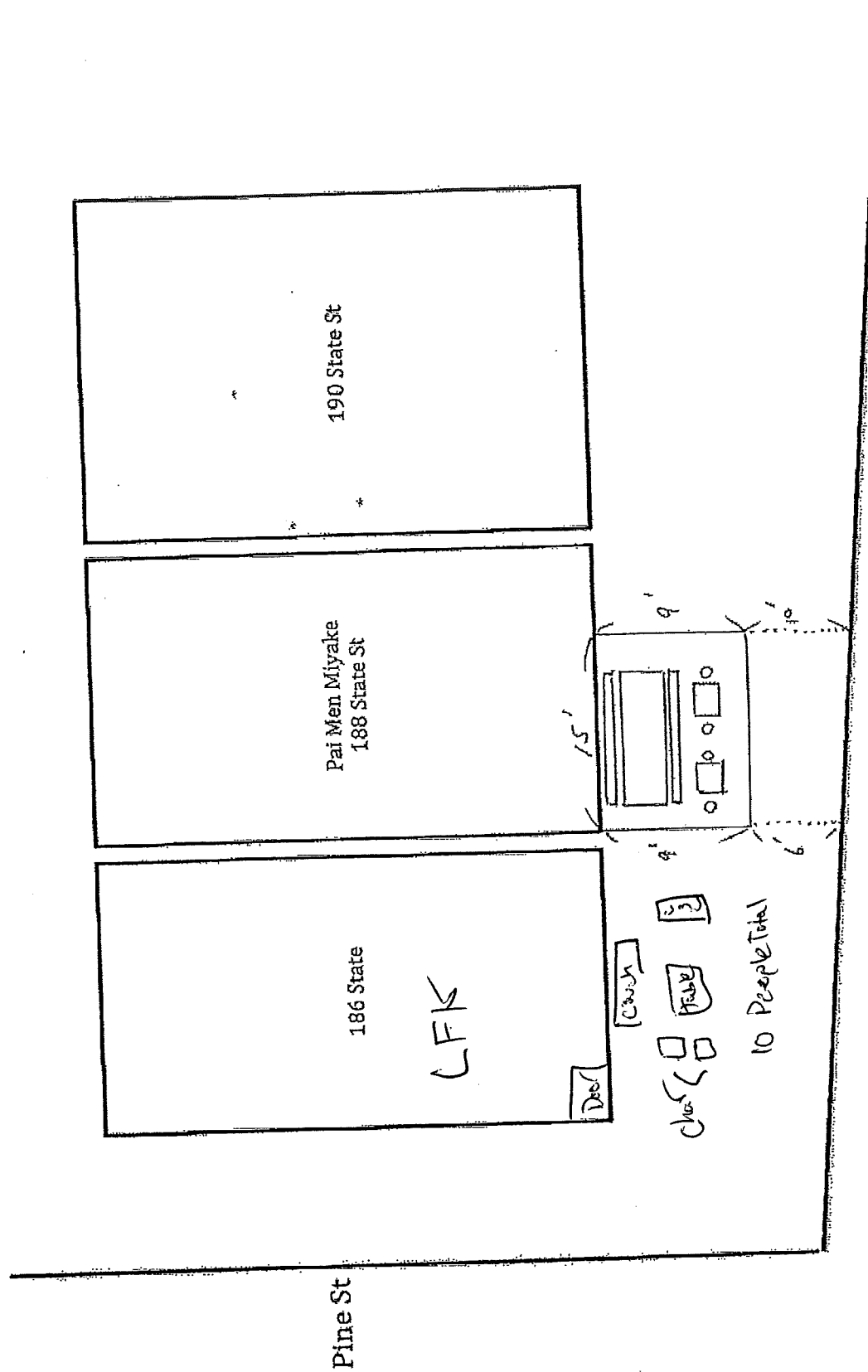


ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

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.





State St

Area size: $9' \times 15' = 135 \text{ sq ft}$

Comments: 1 long table with 2 benches and 2 small tables with 4 chairs

KITCHEN HOURS: 5PM-11PM AND SUNDAY BRUNCH 10AM-2PM

The Devil's Eggs \$6

2 hardboiled eggs, deviled to order

Fries \$5

pick a sauce!

truffle ketchup/gochujang ketchup/
curried ketchup/sriracha ranch/garlic mayo

Soup of the day \$5/\$7

cup/bowl

Vegetarian Chili \$5/\$7

cup/bowl - with sour cream

Poutine on the Ritz \$9

french fries, chicken gravy,
cheese curds
add chicken \$2

Hummus Plate \$9

pita/feta/kalamata olives

Garden Salad \$7

fresh greens and veggies
sherry vinaigrette-or-blue cheese
add chicken \$2

LFK's Nachos \$10

tortilla chips topped with
cheddar/bacon/pickled jalapenos
sides of salsa/sour cream
add veggie chili \$2 add BBQ chicken \$2

Roommate's Breakfast \$6

Rosemont english muffin/fried egg/
cheddar cheese/bacon
add fries \$2

Reuben \$11

house braised corned beef/marble rye/
russian dressing/morse's kraut/swiss/
add fries \$2

Vegan Burrito \$9

tofu/vegan chili/ seasonal veggies
add fries \$2

I Wanna Be Your Gyro \$10

pita wrap/shaved lamb/
let/tom/onion/tzatziki
add fries \$2

I Falafel \$9

pita wrap/housemade falafel balls/
let/tom/onion/tzatziki
add fries \$2

Mr. Chicken \$8

fried chicken/bacon/sriracha ranch/
red onion/romaine
add fries \$2

Homemade Cannoli \$4

chocolate sauce/chocolate chips

consuming raw or undercooked food
may increase your risk of foodborne illness

LFK'S SIGNATURE BURGERS

all burgers served on a brioche bun
comes with chips and Morse pickles
add fried egg \$1.00
sub a side of fries for \$2.00
substitute a veggie patty for free!

Classic LFK \$11

greens/tom/onion/garlic mayo

LFK'S Vegan Burger \$11

greens/tom/onion/dill tahini (contains cashews)

G.O.A.T Cheese Burger \$12

goat cheese/pesto/wild mushrooms

Baked Brie Burger \$12

greens/tom/caramelized onions/garlic mayo/brie

LFK'S HAND-TOSSED PIZZAS

Housemade 14" fresh dough pies made to order

Margarit Rita \$14

garlic oil/mozzarella/roma tomatoes/fresh basil

Cluck be a Lady \$15

sriracha ranch/BBQ chicken/bacon/
red onion/scallion

Besto Pesto \$15

house made pesto/chicken/artichoke/feta

You Want a Pizza Me? \$16

house red sauce/italian sausage/pepperoni/
olives/green peppers/onions/mushrooms

The Jacie Penny \$16

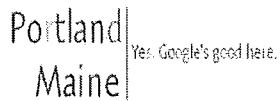
house red sauce/vegan cheese/roma tomatoes/
kale/red onion/mushrooms

We Built This Pizza \$11

Sauce: house red/house pesto/
garlic oil/BBQ/Sriracha ranch

Toppings \$1.50

italian sausage/pepperoni/
chicken/BBQ chicken/
artichoke/red onion/
green peppers/red peppers/
jalapenos/roma tomatoes/
kale/fresh basil/black olives
feta/vegan cheese(\$3)



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: LFK

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Mon, Apr 22, 2019 at 4:51 PM

PD has no issues with this.
NG

On Mon, Apr 22, 2019 at 11:00 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached. This is a change of ownership and will go before council on 6/3. Please advise.

Jess

Jessica Blais Hanscombe

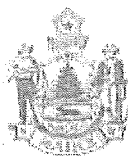
Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov



JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-04-22) :

Inquiries Name(s) JOHN WELLIVER (1981-07-21)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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 #: MIQ99D949670

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-04-22) :

Inquiries Name(s) ROBERT LAWSON (1948-11-16)

NO MATCH WAS FOUND FOR YOUR REQUEST.



Permitting and Inspections Department

May 14, 2019

LFK
PO Box 5093
Portland ME 04101

Re: LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street.

Dear John Welliver

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 3, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 3, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., LFK Portland, LLC dba LFK. Application for a Class I FSE with Outdoor Dining on Public Property at 188 State Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 13, 2019

SUBJECT: **Order 258-18/19 Granting Municipal Officers' Approval of Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 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

Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue.

Application was filed on 4/22/2019. New City and State Applications. Applicant currently holds a Class I FSE with Entertainment without Dance.

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. 20190513122035301
2. Maiz Outdoor

Prepared by:

Date: 5/13/2019

Martha Leonard
Niky Dwin
Watler

621 Forest Ave.
Portland ME
04101

City of
Portland,

This letter is to clarify the intent of MAIZ LLC to open a second location at 621 Forest Ave. that will serve beer, wine and a limited menu for mixed drinks. The small food venue of approximately 1,200 square feet will include a kitchen and a counter-service restaurant with partial bar. Hours of operation will be from 3pm to 10pm six days a week, and the kitchen will be open for the entire time that the bar is serving. The bar will serve a small selection of wines and beers, as well as 5-10 rum based mixed drinks. The alcoholic beverages will align with traditional drinks served on the caribbean coast of South America. Our bar staff will be fully trained through TIPS.

Please do not hesitate to contact us with any additional questions or concerns. Best, Martha Leonard Niky Dwin Watler

MAIZ LLC 207-400-2881
maiz.portland@gmail.com

Portland, Maine



Yes. Life's good here.

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

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

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

- ☐ Legal Advertisement Deposit \$100.00
- ☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X 144SF = 328
- ☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____SF = _____

Business Information			
Business Name (d/b/a):	Maiz LLC	Phone:	2074059485
Location Address:	621 Forest Ave Portland ME	Zip:	04101
Mailing Address:	621 Forest Ave Portland ME	Zip:	04101
Contact Person:	Martha Leonard	Phone:	2074059485
Contact Person Email:	maiz.portland@gmail.com		
Manager of Establishment:	Martha Leonard	Date of Birth:	9/23/1985
		Phone:	2074059485
Owner of Premises (Landlord):	MCK Properties		
Address of Premises Owner:	PO box 10841 PORTLAND ME	Zip:	04104

Owner Information

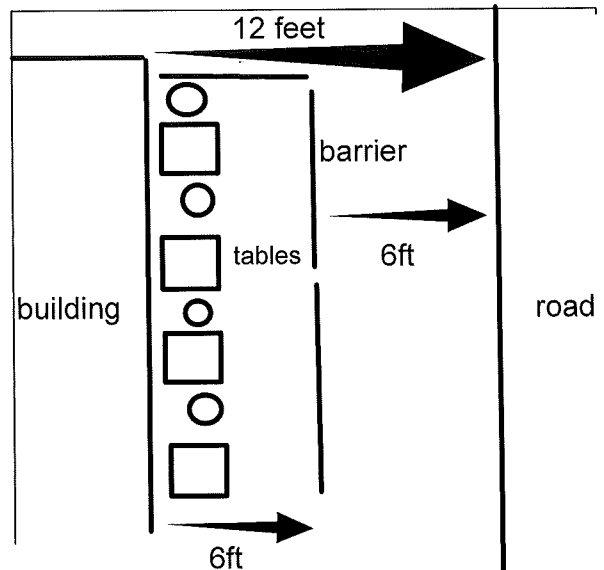
Corporate Name		Corporate Mailing Address	
MAIZ LLC		SEE ABOVE	
Contact Person:	Martha Leonard	Phone:	207-405-9485
Principal Officers	Title	Date of Birth	Residence Address
Martha Leonard	owner	9/23/1985	15 Merrill St. apt. 2 Portland ME 04101
Niky Watler	owner	1/26/1985	same as above

About Your Establishment

Class of License:	liquor class A #11697, FSE: LL-001002-2018
Type of food served:	FAST CASUAL - COLOMBIAN
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒
Hours & days of operation:	Tuesday - Saturday 11am-9pm, Sunday 11am - 6pm, Monday CLOSED
Number of Tables	Inside - 8, outside (proposed)
Number of Chairs	Inside - 28, outside (proposed) - 8

Design and Construction

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

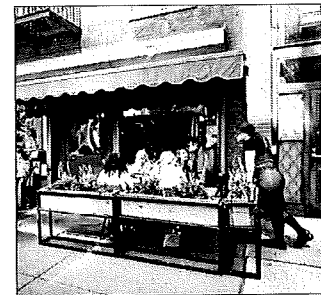
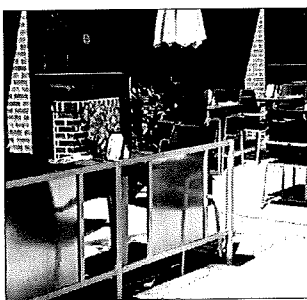


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

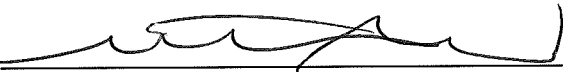
Example barrier types that meet regulation



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.
- The permit holder is responsible for keeping the outdoor seating area clean.
- No food shall be prepared in the designated outdoor dining area.
- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Request for the use of adjacent on street parking space for outdoor dining installations requires Parking Office and Building Authority review and approval.

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

Signature  Title owner Date 4/22/19

For Administrative Use Only

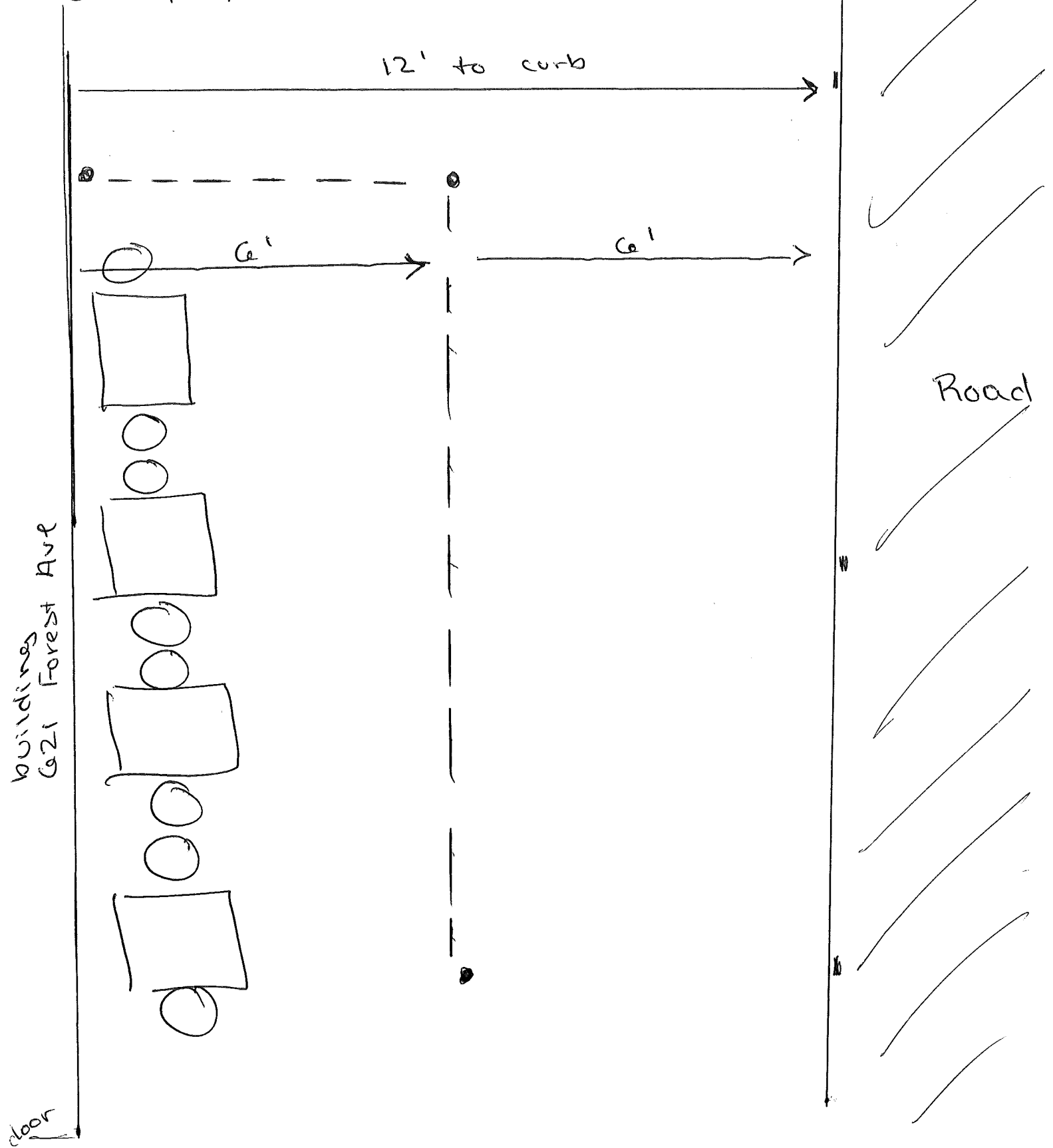
Amount: _____		Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	_____ / _____	_____
CC _____ CA _____ CK _____	Health: _____	_____ / _____	_____
	PD: _____	_____ / _____	_____
Amount: _____	Treasury: _____	_____ / _____	_____
Date Paid: _____	Zoning: _____	_____ / _____	_____
CC _____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

1/2 in = 1 ft

--- = proposed barrier

□ = proposed tables

○ = proposed chairs



MAIZ outdoor dining application

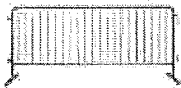
Martha Leonard <maiz.portland@gmail.com>
To: jhanscombe@portlandmaine.gov

Mon, Apr 29, 2019 at 7:39 PM

Jessica,

Please find attached a photo of our proposed barriers as well as a copy of our certificate of insurance. You will note that this insurance plan is before we started selling alcohol, but I just wanted to send it along to get the ball rolling. It has been updated and I am waiting for a final copy of our new plan to be mailed to me and will send it along to you as soon as I get it from Clark.

Thank you!
best,
Martha



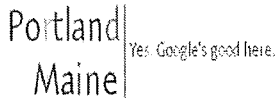
8 Foot Heavy
Duty Steel...
\$88.95

MAIZ LLC

Public Market House
Portland ME



 **Certificate (4).pdf**
24K



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Fwd: Maiz _Outdoor Dining

Jessica Hanscombe <jhanscombe@portlandmaine.gov>
To: Jess Work <jhanscombe@portlandmaine.gov>

Thu, Apr 25, 2019 at 9:43 AM

From: **cstacey** <cstacey@portlandmaine.gov>
Date: Thu, Apr 25, 2019 at 8:07 AM
Subject: Re: Maiz _Outdoor Dining
To: Zoning <zoning@portlandmaine.gov>
Cc: <jhanscombe@portlandmaine.gov>

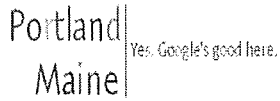
Outdoor dining on public property is allowed as accessory to their already-approved restaurant use and Class I license.
Thanks,
Chris

On Tuesday, April 23, 2019 at 9:30:59 AM UTC-4, Jessica Hanscombe wrote:

Good Morning

Please see the attached application for Outdoor Dining on Public Property Applicant currently has a Class I FSE. This will go before council on 6/3. Please advise. Thanks Jessica

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



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Maiz _Outdoor Dining

Nicholas Goodman <nickg@portlandmaine.gov>

Tue, Apr 23, 2019 at 11:15 AM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Pd has no objection to this. Ng

On Tue, Apr 23, 2019 at 9:30 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Outdoor Dining on Public Property Applicant currently has a Class I FSE. This will go before council on 6/3. Please advise. Thanks Jessica

Jessica Blais Hanscombe

Licensing and Registration Coordinator

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov



Permitting and Inspections Department

May 14, 2019

Maiz LLC
621 Forest Avenue
Portland ME 04101

Re: Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue.

Dear Martha Leonard,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 3, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 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 Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 3, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 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 M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Maiz LLC dba Maiz. Application for a Class I FSE with Entertainment without Dance and Outdoor Dining on Public Property at 621 Forest Avenue.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 13, 2019

SUBJECT: **Order 259-18/19 Granting Municipal Officers' Approval of Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street - 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

Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street.

Application was filed on 4/2/2019. New City and State Applications. Location was previously Federal Spice.

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. Po Boys and Pickles

2. 20190513134929210

Prepared by:

Date: 5/13/2019

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)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

**Sneaker Tree LLC dba Po’ Boys and Pickles. Application for a Class IV FSE with
Outdoor Dining On Private Property at 225 Federal Street.**

Sneaker Tree, LLC

318 Stevens Ave, Apt 2, Portland, ME 04103 • 207.899.1578 • info@poboysandpickles.com

February 13, 2019

Portland City Council
389 Congress St. Suite 208
Portland, ME 04101

Dear Mayor Strimling and Members of the City Council,

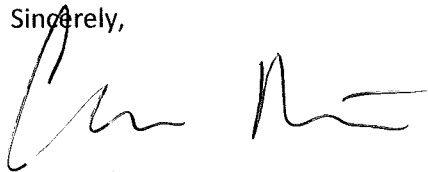
This letter expresses my intention to operate a second location of **Po' Boys and Pickles**; to be located at 225 Federal St. in Portland, ME. This is an established business with a ten-year history at our 1124 Forest Avenue location. I have owned the business since November 2015. My hope is that the Federal St. location will be in operation after successful approval of a Health License and the city food permit.

Please accept this application for a Class IV – Malt Liquor ONLY (Restaurant) liquor license. The documents enclosed with this Letter of Intent are:

- 1) 8 ½" x 11" diagram showing layout of the premises
- 2) City application for food & alcohol
- 3) Copy of Outdoor Dining application
- 4) Menu
- 5) Payment of fees: New Application, Legal Advertisement Deposit, and SBI Background Check

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Bettera', written over a horizontal line.

Christopher Bettera
President/Owner

Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	PO' BOYS AND PICKLES Phone: 207.899.1578
Location Address:	225 FEDERAL SPICE PORTLAND, ME Zip: 04101
If new, what was formerly at this location:	FEDERAL SPICE
Mailing Address:	318 STEVENS AVE APT 2 PORTLAND ME Zip: 04103
Contact Person:	CHRISTOPHER BETTERA Phone: 207.899.4578
Contact Person Email:	INFO @ POBOYS AND PICKLES. COM
Manager of Establishment:	CHRISTOPHER BETTERA Date of Birth: 9/9/77 Phone: 207.899.1578
Owner of Premises (Landlord):	
Address of Premises Owner:	Zip:

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	
SNEAKER TREE, LLC		318 STEVENS AVE APT 2 PORTLAND ME Zip: 04103	
Contact Person:	CHRISTOPHER BETTERA	Phone:	207.899.1578
Principal Officers	Title	Date of Birth	Residence Address
CHRISTOPHER BETTERA	OWNER	9/9/77	318 STEVENS AVE APT 2 PORTLAND ME 04103
SEAN P. DANIS	MEMBER	1/27/82	SAME AS ABOVE

About Your Establishment

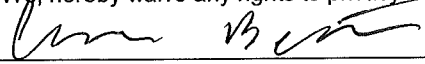
Class of Liquor License:	CLASS IV - MALT LIQUOR		
Type of food served:	NEW ORLEANS STYLE SANDWICHES		
Please circle all that will be served:	☒ Beer ☐ Wine ☐ Liquor		
Projected percentage of sales:	Generated from Food: 95%	Generated from Alcohol: 5% or less	
Hours & days of operation:	M-SUN 10a-8p, FRI-SAT 10a-2a		

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y ☒ N
If No, please explain: ONE CAN CONSUME SANDWICHES W/OUT TABLEWARE. THATS WHY THEY ARE AWESOME!	
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 <u>PUBLIC</u> or <u>PRIVATE</u> 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? APRIL 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):	
PO' BOYS AND PICKLES, 1124 FOREST AVE, PORTLAND, ME 04103	
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 CHRISTOPHER BETTERA do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

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

Signature  Title OWNER Date 2/15/19

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

Portland, Maine



Yes. Life's good here.

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

Outdoor Dining Permit on Private Property Supplemental Application

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

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

Business Information	
Business Name (d/b/a):	Po' Boys + Pickles
Location Address:	225 FEDERAL ST PORTLAND ME 04101
Mailing Address:	318 STEVENS AVE, APT 2, PORTLAND, ME 04103
Contact Person:	CHRISTOPHER BETTERA
Contact Person Email:	INFO@POBOYSANDPICKLES.COM
Manager of Establishment:	CHRISTOPHER BETTERA
Date of Birth:	9/9/77
Owner of Premises (Landlord):	11 TEMPLE MHR, LLC
Address of Premises Owner:	33 SILVER ST, PORTLAND ME 04101

Owner Information

Corporate Name		Corporate Mailing Address	
SNEAKER TREE, LLC		318 STEVENS AVE, APT 2, PORTLAND, ME 04103	
Contact Person:	CHRISTOPHER BETTERA	Phone:	207.899.1578
Principal Officers	Title	Date of Birth	Residence Address
CHRISTOPHER BETTERA	OWNER	9/9/77	318 STEVENS AVE, APT 2, PORTLAND ME 04103
SEAN P. DAN'S	MEMBER	1/27/82	SAME AS ABOVE

About Your Establishment

Class of License:	CLASS IV
Type of food served:	Quick Serve CAFE
Please circle all that will be served:	<u>Beer</u> Wine Liquor
Hours & days of operation:	S-M 10:30-8p TUE-TH 10:30-9p, FRI-SAT 10:30-2am
Number of Tables	3-4
Number of Chairs	12-20

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 Owner Date 4/2/19

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: _____	_____

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND 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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES ☐ NO ☐	

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☒ No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: _____

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)
☐ 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: SNEAKER TREE, LLC			Business Name (D/B/A) PO' BOYS AND PICKLES		
APPLICANT(S) –(Sole Proprietor) CHRISTOPHER BETTERA			Physical Location: 225 FEDERAL ST.		
DOB: 9/9/77			DOB:		
City/Town PORTLAND			State ME		Zip Code 04101
Address 318 STEVENS AVE, APT 2			Mailing Address 318 STEVENS AVE, APT 2		
City/Town PORTLAND		State ME	City/Town PORTLAND		State ME
Zip Code 04103		Zip Code 04103			
Telephone Number 207. 899. 1578		Fax Number		Business Telephone Number Fax Number	
Federal I.D. # 47-5333099			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print INFO @ POBOYS AND PICKLES.COM			Website: WWW.POBOYS AND PICKLES.COM		

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: N/A
- State amount of gross income from period of last license:
 ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- 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.
- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

5. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

PES-2015-5775 PO' BOYS AND PICKLES

License # Name of Business

W2M FOREST AVE

PORTLAND, ME

Physical Location

City / Town

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

7. Business records are located at: 318 STEVENS AVE APT 2 PORTLAND ME 04103

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
CHRISTOPHER BETTERA	9/9/77	HARTFORD, CT
SEAN P. DANIS	1/27/82	
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name:	City:	State:
CHRISTOPHER BETTERA	PORTLAND, ME AND POMONA, CA	
Name:	City:	State:
SEAN P. DANIS	PORTLAND, ME AND POMONA, CA	
Name:	City:	State:

12. 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)

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

QUICK-SERVE RESTAURANT

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

YES ☐ NO ☐ Applied for: _____

18. 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? 400 ft to 0.2 miles

Which of the above is nearest? FIRST PARISH IN PORTLAND

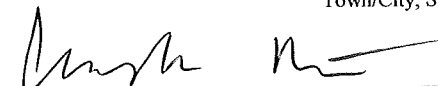
19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: SBA LOAN THROUGH NORWAY SAVINGS.

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 2/13/19, 20 19
Town/City, State Date


Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

CHRISTOPHER BETTERA
Print Name

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 III & IV	Malt & Vinous Only	\$ 440.00
CLASS III & IV: 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 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.		



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

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: SNEAKER TREE, LLC
2. Doing Business As, if any: PO' BOYS AND PICKLES
3. Date of filing with Secretary of State: 9/18/2015 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
CHRISTOPHER BETTORA	318 STEVENS AVE PORTLAND, ME 148 WASHBURN AVE PORTLAND, ME 266 DANFORTH ST, PORTLAND ME 461 W ALVARADO ST POMONA CA	9/9/77	OWNER	90
SEAN P. DANIS	SAME AS ABOVE	1/27/82	MEMBER	10

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

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. 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

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

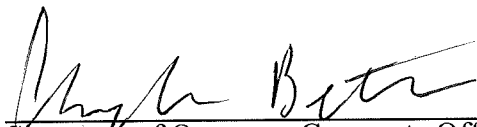
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Owner or Corporate Officer

2/13/19

Date

CHRISTOPHER BETTERA

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)

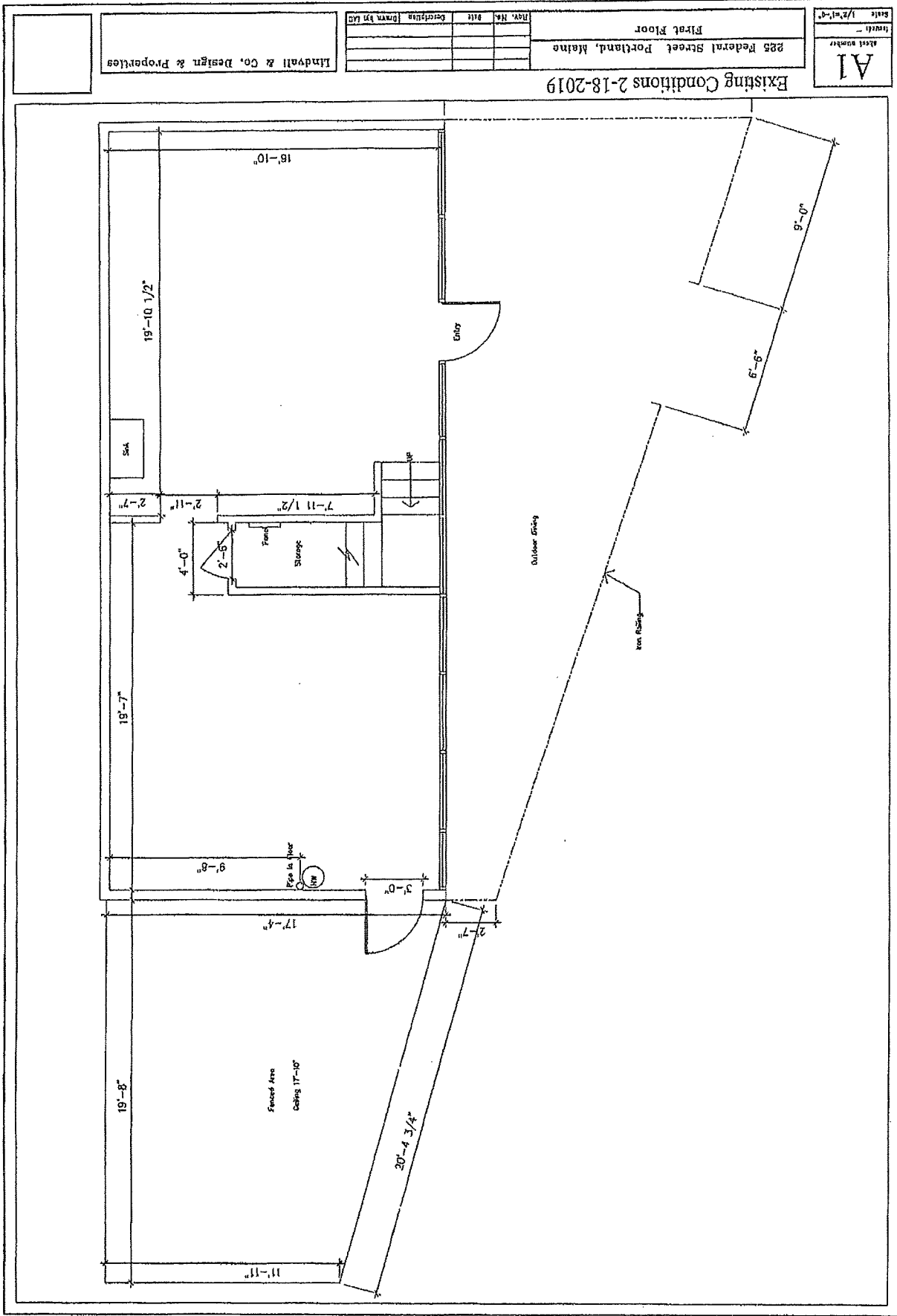
10 Water Street, Hallowell, ME 04347 (Overnight address)

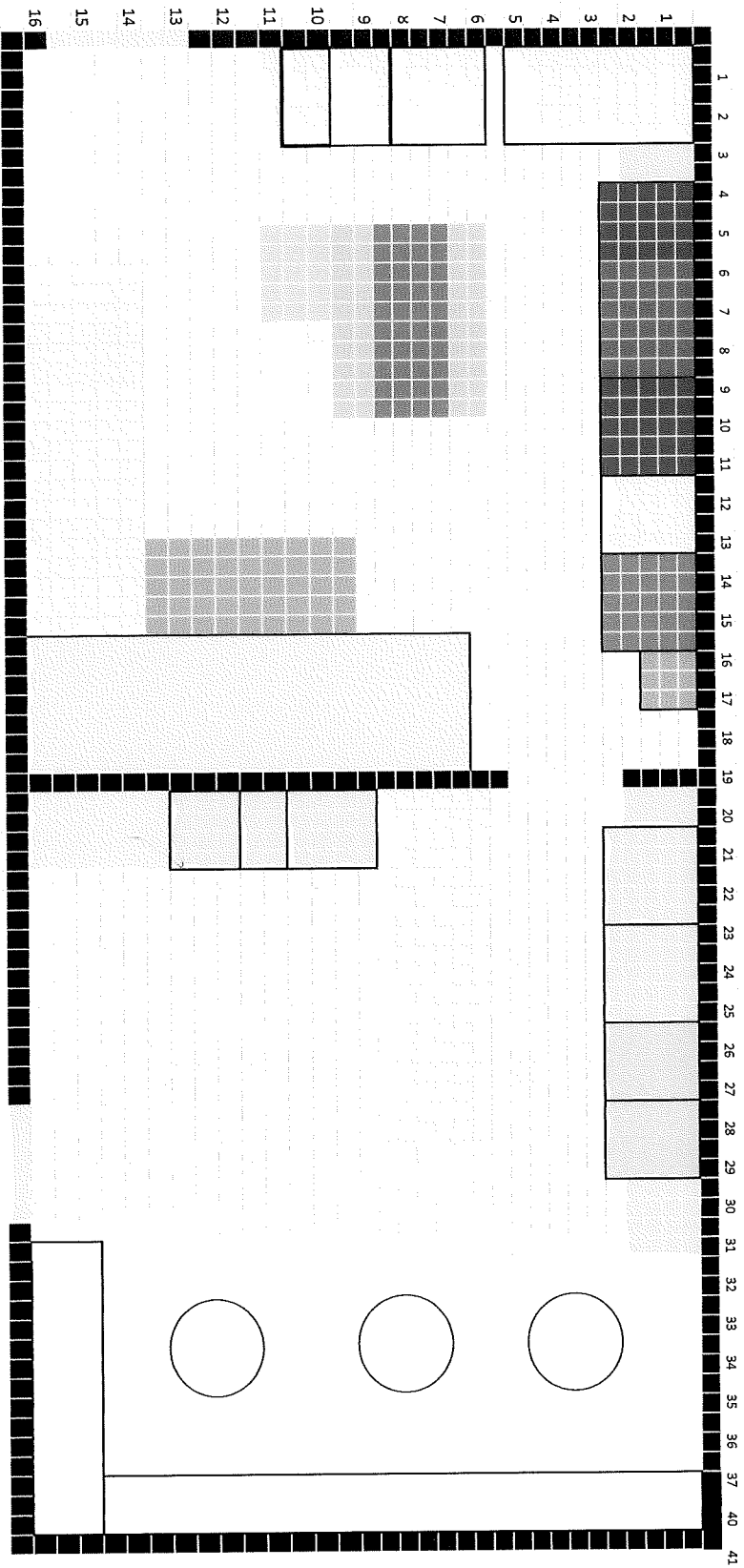
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434

Email Inquiries: MaineLiquor@Maine.gov

EXHIBIT "A -1" 225 FEDERAL STREET

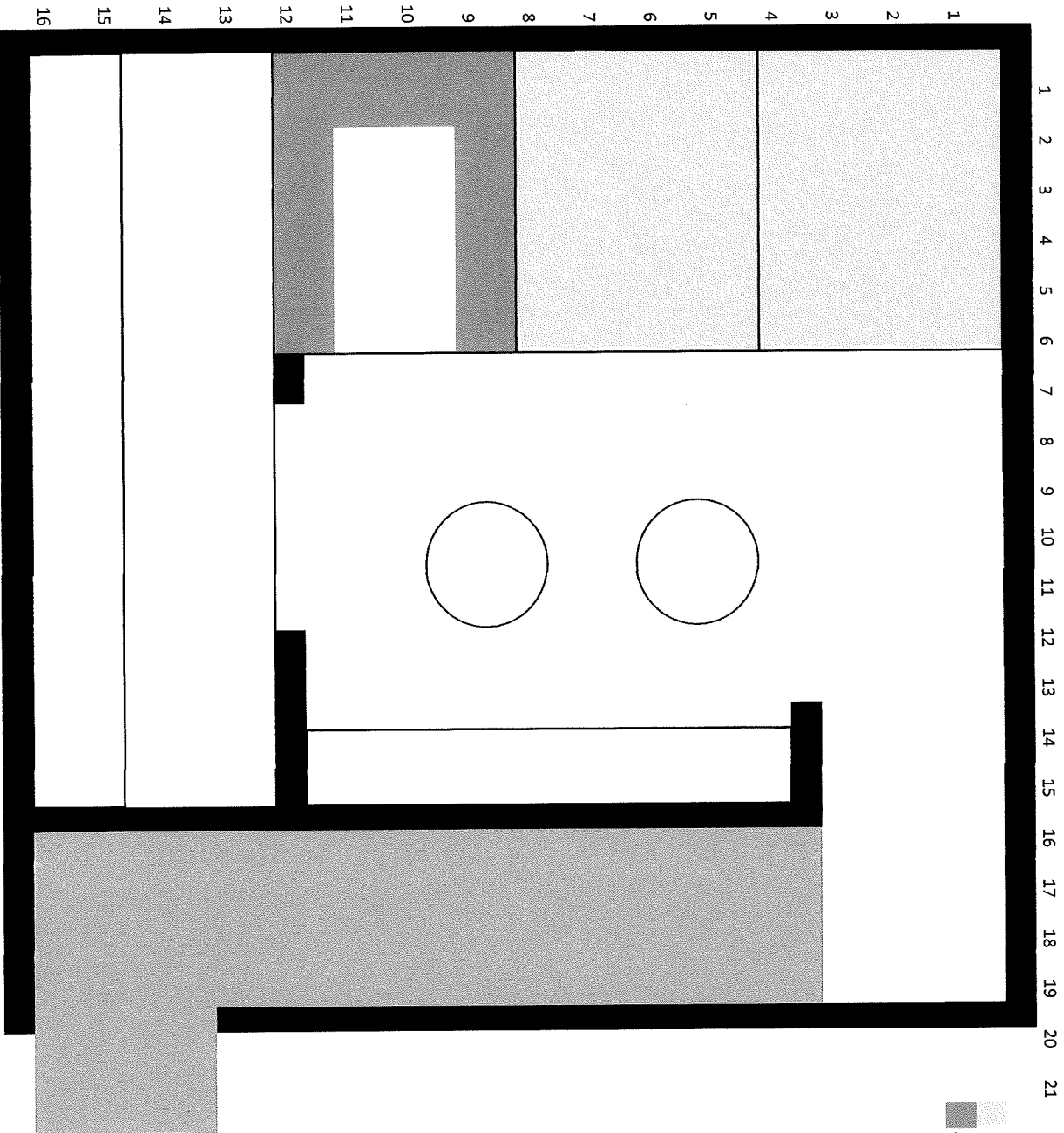
PAGE 21-13





- Fryer
- Reachin Freezer
- Breeding Table
- Stove
- Sink
- Sandwich Station
- Convection Oven
- Prep/Fridge
- Cook and Hold
- Trash Condiments

Burner Flat Top



U

MENU

Sandwiches

	Half	Full	Sides	
Uptown	\$ 6.50	\$11.50	French Fries	\$ 3.50
Dirty Bird	\$ 6.50	\$11.50	Cajun Fries	\$ 3.50
BLT	\$ 6.50	\$11.50	Cajun Slaw	\$ 3.50
Pulled Pork	\$ 7.50	\$13.50	Pickled Veggies	\$ 3.50
Debris	\$ 7.50	\$13.50	Sweet Potato Fries	\$ 4.50
BBQ Beef	\$ 7.50	\$13.50	Gravy Fries	\$ 4.50
Big Chief	\$ 7.50	\$13.50	Fried Pickles	\$ 4.50
Creole Sausage	\$ 7.50	\$13.50	Fried Onions	\$ 4.50
Cheese Burger	\$ 7.50	\$13.50	Pickle Quart	\$ 5.50
Blackened Fish	\$ 8.50	\$14.50		
Fried Fish	\$ 8.50	\$14.50	Soups	
Shrimp	\$ 8.50	\$14.50	Gumbo 16oz	\$ 7.00
Surf & Turf	\$ 8.50	\$14.50	Red Beans 16oz	\$ 7.00
Oyster	\$ 9.50	\$15.50	Gumbo Quart	\$ 11.00
Peacemaker	\$ 9.50	\$15.50	Red Beans Quart	\$ 11.00

Salads

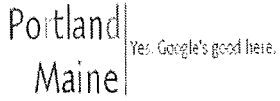
Mixed Green	\$ 4.50		Dessert	
Roasted Vegetable	\$ 8.50		Cookies	\$ 1.00
Falafel Salad	\$ 8.50		Macaroons	\$ 1.50
Roasted Chicken	\$ 9.50		Donut Holes	\$ 4.00
Blackened Fish	\$11.50		Choornie	\$ 4.50
Fried Shrimp	\$11.50		Milk Shakes 16oz	\$ 5.00
Fried Oyster	\$13.50			

Beverages

San Pelligrino	\$ 2.50
Craft Soda	\$ 3.00
Domestic Beer	\$ 4.00
Wine	\$ 5.00
Craft Beer	\$ 7.00

Merchandise

Pint Glasses	\$ 5.00
T-shirts	\$ 15.00
Hats	\$ 15.00
Sweatshirts.	\$ 30.00



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Po' Boys and Pickles

Nicholas Goodman <nickg@portlandmaine.gov>
To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Tue, Apr 2, 2019 at 7:07 PM

Pd has no objections. NG

On Tue, Apr 2, 2019 at 3:17 PM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:
Good Afternoon

Please see the attached application for a Class IV FSE. This will go before council on 6/3. Please advise.
Thanks Jess
Jessica Blais Hanscombe
Licensing and Registration Coordinator
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



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 #: MIQ99D930132

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-04-02) :

Inquiries Name(s) CHRISTOPHER BETTERA (1977-09-09)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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 #: MIQ99D930123

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-04-02) :

Inquiries Name(s) SEAN DANIS (1982-01-27)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department

May 14, 2019

Sneaker Tree LLC
318 Stevens Ave Apt 2
Portland ME 04103

Re: Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street.

Dear Christopher Bettera

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 3, 2019 at 5:30 p.m.**, for the review of application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

Jessica Hanscombe
Licensing and Registration Coordinator

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on June 3, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Sneaker Tree LLC dba Po' Boys and Pickles. Application for a Class IV FSE with Outdoor Dining On Private Property at 225 Federal Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 22, 2019

SUBJECT: Order 246-18/19 Approving Firefighters Local 740, International Association of Firefighters Contract - 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

This order approves the contract with Firefighters Local 740, International Association of Firefighters. Contract Staff has reached a tentative agreement with the Local 740, International Association of Firefighters on a successor one (1) year contract. The prior contract expired on December 31, 2018. Local 740 has ratified the tentative agreement and the Administration will seek City Council support for the agreement on May 20, 2019. The tentative agreement is within guidance received from the Council. The memorandum reflects the substantive changes to the expired collective bargaining agreement. The parties have tentatively negotiated a one year contract with just a wage adjustment. The cost summary for the tentative agreement is also included as an attachment. Article 25 - Salaries Base Wages 3% increase, effective January 6, 2019, retroactive Article 38 – Term. The new contract term is January 1, 2019, through December 31, 2019.

This item must be read on two separate days. It was given a first reading on May 20, 2019. 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. Firefighters Local 740 Contract 5.20.2019
2. FIRE COST SHEET

Prepared by:

Date: 5/22/2019

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 APPROVING THE
COLLECTIVE BARGAINING AGREEMENT WITH
THE FIREFIGHTERS LOCAL 740,
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS**

ORDERED, that the attached Collective Bargaining one (1) Year Agreement with the Firefighters Local 740, International Association of Firefighters for January 1, 2019 through December 31, 2019, is hereby approved.

FIRE - TENTATIVE AGREEMENT

ITEM	BASE COST	YEAR 1 (FY)	% INCR	NOTES:
Base Wages	11,765,075	352,952	3.0%	
Specialty Pay	434,760			
Sub-Total Wages	12,199,835	352,952	2.9%	
Overtime	1,468,205	44,046	3.0%	Based on increase in base wages
Clothing Allowance				
Total Direct Costs	13,668,040	396,998	2.9%	
Health Insurance				Inflationary increase only
Group Life				Based on increase in total wages
Pension				Based on increase in total wages
Workers' Compensation				Based on increase in total wages
Total Indirect Costs	-	-		
Total	13,668,040	396,998	2.9%	

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2019

SUBJECT: **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.**

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 Ray, Chair of the HHS & Public Safety Committee.

I. SUMMARY

Angelo's Acre is one of two potential homeless services center sites the HHS & Public Safety Committee voted to recommend to the full City Council.

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on April 16th and voted 3 - 0 to forward this order and the following order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one is the best option for the City.

This order approves Angelo's Acre, 431 Commercial Street, as the location for the Homeless Services Center.

At the May 20, 2019 Mayor Strimling requested that final action on this item be postponed to this meeting. Public comment will be taken from people who did not comment on May 20, 2019. Five affirmative votes are required for passage.

III. BACKGROUND

The HHS & Public Safety Committee has worked to analyze potential Homeless Service Center site locations in the City of Portland that meet a best practice model. Sites have been screened to meet specific zoning and lot size requirements. On April 16th, 2019, the Committee moved to recommend the Angelo's Acre and Riverside locations to the full Council.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

It is the goal of the City of Portland to undertake work on a new state-of-the-art, adult emergency shelter to replace the Oxford Street Shelter. The new shelter will be open 24-hours a day, 7-days a week with on-site meals and a wide range of services including: health and mental health care, substance use treatment, housing assistance, peer support, case management, employment assistance, and more.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

The City of Portland's shelter guests and valued staff deserve to live and work in a respectful and safe environment. We will no longer allow some of our most vulnerable community members to live in inadequate conditions and in locations where they are easily abused, taken advantage of, and judged for their perceived shortcomings.

The current adult shelter on Oxford Street is leased, poorly configured, and requires residents to vacate the facility every morning with all of their belongings. The building has three floors which require almost double the number of staff who could oversee guests in a single-story building designed specifically as a shelter. It also has cramped sleeping space which necessitates floor mats rather than cots and utilizes a large area for sleeping in the eaves of the building.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Approving Homeless Shelter at Angelo's Acre near Waterfront 5.20.2019
2. Public Comment Angelo's Acre
3. Public Comment-Homeless Service Center
4. Riverside_Street_Site_Area_VRAP
5. Shelter List Memo
6. Shelter List
7. Shelter Location Provider Feedback for 3.19.19
8. Staying at Oxford Street in 2018
9. Transient Drownings Table
10. Transient Water Deaths
11. 636 Riverside Street Soils and Geotechnical Information
12. Best Practices for New Shelter
13. DEP Email Re VRAP Certification_1
14. Draft Shelter Floor Plan
15. Health and Human Services Homeless Services Center Jan 22 2019 Meeting Presentation
16. HHS Informational Memo 3.26.219
17. HSC_Presentation_March19_2019_V3_reduced_size.3.19.209pdf
18. Unified Micro-Timelines of shelter action at committee, council - updated May 2019

Prepared by:

Date: 6/5/2019

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 APPROVING A HOMELESS SERVICES CENTER
AT ANGELO'S ACRE, 431 COMMERCIAL STREET

ORDERED, that a homeless services center to be located on city-owned property at Angelo's Acre, 431 Commercial Street, for the Portland Department of Health and Human Services is hereby approved.

City of Portland, Maine

MAY 29 2019

City Manager's Office

460 Commercial Street

Portland, ME 04101

207-200-2400

www.maineports.com



To the Members of the Portland City Council:

My name is Jon Nass. I am the Chief Executive Officer of the Maine Port Authority, which includes the International Marine Terminal in Portland.

Thank you for the opportunity to submit written comments on the matter of the City of Portland considering locating a homeless shelter on West Commercial Street. I hope you will take the following into consideration when making your decision.

Most all of you have had a chance to tour the International Marine Terminal (IMT). You understand that Portland's western waterfront is the ideal location for a multimodal International freight transportation hub—and that all the development that has occurred on that site over the last six years has been in line with the City's strategic plan for the waterfront: i.e. passenger ships and related development on the eastern waterfront, commercial and industrial ships and related development on the western waterfront.

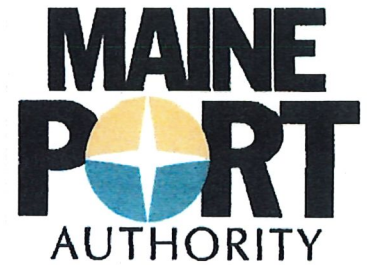
In keeping with that vision, roughly \$60 million dollars in federal and state funds have been invested in the IMT so that today, hundreds of thousands of tons of freight are moved each year by ship, truck, and train. Last year, some \$460 million worth of Maine-based freight moved through the IMT. In the near future we will be adding a cold storage facility, that will attract even more business and activity to the IMT.

Most recently, the Maine Port Authority has constructed an almost \$4-million-dollar headquarters that will house the expanding administrative operations of the IMT, a national headquarters for Eimskip, maintenance operations, and a conference space that will be available for use by the public.

As a port, our facility falls under the Maritime Transportation Security Act (MTSA), which requires security measures to reduce the risks and mitigate the results of an act that threatens the security of personnel, facilities, vessels, and the public. We are a secure facility, regulated by the U.S. Coast Guard as well as U.S. Customs and Border Patrol.

The west end of Commercial Street lives up to its name in every respect. Which brings me to the subject of a proposed homeless shelter.

While that area is suited and designed for the ships, trucks, trains, and traffic associated with international commerce, it is not well suited for the safe operation of a shelter that largely



accommodates pedestrians, often children, and sometimes people dealing with mental illness or substance use disorder.

Mahatma Ghandi said, "A nation's greatness is judged by how it treats its weakest members." The same is true of a city, and I believe the City should be commended for deciding to build a facility that not only adequately shelters our most vulnerable, but also seeks to address hunger, illness, abuse, and of course, safety.

The IMT is an industrial site with ceaseless activity involving heavy machinery and some fascinating attractions. We have ships, trucks, trains, cargo containers, fork lifts, and gigantic cranes. When we bring in school tours, children are in awe. They also are under constant supervision by trained staff.

For a child living in a homeless shelter, the IMT could be irresistibly attractive—a potential adventure sitting just across the busy street.

Occasionally, people do try to breach the facility and they have been injured in the process—suffering either cuts by barbed wire, falls from the fence, or injuries incurred by falling in the water. In each case, the person was impaired by either untreated mental illness or drugs.

In no way do I want to paint the picture that all people needing the services of a homeless shelter are either mentally ill or dealing with substance use disorder, but there's no denying that in the last four years, the state's opioid use epidemic has been cited as a cause of homelessness.

Obviously, siting a shelter such as the city is proposing is not easy. If it were, it likely would be built by now. The IMT doesn't wish to contribute to making this decision more difficult, but we strongly believe that the site under consideration on West Commercial Street would be an unsafe option for those it's meant to serve. If a shelter were to be located at that site, it is highly likely that the IMT would have to invest in additional security measures at substantial cost.

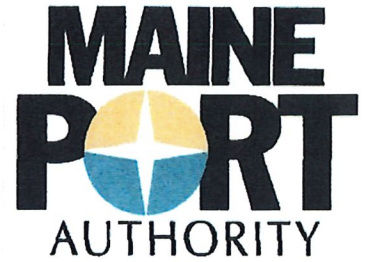
At a recent Eggs and Issues discussion, City Manager John Jennings declared Commercial Street as "one of the most unsafe streets in the city, because you have a lot of commercial vehicles in the middle of the street." While that comment was delivered in the context of the City working to make it more safe, the fact remains that as both the gateway to Portland from traffic coming

460 Commercial Street

Portland, ME 04101

207-200-2400

www.maineports.com



from I-295, and the conduit for international commerce at the IMT, Commercial Street is not a safe place for our most vulnerable.

Thank you for your consideration. If you have any questions about any of my comments, I hope you will contact me directly.

Respectfully submitted,

A handwritten signature in black ink that reads "Jon Nass". The signature is written in a cursive style and is enclosed within a long, thin, horizontal oval shape.

Jonathan Nass
CEO Maine Port Authority

cc: Jon Jennings
U.S. Coast Guard
U.S. Customs and Border Patrol

**PUBLIC COMMENT
ON HOMELESS SERVICES CENTER**



Tiffany Mullen <tgmm@portlandmaine.gov>

Fwd: New Homeless Services Center

1 message

Jon Jennings <jpj@portlandmaine.gov>

Tue, May 14, 2019 at 8:58 AM

To: Brendan O'Connell <boconnell@portlandmaine.gov>, Tiffany Mullen <tgmm@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

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

From: <s.morrison@myfairpoint.net>

Date: Tue, May 14, 2019 at 8:11 AM

Subject: New Homeless Services Center

To: <cityclerk@portlandmaine.gov>

Cc: <jpj@portlandmaine.gov>, <gmitchell@portlandmaine.gov>, <bnaportland@gmail.com>

Good morning, Would you please put the below message in each city councilor's packet and/or on their desks for the May 20 meeting? If questions I can be reached via return email or at 207-592-1544. Thank you, K. Scott Morrison

Good day City Council Members,

We are writing to encourage you to vote in the May 20 Council meeting to select a site for the new homeless services center.

While there are multiple reasons for our request we will focus on two in this communication:

a) Homeless clientele: Through many years of dialogue, both public and private, it is clear that the needs of homeless people are not well served by the existing Oxford Street shelter model. It's time to select a site for the new center so that next steps can proceed to provide a facility and model to better serve these people.

b) City policy: For many years city policy has driven significant investments of time, talent and treasury to serve the needs of homeless people. This policy costs all taxpayers and residents but is particularly burdensome to one neighborhood--Bayside. Bayside presently hosts shelters and services for somewhere between 500 and 700 people every day. It's time for another neighborhood to share in city policy by hosting the new center.

We appreciate the challenge facing you regarding the new homeless shelter selection process but do ask for your vote to select a site so the new center plan can move forward to better serve the homeless and share the neighborhood burden of city policy.

We would appreciate hearing back from you.

Best regards,

K. Scott Morrison
Mary Beth Morrison

5/14/2019

City of Portland Mail - Fwd: New Homeless Services Center

9 Parris St. #1
Portland, ME 04101

--

Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Tiffany Mullen <tgmm@portlandmaine.gov>

Fwd: New Homeless Services Center

1 message

Jon Jennings <jpj@portlandmaine.gov>

Tue, May 14, 2019 at 8:58 AM

To: Brendan O'Connell <boconnell@portlandmaine.gov>, Tiffany Mullen <tgmm@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

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

From: <s.morrison@myfairpoint.net>

Date: Tue, May 14, 2019 at 8:11 AM

Subject: New Homeless Services Center

To: <cityclerk@portlandmaine.gov>

Cc: <jpj@portlandmaine.gov>, <gmitchell@portlandmaine.gov>, <bnaportland@gmail.com>

Good morning, Would you please put the below message in each city councilor's packet and/or on their desks for the May 20 meeting? If questions I can be reached via return email or at 207-592-1544. Thank you, K. Scott Morrison

Good day City Council Members,

We are writing to encourage you to vote in the May 20 Council meeting to select a site for the new homeless services center.

While there are multiple reasons for our request we will focus on two in this communication:

a) Homeless clientele: Through many years of dialogue, both public and private, it is clear that the needs of homeless people are not well served by the existing Oxford Street shelter model. It's time to select a site for the new center so that next steps can proceed to provide a facility and model to better serve these people.

b) City policy: For many years city policy has driven significant investments of time, talent and treasury to serve the needs of homeless people. This policy costs all taxpayers and residents but is particularly burdensome to one neighborhood--Bayside. Bayside presently hosts shelters and services for somewhere between 500 and 700 people every day. It's time for another neighborhood to share in city policy by hosting the new center.

We appreciate the challenge facing you regarding the new homeless shelter selection process but do ask for your vote to select a site so the new center plan can move forward to better serve the homeless and share the neighborhood burden of city policy.

We would appreciate hearing back from you.

Best regards,

K. Scott Morrison
Mary Beth Morrison

5/14/2019

City of Portland Mail - Fwd: New Homeless Services Center

9 Parris St. #1
Portland, ME 04101

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Tiffany Mullen <tgmm@portlandmaine.gov>

Fwd: thank you

1 message

Jon Jennings <jpj@portlandmaine.gov>

Wed, Apr 17, 2019 at 3:42 PM

To: Brendan O'Connell <boconnell@portlandmaine.gov>, Tiffany Mullen <tgmm@portlandmaine.gov>

For the record.

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

From: **Gretchen Greenberg** <gretch1949@gmail.com>

Date: Tue, Apr 16, 2019 at 4:25 PM

Subject: thank you

To: <jpj@portlandmaine.gov>

Dear Mr Jennings

Thank you for considering taxpayers in your city budget proposal. I am grateful that you have often made proposals that will increase revenue or taken cost savings steps for the city. Once the debt services for the school renovations begin to show up in our taxes, I am really concerned and plead to not have any more bonds.

I am in support of capping the number of shelter beds. I don't know how this practice can be done humanely but it seems that Portland could start by informing surrounding towns that they care for their own citizens or homeless people or those who come to their town. I know at least one town (Scarborough) has dropped people off at the Preble Resource Center. These towns need to develop their own shelters.

I would like to see a base fund for immigrants maintained and a goal of a higher amount that is funded by contributions. In that way, money could be derived from outside Portland and the city does not bear all the responsibility. Maybe this is simplistic and is beyond the realm of the city but I think there are many people in the state that see immigrants as a valuable resource.

Again, thanks for leadership on budgetary matters for Portland.

Gretchen Greenberg
165 Delaware Court

--

Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Tiffany Mullen <tgm@portlandmaine.gov>

Fwd: The Voice of Reason Re Shelter Funding

1 message

Jon Jennings <jpj@portlandmaine.gov>

Wed, Apr 17, 2019 at 4:06 PM

To: Tiffany Mullen <tgm@portlandmaine.gov>, Brendan O'Connell <boconnell@portlandmaine.gov>

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

From: **Bethany** <buitenhuys@maine.rr.com>

Date: Wed, Apr 10, 2019 at 7:43 AM

Subject: The Voice of Reason Re Shelter Funding

To: <jpj@portlandmaine.gov>

Dear Mr. Jennings,

Thank you for starting the conversation regarding the exorbitant and ever increasing costs of funding our City's shelters. The same shelters that provide the majority of services to people from OTHER cities, towns and even states. And why? Because our Mayor and City Counsel feel they can, and should, freely spend hard-earned tax dollars to provide food, shelter, medical services, etc. to every less-fortunate individual who happens to swing by because word is out...

Ask any politician in New Hampshire how they combat homelessness. They'll tell you it's with a one-way bus ticket to Portland. We've created a field of dreams - build it and they will come. I'm sure the goal isn't necessarily to attract more homeless to Portland, but that's the direct effect of what happens when we throw unlimited services and money their way. I know I sound like a cold-hearted person, but enough is enough. (By the way, I'm actually a mom of five so I can't be that bad!)

My husband and I have been Portland residents since 2001. We've raised our kids here, attending Lyseth and Lyman Moore, and then going on to the high schools of their choice - Portland, Deering and Cheverus. From there they went to colleges in Halifax, Boston and Miami and have become self-sufficient, hard working adults (not to mention tax paying). My husband and I are now 3-5 years out from retirement and looking forward to starting the next chapter in our lives. Unfortunately we won't be spending our golden years in Portland. While we've loved our time here, it's not the same City it was just a few years ago. The politics and intolerance to fiscal conservatism is too much to take - let alone afford.

So thank you for standing up and voicing concern about the rising burden on Portland tax payers. It's nice to know someone in City Hall is looking out for those of us who actually work full-time, pay taxes and save for our own retirements instead of counting on hand-outs from others. Your efforts are appreciated.

A few thoughts in closing that perhaps the counsel might consider:

- 1) Who will foot the bill once all the income-earning folks in Portland move because we can no longer afford (or desire) to support all the out-of-towners for a free ride? By the way, what ever happened to that pilot program the mayor sponsored a few summers ago - the one where they sent vans out to the best pan-handling sites in Portland an effort to recruit cash workers for the day? Let me guess - they didn't actually want to work???
- 2) Does the mayor really think turning people away from shelters will lead to more people sleeping in the streets as he was quoted in the PPH? My guess is a combination of reduced services and a good hearty October frost will quickly send those folks off to panhandle and utilize free services offered in warmer climates. That might even free up space at Preble Street for the real Portland homeless population...
- 3) Do we really spend Portland tax dollars on asylum seekers who are not actually legal asylum seekers???

Sincerely,

Bethany Buitenhuys
10 Melody Lane
Portland, ME 04103

--

Fwd: Riverside Street as Shelter Location Transportation Concerns

1 message

Katherine Jones <klj@portlandmaine.gov>
To: Sonia Bean <stb@portlandmaine.gov>

Wed, May 15, 2019 at 10:18 AM

Shelter
Katherine Jones, City Clerk, CCM, CMC, Registrar
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8614
(207) 874-8612 Fax

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

From: **City Clerk** <cityclerk@portlandmaine.gov>
Date: Tue, May 14, 2019 at 1:43 PM
Subject: Fwd: Riverside Street as Shelter Location Transportation Concerns
To: Katherine Jones <klj@portlandmaine.gov>

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

From: **Smith, Cecilia B.** <CeciliaB.Smith@tufts.edu>
Date: Mon, May 13, 2019 at 4:49 PM
Subject: Riverside Street as Shelter Location Transportation Concerns
To: Ethan Strimling <estrimling@portlandmaine.gov>, bsr@portlandmaine.gov <bsr@portlandmaine.gov>, pali@portlandmaine.gov <pali@portlandmaine.gov>, bbatson@portlandmaine.gov <bbatson@portlandmaine.gov>, sthibodeau@portlandmaine.gov <sthibodeau@portlandmaine.gov>, kcook@portlandmaine.gov <kcook@portlandmaine.gov>, jduson@portlandmaine.gov <jduson@portlandmaine.gov>, jcosta@portlandmaine.gov <jcosta@portlandmaine.gov>, cityclerk@portlandmaine.gov <cityclerk@portlandmaine.gov>
Cc: nasonscorneighborhood@gmail.com <nasonscorneighborhood@gmail.com>, billhj5659@yahoo.com <billhj5659@yahoo.com>

Dear Councilors,

I am deeply concerned over the possibility of building a homeless services center and emergency shelter at Riverside Street and am submitting my comments below.

A basic rule in public transportation planning is frequency of bus service. Unfortunately, Portland does not have a robust public transportation system, and the only viable locations for those without vehicles is where land is most expensive, that is, Portland's downtown. Outer Forest Avenue is not served by adequate public transportation and is not walkable. The bus route serving the Riverton area has very low frequency and is unreliable (does not run all hours).

To make this point, I urge you to consider some objective criteria: According to Walkscore.com, Riverside Street is in a car dependent neighborhood, where most errands require a car. Riverside Street site's walkscore is 42 out of 100. The other site, Angelo's Acre (450 Commercial Street), is very walkable according to Walkscore.com (most errands can be accomplished on foot), with a walkscore of 80 out of 100.

We can also use data from the U.S. Census (see attached image). According to the Census, the only areas in Portland that are suitable for walking to work or appointments are inside the Peninsula. Moving people outside that area will be costly to Portland's taxpayers and a burden to those who need to access the shelter services.

How costly, we may ask, will it be to subsidize bus tickets to 150 shelter clients daily? At a low fare price of \$1.50 per ride, and assuming only one two-way trip per day, Portland taxpayers will spend \$450 per day. That is, at a very conservative estimate, \$13,500 a month, or \$162,000 a year.

In twelve years, subsidizing the bus rides of shelter clients will, at a minimum, have cost the city almost two-million dollars (\$1,944,000). The actual costs will likely be much higher.

This does not include: running an additional shuttle buses; police/emergency/ after-hours transportation services; any more than one trip per client per day; or the costs of building and maintaining the sidewalks from the shelter to the bus stop free of snow; any increase in fares above \$1.50 per ride.

This also does not address the lack of frequency in bus services to the Riverside area. I understand that members of the HHS Committee and task force have visited shelters in the Boston area to learn more about how other areas operate low-barrier shelters. I want to point out that Father Bills at Quincy is 0.9 miles from Quincy's City Hall, and the subway. It is serviced by two city bus lines, running every 15 minutes. CASPAR, in Cambridge, is right by the subway station, in a heavily urbanized area, right next to MIT. All other emergency shelters in the Boston area are close to subway stations/high bus service areas/ in high-density urban locations.

As a parent, I must also add that I would be very concerned about my child riding the bus that is the only transportation system for shelter clients. The City's previous police Chief stated that "10% of shelter clients are predators." Therefore, the probability of my child being accosted by a predator while riding the bus to school will be 10%. I do not live in Riverton, but if I did, the increased risk would compel me to drive my child to school. I am sure many parents in the Riverton area feel the same.

The Riverside Street site is wholly inappropriate. From a financial standpoint it will cost more in transportation over the long-term (two million dollars in just 12 years). In addition, the Riverside Street site is cruel. It is right next to the City's dump. Making people wait 45 minutes to ride a bus for another half an hour to get to City Hall, or almost an hour to get to an appointment at DHHS, or to Maine Medical Center does not reflect the compassionate City I believe Portland to be.

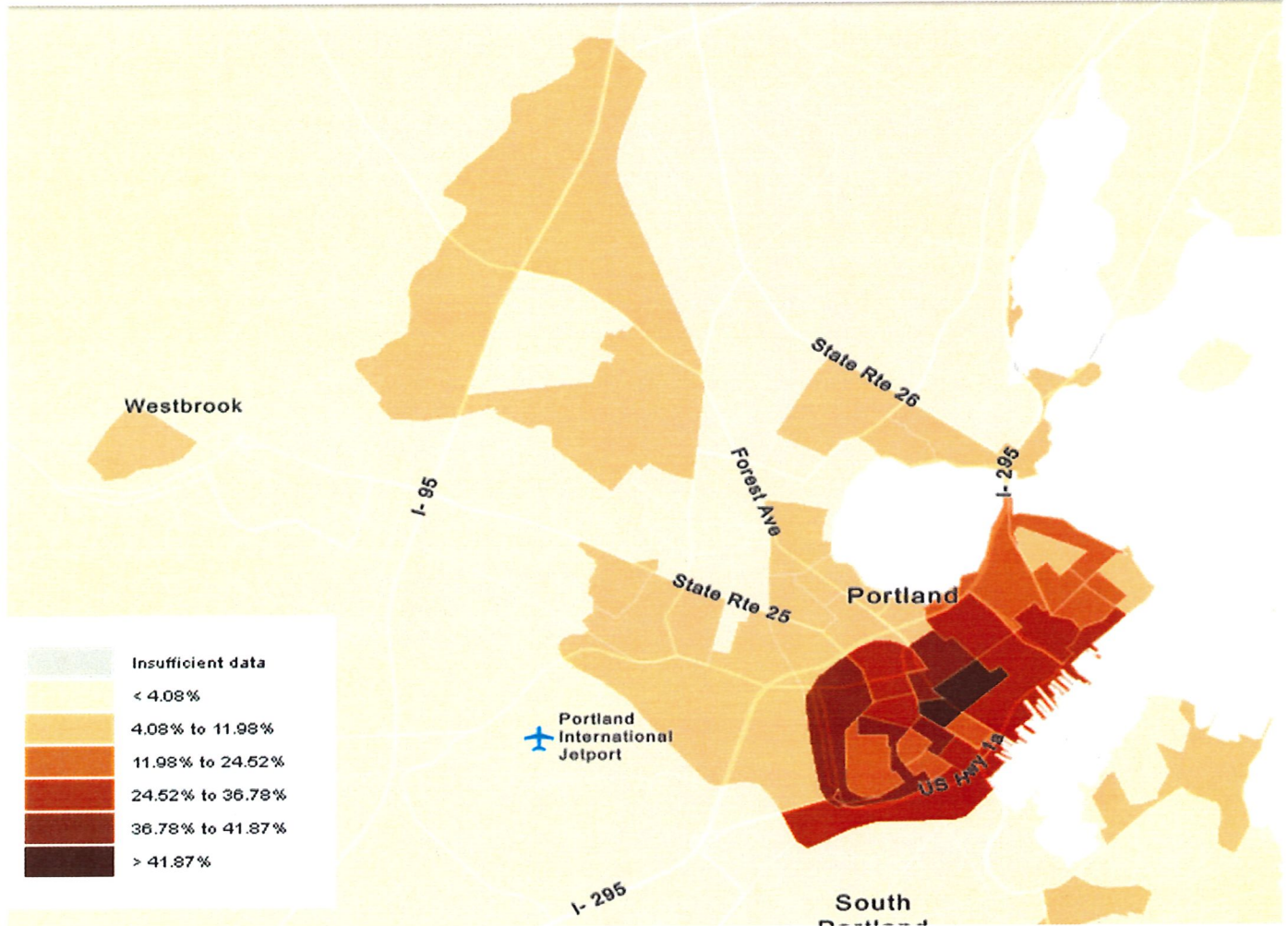
While the closure of the Oxford Street Shelter will bring windfall profits to real estate investors at Bayside, it will do nothing for the City's tax-payers and it will be devastating to our most vulnerable residents, who will miss appointments, or, even worse, die in route to the nearest hospital emergency room, which is several miles away.

We all agree that Portland needs an adequate emergency shelter, but the building of a new shelter does not preclude siting the new facility where those who are experiencing homelessness can conveniently access it, where the police can adequately monitor the area, where access to other community amenities and services exist. Riverside Street is not near any facility that can benefit those who need shelter. No libraries, no churches, no coffee-shops, no adult education, no city parks, except for forested land, which brings a whole slew of dangerous scenarios into the equation.

Therefore, I urge you to take a stand against building any service facility for people without cars in places that are car-dependent. I ask you, as my representative, to listen to your constituents, and to listen to those who have experienced homelessness.

Respectfully,
Cecilia Smith
113 Warwick St.
[Portland, Maine 04102](#)

Workers 16 Years and Over: Walked, ACS 2016 (5-Year Estimates)



Fwd: New Homeless Services Center

1 message

Katherine Jones <klj@portlandmaine.gov>
To: Sonia Bean <stb@portlandmaine.gov>

Wed, May 15, 2019 at 10:26 AM

yet another
Katherine Jones, City Clerk, CCM, CMC, Registrar
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8614
(207) 874-8612 Fax

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

From: **City Clerk** <cityclerk@portlandmaine.gov>
Date: Tue, May 14, 2019 at 10:13 AM
Subject: Fwd: New Homeless Services Center
To: Katherine Jones <klj@portlandmaine.gov>

Forwarded for your review

Donna
City Clerk's Office
[389 Congress St. Rm. 203](#)
[Portland, ME 04101](#)
P: 207-874-8610
F: 207-874-8612

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

From: <s.morrison@myfairpoint.net>
Date: Tue, May 14, 2019 at 8:11 AM
Subject: New Homeless Services Center
To: <cityclerk@portlandmaine.gov>
Cc: <jpj@portlandmaine.gov>, <gmitche@portlandmaine.gov>, <bnaportland@gmail.com>

Good morning, Would you please put the below message in each city councilor's packet and/or on their desks for the May 20 meeting? If questions I can be reached via return email or at 207-592-1544. Thank you, K. Scott Morrison

Good day City Council Members,

We are writing to encourage you to vote in the May 20 Council meeting to select a site for the new homeless services center.

While there are multiple reasons for our request we will focus on two in this communication:

- a) Homeless clientele: Through many years of dialogue, both public and private, it is

clear that the needs of homeless people are not well served by the existing Oxford Street shelter model. It's time to select a site for the new center so that next steps can proceed to provide a facility and model to better serve these people.

b) City policy: For many years city policy has driven significant investments of time, talent and treasury to serve the needs of homeless people. This policy costs all taxpayers and residents but is particularly burdensome to one neighborhood--Bayside. Bayside presently hosts shelters and services for somewhere between 500 and 700 people every day. It's time for another neighborhood to share in city policy by hosting the new center.

We appreciate the challenge facing you regarding the new homeless shelter selection process but do ask for your vote to select a site so the new center plan can move forward to better serve the homeless and share the neighborhood burden of city policy.

We would appreciate hearing back from you.

Best regards,

K. Scott Morrison
Mary Beth Morrison
[9 Parris St. #1](#)
[Portland, ME 04101](#)



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF PORTLAND	)	COMMISSIONER'S CERTIFICATION
ATTN: GREG MITCHELL	)	OF COMPLETION OF REMEDIAL
DIRECTOR OF ECONOMIC DEVELOPMENT	)	ACTIONS UNDER A VOLUNTARY
389 CONGRESS STREET	)	RESPONSE ACTION PLAN
PORTLAND, ME 04101	)	

JURISDICTION

This certification of completion of a Voluntary Response Action Plan ("VRAP") is made pursuant to the authority vested in the Commissioner of the Maine Department of Environmental Protection ("Department") or the Commissioner's delegee under 38 M.R.S.A. Section 343-E.

FINDINGS OF FACT

1. The covered property (property and/or site) is the former Lucas Tree site located at 636 Riverside Street in Portland, and is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003. The site is 40.85 acres in size. A map of the property is included as Attachment A.
2. The property use in the area is mixed residential and commercial.
3. A Phase I Environmental Site Assessment (ESA), a Phase II ESA, and a Supplemental Phase II ESA were prepared by Tewhey Associates ("Tewhey") in September and December of 2005 and January 2008, respectively, with funding from the City of Portland's Municipal Brownfields Program. These reports identified two areas requiring remedial actions: the spent sand blast grit area and the former greenhouse area.
4. In July 2010, Ransom Environmental Consultants, Inc. ("Ransom") directed remedial activities on the property. Under Ransom's direction, soils were removed from both areas of contamination and loaded on trucks for appropriate disposal. The spent sand blast grit area was cleaned to a visual standard, as earlier sampling had demonstrated that contamination was directly related to the easily identified black sand blast grit. The former greenhouse area was excavated to a standard 2 feet below grade level, based on earlier sampling results for the contaminant of concern, arsenic. Post excavation sampling demonstrated that soils had been cleaned up to typical background in 5 of the 6 samples, with one sample area having a higher level. Given that the bulk of the contaminated soil volume was removed from this area, the actual risk from this small hotspot area is low, and additional remedial action will not be necessary. A total of 296.74 tons of arsenic contaminated soils and spent sand blast grit were excavated from the property and sent to Commercial Paving and Recycling in Scarborough, Maine for recycling. The remedial actions are documented in a letter report dated August 23, 2010 and submitted by Ransom entitled "Lucas Tree Site, 636 Riverside Street, Excavation and Remediation Activities".

FILE COPY

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

2 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

CONCLUSIONS

1. The City of Portland, as an applicant, has submitted a Voluntary Response Action Plan application to the Commissioner pursuant to 38 M.R.S.A. § 343-E for the property located at 636 Riverside Street in Portland, Maine which is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003 .
2. Site assessments conducted at the site included investigations and reports that adequately identified the nature and extent of contamination associated with identified sources at the property.
3. Actions addressing identified contamination on the property have been completed. These actions included the removal of arsenic contaminated sand blast grit and soils associated with a former greenhouse.
4. Provided the City of Portland, as applicant, and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate releases, or threatened releases, if they exist at the site, that are not required to be removed under the VRAP.

THEREFORE, pursuant to 38 M.R.S.A. § 343-E(5), Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed at the property located at 636 Riverside Street in Portland, Maine, identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003, and further described in Book 27870, Page 299, at the Cumberland County Registry of Deeds. Upon issuance of this CERTIFICATE, the City of Portland, as applicant, and the persons qualified for protection under 38 M.R.S.A. § 343-E(6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1) and (5). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E.

CONDITIONS

1. The future installation of potable wells on the property is prohibited without prior written permission from the Department.
2. Use of the property shall be limited to industrial, commercial, municipal and other non-residential uses and not be residential without prior written permission of the Department.
3. A copy of this certificate for the property located at 636 Riverside Street in Portland shall be recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

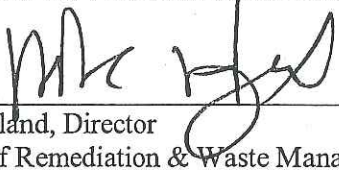
3 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

4. A Declaration of Environmental Covenants, as defined in 38 M.R.S.A. § 3001 et seq., that is consistent with this Certificate and acceptable to the Department must be prepared and recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30TH DAY OF AUGUST 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:


Mark Hyland, Director
Bureau of Remediation & Waste Management

STATE OF MAINE
KENNEBEC, ss.,

August 30th, 2010

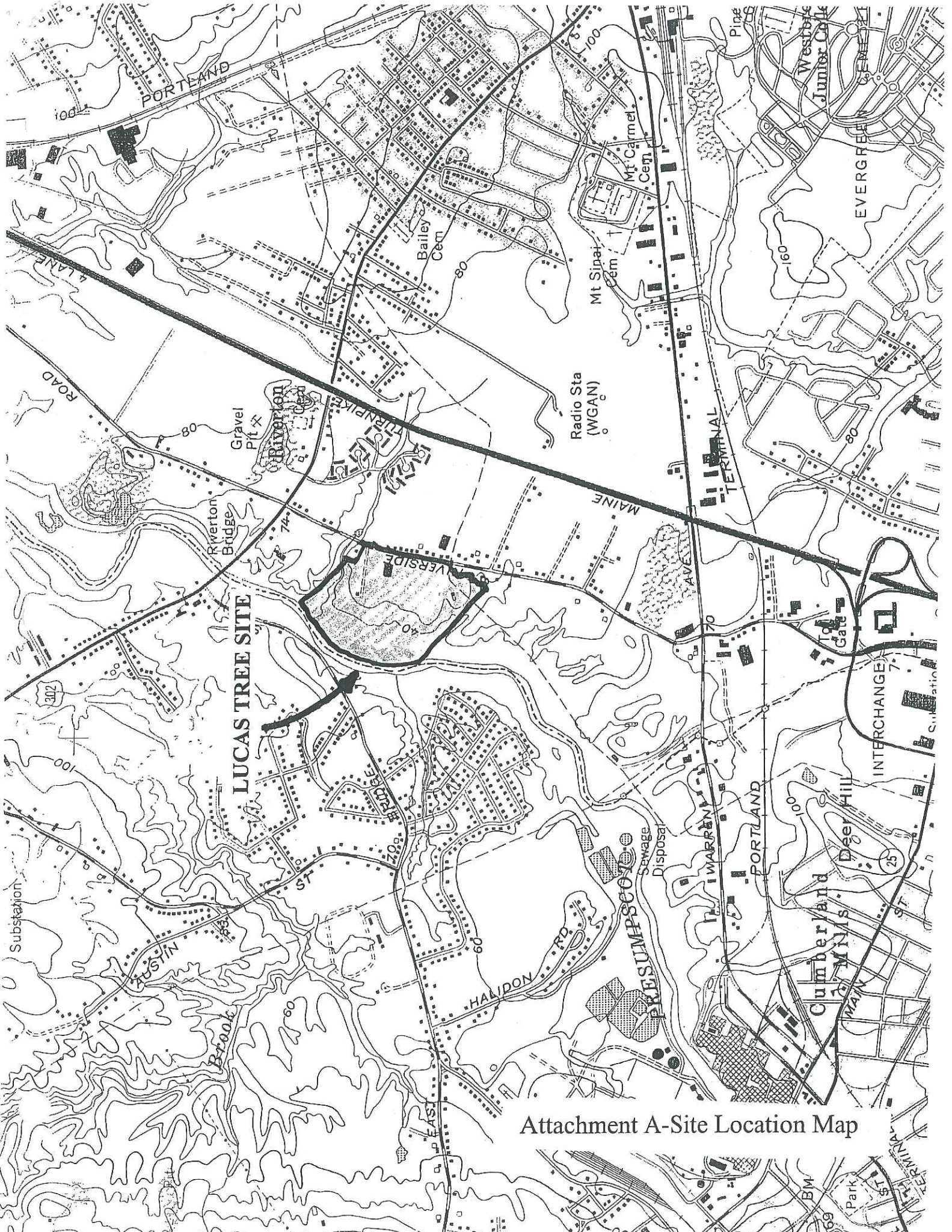
Then personally appeared the above-named Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection and duly authorized delegatee for the Commissioner, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,


Notary Public

Laura L. Gay
(Print Name)

This order was prepared by Nicholas J. Hodgkins, Bureau of Remediation & Waste Management.



Attachment A-Site Location Map



To: Jon Jennings, City Manager
From: Rob Parritt, Consultant
Ref: Maine Shelter Inventory Chart Details
11/21/2018

Maine Shelter Inventory Chart Details

City staff were tasked by the Council to create an inventory list of emergency shelters in the state of Maine and provide information regarding location, funding, size, restrictions, and clients served. The attached backup documentation will illustrate that there are 45 emergency homeless shelters in the state of Maine. They are found from Presque Isle in the North to Alfred in the South. This memo will provide greater detail into the meaning of each category found on the chart.

Location – This category specifically states which town or City each emergency shelter is located in. For some domestic violence shelters, the exact location is kept confidential for safety purposes so the county the program is found in is listed instead. Most shelters are found in the more urban areas of Maine (Portland, Bangor, Augusta, Lewiston) however, there are providers in rural settings serving much less densely populated areas of Maine.

Funding Sources – Emergency Shelters in Maine are split into two categories when it comes to funding. Those who receive federal dollars (dispersed by MaineHousing) and those who do not. On the attached detail worksheet you will see that the shaded shelters appearing on the bottom of the chart do not receive any federal dollars so they rely on private funding sources. These shelters tend to be more faith based and require specific religious activities to be served. These types of requirements are prohibited if you are a shelter receiving MaineHousing Emergency Shelter Homeless Assistance Program (ESHAP) dollars as the funding source for this program is largely federal Emergency Solutions Grant (ESG) dollars from HUD. For shelters who receive ESHAP dollars, there is an application process each year and strict monitoring to ensure grant compliance. The ESHAP funding formula is based on meeting performance benchmarks and a bed night percentage reimbursement formula. ESHAP funded shelters also generally use other sources to make ends meet. General Assistance, Targeted Case Management, private fundraising and program specific grants are also commonly utilized to fund different shelter programs. Some specialty shelters have access to program specific funding opportunities and grants based on program type and licensing. While this list is fairly comprehensive, there are many small funding streams and donation programs that aren't listed or known to us.

Restrictions – The vast majority of shelters in Maine have some kind of restriction or criteria that screens out certain populations. All but a handful of shelters in Maine will not admit people if they are under the influence. Family shelter programs will not accept single adults. Teen programs can only serve specific age groups. Obviously to access a domestic violence shelter, you must be fleeing domestic violence or meet other eligibility criteria. Shelters who only serve men or women will not admit the opposite sex.

Population Served – In Maine, shelters serve a variety of different populations. General population shelters serve both singles and families. Domestic Violence Shelters serve people fleeing from domestic violence situations. Family shelters serve only households made up of at least one adult and children. Single adult shelters serve men and women who are 18 years old or older. Youth providers generally serve homeless and runaway youth aged 13-21. There are a few shelters around the state who even more specific target populations. For example, one shelter will only serve pregnant women.

Size/Capacity – These numbers were pulled directly from the latest Housing Inventory Chart which is a HUD document that each program must submit each year as part of the Point in Time Count. There is a range of shelter sizes in Maine ranging from the largest here in Portland to shelters with barely ten beds.

Shelter Name	Location	Funding Source/s	Restrictions	Population Served	Size	
Bangor Area Homeless Shelter, Emergency Shelter	Bangor	ESHAP, Private Funding, Grants, TCM	Sober Only	General	43	ESHAP - Emergency Shelter Homeless Assistance Program TCM - MaineCare Targeted Case Management GA - General Assistance C0-Op - Communal farming/goods agreement OSA - Office of Substance Abuse CDBG - Community Development Block Grant RHY - Runaway and Homeless Youth Act FQHC - Federally Qulaified Health Center Private Funding - Fundraising/donations Grants - Various grants which may be specific to programs or client type
Bread of Life Ministries, Emergency Shelter	Augusta	ESHAP, Private Funding, Grants, TCM	Sober Only	General	38	
Caring Unlimited DV Shelter - Audrey's House	York County	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	18	
City of Portland, Family Shelter (4 Buildings)	Portland	ESHAP, GA, Grants, TCM	Sober Only	Families	151	
City of Portand, Oxford Street Shelter	Portland	ESHAP, GA, Grants, TCM, CDBG	None	Single Adults	229	
Families And Children Together	Bangor	ESHAP, Private Funding, Grants	Sober Only	Families	8?	
Through These Doors	Portland	ESHAP, Private Funding, Grants, GA, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Kennebec DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Somerset DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
HOME, Inc., Emmaus Homeless Shelter	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	25	
HOME, Inc., Sister Marie Ahern House	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	12	
HOME, Inc., St Francis Inn	East Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	11	
HOME, Inc., Dorr House Shelter	Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Ony	General	7	
Homeless Services of Aroostook, Sister Mary O'Donnell Shelter	Presque Isle	ESHAP, TCM, Private Funding, Grants	Sober Only	General	49	
Hope and Justice Project, Houlton DV Shelter	Houlton	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
Hope and Justice Project, Caribou DV Shelter	Caribou	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Hope and Justice Project, Fort Kent DV Shelter (St John Valley)	Fort Kent	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	8	
Knox County Homeless Coalition, Hospitality House	Rockport	ESHAP, Private Funding, Grants, TCM	Sober Only	General	26	
Mid-Maine Homeless Shelter	Augusta	ESHAP, Private Funding, Grants, TCM, GA	Sober Only	General	65	
Milestone Recovery, Emergency Shelter	Portland	ESHAP, Private Funding, MaineCare, OSA, GA, CDBG	Must be intoxicated	Single Men	41	
New Beginnings, Emergency Shelter	Lewiston	ESHAP, RHY, Private Funding	Youth only services	Teens	12	
Next Step, DV Shelter	Ellsworth	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Partners for Peace, DV Shelter	Bangor	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	
Penobscot Community Health Center, Hope House Shelter	Bangor	ESHAP, TCM, GA, Private Funding, FQHC, OSA. Grants	Campus Limitations	Single Adults	76	
Preble Street, Joe Kreisler Teen Shelter	Portland	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Teens	24	
Preble Street, Florence House Women's Shelter	Portland	ESHAP, TCM, GA, Private Funding, Grants	Only serves women, shelter cap	Women	25	
Rural Community Action Ministries, Family Shelter	Leeds	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	10	
Rumford Group Homes, Norway Homeless Shelter	Norway	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Women & Children	15	
Rumford Group Homes, Rumford Family Center Shelter	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	17	
Rumford Group Homes, Monier Family Center	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	General	14	
Safe Voices, Annie Pearl Shelter	Auburn	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	

Shaw House Emergency Youth Shelter	Bangor	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Youth		16
Tedford Housing, Federal St. Family Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		29
Tedford Housing, Cumberland St. Adult Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	General		16
Western Maine Homeless Outreach	Farmington	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		16
York County Shelter Programs, Inc., Adult Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Single Adults		37
York County Shelter Programs, Inc., Family Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		18
Hope Haven Gospel Mission	Lewiston	Privately Funded	Sober Only, Religious	General		32
Saint Martin de Porres Residence	Lewiston	Privately Funded	Sober Only, Religious	Single Adults		10
Maliseet DV and Sexual Assault Program	Houlton	Privately Funded	Sober Only, Fleeing DV	DV		10
New Hope for Women	Rockland	Privately Funded	Sober Only, Fleeing DV	DV	?	
The Shephard Godparent Home	Bangor	Privately Funded	Sober Only, Religious	Pregant Women	?	
New Hope Shelter	Solon	Privately Funded	Sober Only, Religious	Women		20
Trinity Shelter	Skowhegan	Privately Funded	Sober Only, Religious	Single Men		85
Passamuoquoddy Peaceful Relations	Pleasant Point	Privately Funded	Sober Only, Fleeing DV	DV	?	

*The City of Portland operates the only municipal run shelters which are the only shelters to run multiple overflow sites. All other on attached are either privately operated non-profits or religious organizations with boards of directors.

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

Anti-Trafficking Services (ATS) is also dependent on federal funds. The current award cycle was for a three-year period and we anticipate receiving funds for another grant period starting 10/1/18. Our ATS team has fluctuated within and across grant funding cycle based on several factors; these changes in team configuration and number of caseworkers affect our ability to provide services.

The Health Services intensive case management services offered to MARF clients is also dependent on grant funding. We are currently participating in the MARF pilot project which ends in March 2019. We are hopeful there will be an opportunity to apply for another grant period through a subcontract with Greater Portland Health however we have no definitive information at this time.

Teen Services provides day services, case management and overnight shelter to youth age 12-20. We do not allow youth age 18-20 to access services at our Resource Center and instead encourage them to access services through our Teen Services. This aids in their ability to seek age and developmentally appropriate services that supports them in moving from homelessness to housing stability. Currently Teen Services works collaboratively with Oxford Street Shelter to encourage 18-20-year-old youth to access services through Teen Services. We would like to continue this practice with the new Homeless Services Center going forward.

Expected Outcomes: Access to specialized services as able.



Adam Harr <ash@portlandmaine.gov>

Fwd: [External Sender]Spurwink Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:30 PM

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

From: **Ben Strick** <bstrick@spurwink.org>
Date: Thu, Mar 7, 2019 at 7:11 PM
Subject: RE: [External Sender]Spurwink Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hi Sarah,

My apologies for the delayed reply. We will work with the city to deliver services wherever the new shelter is located. With that said, County Way or Angelo's Acre would be markedly better for us. Having the shelter located within walking distance of Spurwink Adult Behavioral Health would make it much easier to collaborate and help coordinate care. I think this will be especially true for our MAT program. One of the strengths of our program will be the ability to directly administer medication on a daily basis if needed. While our substance abuse counselors can meet with clients anywhere, it will be hard for the program to routinely administer Suboxone outside of an secure office setting. The closer we can be to the shelter the easier it will be for clients to successfully engage in treatment. I suspect a daily bus ride to/from Riverside Industrial Parkway would create a significant barrier for many individuals.

Please let me know if there is anything else we can do to help.

Thanks so much,

---Ben

BENJAMIN STRICK, LCSW**Director of Adult Behavioral Health**

207.871.1200 x 2149 | 207.615.2146 (c) | 207.871.1232 (f)

901 Washington Ave, Suite 100

Portland, Maine 04103

www.spurwink.org

From: Sara Fleurant <skf@portlandmaine.gov>
Sent: Wednesday, February 27, 2019 5:06 PM
To: Ben Strick <bstrick@spurwink.org>
Cc: Aaron Geyer <aeg@portlandmaine.gov>
Subject: [External Sender]Spurwink Further Location Feedback

Hi Ben,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

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--

Aaron Geyer
City of Portland

Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

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Adam Harr <ash@portlandmaine.gov>

Fwd: Amistad Further Location Feedback

2 messages

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Thu, Mar 7, 2019 at 4:38 PM

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Thu, Feb 28, 2019 at 4:09 PM
Subject: Fwd: Amistad Further Location Feedback
To: Aaron Geyer <aeg@portlandmaine.gov>

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

From: **Brian Townsend** <briant@amistadinc.com>
Date: Thu, Feb 28, 2019 at 12:44 PM
Subject: RE: Amistad Further Location Feedback
To: Meredith Pesce <meredithp@amistadinc.com>, Sara Fleurant <skf@portlandmaine.gov>

Hi Sara,

Amistad would be able and willing to provide services onsite and through outreach at any of the three identified options.

Our feedback on the three site options:

With the disclaimer that no site can be perfect, we are inclined to see the County Way location as the best of the three. The most significant positive is the location relative to other services and resources. We do not have the same broad negative feelings about the proximity to the jail that some others seem to have. We agree that the optics aren't great, but we suspect that the people who will have the strongest negative reaction to those optics are not the actual people who will be seeking emergency shelter and services there. The jail does not have negative socio-environmental factors along its periphery, so any downside about being next door is conceptual. If Amistad were looking to purchase land and build a program somewhere, and prioritized accessibility (as we do) above most factors, we would absolutely consider this lot.

Angelo's Acre may have some positive aspects, but our immediate reaction has to do with safety, given the nearness of the harbor. Our community has had enough tragedy associated with accidental drownings; it is hard to overlook this when considering that spot. It also seems like a spot that would be exposed to significant wind and cold, in addition to the noise of the bridge, and we wonder about these factors as being additional existence burdens on the people seeking shelter and support there.

The third option, on Riverside, feels like the least optimal due to its distance from the service center. If all three options were similarly distant, it might hold up by comparison with some other options, but, as one example, it would seem less viable as an option than the previously proposed Barron Center location.

If you would like us to flesh out any of these responses or offer thoughts on specific questions, please let us know!

Brian

From: Meredith Pesce
Sent: Wednesday, February 27, 2019 5:45 PM
To: Sara Fleurant <skf@portlandmaine.gov>; Brian Townsend <briant@amistadinc.com>
Subject: Re: Amistad Further Location Feedback

Thanks Sara, we'll dig into this and send it back over soon.

Meredith Pesce
Associate Director
Amistad
[66 State Street](#)
[Portland, Me 04101](#)

207-241-9141

From: Sara Fleurant <skf@portlandmaine.gov>
Sent: Wednesday, February 27, 2019 4:55 PM
To: Brian Townsend; Meredith Pesce
Subject: Amistad Further Location Feedback

Hi Brian and Meredith,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

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--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

--

Aaron Geyer
City of Portland
Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

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Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:31 PM

[Quoted text hidden]



Adam Harr <ash@portlandmaine.gov>

Fwd: PPD Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:32 PM

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

From: **Vernon Malloch** <vwm@portlandmaine.gov>
Date: Mon, Mar 4, 2019 at 12:35 PM
Subject: Re: PPD Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hello Sara

The police department will provide all the same services indicated during the review of the Barron Center Site. I believe you have that information on file. If you cannot locate it I will search my old e-mails.

Specific to one site listed here I do have concerns about Angelo's Acre. It's proximity to the working waterfront is a public safety concern. Historically we have seen drowning deaths of homeless people and those who are impaired by alcohol or drugs. The department has worked hard over the years to partner with other providers to significantly reduce this occurrence. Locating a shelter so close to the waterfront has the potential to place an already at risk group in even more danger.

Thanks for soliciting feedback and please let me know if you need any other information.

Best, Vern

On Wed, Feb 27, 2019 at 5:03 PM Sara Fleurant <skf@portlandmaine.gov> wrote:

Hi Chief,

Hope all is well! We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,
Sara

--

Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Vern Malloch

Interim Chief
Portland Maine Police Department
[109 Middle Street](#)
[Portland, ME 04101](#)
207-874-8600
email: vwm@portlandmaine.gov
Our Core Values
Leadership - Integrity - Service

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Aaron Geyer
City of Portland
Health & Human Services Department
[196 Lancaster Street](#)
[Portland, ME 04101](#)
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***Homeless Voices for Justice Comment on Three Potential Sites for the Homeless Services Center
March 15, 2019***



To esteemed Councilors of the Health and Human Services Subcommittee:

Homeless Voices for Justice appreciates the opportunity to provide feedback to the HHS Committee on this step of the relocation process.

Based on community outreaches and careful analysis, Homeless Voices for Justice's main points of concern remain: accessibility, eligibility and bed numbers, and community inclusion.

We do have specific feedback on the three sites in particular, and then other points to consider:

Riverside Industrial Park

HVJ is concerned about the accessibility of Riverside Industrial Park as a location for a new Homeless Services Center. The area is somewhere between a four and six mile walk away from the current Oxford Street Location. While there has been much welcome discussion about proximity to METRO, we hope the public and the City understands the accessibility challenges posed by placing a shelter so far away from current services. Many people staying at shelters in Portland have persistent medical conditions that make it impossible to walk much of a distance. Many lack storage space and have to carry bags and belongings around. And many people are in wheelchairs, use walkers, or canes. Complicating this is the fact that few can afford bus passes, and free bus passes supplied by some service providers are incredibly hard to come by. One of the most frequently sought resources by those who are homeless are monthly passes.

When the State moved its DHHS building from Bayside to South Portland, many people who needed support lost services, or the opportunity to more frequently access services, because of the distance created. At the time of that move, HVJ advocated against it for accessibility reasons. Other concerns about this location include sidewalk accessibility and whether there are food stores close by. In addition to services, many people access employment through agencies such as Labor Ready, which involves lining up early in the morning. The distance created by placing the shelter at Riverside, combined with bus schedules, would make it much harder, if not impossible, for many people staying in the shelter to access employment.

County Way

HVJ is concerned about locating a new Homeless Services Center near the County Jail. While the location is closer to many current services than Riverside is, we fear that placing a shelter near the jail will increase the stigma, discrimination, violence and criminalization that people experiencing homelessness already face. Specifically, we are concerned about the association

implicitly made by locating a Homeless Service Center next to a jail. People who are homeless often struggle with barriers that result from disproportionate enforcement of certain laws, such as loitering or trespassing laws to name just two. Our research and experience as those who have been, or are, homeless shows us that the stigma and criminalization of those who are homeless makes basic life-sustaining activities much more difficult. People who are homeless do not have the privacy of a home to conduct their lives. They are disproportionately asked to “move along” in public space; their activities are more frequently and heavily scrutinized by the public and governing institutions. We believe the close proximity to the County Jail may increase these barriers rather than strive to resolve them. We strongly encourage the Health and Human Services Subcommittee to discuss this aspect of the location.

Angelo’s Acre

Of all three potential sites, Angelo’s Acre is the closest to many available services on the peninsula for those who are homeless. By staying on the peninsula, it is not far from the current shelter and a number of service providers and resources that people who are homeless access in downtown Portland. That said, HVJ does recognize other accessibility aspects that make this site challenging. Namely, the fact that it is quite close to water, a frequently busy street and bridge ramp, and the Port Authority.

Other Points to Consider

First, HVJ encourages the HHS Committee to carefully consider the question of residential zones, which has created much discussion among the councilors. A new Homeless Services Center in any location will no doubt be located close to, or in, a given neighborhood, and we would encourage the councilors to consider that guests at the new Center will be neighbors and residents, the same as anyone else. These guests should not be tucked away, out of sight, due to concern that their presence would pose a challenge to their neighbors. To include and integrate people who are homeless in Portland is one way in which our city can better address the need for shelter services, which has become more severe over the years as other shelters have closed down. To this end, we have heard over and over again from our community a concern and strong appeal for people experiencing homelessness to not be hidden. We recognize the City’s emphasis on *not intending* to hide the homeless. However, we believe that in considering whether current residential zones are appropriate, consideration must be given to how Portland, as a community, cares for its most disenfranchised, oppressed, and stigmatized residents.

Secondly, we are concerned about the prospect of opening up a 150 bed facility while the current shelter chronically exceeds its capacity of 154 people, resulting in the use of overflow and sometimes triple overflow on a nightly basis. In December of 2018, 537 people were served by homeless shelters in Portland. Based on current trends, HVJ does not believe the predictions for reduced numbers are realistic. We are encouraging the Councilors to afford for space and capacity such that the new Homeless Services Center does not need overflow in the first place.

Connected to this is the question of guest eligibility and policies governing the new Homeless Services Center. To us, it is crucial that the City keeps to its long-standing commitment to provide emergency shelter services to anyone who needs it and that the policies governing the new Homeless Service Center are the least restrictive they can possibly be, to ensure that the City's goals for rapidly connecting people to resources and housing can be met.

Third, the HHS Committee has moved recently to narrow down sites from 11 to 3. While we welcome the sense of urgency to address the life-threatening problem of homelessness in Portland, we will continue to encourage the HHS committee to work more systematically on including the input of those who are homeless as this process moves forward. Homeless Voices for Justice seeks to empower those who live in poverty and homeless – people whose perspectives are often absent from the development of policies and programs that directly impact their social and economic well-being. To this end, we are working in conjunction with City Management on convening a community forum for people who are homeless so their input can be heard. While those plans continue to move forward, we advise that the City take steps to ensure that the pace of the relocation process does not move so fast as to exclude the concerns and feedback of the community they seek to help.

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

County Way:

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Angelo's Acre:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

Agency: Goodwill Northern New England

Representative: Dave Wurm, Senior Director, Workforce Services

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

In considering these locations, the Library evaluates how we could provide service through our existing locations and how we could add a site onto our outreach agenda. We recognize that the Library's collections are helpful as research tools as well as much-needed entertainment for people experiencing homelessness, and that library spaces are welcoming and safe which can be reassuring and provide a positive sense of community for someone experiencing disruption and anxiety due to homelessness. Of the Library's locations, the Main Library on Monument Square is best equipped to provide the variety of information resources, the technology tools, security staffing, and seating to accommodate.

Riverside Industrial Park:

Being the location farthest from any of our branches, especially the Main Library, this location would be most challenging to provide our strongest service. Based on current models and funding, we would anticipate providing bookmobile or pop-up service once per week, and the possibility of providing donated collections for free use (similar to Florence House). It seems critical that the location be on a bus line.

County Way:

The proximity to the peninsula and both major hospitals, as well as to the Police Headquarters (if it moved there), add value to this location. As stated above, the Library can provide our best service through our Main Library location, and this would still require a bus or a solid walk from County Way. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Angelo's Acre:

This is geographically nearest to the Main Library and is, therefore, the most beneficial site for access to full Library services. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Agency: Portland Public Library

Representative: Sarah Campbell

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

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Expected Outcomes: Access to specialized services as able.

March 6, 2019 - Shelter Locations Questionnaire

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: ***DEFINITE NO*** Yes/**No**/ Maybe ?

Pluses

- Receptivity by residential and business neighbors- likely somewhat low opposition

Minuses

- Public visibility- hiding homeless guests on outskirts of town...
- Access to other services and amenities – too remote; not within walking distance to much of anything...; longish bus ride
- Neighborhood- industrial
- Transportation- where's the nearest bus stop?

County Way ***NOT A PREFERRED SITE*** Yes/No/**Maybe** ?

Pluses

- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely high opposition, by businesses who might not see a Homeless Services Center as good for business and by residential neighbors
- Public visibility- hiding homeless guests from public view
- Neighborhood- industrial feel; next to jail, may be seen by some as equating homelessness with criminality

Angelo's Acre ***PREFERRED SITE*** **Yes**/No/ Maybe ?

Pluses

- Public visibility- definitely not hiding homeless guests
- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely opposition by both; may be manageable though...

Shalom remains committed to providing mental health case management to support mutual clients in need of such services wherever they are, including the new Homeless Services Center. The new configuration will make it easier to meet with shelter guests at the Center. In addition, Shalom will continue to meet with guests to assess eligibility for Section 17 adult mental health case management and/or eligibility for Shalom group homes or Community Rehabilitation Services.

Shalom staff will also continue to award as many eligible shelter guests as program resources allow with one of the rental subsidies we administer so that guests can better afford available housing in the area. We will also set up mutually agreeable times to meet with guests in need of rental vouchers and schedule regular weekly hours at the new Homeless Services Center to answer questions / assist guests and their housing counselors with rental assistance applications.

Agency: Shalom House, Inc.

Representative: Norm Maze, Deputy Director

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park :

We are concerned that this location is too far removed from services. While the City seems committed to having a transportation plan in place, we feel that our clients benefit from being able to walk to access needed resources, services, and work. The team also has concerns that the segment of the population with significant behavioral challenges will struggle to be able to maintain access to transportation services whether it be city - provided or through the bus line.

County Way:

While the proximity to the jail is problematic optics and messaging wise, we feel that it is located close enough to town that folks will still have ease of access to essential services and its proximity to MMC is particularly positive.

Angelo's Acre:

Pros for this location include that it is centrally located and would provide ease of access to services. It is also the most publicly visible of the 3 remaining locations.

We have some concerns about clients who are under the influence wandering into traffic or down some of the wharfs in that area. It's worth noting that when people are restricted or CTO'd from the shelter some are likely to sleep rough around the city and shifting this population closer to the water could be dangerous, particularly for those who may be under the influence. There have been many instances of people who are homeless drowning in Portland and anything that puts people closer to the waterfront could be a concern.

Agency: The PATH Program at The Opportunity Alliance

Representative: Christina Cook

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

This location seems too far and would seem to not help folks get the services they need, but instead might hinder them even more. SARSSM does not promote this location.

County Way: **County way is a great solution. It is close to the hospital and sticks to the bus route. It does not create any more barriers to the homeless population.**

Angelo's Acre: **Angelo's Acre is a great second choice.**

Agency: Sexual Assault Response Services of Southern Maine (SARSSM)

Representative: Whitney Adell, Program Manager of Advocate and Outreach Services

What the agency can provide:

- **On-site one on one support for folks that have been sexually harmed**
- **On-site outreach by consistently showing up on a specific day to table and create awareness about surveys**
- **Possibility of an on-site support group once outreach as been established**



Adam Harr <ash@portlandmaine.gov>

Fwd: Location feedback

1 message

Robert Parritt <rwp@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Tue, Mar 12, 2019 at 1:05 PM

Through These Doors Feedback

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Fri, Mar 8, 2019 at 6:04 AM
Subject: Fwd: Location feedback
To: Robert Parritt <rwp@portlandmaine.gov>

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

From: **Jennifer S** <jennys@throughthesedoors.org>
Date: Thu, Mar 7, 2019 at 3:14 PM
Subject: Location feedback
To: Sara Fleurant <skf@portlandmaine.gov>
CC: Kelley W <kellyw@throughthesedoors.org>, Rebecca H <rebeccah@throughthesedoors.org>

Hi Sara,

Thanks for reaching out to Kelley with regards to our feedback on the shelter locations being proposed and the services we could provide. We had a discussion about what our involvement could be as a whole. The location of the shelter doesn't have an impact on the services that we could provide onsite.

Given the intersection of homelessness and domestic violence, what will be needed and what we could provide is a full-time domestic violence advocate (if funding permits) located on site to provide advocacy and support to victims and survivors of domestic violence, stalking, human trafficking and dating abuse.

Let me know if you have any questions.

Thanks.
Jenny

Jenny Stasio, Director of Operations

she/her/hers

Through These Doors (*formerly Family Crisis Services*)

Office: 207-874-1196

Mobile: 207-712-8274

24-hour Helpline: 800-537-6066



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--

Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Rob Parritt
Homeless Services Consultant
City of Portland
rwp@portlandmaine.gov

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: Community Housing of Maine (CHOM) does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Riverside Industrial Park site.

County Way: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the County Way site.

Angelo's Acre: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Angelo's Acre site.

Agency: Community Housing of Maine

Representative: Cullen Ryan, Executive Director

Feedback from community members experiencing homelessness, gathered from Homeless Voices for Justice outreaches and community meeting.

Homeless Voices for Justice gathered feedback from people experiencing homelessness in Portland on the three proposed sites for the city of Portland's proposed Homeless Services Center. HVJ collected 44 survey responses (combined with 88 general comments from surveys we utilized in previous community outreach) and held a community meeting in the Preble Street Resource Center with roughly 30 people, all of whom provided extremely diverse feedback and responses.



Significantly, HVJ has also spoken with a number of other community members who use the Oxford Street Shelter that opted *not* to fill out a survey, due to concerns that their voices and concerns would not be heard. This is why we feel it is important to continue working with City Management to arrange a community forum on this topic, specifically for those who are homeless and utilize shelter services in Portland.

Feedback on sites:

Riverside Industrial Zone

The majority of responses were opposed to this site for accessibility and location reasons. The frequency and price of public transportation would make moving between this location and other sites in the city very difficult or prohibitive. There was also concern from people who have to carry their belongings, have mobility challenges, and who need to access employment services/opportunities closer to the center of the city. Example of the responses not in favor of this site:

"This site would take someone without mobility issues at least two hours to get to from the center of town."

"I believe the reasons for this site are to hide the homeless community. It needs to remain fairly close and easily accessible to resources."

There were, however, some people who favored the Riverside site *because* of its distance from the rest of Portland. For example, one respondent said:

"[Riverside Industrial Site is] Choice 1. Out of town! Further away would be less stereotypes."

County Way

A sizeable number of responses from the community opposed this location due to its proximity to the Cumberland County Jail. People raised concerns about the impact of this location on increasing the stigmatization and criminalization of those who are homeless. Example of the responses not in favor of this site:

“This is not a good idea. Many homeless people have a negative association with police and the county jail.”

“They should absolutely NOT move it next to the jail... there is already a harsh stigma against the homeless and throwing us at the jail is wrong AND offensive.”

On the other hand, a sizeable number of responses from the community favored this location, noting that the location might help increase security and has close proximity to existing grocery stores, job opportunities, emergency and/or medical services, public transportation, etc.

Angelo’s Acre

Its closeness to existing, frequently utilized resources and social services in Downtown Portland (particularly the Bayside Neighborhood) was frequently referenced as a strength. In addition to facilitating access to important services, the central location was favored by some for keeping the issue of homelessness visible (as an important issue) in the city.

Responses opposed to this location were concerned about pedestrian safety, due to proximity to Commercial Street and the Casco Bay Bridge.

Overall, the responses to **Angelo’s Acre** and **County Way** were more mixed and positive as both remain closer to available resources downtown than does the Riverside site.

Other comments:

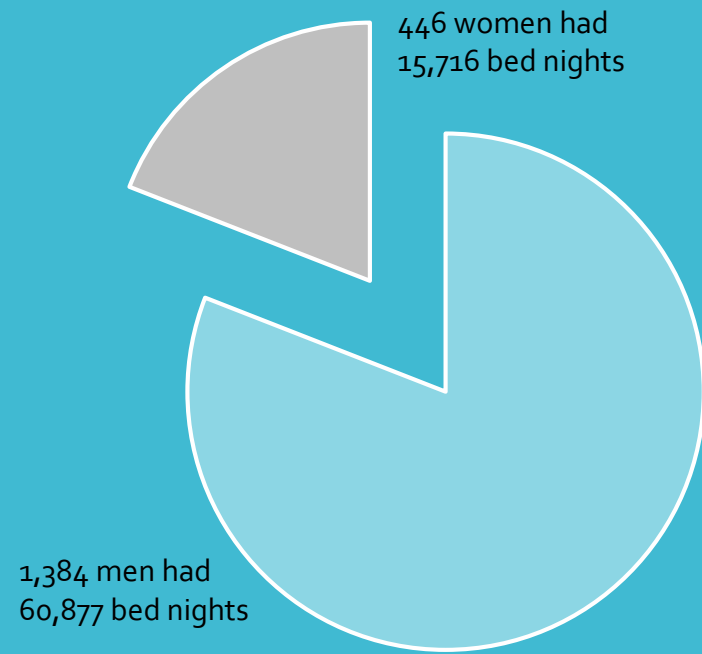
1. *What about other locations that the City has already moved on from?* The Douglass Street site came up several times. It was also clear that people who are homeless aren’t fully informed of the range of potential sites that had existed before there were three.
2. *What will happen to policies and procedures that govern the new Homeless Services Center?* Many people are concerned about policies and procedures and *who* can access services at the current shelter. Because Oxford Street Shelter cannot adequately accommodate those with high medical, disability, or related needs, those who are homeless in these categories are disproportionately affected by an outdated system. Many people are concerned whether the new Homeless Services Center will be more adequately set up to address guests with relatively higher needs, specifically medical needs.
3. *What about other resources?* People’s core concerns are around access to resources, including transportation. If the current density of resources and social services in the Bayside Area are broken up, people are concerned about how the City will help shelter guests access those vital services? Even if the new Homeless Services Center provides a number of services on-site, guests will still have to navigate the rest of the City for services and resources.
4. *How many beds?* People are concerned that 150 beds are inadequate to address the current need. People experiencing homelessness in Portland see that the current shelter is 154 beds, with frequently used overflow of 77 beds. The community is concerned how the City is going to address this need with a smaller shelter.

5. *Current conditions.* Overcrowding, pests, not feeling heard, not having adequate access to vital services such as casework, and opportunities to exit homelessness are few among the many indignities those who are homeless face in Portland on a daily basis. Often, people in the community want to discuss these conditions, what it's like from their perspective to experience them, and what needs to be different. People experiencing homelessness want to know how the new Homeless Services Center will address these issues.

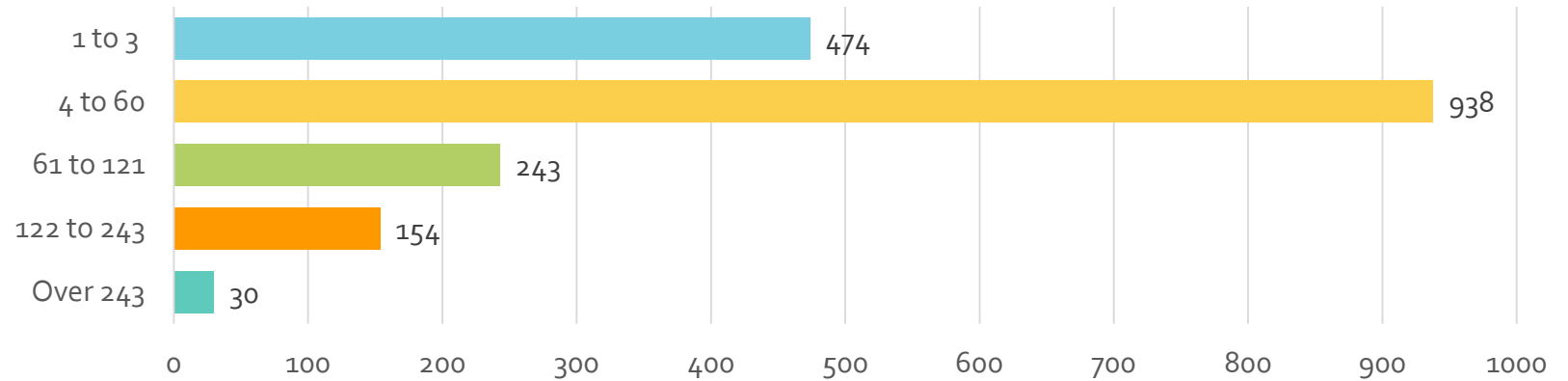
Staying at OSS

Average Monthly Bed Nights and Length of Stay Across Age and Gender at the City Operated Low-Barrier Emergency Shelter

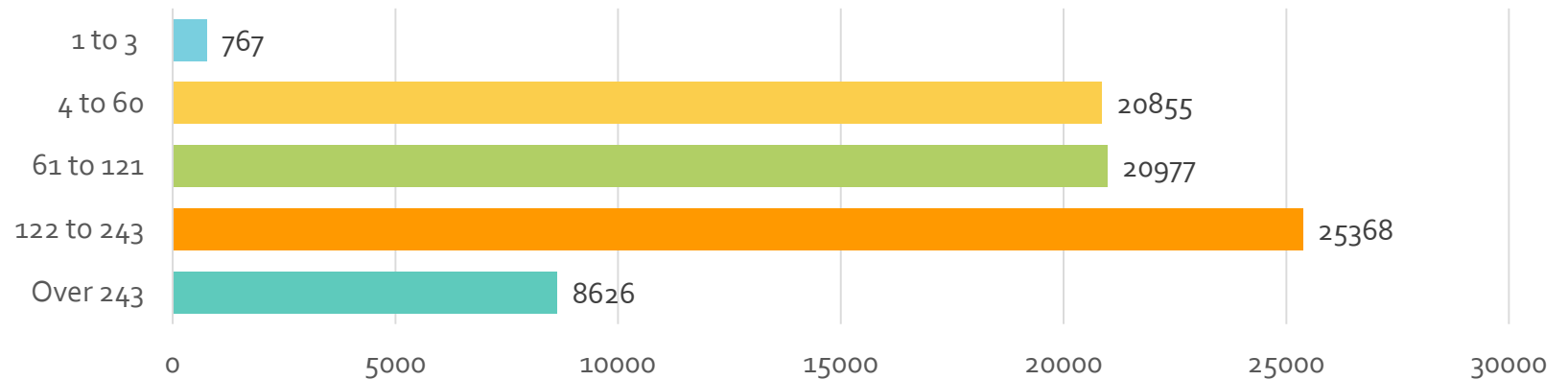
Total 2018 Bed Nights: by Gender



Shelter Stays: 1,839 Unduplicated Individuals



Total Bed Nights: 76,983



Staying at OSS

Stayed 1 to 3 nights

Stayed 4 to 60 nights

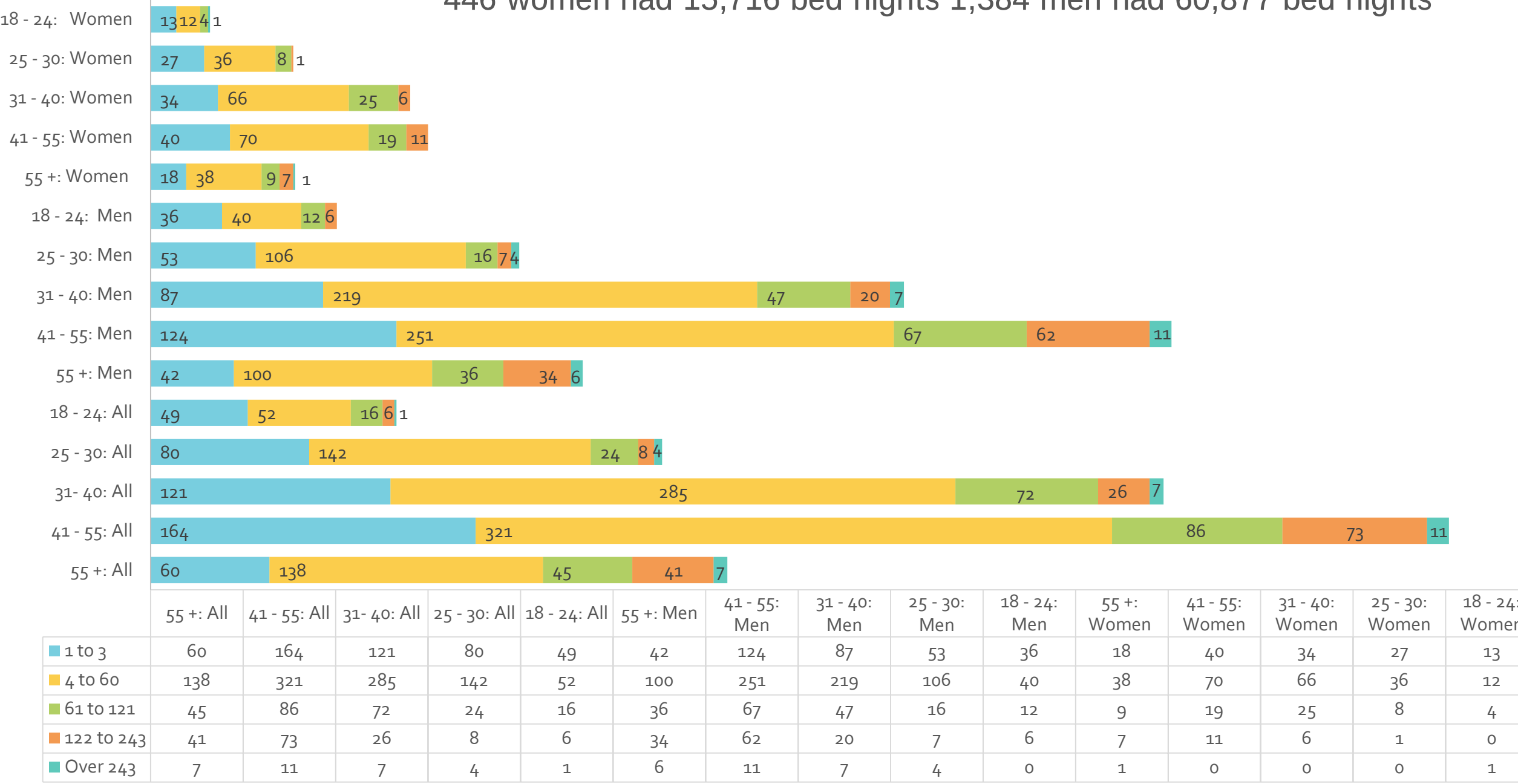
Stayed 61 to 121 nights

Stayed 122 to 243 nights

Stayed over 243 nights

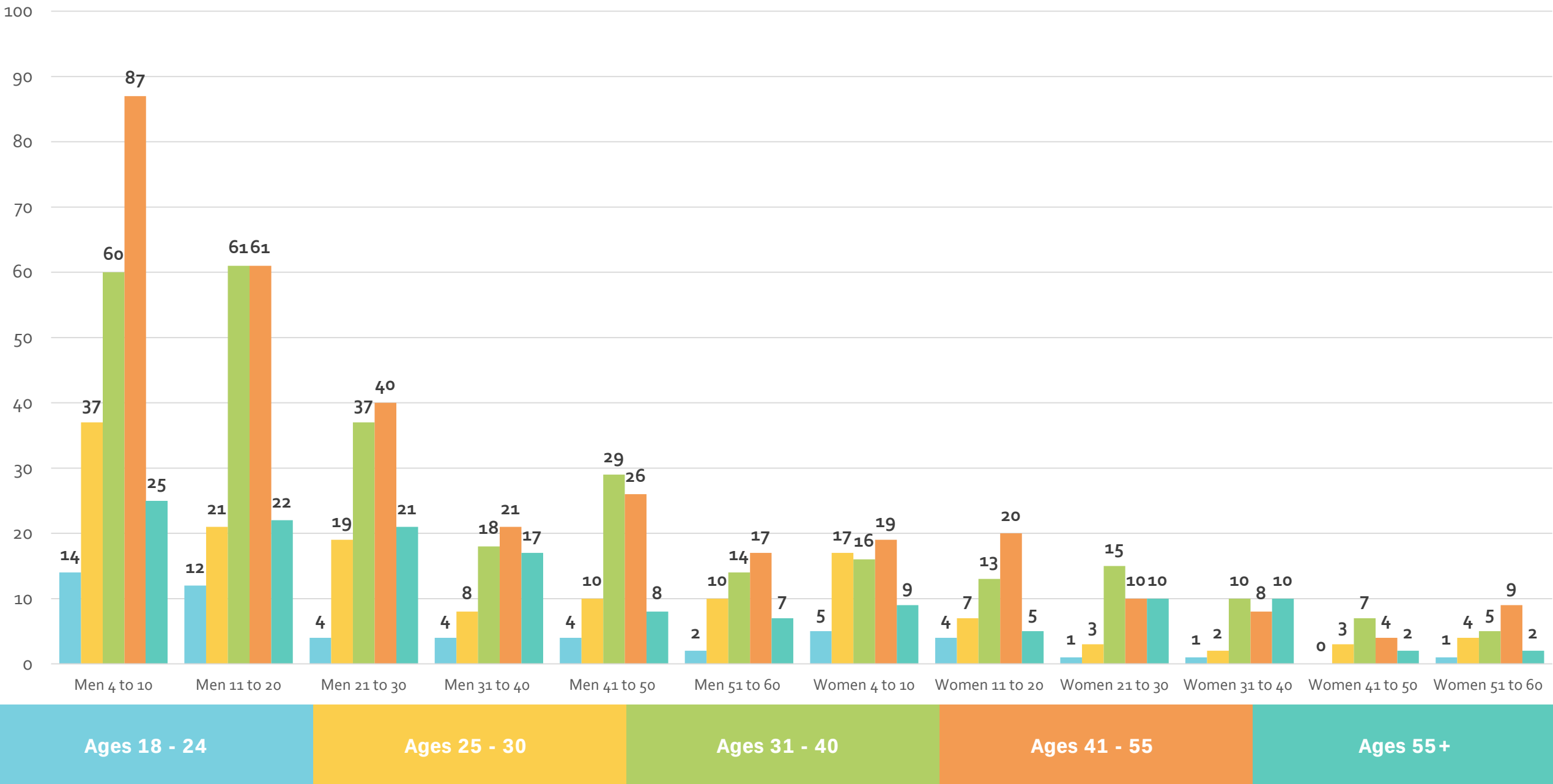
Length of Stay in 2018: 1,839 Unduplicated Individuals by Age and Gender

446 women had 15,716 bed nights 1,384 men had 60,877 bed nights



STAYED 4 – 60 DAYS AT OSS: 938 UNDUPLICATED INDIVIDUALS

716 MEN HAD 15,929 BED NIGHTS; 222 WOMEN HAD 5,103 BED NIGHTS

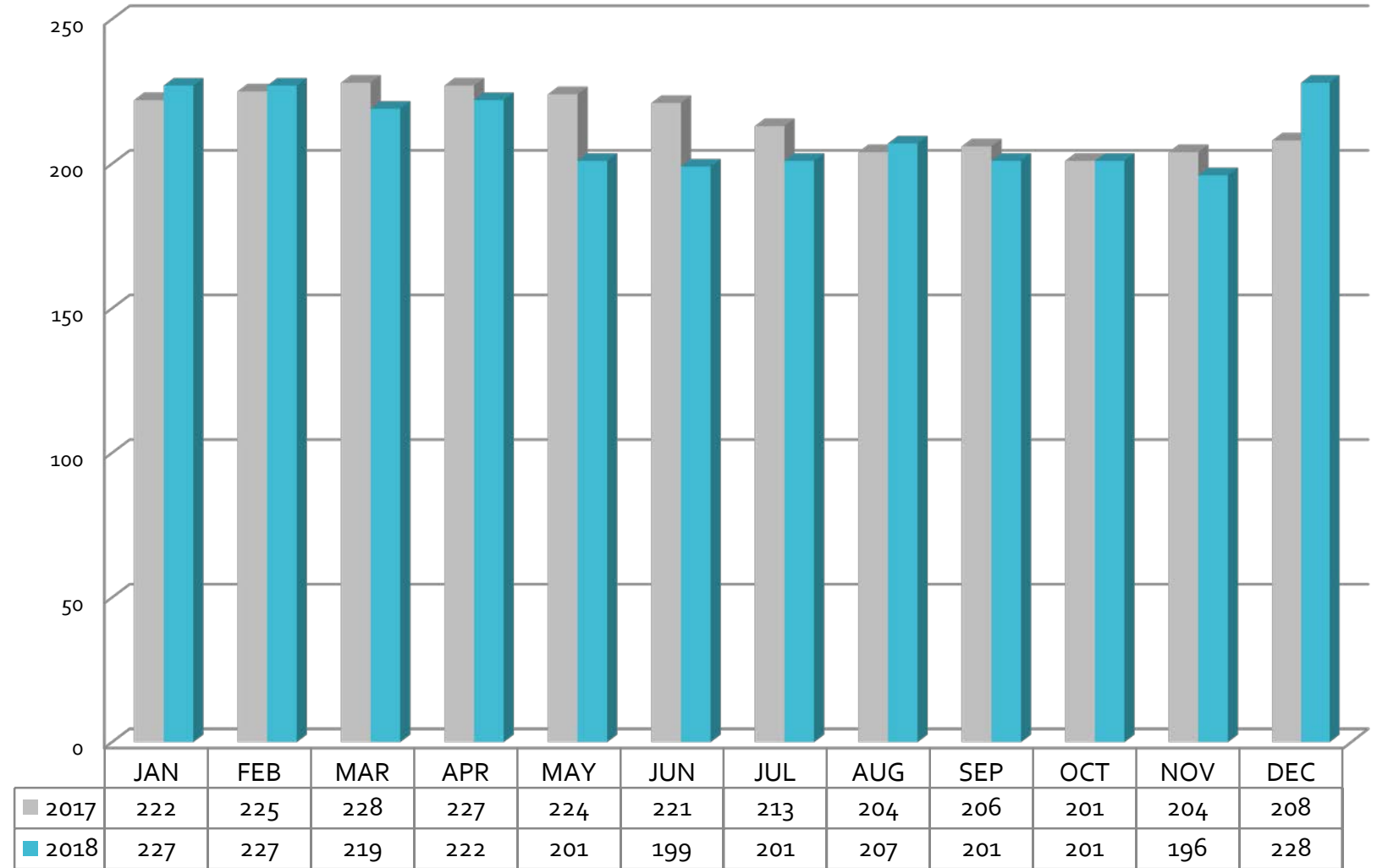


Oxford Street Shelter Bed Nights

2018

- On 1/28/2019 270 individuals slept at the shelter
- On Average, 211 people stayed at OSS per night
- An individual stayed an average of 42 nights
- The median length of stay was 17 days

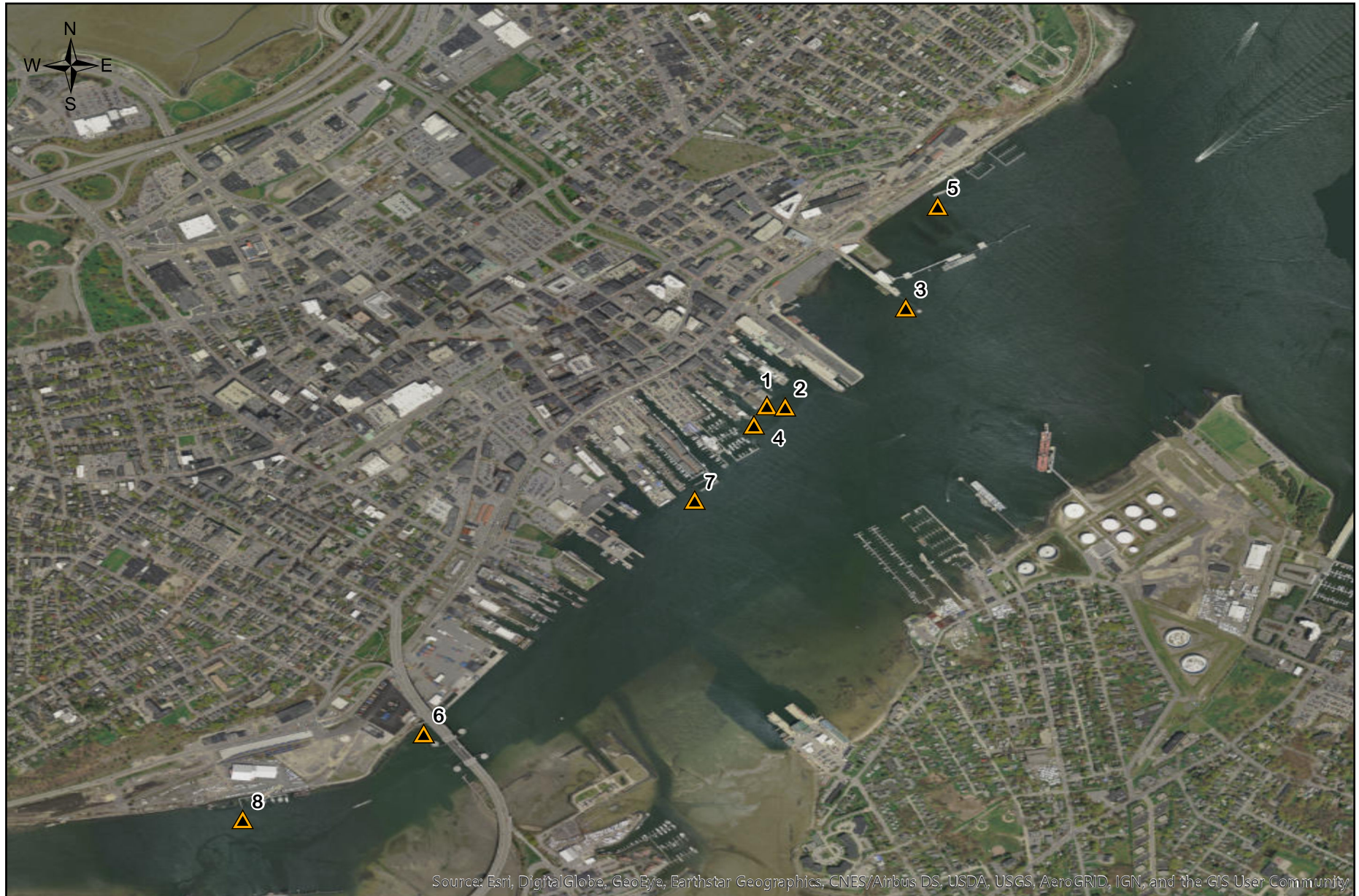
Average Bed Night: average number of people at OSS on any given night in a month



Transient Drownings

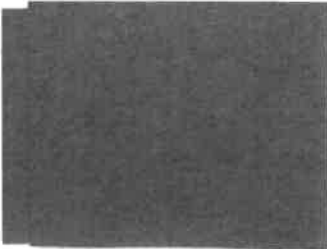
ID	YEAR	LOCATION	CITY	STATE	CASE
1	2016	9 Custom House Wharf	Portland	ME	116005134
2	2013	9 Custom House Wharf	Portland	ME	113004874
3	2010	14 Ocean Gateway Pier	Portland	ME	110006918
4	2010	9 Custom House Wharf	Portland	ME	110003126
5	2009	58 Fore St	Portland	ME	109009685
6	2005	Casco Bay Bridge	Portland	ME	105009759
7	2005	405 Chandler's Wharf	Portland	ME	105003488
8	2005	75 West Commercial St	Portland	ME	105003088

Transient Water Deaths Since 2005



17-0499.1 E

July 13, 2017



Subject: Environmental Soils Information
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear 

This letter summarizes environmental soil conditions encountered during the June 26 and 27, 2017 geotechnical test boring and test pit explorations program by S. W. Cole Engineering, Inc. (S.W.COLE) at the subject project site.

Petroleum contamination was encountered at the depth range of approximately 2 to 3 feet in uncontrolled fills during the excavation of Test Pit TP-110. Refer to the S.W.COLE Preliminary Geotechnical Information letter dated July 13, 2017 for a plan showing the approximate location of TP-110, and for a log of this test pit.

Photoionization detector (PID) screening of a sample of the petroleum-contaminated soil indicated a concentration of 134 parts per million (ppm). The "Oil in Soil" shake test result for the same sample indicated a "Positive" result for fuel oil.

The lateral extent of the petroleum-contaminated soils was not determined during the geotechnical explorations program. Based on the "Positive" Oil in Soil shake test result, the Maine Department of Environmental Protection (MeDEP) may require remediation of the soils if they are to be excavated during the proposed site development.

The MeDEP issued a Voluntary Response Action Plan (VRAP) Certificate of Completion dated August 30, 2010 to the City of Portland after sand blast grit and soils with documented elevated levels of arsenic were successfully remediated at the site. S.W.COLE reviewed the reports for the environmental investigations completed at the site prior to the 2010 VRAP Certificate of Completion being issued, and did not find evidence that the investigations encountered petroleum-contaminated soils.

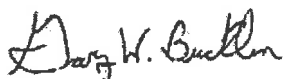
Construction of the proposed development will require an Environmental Media Management Plan (EMMP) that outlines a program for managing the petroleum contaminated soil in the area of TP-110, and for managing previously unidentified contamination that may be encountered in other areas during earthwork activities.

Coordinating and monitoring the management of contaminated soil, preparation of a remedial action completion report, and potentially other environmental services will be necessary in order to facilitate the MeDEP issuing an amended VRAP Certificate of Completion to the site owner and it's assigns after the completion of construction activities at the site.

Please contact us if you have questions regarding this correspondence.

Sincerely,

S. W. Cole Engineering, Inc.



Gary W. Bucklin, C.G.
Senior Geologist

GWB:tjb



www.swcole.com

17-0499 S

August 22, 2017

[REDACTED]

Subject: Preliminary Geotechnical Information – rev 1
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear [REDACTED]

As requested, this letter summarizes preliminary geotechnical information relative to foundations, earthwork and pavement associated with the subject project. This letter is provided in advance of our geotechnical report and is subject to the limitations set forth therein. This letter supersedes its prior release, dated July 13, 2017.

S. W. Cole Engineering, Inc. (S.W.COLE) completed test boring and test pit explorations at the site on June 26 and 27, 2017. The attached plan shows the approximate locations of the explorations as well as existing and proposed site features. Logs of the explorations and a key to the notes and symbols used on the logs are also attached.

Based on the subsurface findings and our understanding of the proposed construction, we offer the following geotechnical considerations for the proposed development:

- **Foundations:** The site is principally underlain by uncontrolled fills overlying stable native deposits of glaciomarine clay, glacial outwash sands and glacial till. The uncontrolled fills range from 3 to 25 feet thick and are unsuitable for support of the proposed buildings. We recommend a combination of uncontrolled fill removal and replacement, as well as aggregate piers to improve ground conditions for conventional spread footing and on-grade floor slab support. The

286 Portland Road, Gray, ME 04039-9586 • P: (207) 657.2866 • F: (207) 657.2840 • E: info@swcole.com

Geotechnical Engineering

Construction Materials Testing and Special Inspections

GeoEnvironmental Services

attached plan summarizes the ground improvement method for each proposed building footprint. We estimate a premium cost of \$6 to \$9 per square foot of proposed building area to improve ground conditions for conventional spread footings and on-grade floor slabs.

- **Earthwork:** As discussed, we recommend raising finished floor elevations and site grades to preclude exporting environmentally impacted site soils. The site soils are sensitive to moisture and frost. We recommend site grading and foundation construction occur in drier, non-freezing weather of Spring, Summer and Fall. The uncontrolled fills and non-organic soils displaced by excavation may be reused as compacted Common Borrow in paved areas and beneath buildings improved with aggregate piers.
- **Pavements:** Pavement subgrades should be proof-rolled and densified with a 10 ton vibratory roller. Areas that become soft after proof-rolling, must be removed and replaced with compacted Granular Borrow prior to installing pavement subbase gravels. We recommend planning consider a 30 inch thick pavement section consisting of 4 inches of hot mix asphalt over 18 inches of compacted MaineDOT Type D Crushed Subbase Gravel over 8 inches of MaineDOT Granular Borrow for Underwater Backfill.

We trust this letter meets your current needs. We will prepare our geotechnical report upon your notice to proceed.

Sincerely,

S. W. Cole Engineering, Inc.



Timothy J. Boyce, P.E.
Senior Geotechnical Engineer

TJB:emw

Attachments: Exploration Location Plan
 Exploration Logs
 Key to Notes and Symbols used on Exploration Logs



Health & Human Services Department

Dawn Stiles, Director

Oxford Street Shelter

Robert Parritt, Director

Social Services Division

David MacLean, Director

Date: January 4, 2017

Emergency Shelter Best Practices

Single floor, open concept design style with clear lines of sight

A foyer/screening area to perform security searches and other assessments

A centralized shelter operations office with sight lines to the dorms

A large day room that can accommodate all shelter guests for day shelter and meals
Along with storage for portable tables and chairs

Food prep and service area

Suitable laundry facilities

Handicap accessible bathrooms in the day room and dormitories

Office space for Oxford Street housing staff as well as partner agencies on site for direct services

Two open concept dorms with raised beds, one male and one female
Raised beds must be at least 18 inches apart and walkways must be three feet wide

Enclosed park area behind the shelter

Outside storage building with lockers for guest bags

Facilities storage shed for maintenance tools and equipment

Parking for 20 vehicles

Security camera system

Accessible to public transportation

Programmatic Best Practices

New shelters should operate a low barrier program

Services should be housing driven using a housing first approach

All programs must meet MaineHousing/ESG criteria

New programs must work collaboratively with other shelter providers within the City using coordinated entry

Must be accessible to public transportation

New programs must be operated and staffed 24 hours a day and offer day shelter and food programs

New programs must report data to ESAC to gauge trends and progress

New programs must be active participants in the continuum of care

Fwd: Question re VRAP Certification

3 messages

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 29, 2019 at 2:36 PM

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Can you please include this email on the backup materials for the new shelter discussion? I will be sending you another email with attachments to do the same. Thanks.

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

From: **Kimberly M. Cook** <kcook@portlandmaine.gov>

Date: Mon, Apr 29, 2019 at 8:37 AM

Subject: Fwd: Question re VRAP Certification

To: Belinda Ray <bsr@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>

Good morning all,

Please see the correspondence below.

Jon - please pass this info along to staff and have it posted to the webpage.

Thanks
Kim

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

From: **Burns, Dave E** <Dave.E.Burns@maine.gov>

Date: Mon, Apr 29, 2019 at 8:13 AM

Subject: RE: Question re VRAP Certification

To: Kimberly M. Cook <kcook@portlandmaine.gov>, Madore, David <David.Madore@maine.gov>
CC: Hodgkins, Nick <Nick.Hodgkins@maine.gov>

Good morning Kim,

The VRAP program does not have a definition of "residential" that we can point you to. However, we would consider a homeless shelter residential and prohibited at this site, based on the certificate. You may be able to give us supporting documentation so that we may reconsider this prohibition and allow this use. If you'd like to pursue that course or explore that option further, please contact Nick Hodgkins, our VRAP coordinator, directly. I've copied him on this e-mail so that you have his information.

Please let me know if you have any further questions regarding this.

Thanks,

Dave

David Burns, P.E., Acting Director

Bureau of Remediation & Waste Management

(207) 287-7890 (desk) / (207) 592-9104 (cell)

www.maine.gov/dep

From: Kimberly M. Cook [mailto:kcook@portlandmaine.gov]
Sent: Saturday, April 27, 2019 6:42 PM
To: Burns, Dave E <Dave.E.Burns@maine.gov>; Madore, David <David.Madore@maine.gov>
Subject: Question re VRAP Certification

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dave and David,

I am contacting you wearing my hat as a Portland City Councilor. We are currently in the process of deciding on a site for a new homeless shelter and one of the locations is [636 Riverside Street](#) for which the City has received the attached VRAP certification.

A constituent of mine asked me whether this VRAP precludes a shelter (without further written permission from the DEP) as it serves as a temporary residence for those experiencing homelessness. We are contemplating up to a 150 bed shelter currently.

I would appreciate your determination of whether a shelter would be "residential" under Condition number 2 in this letter. Does the DEP have a definition of "residential" that I can point my constituent to?

Many thanks for your assistance in answering my questions.

Best,

Kim

Kim Cook

Portland City Council, District 5

Deering Ctr., Riverton, No. Deering

www.kimcook.org

207.874.8986

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

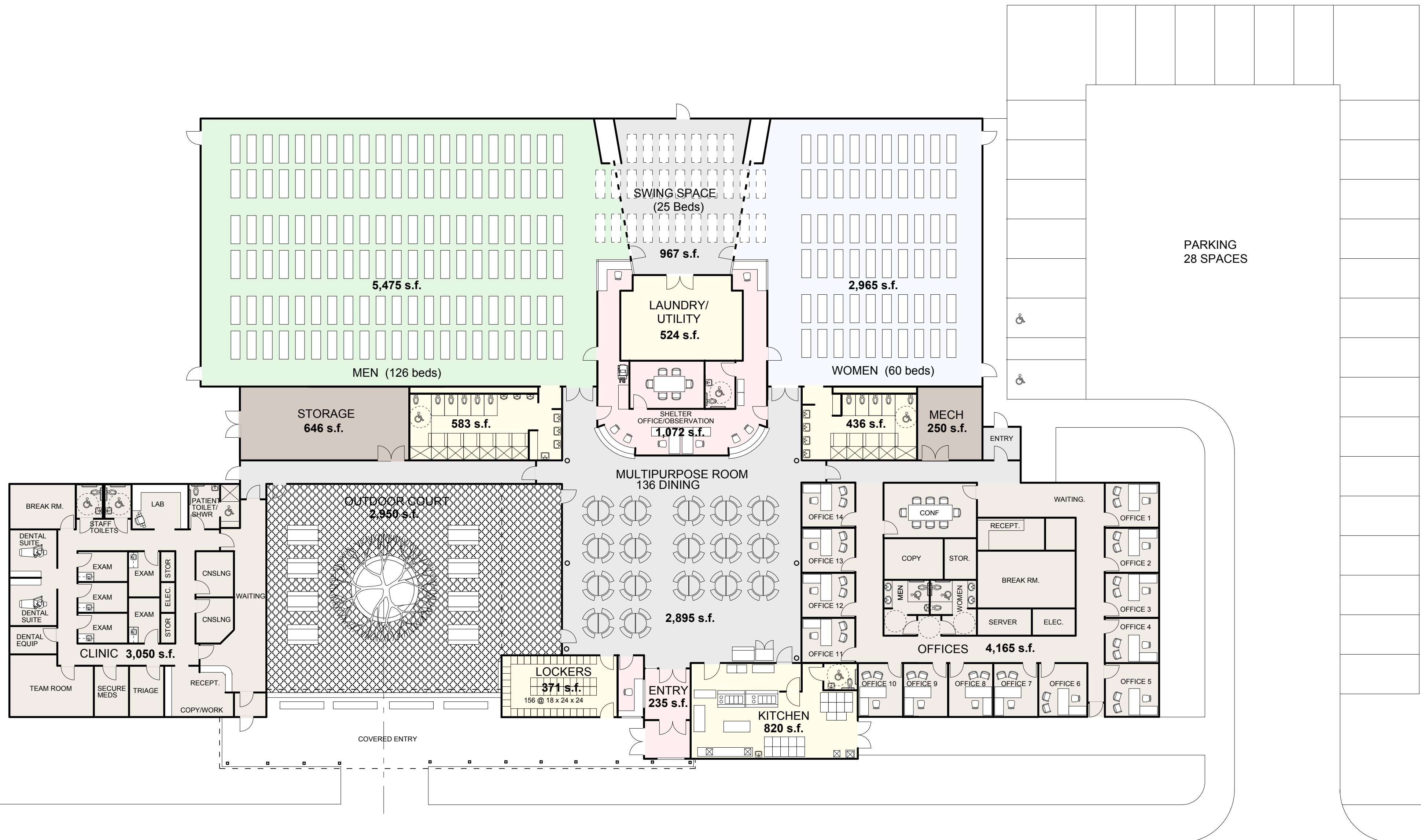
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Kim Cook

Portland City Council, District 5
Deering Ctr., Riverton, No. Deering
www.kimcook.org
207.874.8986

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



0 8 16 32 48 64

DRAFT CONCEPT



5 Milk Street, Portland, ME 04101
207.774.4811 | wintonscott.com

Homeless Shelter
Portland, Maine
First Floor Concept Plan

Scale: 1" = 16'-0"

A 1

January 18, 2017
REV. 3.21.17
REV. 7.6.17
REV. 8.23.17



The Future of Homeless Services in Portland



Health & Human Services Committee Meeting

January 22, 2019

This presentation and ongoing conversations include preliminary information on the homeless services center relocation project. The information includes potential site locations and information regarding potential partners. We realize the mere mention of various locations can be concerning for our residents. No final decisions have been made at this point. This information is solely intended for discussion purposes only.

Combination of Low Barrier HSC + Specialty Beds

Partnership with Avesta Housing & The Opportunity Alliance

150 low barrier beds on one site

+

Specialty Beds

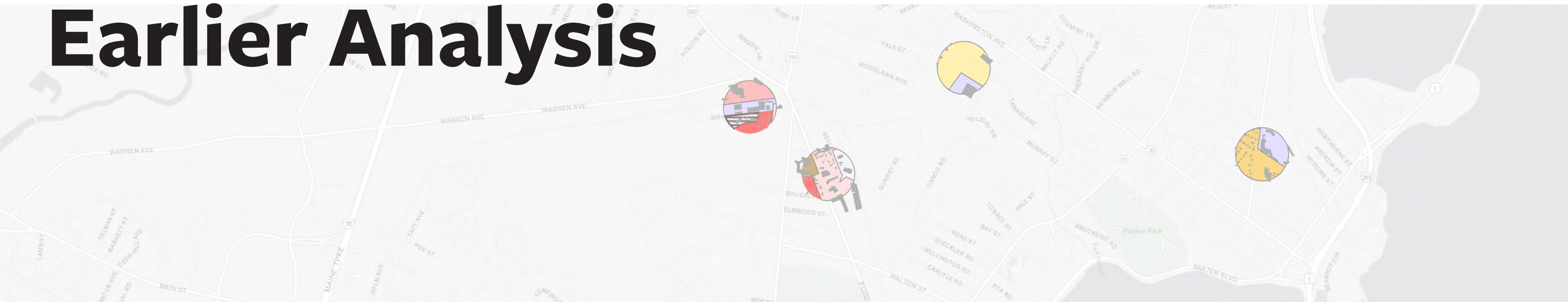
Policy Guidance

Staff would like to recommend that as we are in the process of deciding where and how to locate a new service center, that the Council take a look at long-standing policies regarding local and state guidelines for shelter eligibility and responsibility.

Shelter Location(s): Further Inquiry



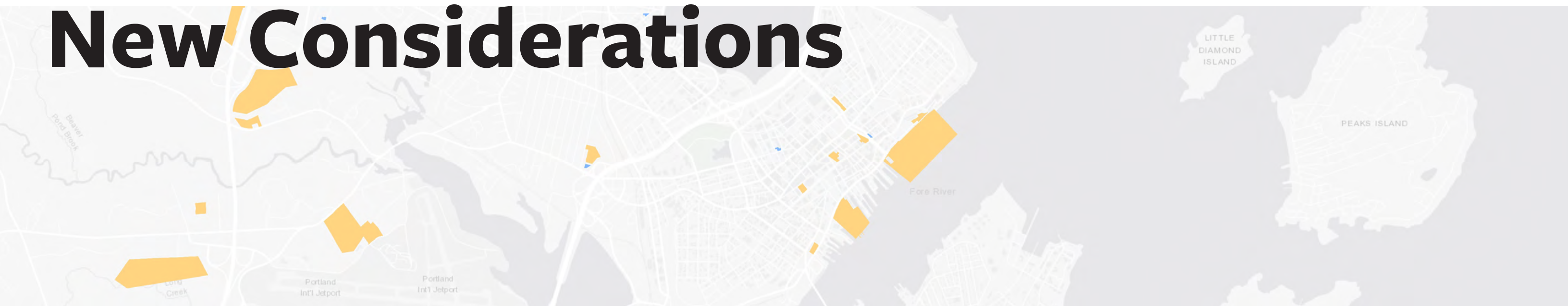
Earlier Analysis



Housing Committee Search



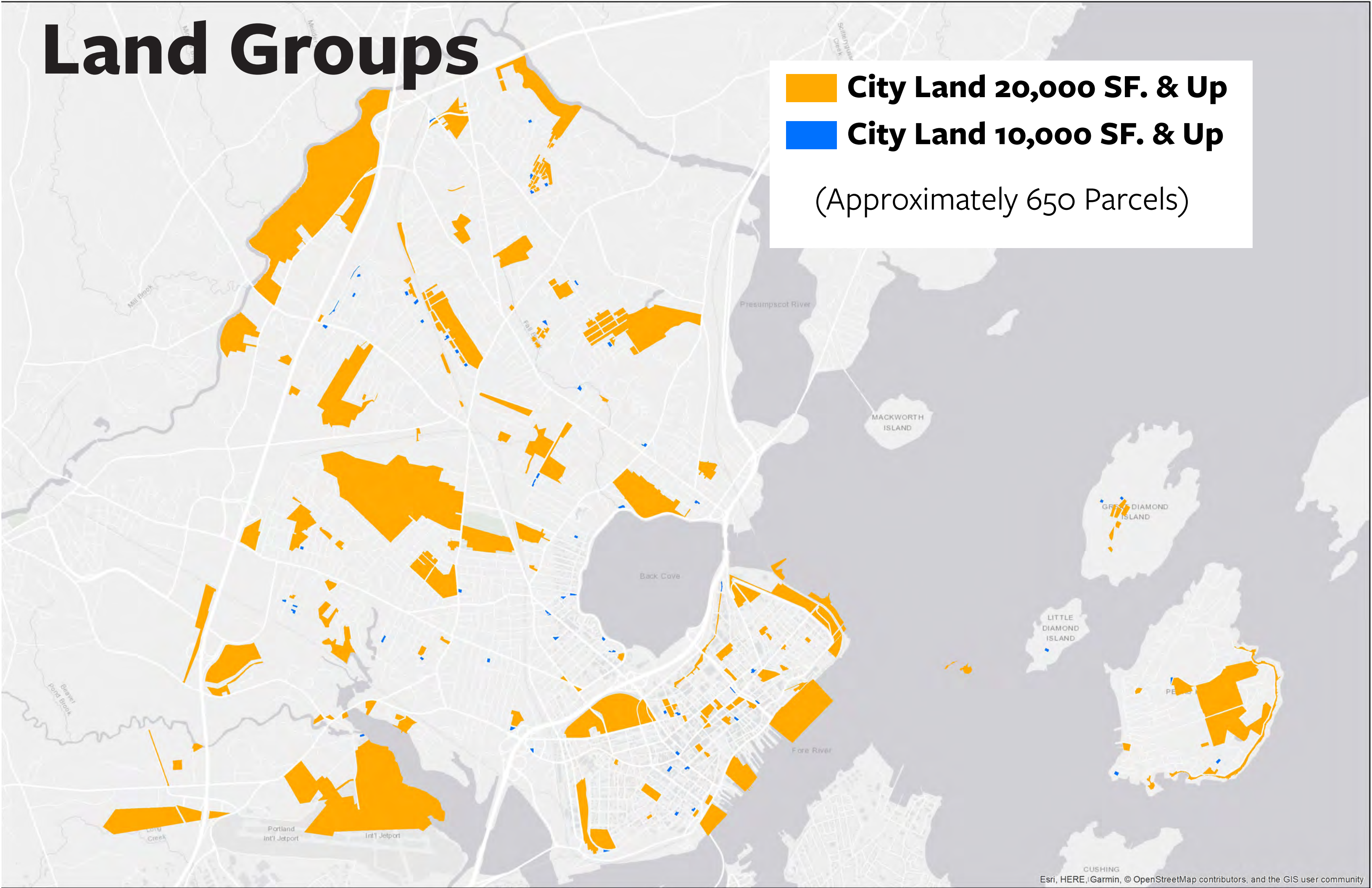
New Considerations



Land Groups

-  **City Land 20,000 SF. & Up**
-  **City Land 10,000 SF. & Up**

(Approximately 650 Parcels)



Quick Reductions

- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Quick Categories

Existing Structures

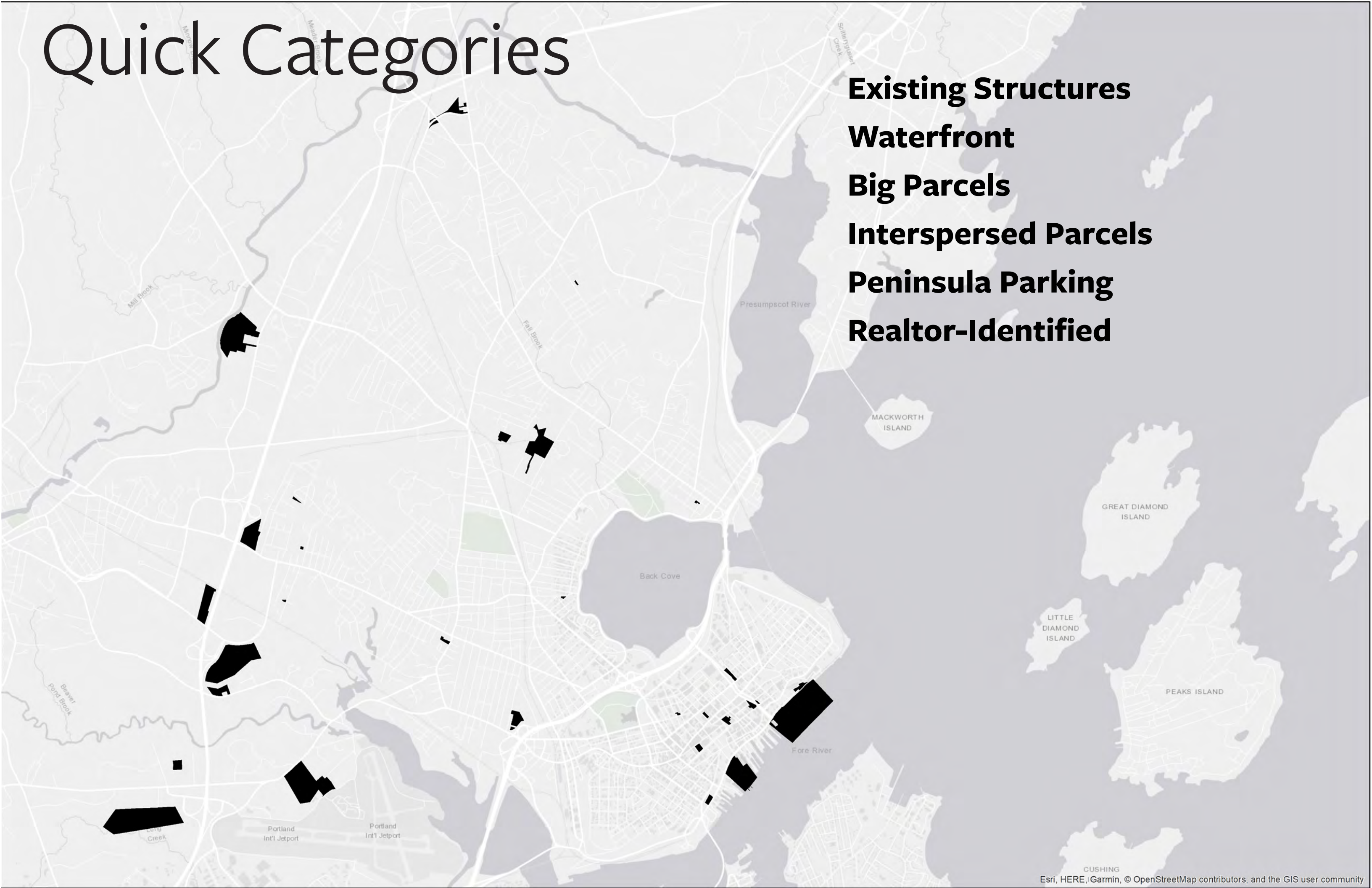
Waterfront

Big Parcels

Interspersed Parcels

Peninsula Parking

Realtor-Identified



Existing Structures

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Existing Structures

DPW / P & R Buildings

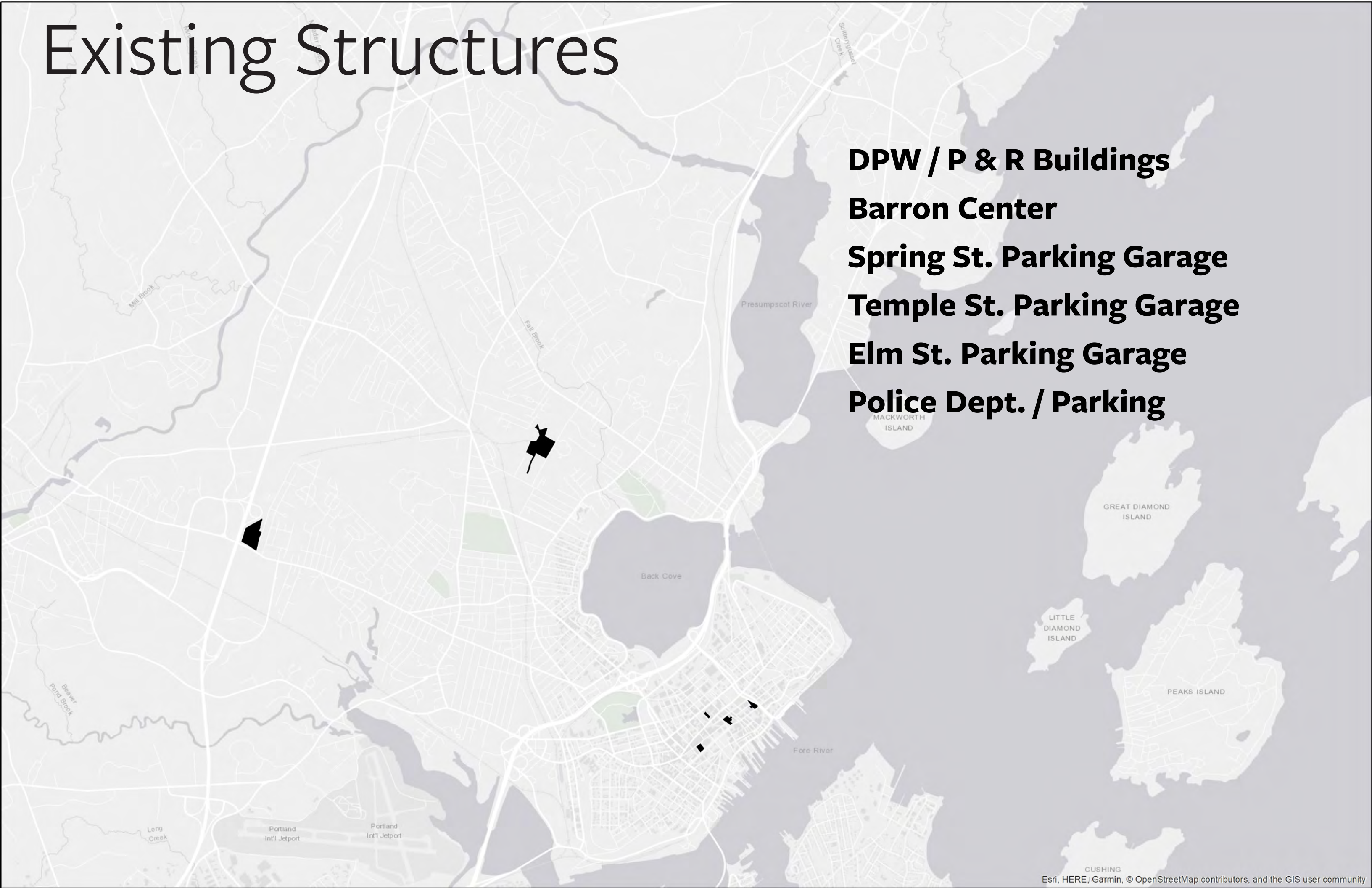
Barron Center

Spring St. Parking Garage

Temple St. Parking Garage

Elm St. Parking Garage

Police Dept. / Parking





DPW / P & R Buildings

Barron Center

Police HQ

Elm St. Garage

Temple St. Garage

Spring St. Garage

Existing Structures: Quick Pass

The size of the parking garages (and therefore the cost and impact of demolition) and the complexity of the Police space appear preventative.

The Barron Center property includes unused land, existing parking lots, and potentially convertible space.

~~**DPW / P & R Buildings**~~

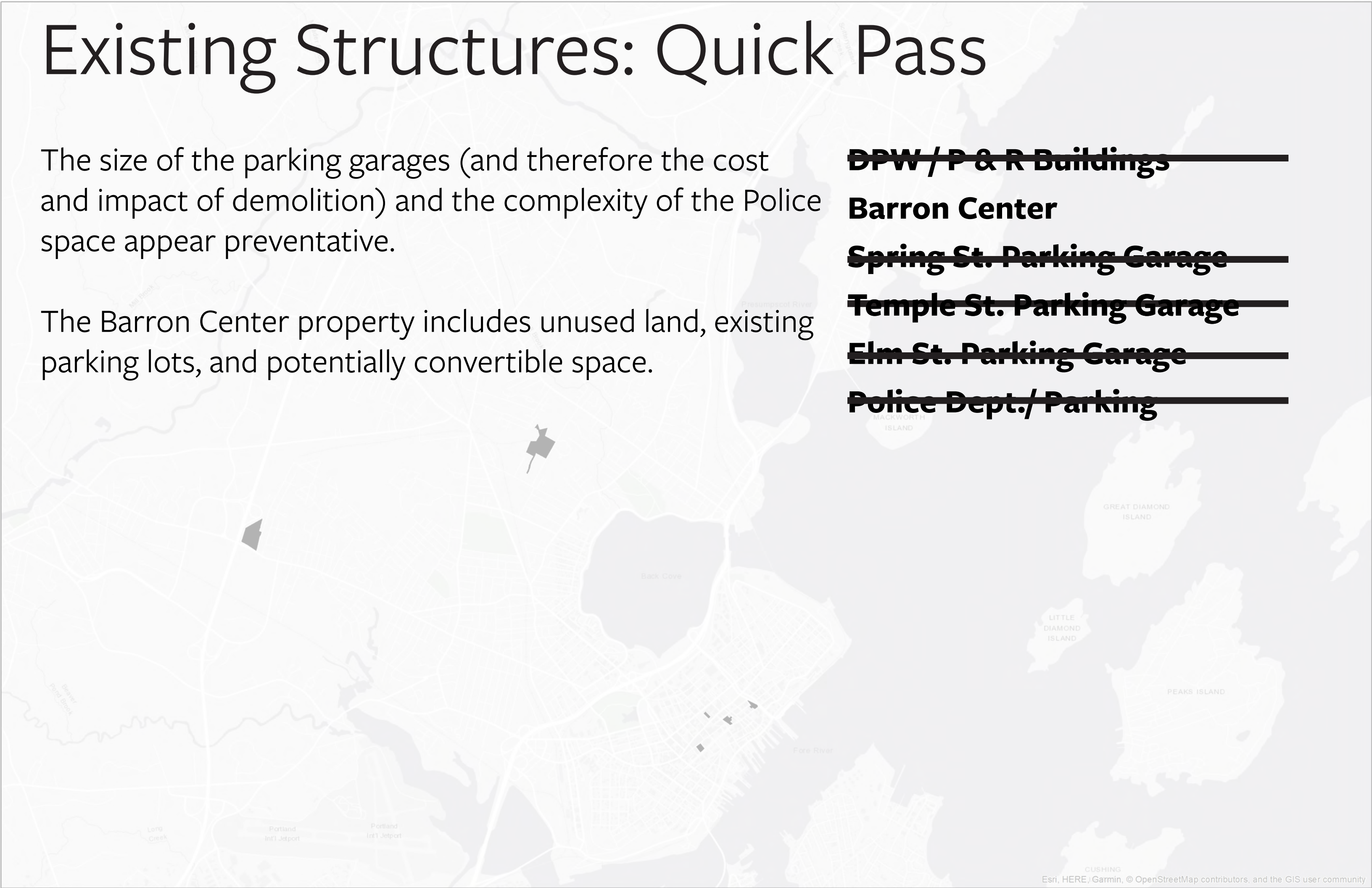
Barron Center

~~**Spring St. Parking Garage**~~

~~**Temple St. Parking Garage**~~

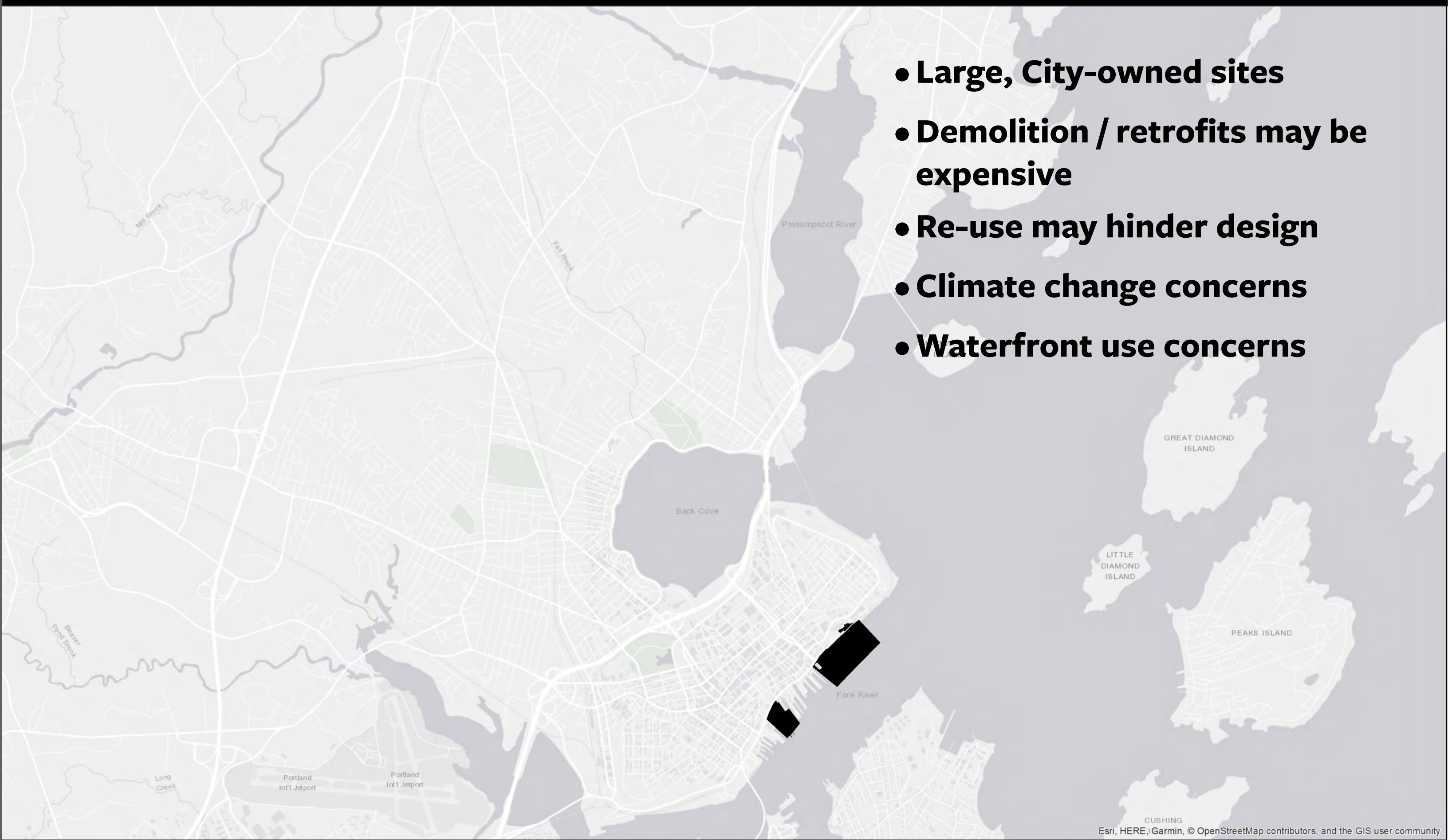
~~**Elm St. Parking Garage**~~

~~**Police Dept./ Parking**~~



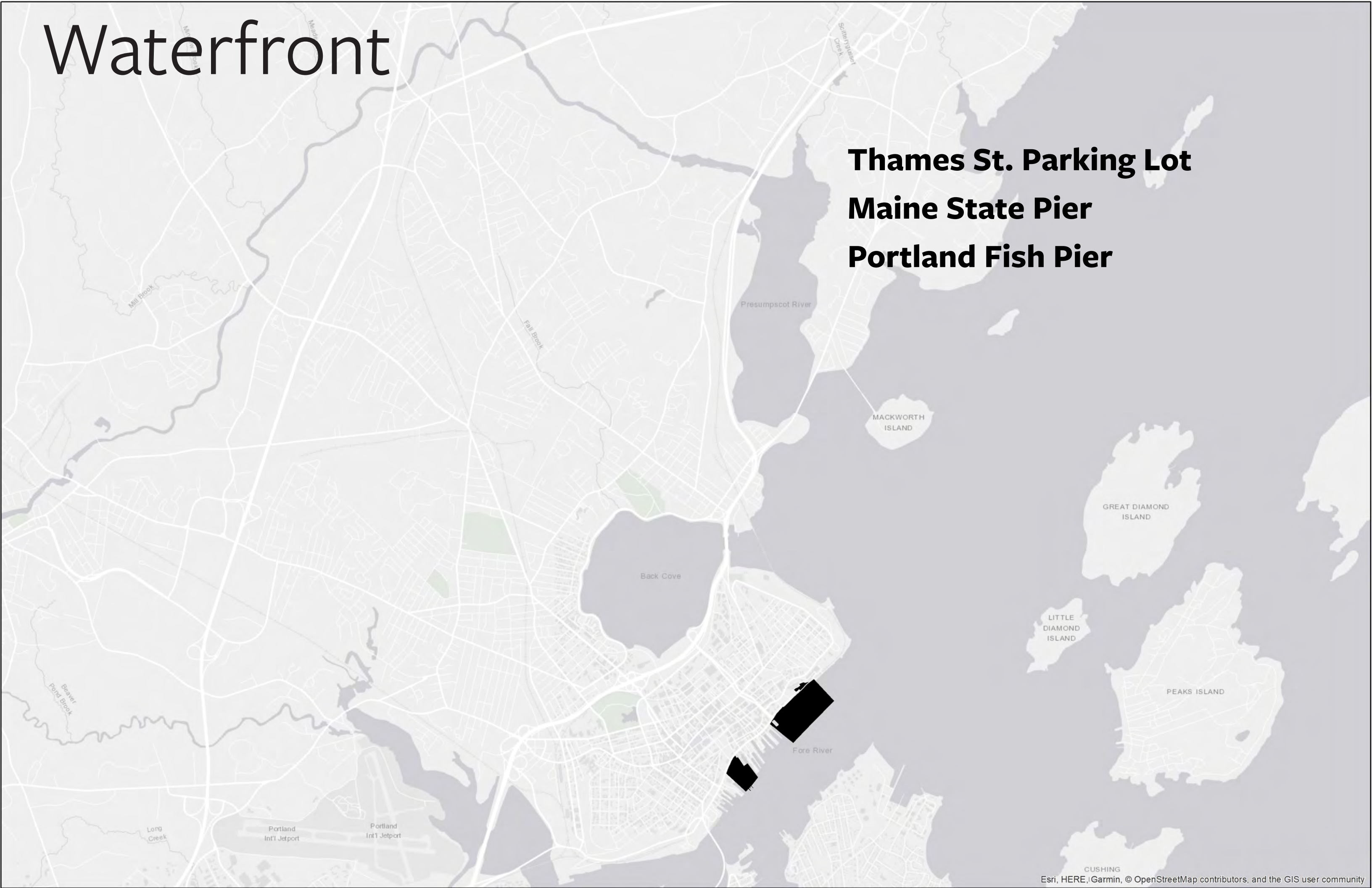
Waterfront

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**
- **Climate change concerns**
- **Waterfront use concerns**



Waterfront

Thames St. Parking Lot
Maine State Pier
Portland Fish Pier





Thames St. Parking Lot

This aerial photograph shows the waterfront of Portland, Maine. A red line outlines a large area along the coast, including a parking lot, several buildings, and a long pier extending into the water. The area is divided into three sections by red lines. The top section is labeled 'Thames St. Parking Lot'. The middle section is labeled 'Maine State Pier'. The bottom section is labeled 'Portland Fish Pier'. The water is a deep green color, and the land is a mix of urban development and open space. In the bottom right corner, there are several large white storage tanks and a grassy area.

Maine State Pier

Portland Fish Pier

Waterfront: Quick Pass

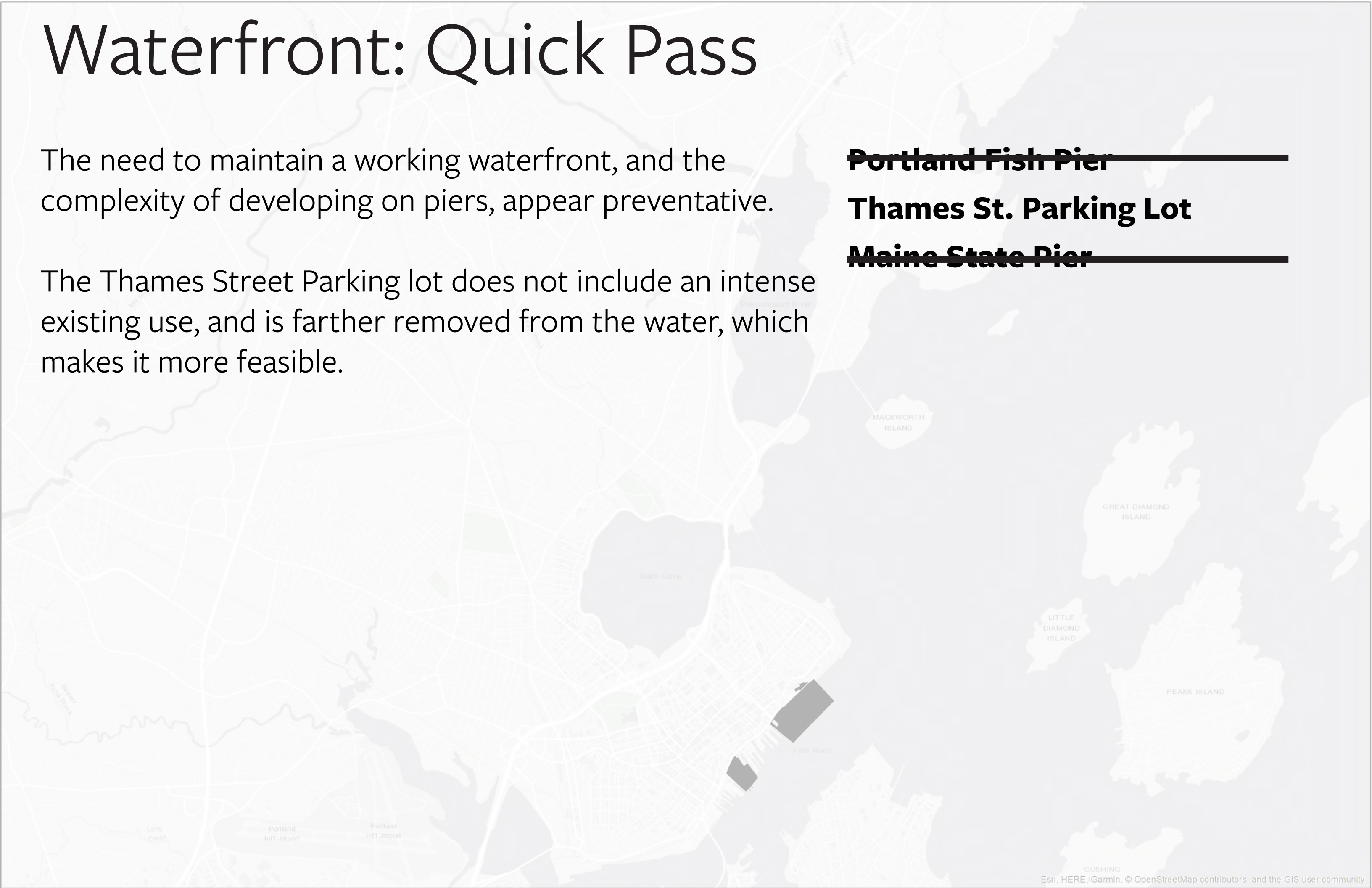
The need to maintain a working waterfront, and the complexity of developing on piers, appear preventative.

The Thames Street Parking lot does not include an intense existing use, and is farther removed from the water, which makes it more feasible.

~~Portland Fish Pier~~

Thames St. Parking Lot

~~Maine State Pier~~



Big Parcels

- Large, City-owned sites
- Tend to be at “edges” of City



Big Parcels

District Rd.

Land Leading to Airport

Former West School

o Westbrook St.

o Rand Rd. (Office Park)

1819 Westbrook St.

Riverside Recycling Facility

622 Auburn St.

Unmapped:

Possible Land Acquisition

An aerial photograph of a coastal town, likely in Oregon, showing a mix of residential, commercial, and industrial areas. The town is situated along a coastline with a large body of water to the east. Several locations are highlighted with red outlines and labeled with white text on dark grey rectangular backgrounds. The labels include street names and specific sites. The map shows a dense network of streets, buildings, and green spaces. A large body of water, possibly a bay or harbor, is visible on the right side of the image. The overall scene is a detailed view of a coastal community.

622 Auburn St.

Riverside Recycling Center

1819 Westbrook St.

o Rand Rd.

o Westbrook St.

Former West School Site

1956 Congress St.

District Rd.

Big Parcels: Quick Pass

The sizes of these properties open up possibilities. Given sufficient funding and will, most could conceivably host a new building. These sites are generally in or around industrial, institutional, and/or commercial areas.

The o Westbrook Site includes hillside, is of interest to the Land Bank, and is located near more suitable property. A possible land acquisition at County Way is in a feasible location but may include site concerns.

The funds used to purchase several sites (land leading to the airport, District Road, Rand Road) limit the uses that can occur on each. This land would need to be purchased back, eliminating a key benefit of City-owned land.

~~**District Rd.**~~

~~**Land Leading to Airport**~~

Former West School

~~**o Westbrook St.**~~

~~**o Rand Rd. (Office Park)**~~

1819 Westbrook St.

Riverside Industrial Park

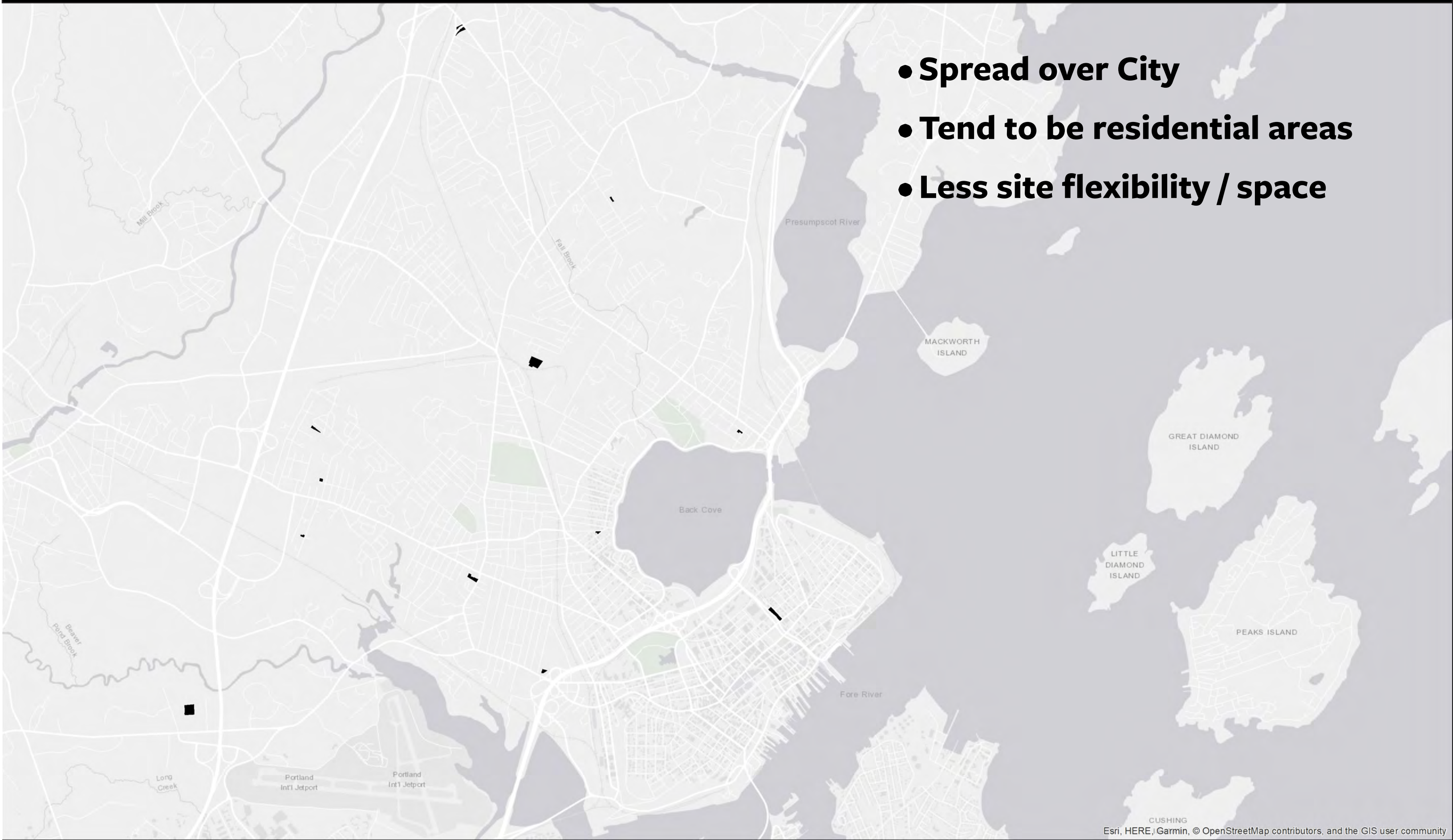
622 Auburn St.

Unmapped:

Possible Land Acquisition

Interspersed Parcels

- Spread over City
- Tend to be residential areas
- Less site flexibility / space



Interspersed Parcels

3 Hutchins Dr.
o Ravina St.
200 Lambert St.
o Cornell St.
43 Douglass St.
111 Rowe Ave.
56 Clifton St.
91 Riggs St.
21 Randall St.
o Utah Ave.
2092 Washington Ave.
Rosemont Fire Station Land
Franklin Reserve

An aerial photograph of Seattle, Washington, showing the city's layout, including the waterfront, major highways, and surrounding areas. Several locations are marked with red dots and labeled with text in white boxes. The labels are: 2092 Washington Ave., 200 Lambert St., o Utah Ave., o Cornell St., o Ravina St., 21 Randall St., 91 Riggs St., 56 Clifton St., 111 Rowe Ave., Rosemont Station Land, Franklin Reserve, 43 Douglass Street, and 3 Hutchins Dr. The map shows the city's proximity to the water and the surrounding landscape.

2092 Washington Ave.

200 Lambert St.

o Utah Ave.

o Cornell St.

o Ravina St.

21 Randall St.

91 Riggs St.

56 Clifton St.

111 Rowe Ave.

Rosemont Station Land

Franklin Reserve

43 Douglass Street

3 Hutchins Dr.

Interspersed Parcels: Quick Pass

The smaller sizes of some of these properties, and their locations (generally among single family neighborhoods, sometimes on paper streets) make them less feasible. They may be suitable for other social service models.

- o Cornell Street and 3 Hutchins Drive are larger and more industrial in nature. The former borders a residential neighborhood and may have environmental constraints. The latter is situated between other buildings, but given sufficient funds and will it may be feasible.

The Rosemont Fire Station would otherwise be considered a prohibitive existing use, but City-owned land behind the station makes it notable.

Franklin Reserve is also notable as a large area of undeveloped land on peninsula.

3 Hutchins Dr.

~~**6 Ravina St.**~~

~~**200 Lambert St.**~~

~~**6 Cornell St.**~~

~~**43 Douglass St.**~~

~~**111 Rowe Ave.**~~

~~**56 Clifton St.**~~

~~**91 Riggs St.**~~

~~**21 Randall St.**~~

~~**6 Utah Ave.**~~

~~**2092 Washington Ave.**~~

Rosemont Fire Station Land

Franklin Reserve

Peninsula Surface Parking Lots

- **Located near downtown**
- **Flat, clear site**
- **Less site flexibility / space**
- **Loss of parking**



Peninsula Surface Parking Lots

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:
157 Brackett St.
176 Clark St.



33 Portland St.

83 Middle St.

Angelo's Acre

Peninsula Parking Lots: Quick Pass

The location and relative site simplicity of parking lots close to downtown offer possibilities. While 33 Portland Street and 83 Middle Street are somewhat constrained, both these sites and Angelo's Acre could conceivably host a new building.

The unmapped lots on Brackett and Clark Streets are across the street from the Reiche School, which may make them infeasible.

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:

~~**157 Brackett St.**~~

~~**176 Clark St.**~~

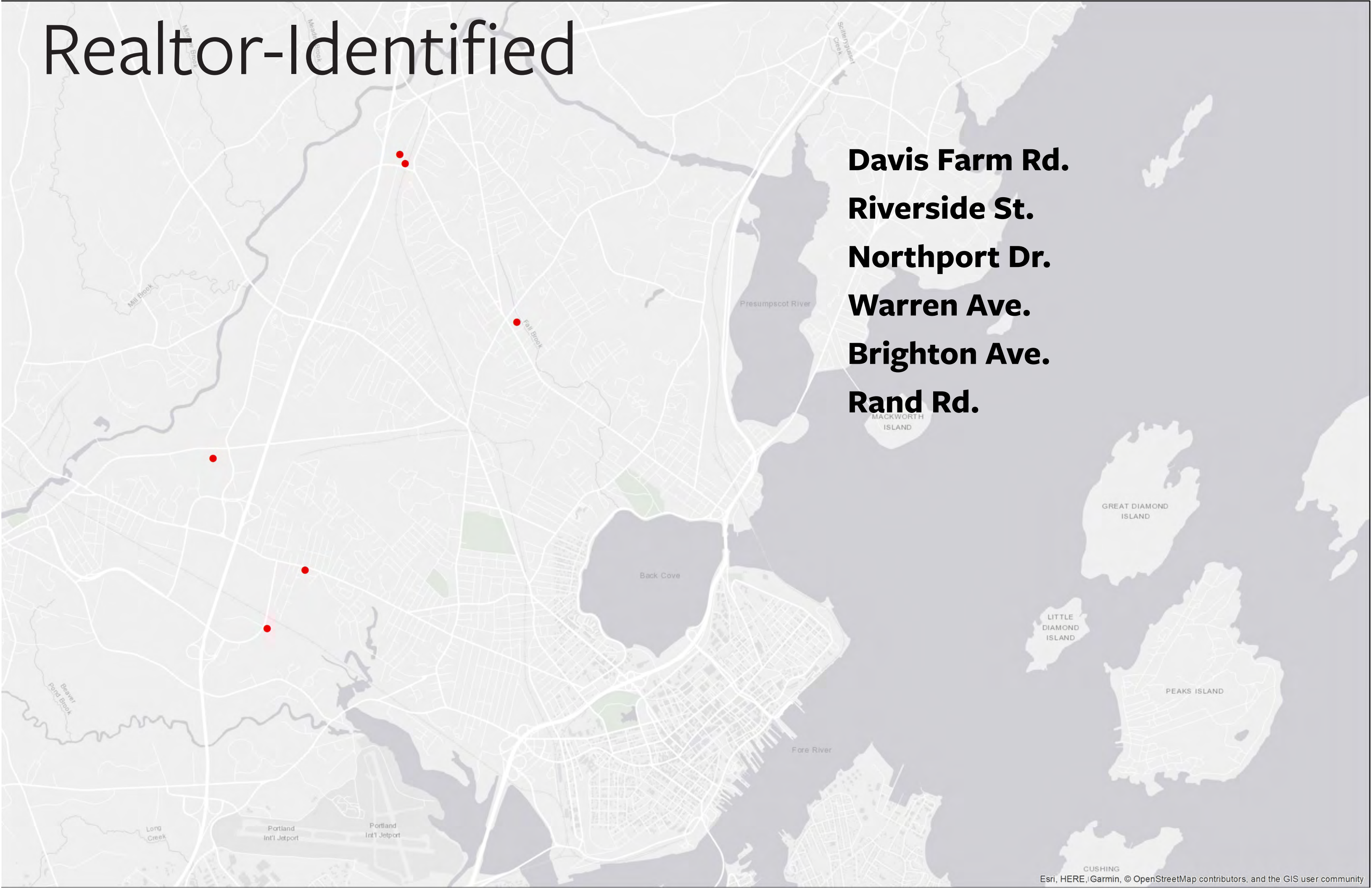
Realtor-Identified

- **Require rental or purchase**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Realtor-Identified

Davis Farm Rd.
Riverside St.
Northport Dr.
Warren Ave.
Brighton Ave.
Rand Rd.



An aerial photograph of a coastal town, likely in Rhode Island, showing a dense residential area with a grid-like street pattern. A river or estuary is visible on the right side, and a highway runs along the left. Several streets are highlighted with red dots and labels. The labels are: Riverside St. (top left), Davis Farm Rd. (top center), Northport Dr. (center right), Warren Ave. (middle left), Brighton Ave. (bottom center), and Rand Rd. (bottom left).

Riverside St.

Davis Farm Rd.

Northport Dr.

Warren Ave.

Brighton Ave.

Rand Rd.

Realtor-Identified: Quick Pass

Given sufficient funding and will, these sites could host relevant uses. However, all would include significant costs not applicable to City-owned land.

The Warren Avenue site appears most feasible due to its size, location, and existing conditions.

~~**Davis Farm Rd.**~~

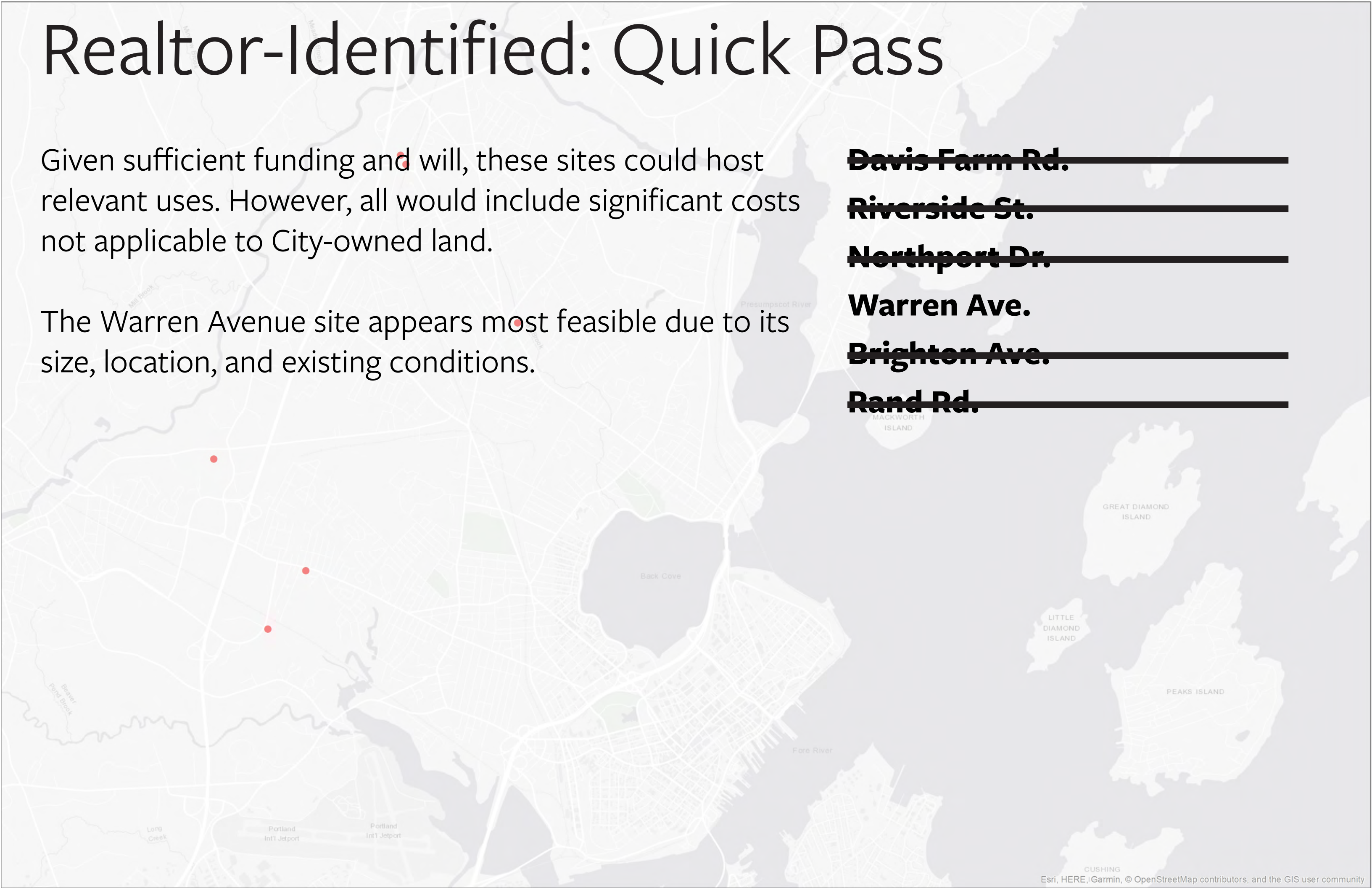
~~**Riverside St.**~~

~~**Northport Dr.**~~

Warren Ave.

~~**Brighton Ave.**~~

~~**Rand Rd.**~~



Most Reasonable (?) Quick Pass

- Thames St. Parking Lot
- Barron Center
- Former West School
- 1819 Westbrook St.
- Riverside Industrial Park
- 622 Auburn St.
- County Way Acquisition
- 3 Hutchins Dr.
- Franklin Reserve
- Rosemont Fire Station Land
- Angelo’s Acre
- 33 Portland St.
- 83 Middle St.
- Warren Ave. Realty Site

14

Different assumptions, criteria, or judgements may yield different results.

Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

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Riverside Industrial Park

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County Way Acquisition

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Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

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Riverside Industrial Park

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County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

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County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

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County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

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Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

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Warren Ave. Realty Site



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Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

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County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

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Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Next Steps

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site

Policy direction:

which sites are sufficiently feasible and desirable?

Additional site analysis:

any of these sites may harbor unforeseen constraints

Report back:

which sites remain feasible and compelling?

Additional leadership direction:

narrowing site(s) selection

However...

- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Also...

City Land 20,000 SF. & Up

City Land 10,000 SF. & Up

(Approximately 650 Parcels)

Map labels include: Mill Brook, Back Cove, Fore River, Presumpscot River, MACKWORTH ISLAND, GREEN DIAMOND ISLAND, LITTLE DIAMOND ISLAND, PEAK ISLAND, CUSHING, Portland Int'l Jetport, Int'l Jetport, Bear River, Point Brook, and Mill Brook.

(Approximately 650 Parcels)

Also...

City Land 20,000 SF. & Up

City Land 10,000 SF. & Up

(Approximately 650 Parcels)

Map labels include: Mill Brook, Back Cove, Fore River, Presumpscot River, MACKWORTH ISLAND, GREEN DIAMOND ISLAND, LITTLE DIAMOND ISLAND, PEAK ISLAND, CUSHING, Portland Int'l Jetport, Int'l Jetport, Bear River, Point Brook, and Mill Brook.

Questions?



Homeless Services Informational Memo
City of Portland
City Council Health and Human Services and Public Safety Committee
March 19, 2019

Prepared By: Rob Parritt, Homeless Services Consultant
To: Jon Jennings, City Manager

At the February 26 Health and Human Services and Public Safety Committee meeting, the Committee narrowed down a list of potential Homeless Services Center locations from 11 to 3 sites. Once the Committee members settled on the three sites, City staff from the Planning and Urban Development and Health and Human Services Departments were tasked with providing additional information on the three sites. HHS staff has identified several sectors of information that have been found to be pertinent to the discussion regarding a new site from a social services perspective; basic zoning criteria being one. In May of 2017, the Planning Board made some zoning adjustments regarding emergency shelter.

The zoning specifically lists several criteria pertaining to emergency shelters and building design. It will be important for any potential site to be able to meet the following criteria.

- Space for on-site providers to provide a variety of services for shelter residents
- A private, screened outdoor area
- A centralized office design with clear sight lines
- ¼ mile access to Metro; or be within ½ mile of Metro with space inside large enough inside to accommodate ALL guests and implement strategies to help residents utilize transit
- Enough space for security searches
- 1 parking space for every two employees
- A Management Plan addressing shelter management responsibilities, process for resolving neighborhood concerns, staffing, access restrictions, on site surveillance, safety measures, controls for resident behavior and noise levels and monitoring reports

HHS staff will provide information regarding the proposed sites' proximity to existing resources and service providers. The concentration of and access to social services has been a constant talking point throughout the site location process so staff felt it important to provide that information. Please note that although access to Metro is an important factor, there will be additional transportation services regardless of site location. These services include a City shuttle van, continued access to taxi vouchers and coordinating with providers for other alternate forms of transportation.

It is important to hear from community service providers to see if the three proposed sites will work for them or if there are concerns that need to be identified so that partnerships can be identified that will allow our shelter residents to receive much needed services. Key partners and community agencies have been contacted and asked to provide feedback on the three proposed sites. The agencies we have contacted thus far include...

Avesta, Amistad, Catholic Charities- ACT Team, Cultivating Community, GA/HIRE, City of Portland- Mobile Medical Outreach, Frannie Peabody, CHOM, Goodwill Northern New England Workforce Services, Milestone Recovery, Portland Adult Education, Portland PD-Community Policing, Portland Public Library, Preble Street, PTLA, SARSSM, Shalom House, Spurwink Mental Health Center, TOA/PATH,

Through These Door and HVJ. Please see the attached exhibits regarding the feedback we received from agencies. Exhibit 1.

Please reference this informational table for a quick overview on transportation access, providers near each site, services available near each site and themes that occurred based on feedback from service providers...

Table 1.1

Site	Metro Access	Providers Located Near Proposed Site	Services Offered by Providers	Provider Feedback Themes
Angelo's Acre 431 Commercial Street	Yes	• Amistad • Learning Works • Catholic Charities • STRIVE U • Frannie Peabody Center • Milestone Recovery • Florence House • VA Clinic • Through These Doors Domestic Violence Outreach at the Portland Police Department	• Emergency Shelter • Detox • Peer Support • Case Management • Medical Treatment • Mental Health Care • Meals • Vet Services • Healthcare • Housing Navigation • DV Services • Street Outreach • HOME Team • HIV/AIDS Services • Anti-trafficking services • ESL • Education • Youth Services	• Waterfront safety concerns • Weather Exposure • Ease of access to transportation and amenities • Likely opposition from businesses and residents
County Way	Yes	• Shalom House • Florence House • Iris Network • Logan Place • Metro Office • Learning Works	• Case Management • Emergency Shelter • Services for Blind People • Transportation • Housing Navigation • Housing Subsidies • Anti-trafficking services • ESL • Education • Youth Services	• Some concerned with proximity to jail • Acceptable access to transportation and services • Could be seen as hiding the homeless • Likely opposition from businesses/residents

Riverside Street 654 Riverside Street	Yes	• Spurwink • Riverton Community Policing • ITN Portland	• Transportation • Community Policing • Case Management • Crisis Services • Behavioral Health • Youth Services • Autism Services • Refugee Services • Foster Care Services	• Isolation • Physical Access • Hiding the homeless • Long bus ride • Difficult for MAT • programs to operate • Difficult to access services
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Table 1.1 Summary:

In summary, all three sites appear to meet accessibility criteria regarding Metro access as clearly stated in the zoning language.

The number of service providers within a close distance of each site varies from site to site. Angelo's Acre is the site that has the most service providers located in a close proximity, County Way had the second most and the Riverside location had the least. It is worth noting that although there are social service providers within a reasonable proximity of each site, not all of those services are designed specifically for people experiencing homelessness.

Community service providers were asked to weigh in on each potential location. One clear concern raised by providers is the safety concerns raised by the Angelo's Acre site due to its proximity to the waterfront. Community providers do not seem to view any location as an obstacle for continuing to provide on-site services except for administering any sort of medication assisted treatment (MAT). Some feedback seems to indicate that the location at Riverside Street is perceived as being isolated and could potentially be seen as "hiding the homeless." At least one provider stated that the proposed location at County Way would have a similar effect of "hiding the homeless." Most community providers do not seem to have an issue with a services center being located closely to the Cumberland County Jail campus (only one provider noted this as a concern).

This memo is not meant to steer the Committee's opinion or indicate staff preference for any location. The information gathered is being presented so that the HHS&PS Committee can make an informed decision based solely on information provided at their request. City staff also completed a SWOT analysis on each location as requested during the February 26 HHS&PS Committee Meeting and can be found below in table 1.2.

Staff examined what social services, medical services, emergency services, employment opportunities and schools are located within a close proximity of the three proposed sites. Staff created a table providing specific details of what entities are located near each potential site. Please reference table 1.3.

SWOT (Strengths, Weaknesses, Opportunity, Threats)

Table 1.2

Site	Strengths	Weaknesses	Opportunity	Threats
Angelo's Acre	Flat Parcel, City Owned, Metro Access	Waterfront Proximity, Water Safety Concerns, Small Site, Traffic Concerns	Community Integration, Employment	Potential issues with tourists/patrons, Loss of parking in Old Port
County Way	Large Parcel, Metro Access	Direct Access to Fore River, Traffic Concerns, Train Tracks	Potential Partnerships with the County, Large enough site to build a flexible building	Land Acquisition VRAP
Riverside Street	Large Parcel, Flat Parcel, Metro Access	Isolation, Access, Water Safety	Large enough site to build a flexible building	VRAP

Location Matrix
Table 1.3

Service Providers within the area of Potential Homeless Service Center Locations

Angelo's Acre	County Way	Riverside Industrial Park
• Amistad 66 State Street Distance: 0.3 miles • Catholic Charities 66 State Street Distance: 0.3 miles • STRIVE U 12 Nye Street Distance: 0.2 miles • Frannie Peabody Center 30 Danforth Street Distance: 0.4 miles • Milestone Recovery 65 India Street Distance: 1. mile • Florence House 190 Valley Street Distance: 1.2 miles • VA Clinic 144 Fore Street Distance: 1.1 miles • Learning Works 181 Brackett Street Distance: 1.6 miles • Through These Doors Domestic Violence Outreach at the Portland Police Department 109 Middle Street Distance: 0.9 miles	• Shalom House 106 Gilman Street Distance: 1.1 miles • Florence House 190 Valley Street Distance: 1.2 miles • Iris Network 189 Park Ave Distance: 0.8 miles • Learning Works 181 Brackett Street Distance: 1.1 miles • Logan Place 52 Frederic Street Distance: 0.5 miles • Metro 114 Valley Street Distance: 1.4 miles	• Spurwink 899 Riverside Street Distance: 420ft • Riverton Community Policing 57 Riverton Drive Distance: 0.6 miles • ITN Portland 90 Bridge Street Distance: 3.8 miles

Fire Stations within the area of Potential Homeless Service Center Locations

Angelo's Acre	50 County Way	Riverside Industrial Park
• Fire Headquarters 380 Congress St.Portland, ME 04101 Distance: .9 miles • Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .9 miles	• Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .7 miles	• Riverton Station 1592 Forest Ave.Portland, ME 04103 Distance: 1.2 miles

Employment Opportunities

Angelo's Acre	50 County Way	Riverside Industrial Park
• Over 160 restaurants/bars/coffee shops. • Hospitality options in multiple old port hotels • Working waterfront, to include fish markets • Seasonal employment	• McDonald's • Amato's • Dunkin Donuts • Sullivan Tire • LaQuinta • Paulin's Tire • D'Angelo's • Save-A-Lot • Dollar Tree • Denny's • HP Hood • Barber Foods • Cozy Harbor	• Riverside Recycling Facility • Hannaford • 7 Eleven • Tortilla Flat • Garbage to Garden • Orkin Pest & Termite Control • Micucci's Wholesale Foods • Seacoast Coffee Company • Family Dollar • Multiple Breweries

Schools Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Reiche Community School Distance: .6 miles • Waynelete Distance: 1.0 miles	• Reiche Community School Distance: 1.6 miles • Waynelete Distance: 2.2 miles	• Riverside Elementary School Distance: 1.3 miles • Casco Bay High School Distance: 2.8 miles • Portland Arts & Technology High School Distance: 2.8 miles • Lyman Moore Middle School Distance: 2.6 miles • Harrison Lyseth Elementary Distance 2.7 miles

Medical Providers Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Frannie Peabody Center Distance: 0.4 mile • Milestone Detox Distance: 1. Mile • VA Portland Clinic Distance: 1.1 miles • Portland Community Free Clinic Distance: 1.1 miles	• Mercy Fore River Distance: 1.4 miles • Maine Medical Center Distance: 0.8 miles • 180 Park Ave Distance: 0.7 miles • Iris Network Distance: 0.8 miles	

Exhibit 1

Shelter Location(s): Further Inquiry



February 26 List

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

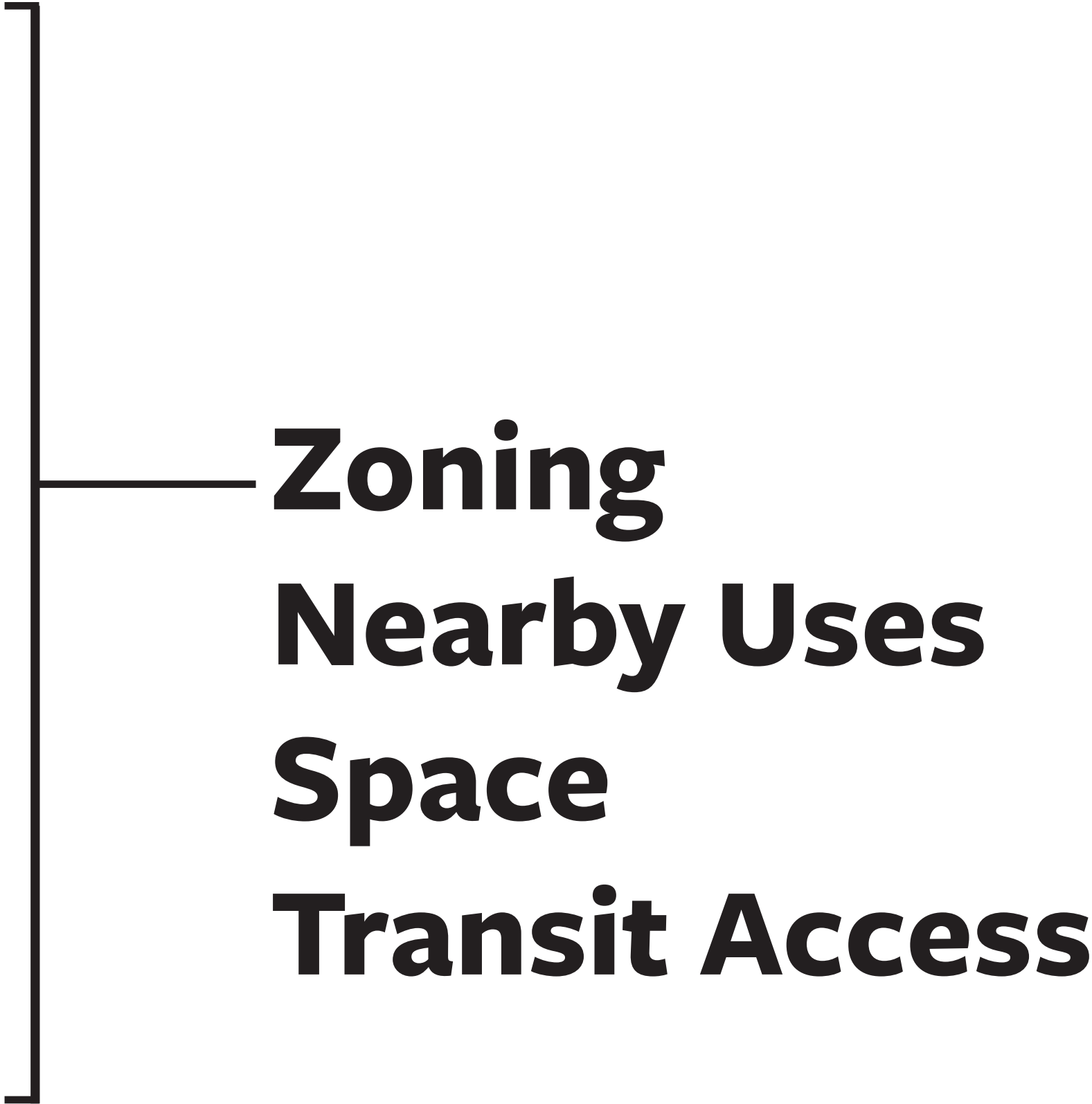
33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition



HHS Selections

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition

**Identified for
Continued Analysis**

654 Riverside St.



654 Riverside St. (EDIT)



654 Riverside St. (EDIT)



654 Riverside St. (EDIT)

ON SITE ZONING (% Area)

69.7 IM

30.3 IH

ZONING % WITHIN BUFFER

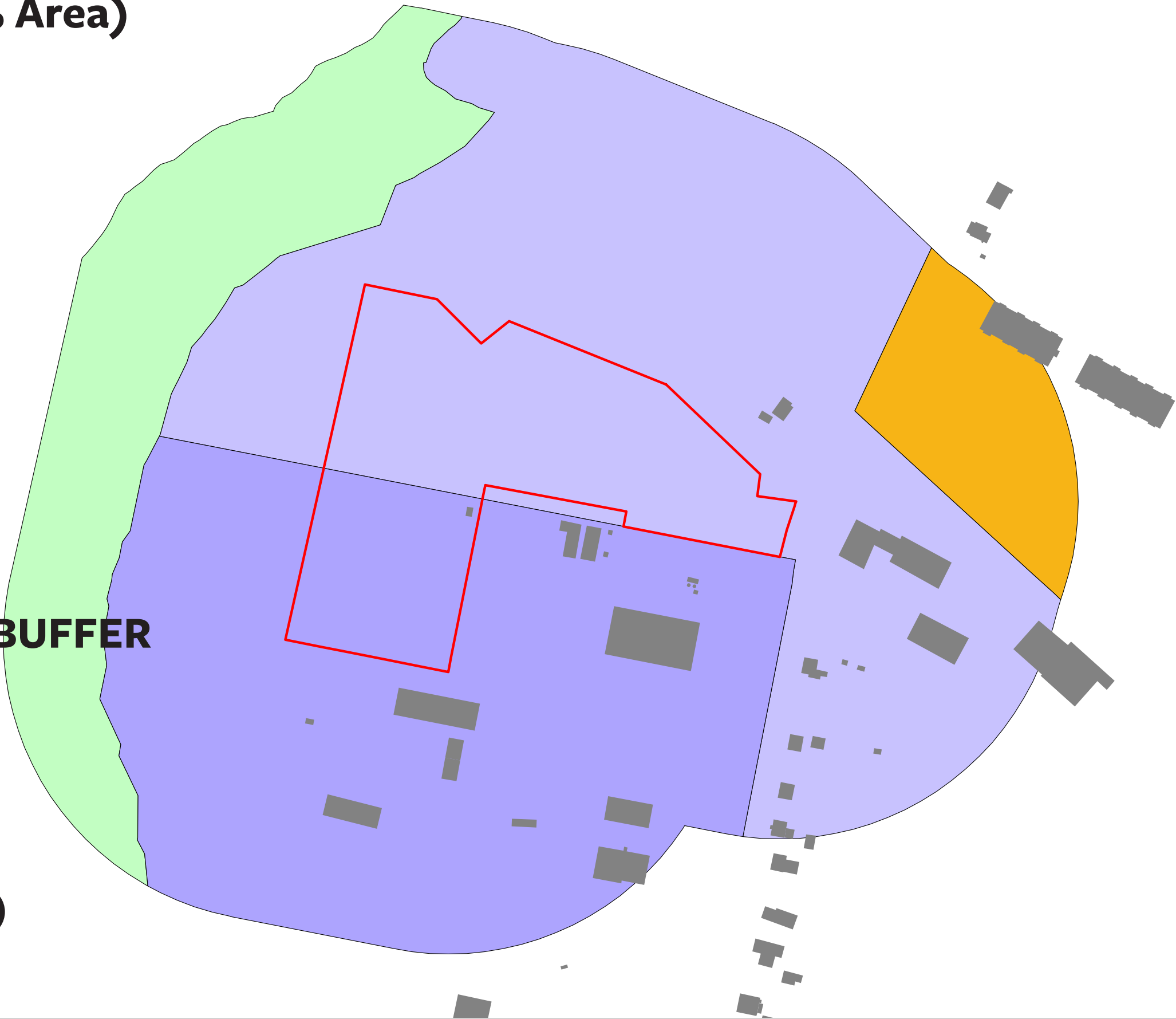
42.3 IM

34.8 IH

14.9 RPZ

5.3 R5

2.7 na (Out of City)



654 Riverside St. (EDIT)

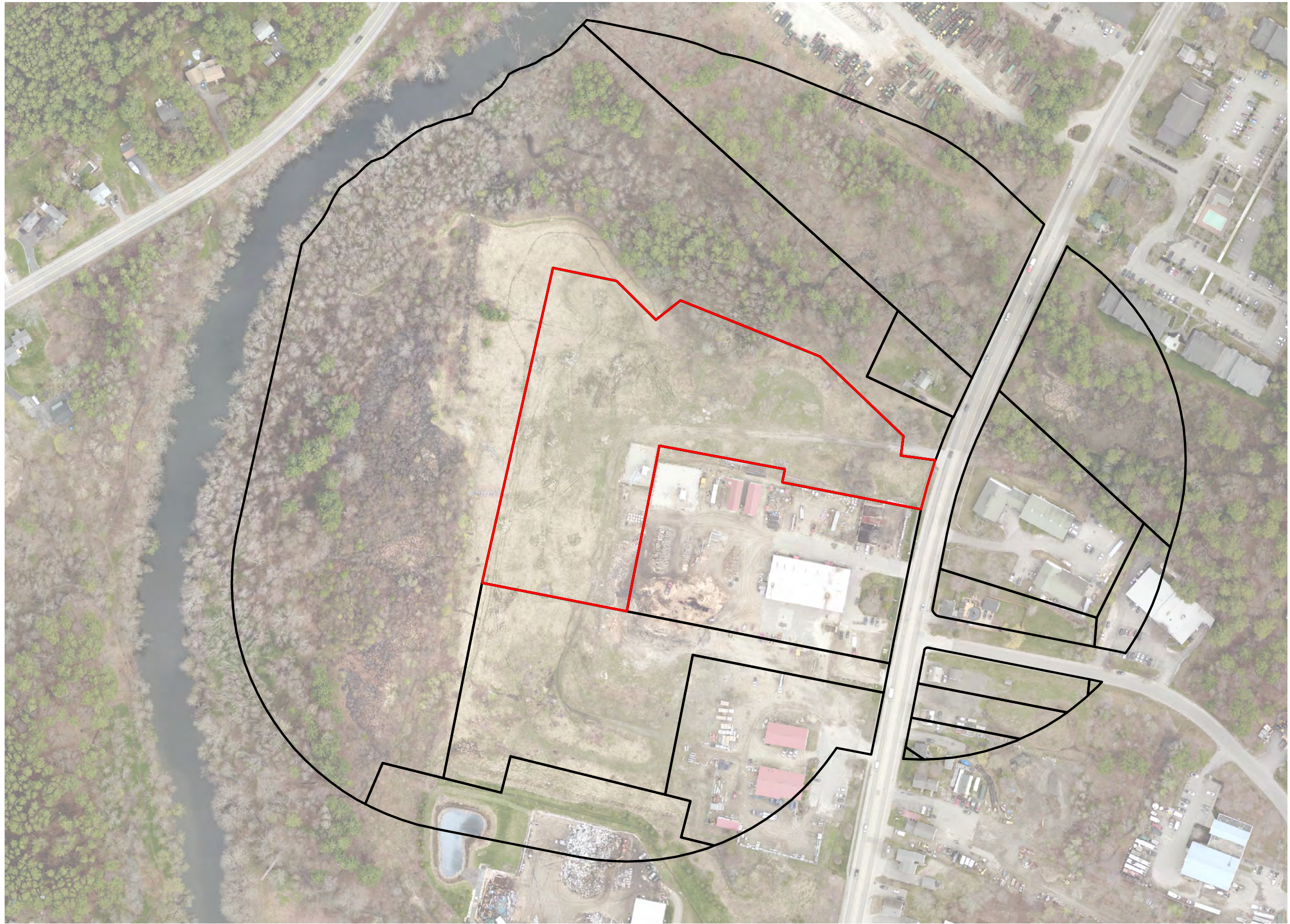
ASSESSED USE (% area):

- 58.9** Governmental
- 16.8** Multi-use Commercial
- 10.0** Parking lots
- 5.2** Twenty-one Plus Family
- 4.4** Single Family
- 3.7** Warehouse/storage

OTHER (<1% area)
manufacturing

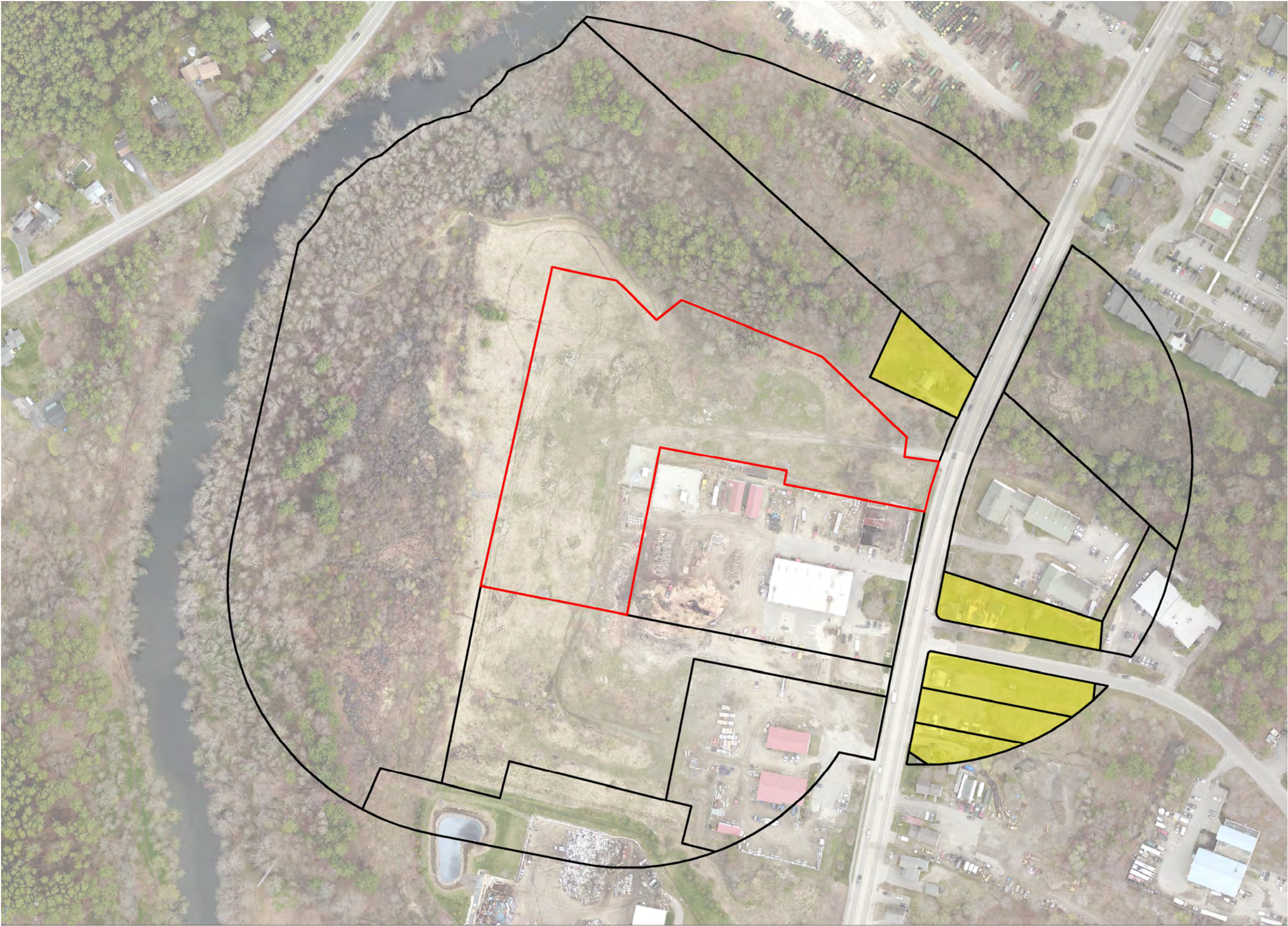


654 Riverside St.



654 Riverside St: single family

one fam units: ~5 five plus fam units: ~117* total units: ~122

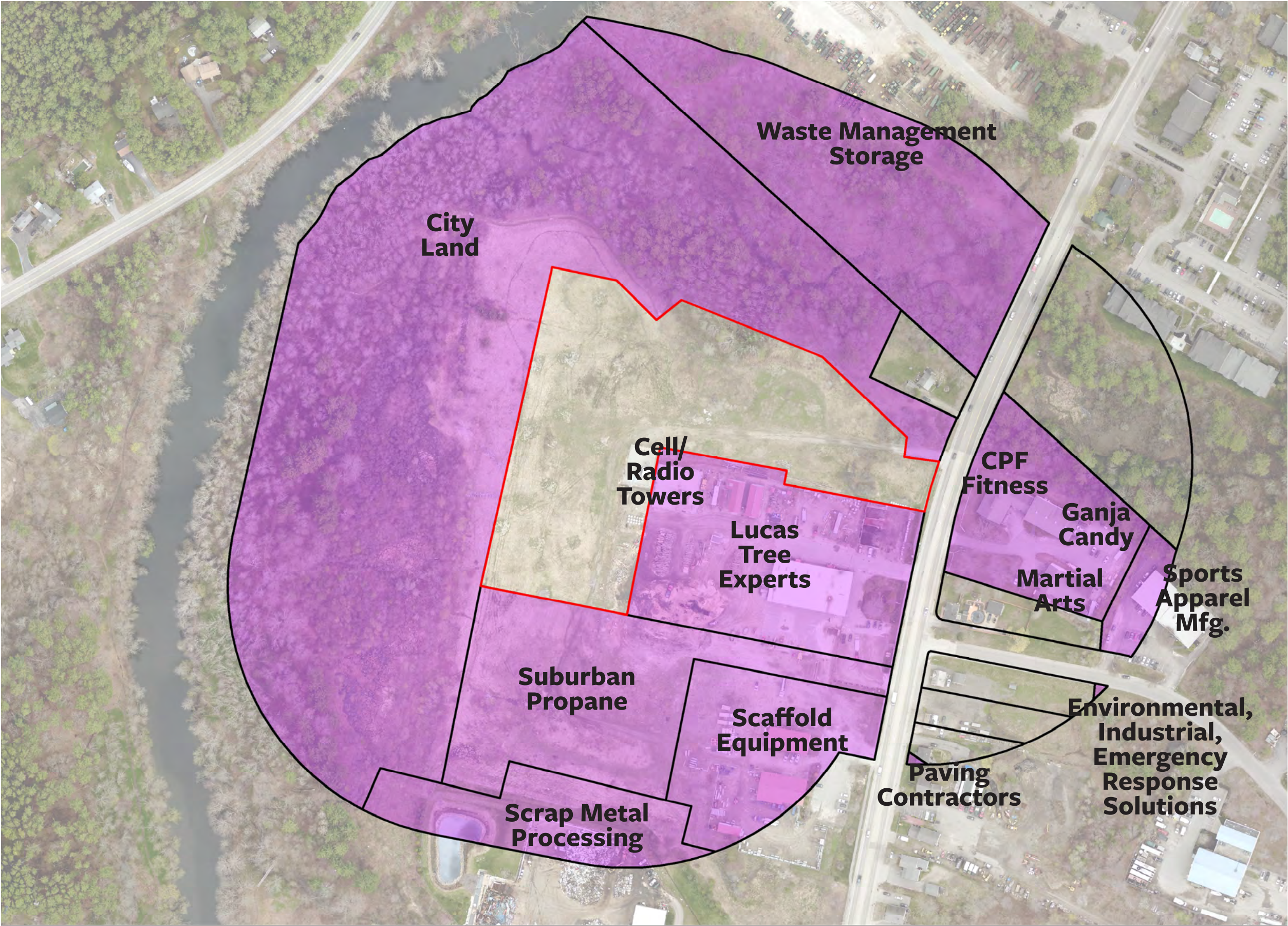


654 Riverside St: larger residential

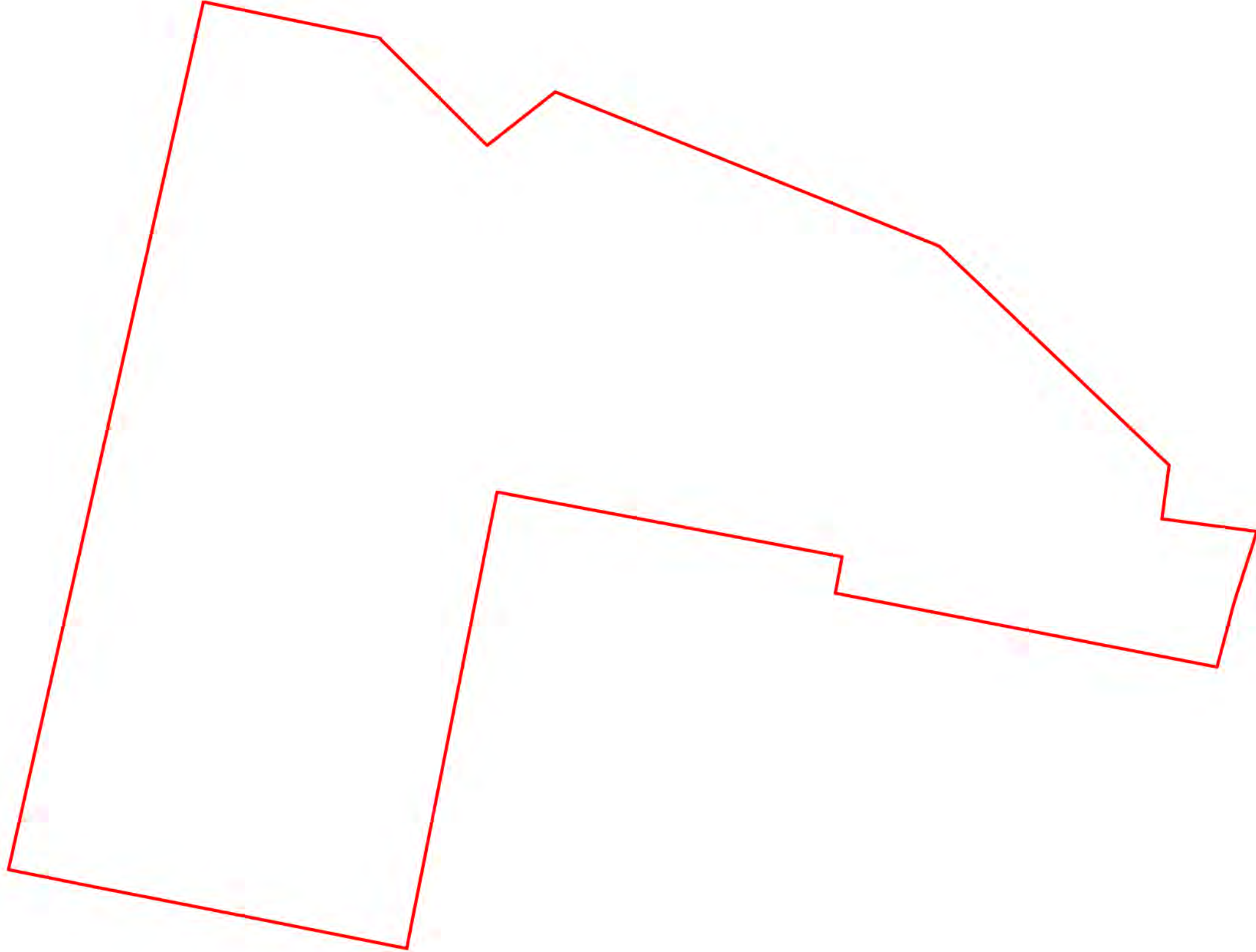
one fam units: ~5 five plus fam units: ~117* total units: ~122



654 Riverside St: other uses

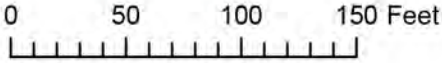
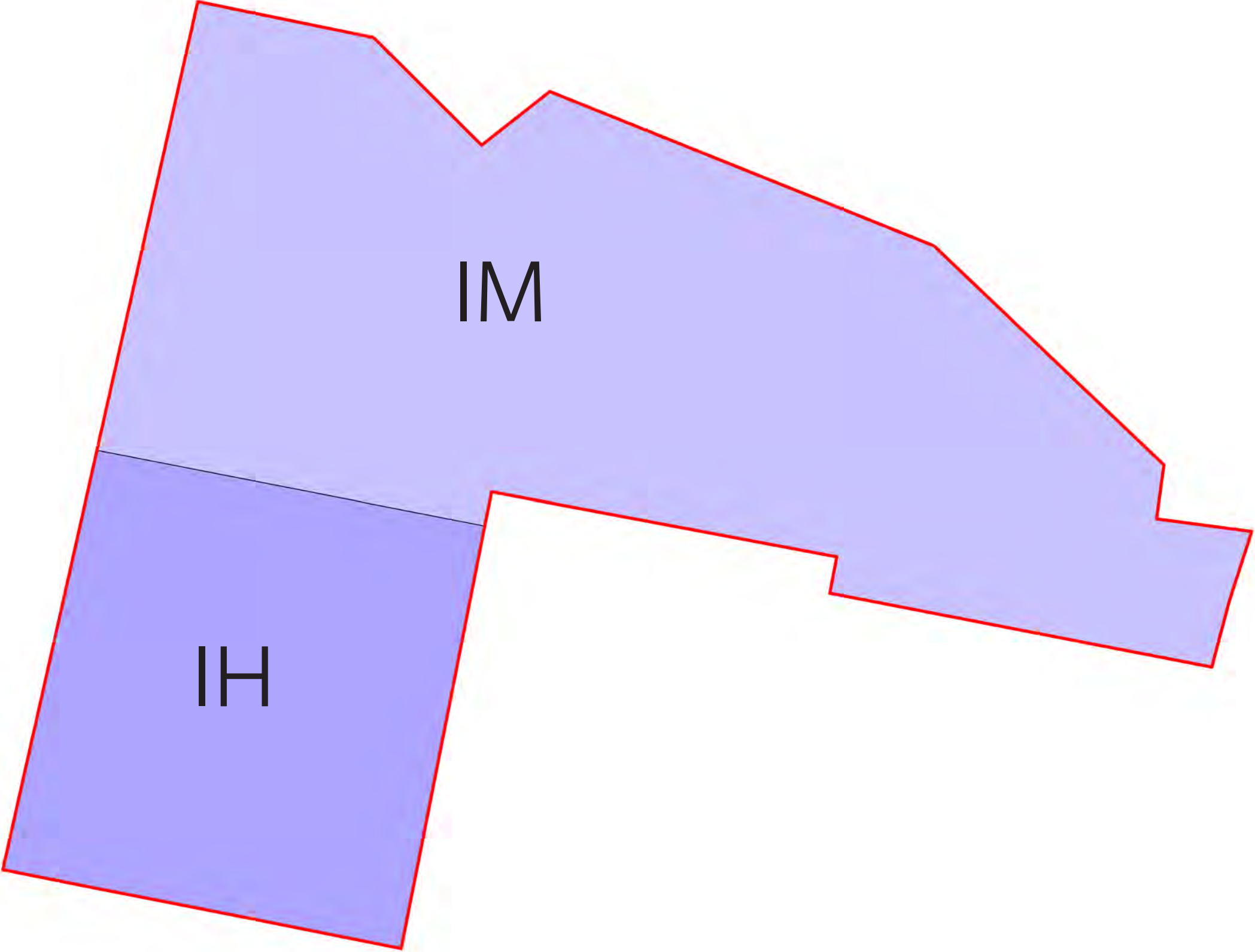


654 Riverside St.



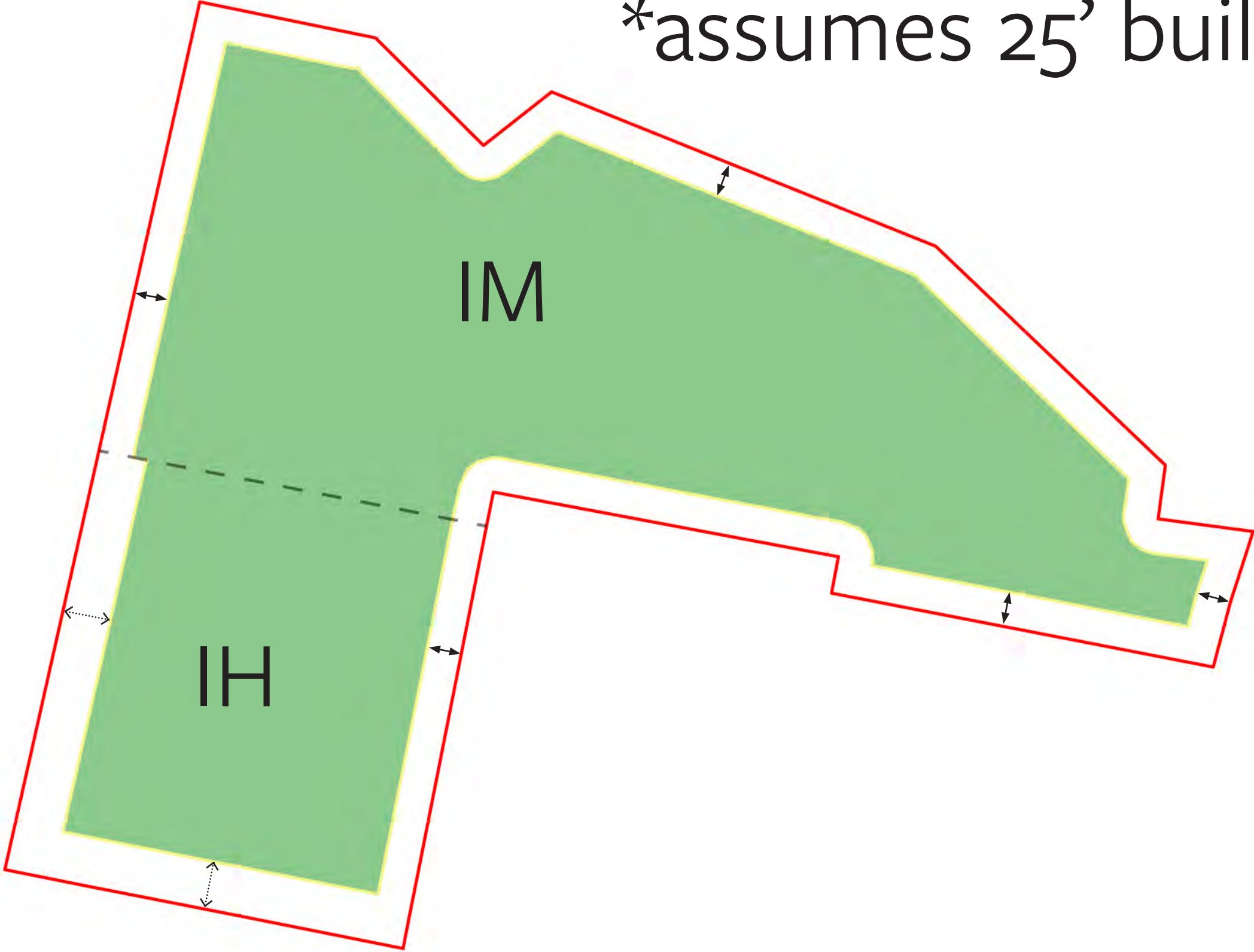
0 50 100 150 Feet

654 Riverside St: site zoning



654 Riverside St: zoning envelope*

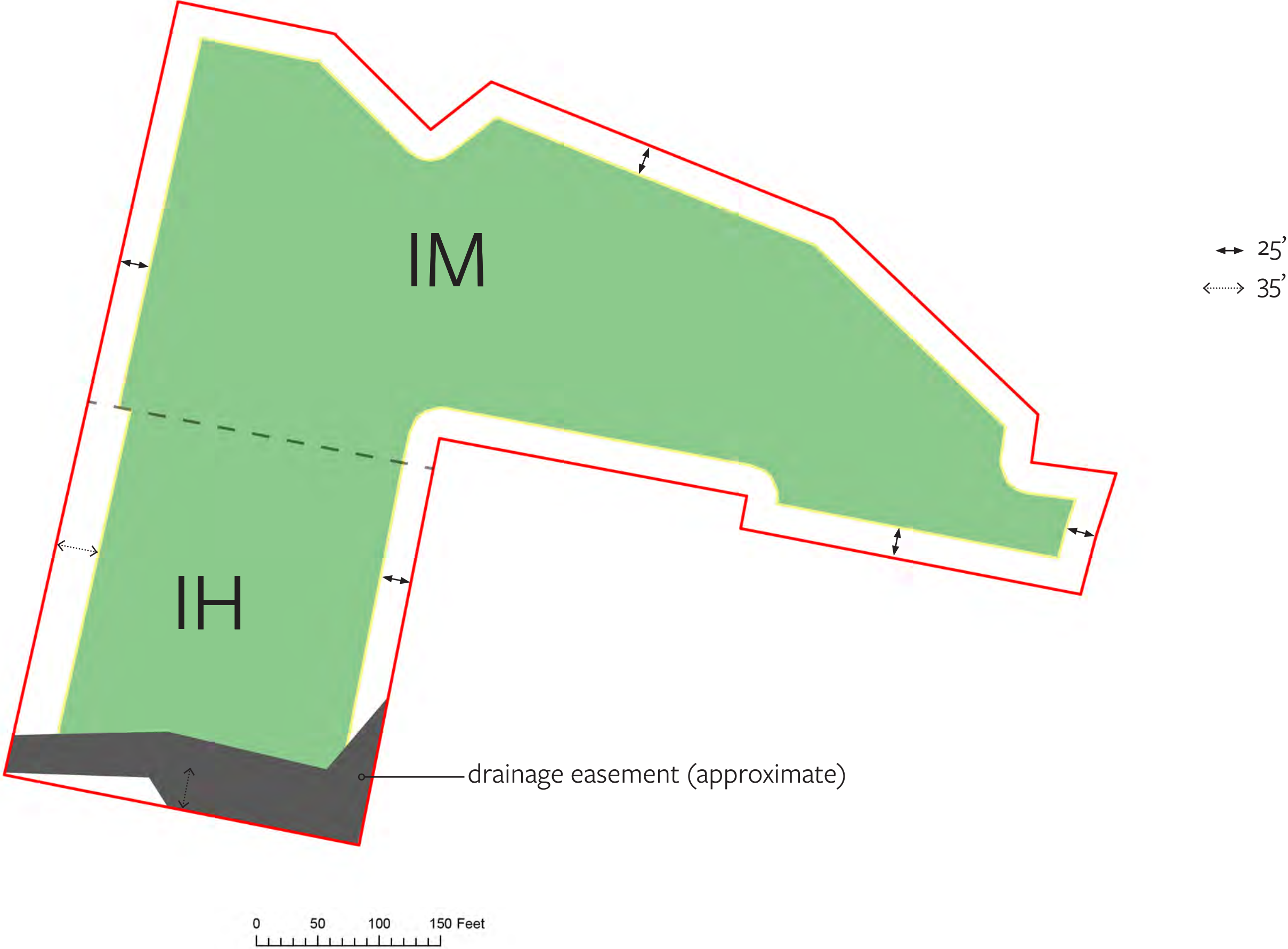
*assumes 25' building



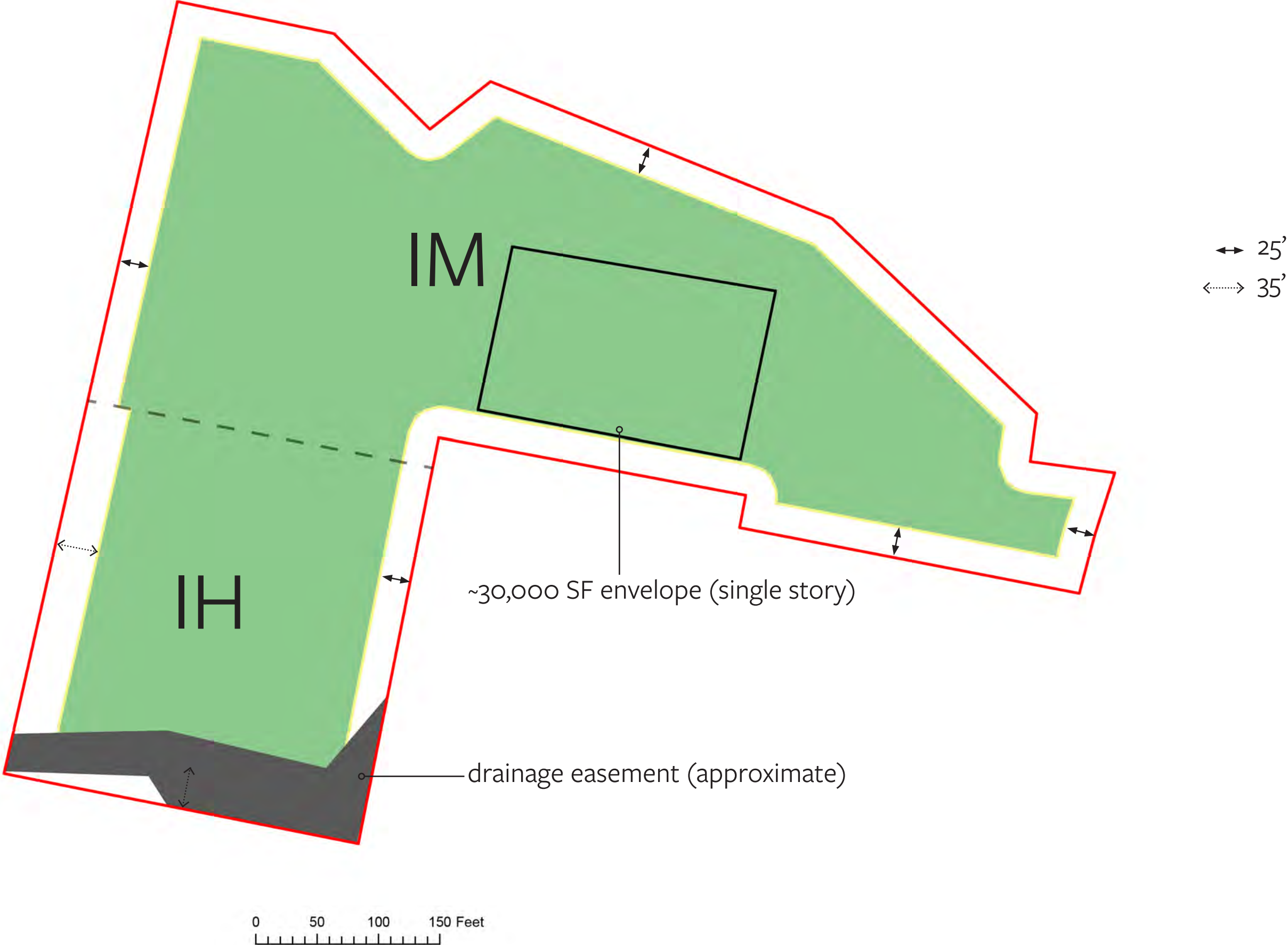
↔ 25'
↔ 35'

0 50 100 150 Feet

654 Riverside St: drainage easement



654 Riverside St: ~30k SF building



654 Riverside St: context

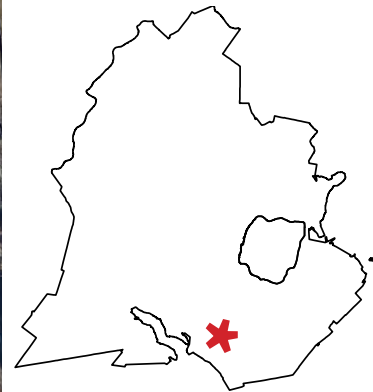


0 50 100 150 Feet

654 Riverside St: site challenges



County Way



County Way

ON SITE ZONING (% Area)

95.0 IL

5.0 B2

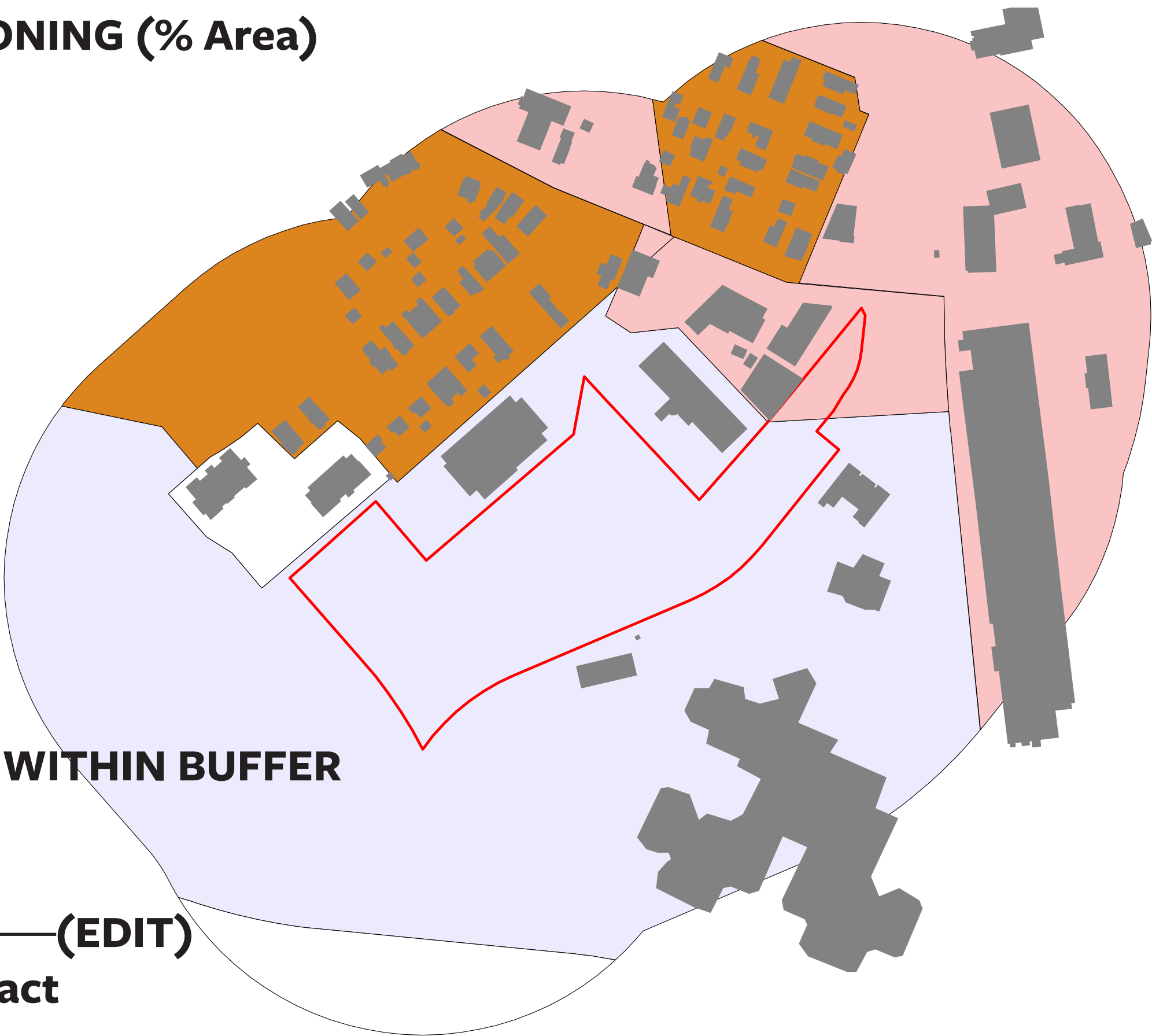
ZONING % WITHIN BUFFER

53.5 IL

23.1 B2

17.3 R6 ← (EDIT)

6.1 Contract



County Way

ASSESSED USE (% area):

- 41.5** Governmental
- 19.2** Retail Services
- 12.7** Null
- 5.3** Benevolent/charitable
- 5.2** Single Family
- 3.6** Two Family
- 3.5** Office Business
- 2.5** Three Family
- 1.2** Five to Ten Family
- 1.2** Twenty-one plus Family
- 1.1** Multi-use Commercial

OTHER (<1% area)

- parking lots**
- manufacturing**
- religious**
- transportation**
- vacant land**

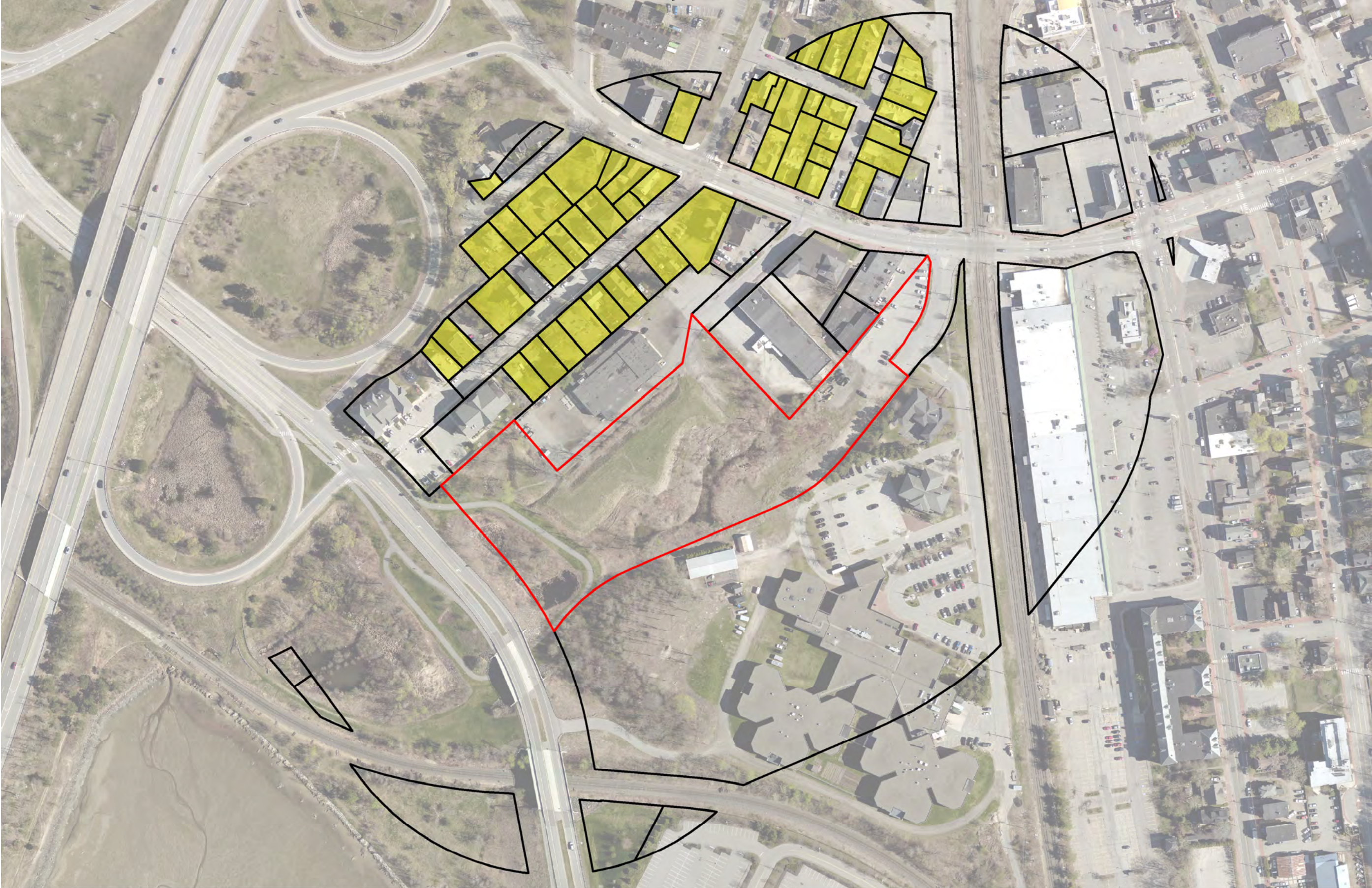


County Way



County Way: 1-4 family

one to four fam units: ~90 five plus fam units: ~55 total units: ~145

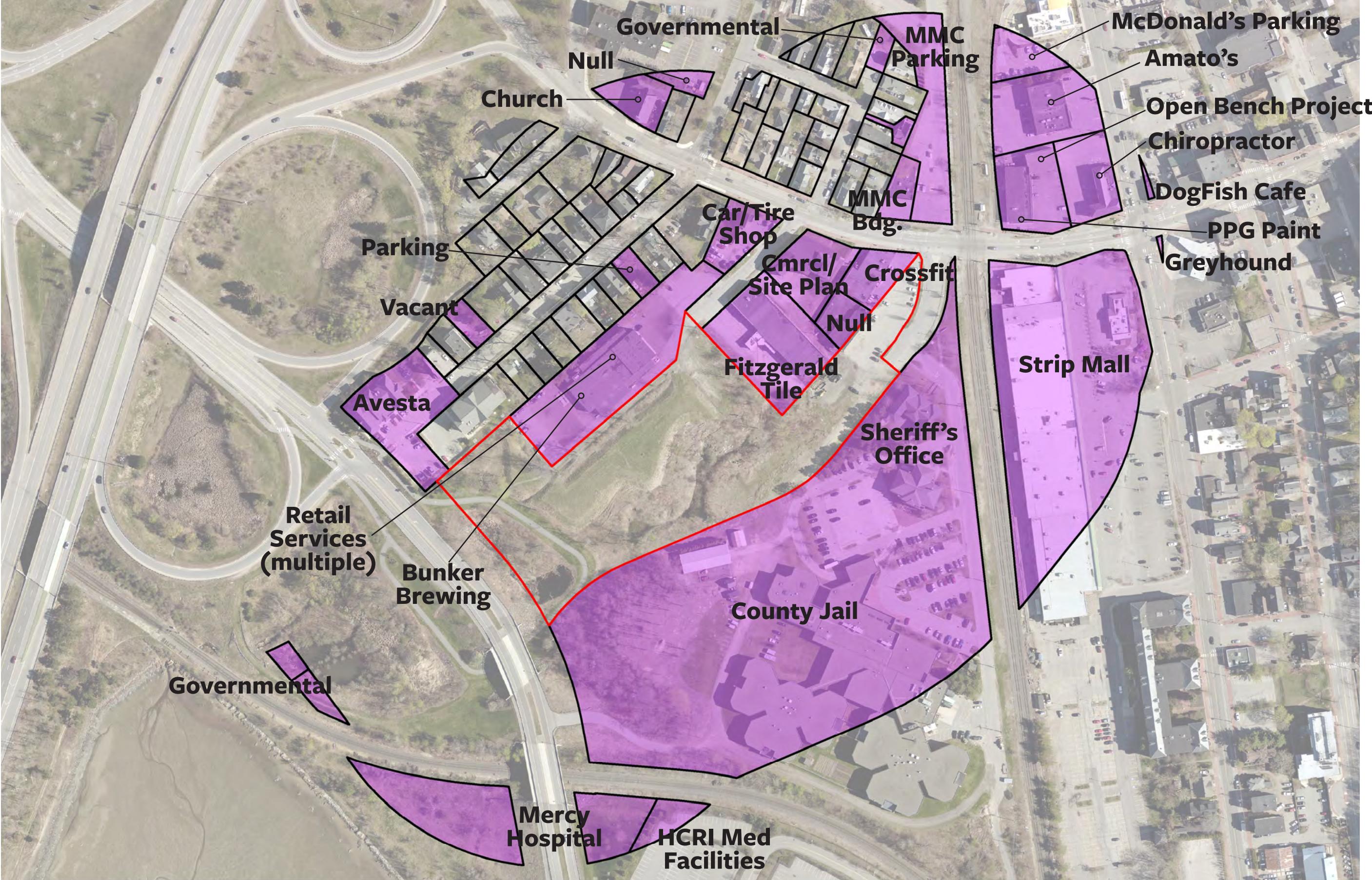


County Way: larger residential

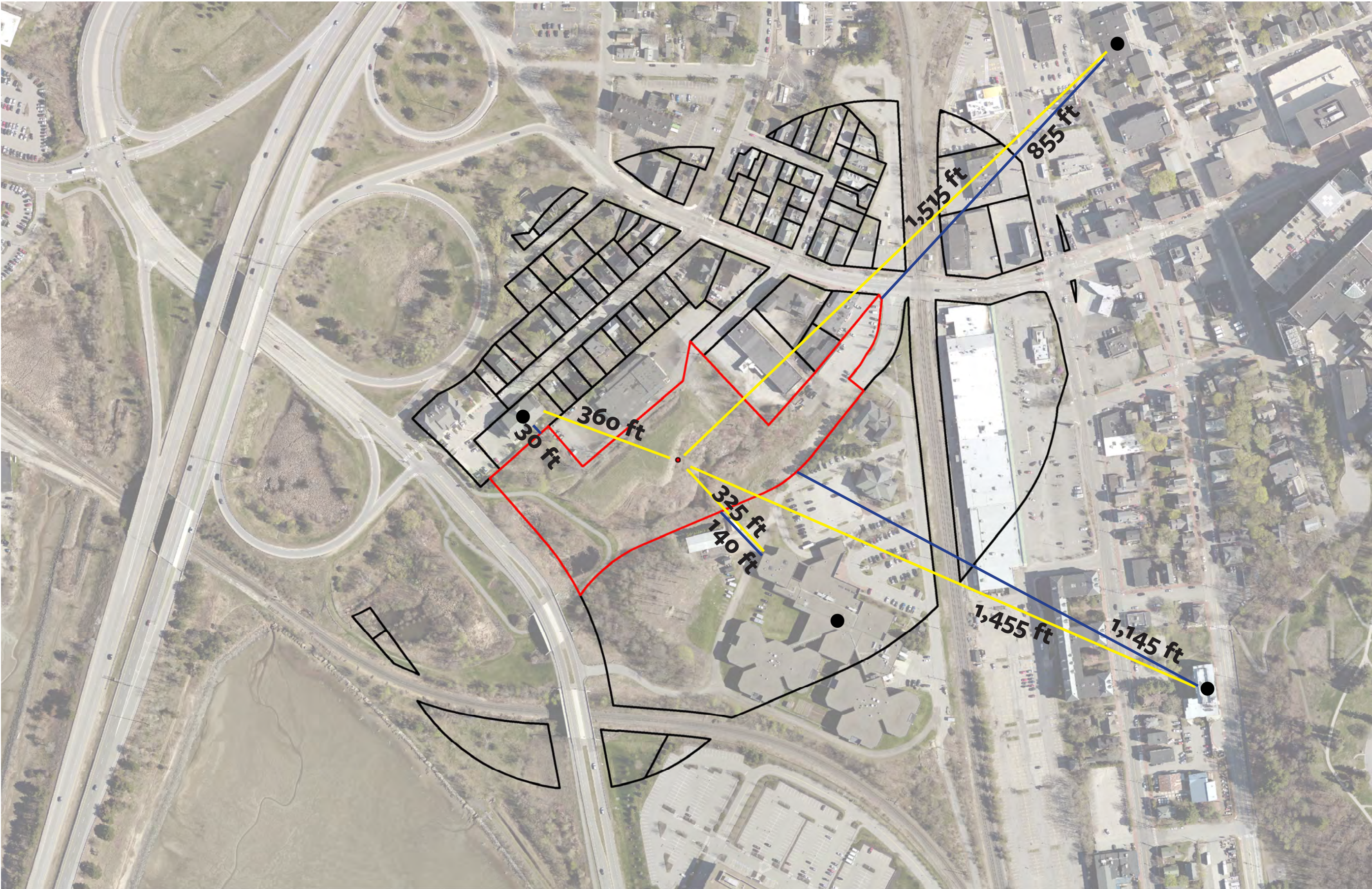
one to four fam units: ~90 five plus fam units: ~55 total units: ~145



County Way: other uses



County Way: requested distances

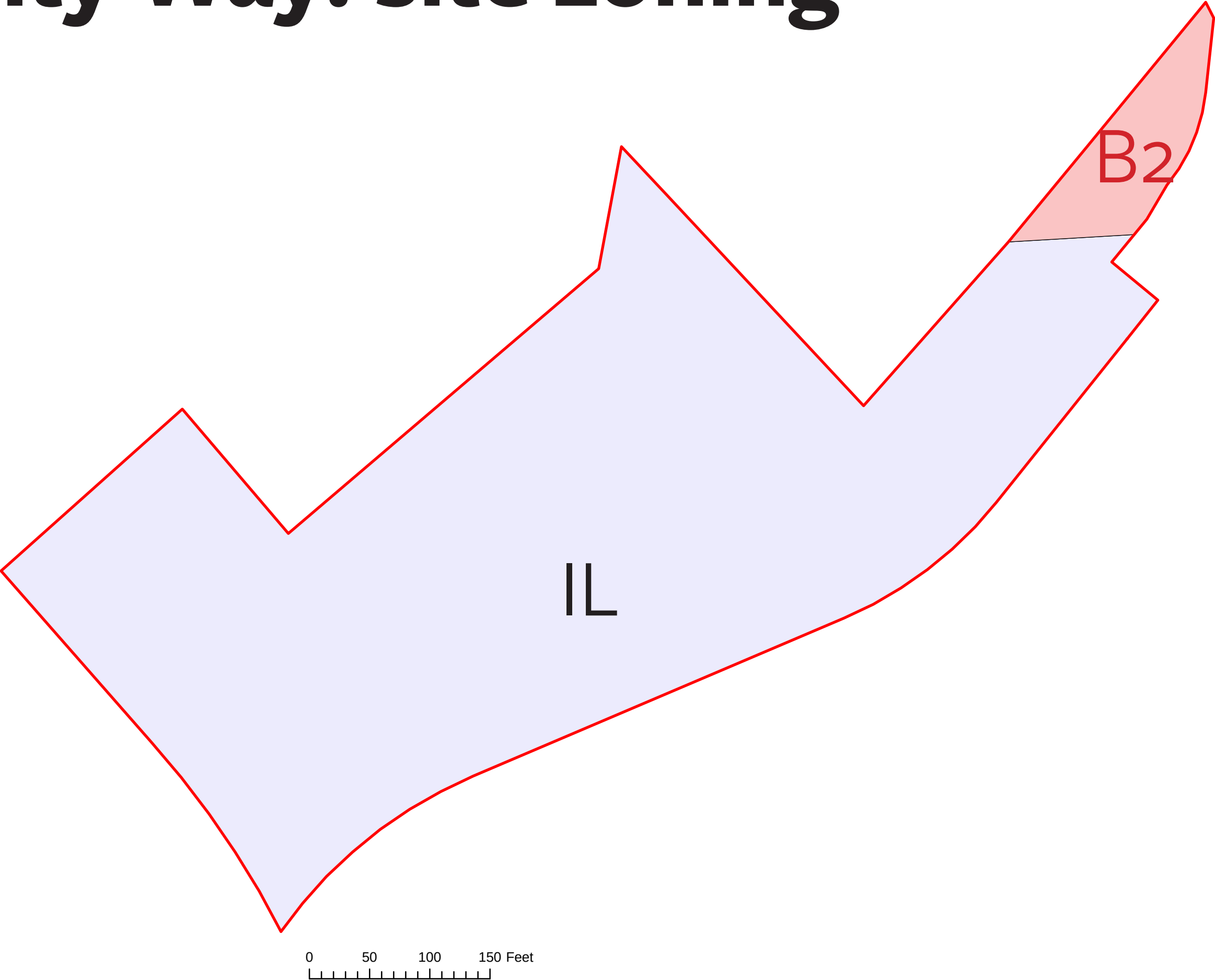


County Way

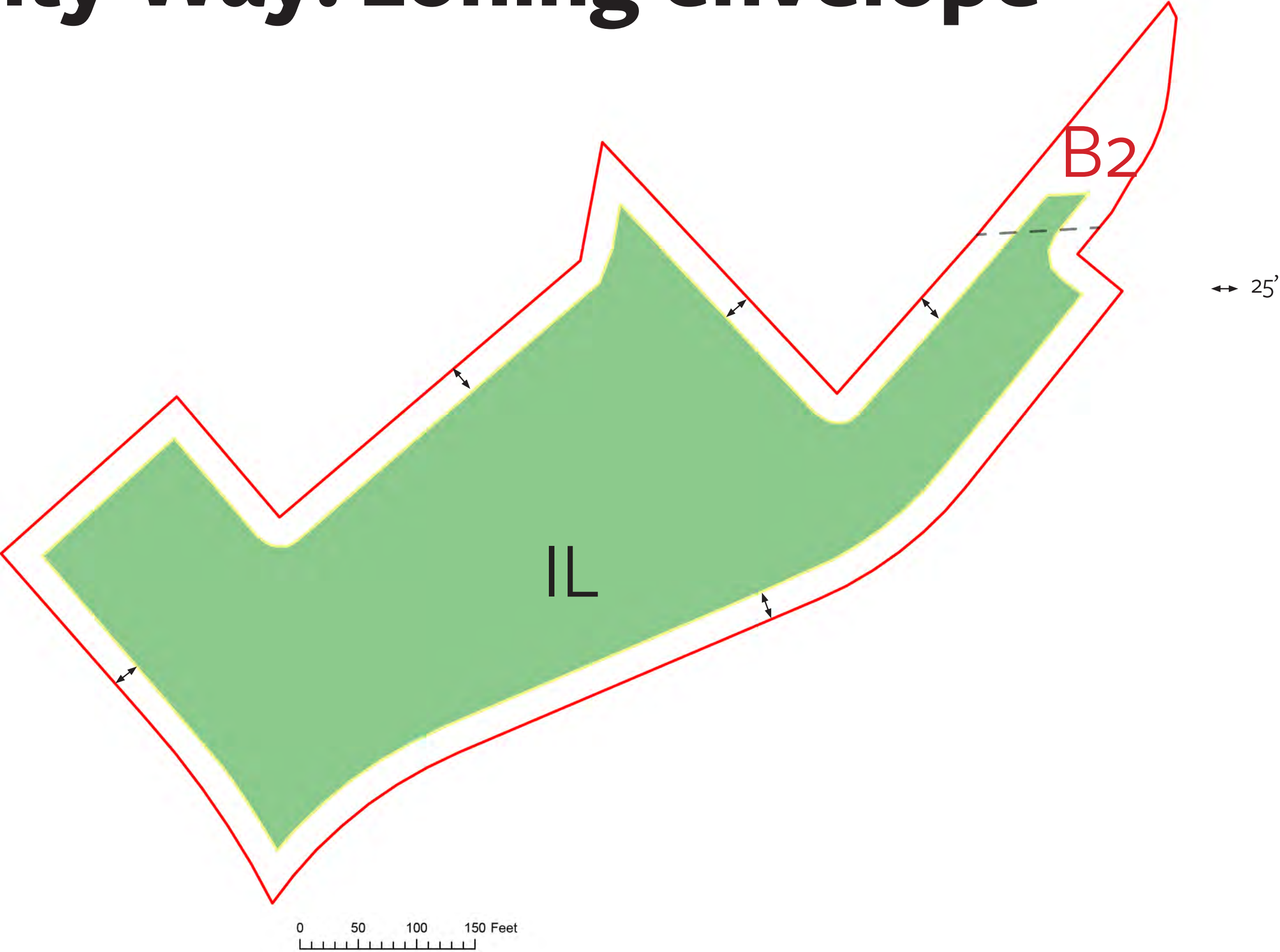


0 50 100 150 Feet

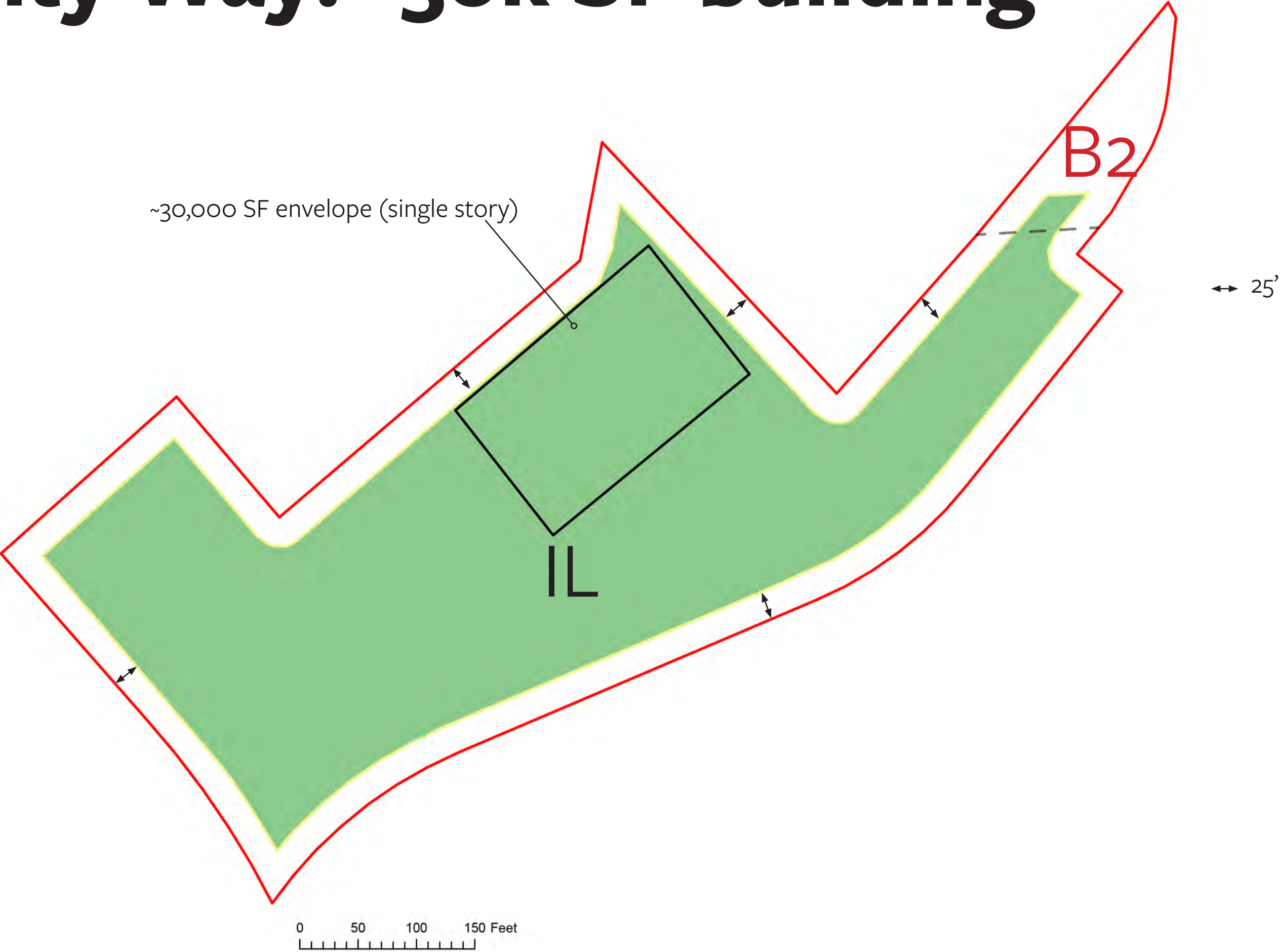
County Way: site zoning



County Way: zoning envelope



County Way: ~30k SF building



County Way: context



0 50 100 150 Feet

County Way: context cont'd



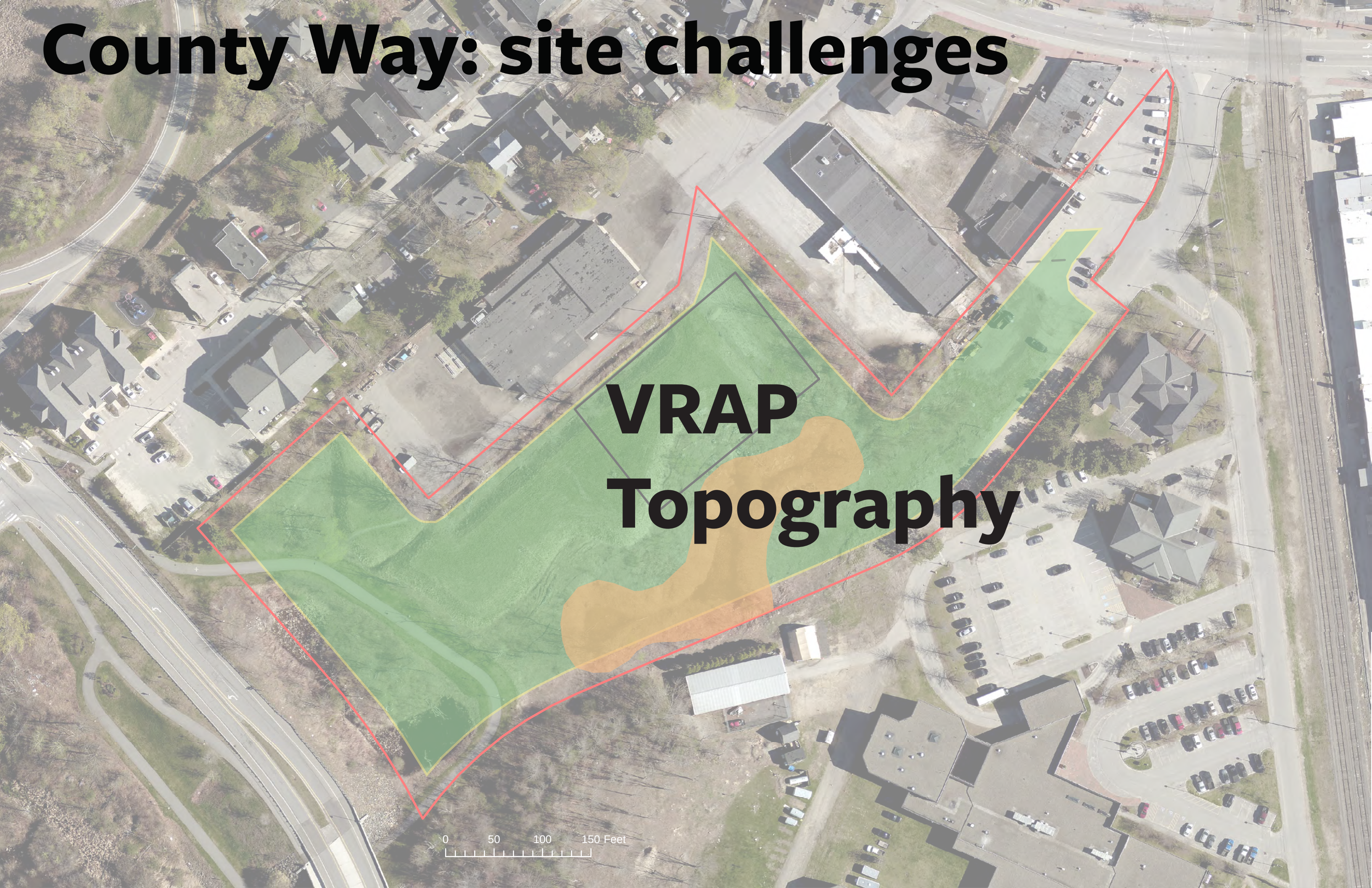
0 50 100 150 Feet

County Way: site challenges

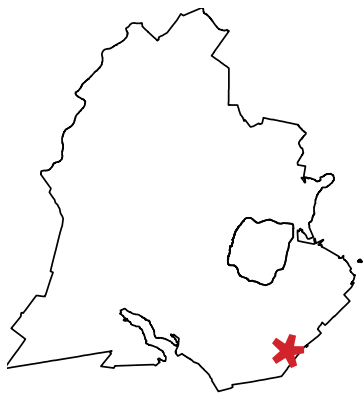
VRAP

Topography

0 50 100 150 Feet



Angelo's Acre



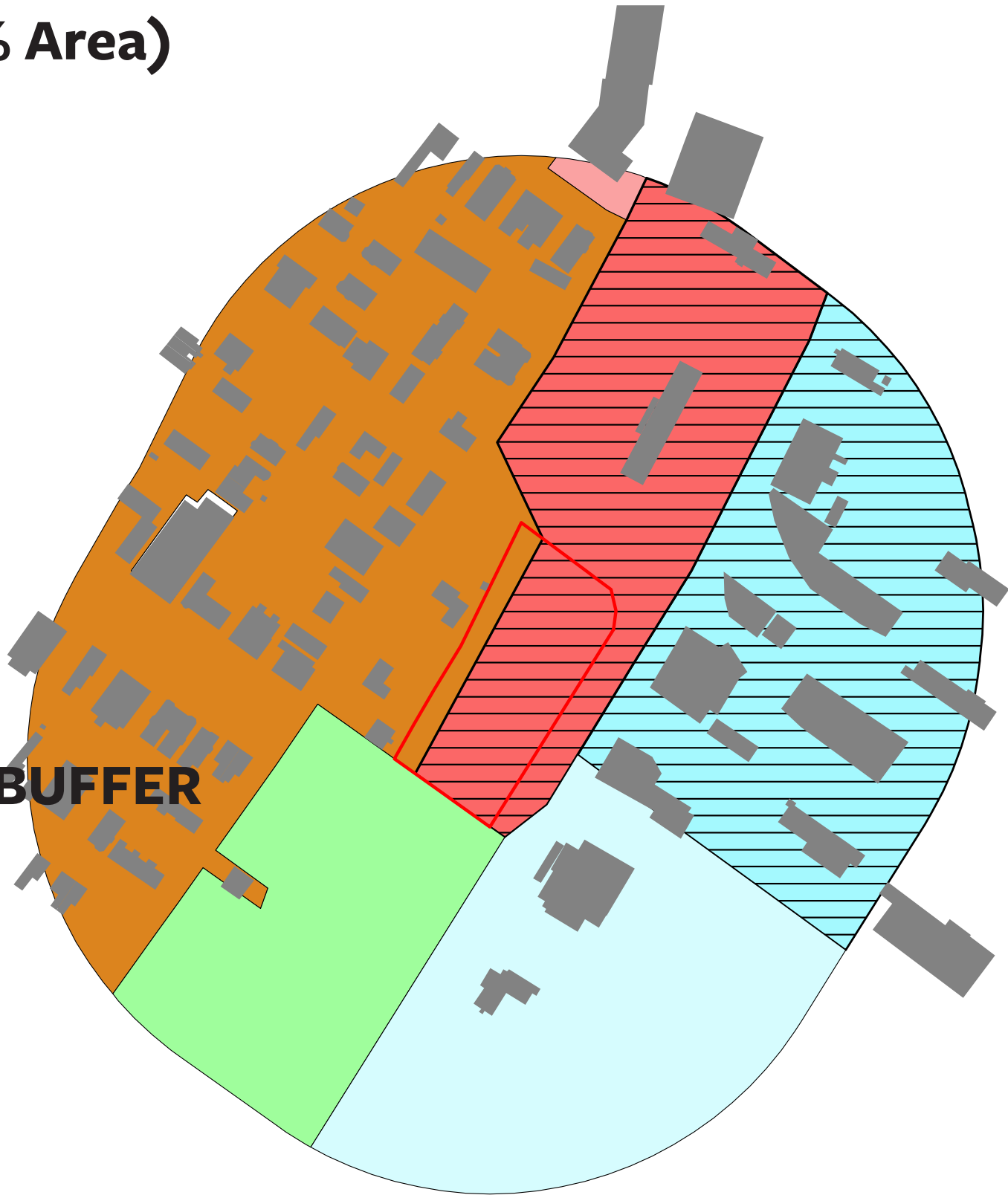
Angelo's Acre

ON SITE ZONING (% Area)

80.4 B5b
19.6 R6

ZONING % WITHIN BUFFER

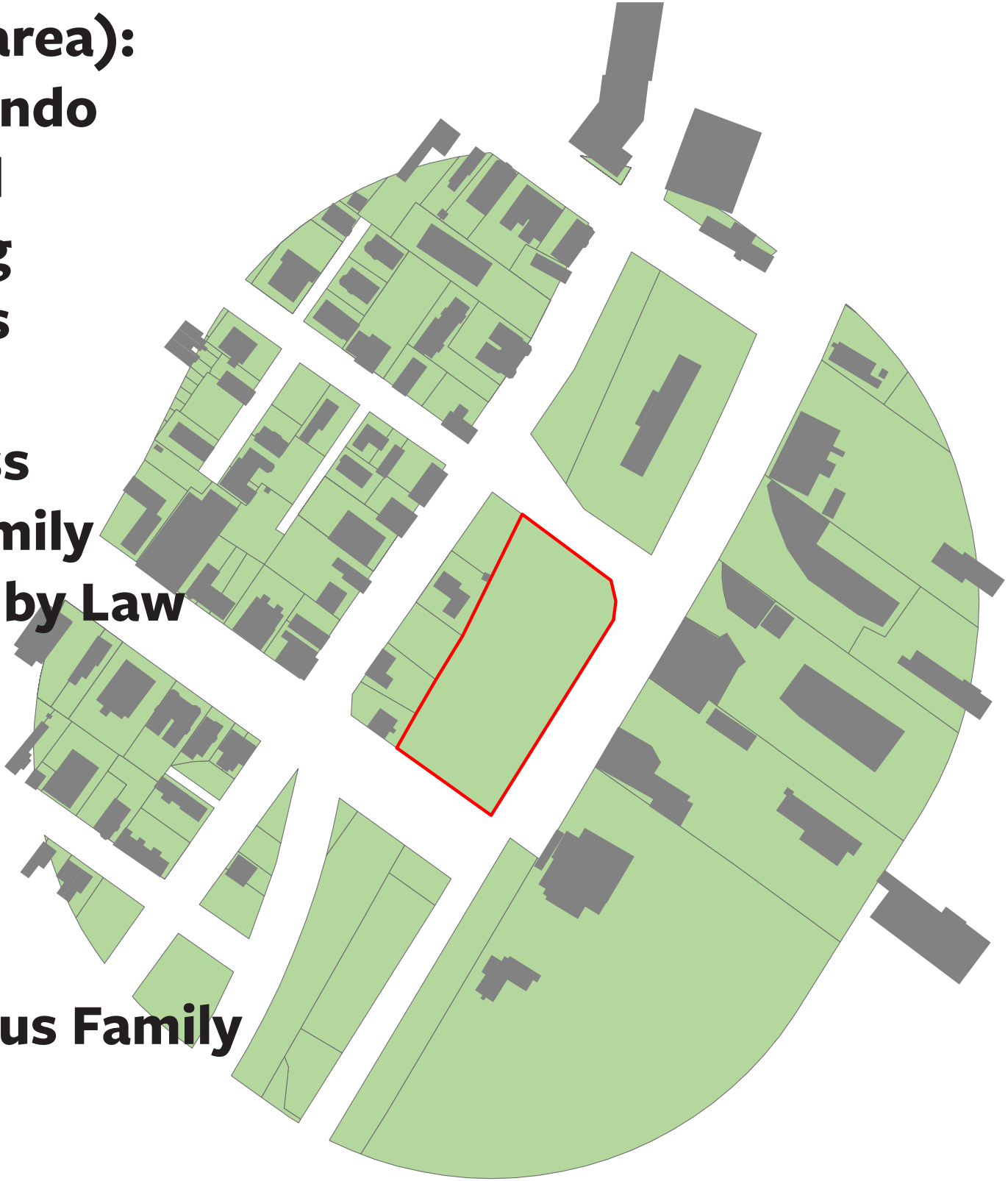
33.9 R6
20.0 WCZ
17.8 WPDZ
15.6 B5b
11.6 ROS
0.7 Contract
0.4 B3



Angelo's Acre

ASSESSED USE (% area):

- 37.9 Residential Condo**
- 20.6 Governmental**
- 7.9 Manufacturing**
- 4.3 Retail Services**
- 4.0 Wholesale**
- 3.6 Office Business**
- 3.2 Five to Ten Family**
- 3.2 Other Exempt by Law**
- 2.2 Single Family**
- 2.1 Vacant Land**
- 2.0 Four Family**
- 1.7 Three Family**
- 1.6 Null**
- 1.4 Twenty-one Plus Family**
- 1.1 Land Bank**



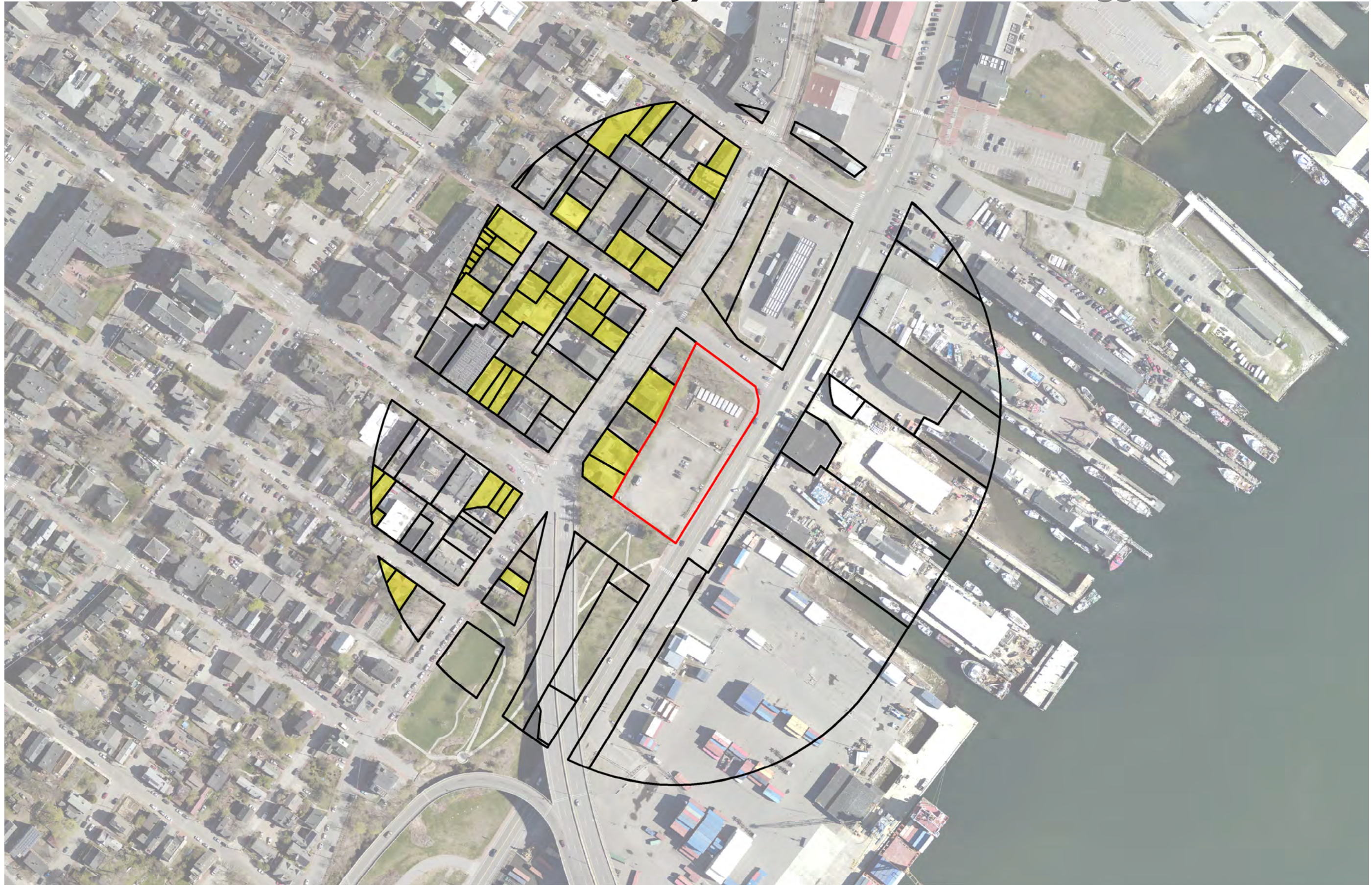
- OTHER (<1% area)**
- two family**
 - benevolent/charitable**
 - eleven to twenty family**
 - warehouse/storage**
 - parking lots**
 - commercial condos**
 - transportation**

Angelo's Acre



Angelo's Acre: 1-4 family

one to four fam units: ~97 five plus fam units: ~55 total units: ~145



Angelo's Acre: larger residential

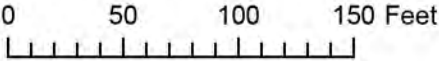
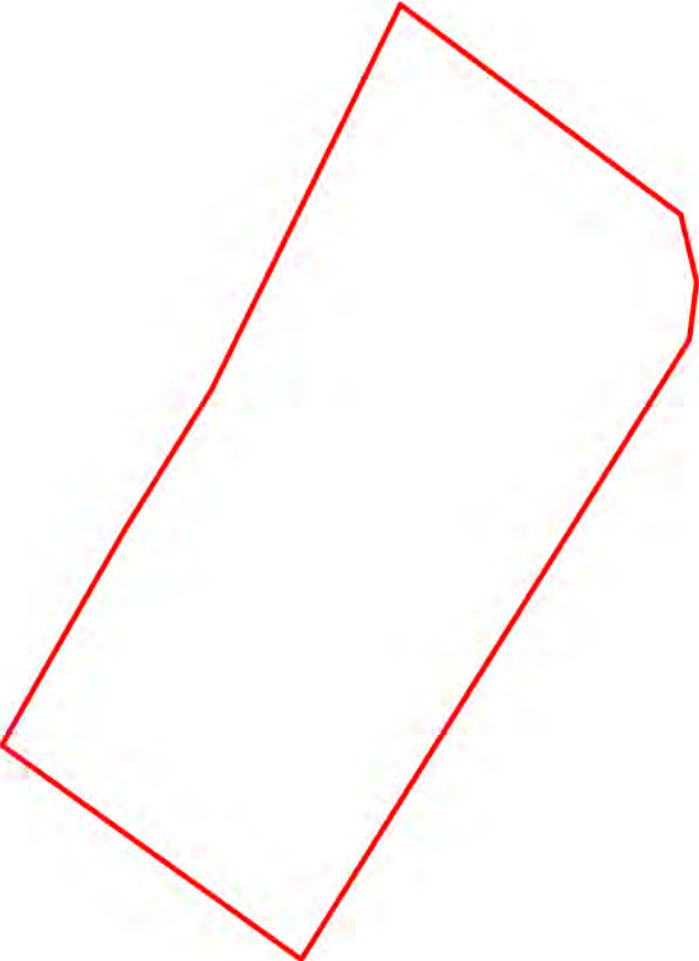
one to four fam units: ~97 five plus fam units: ~269 total units: ~366



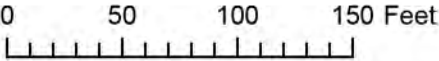
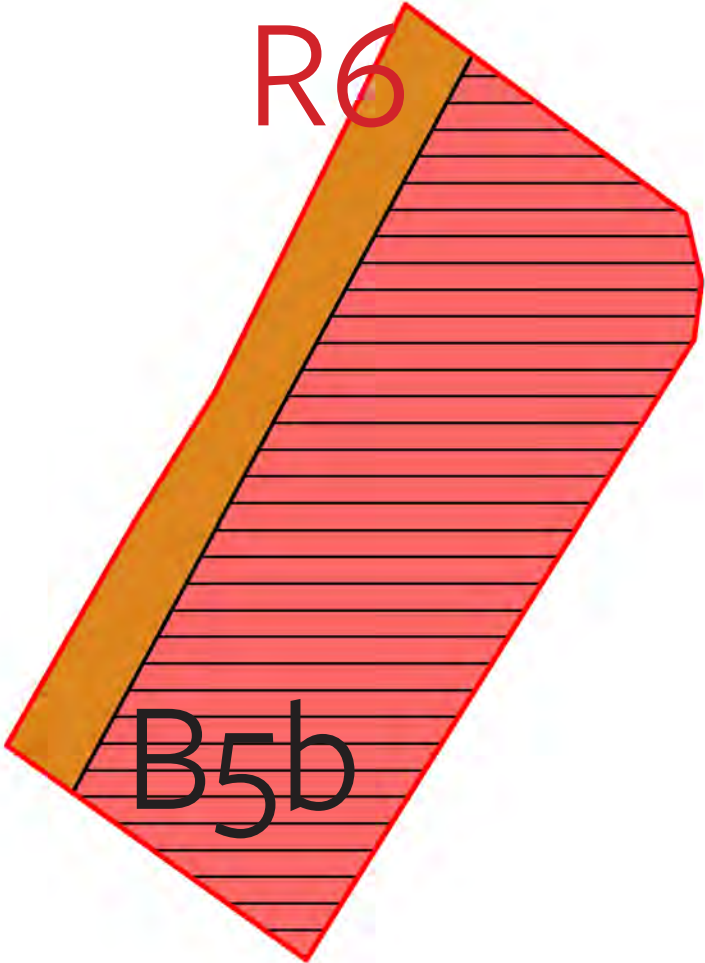
Angelo's Acre: other uses



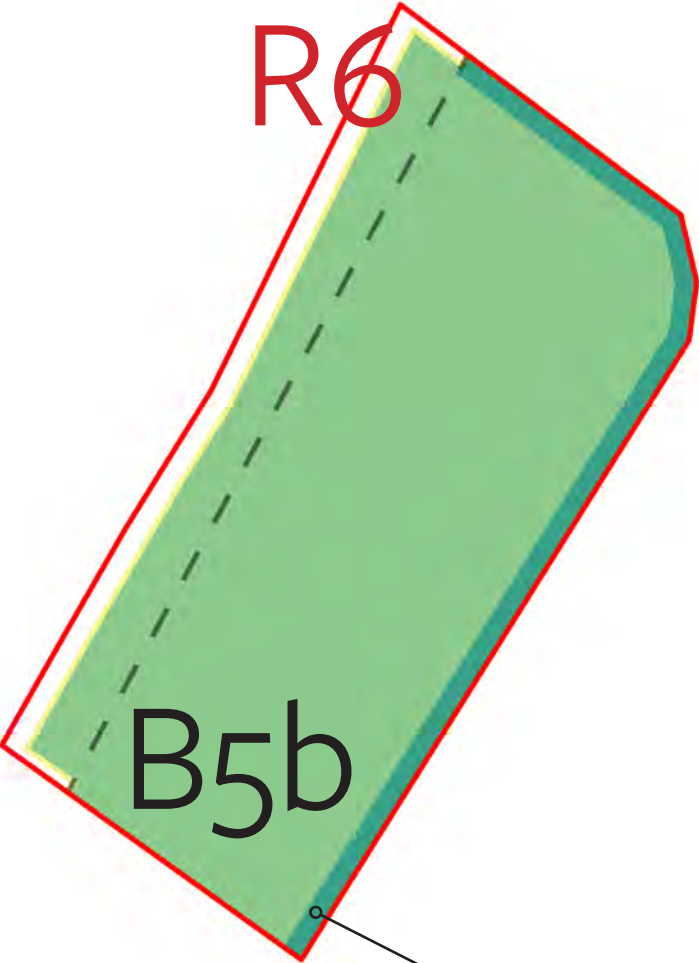
Angelo's Acre:



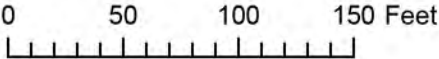
Angelo's Acre: site zoning



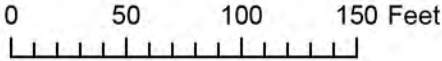
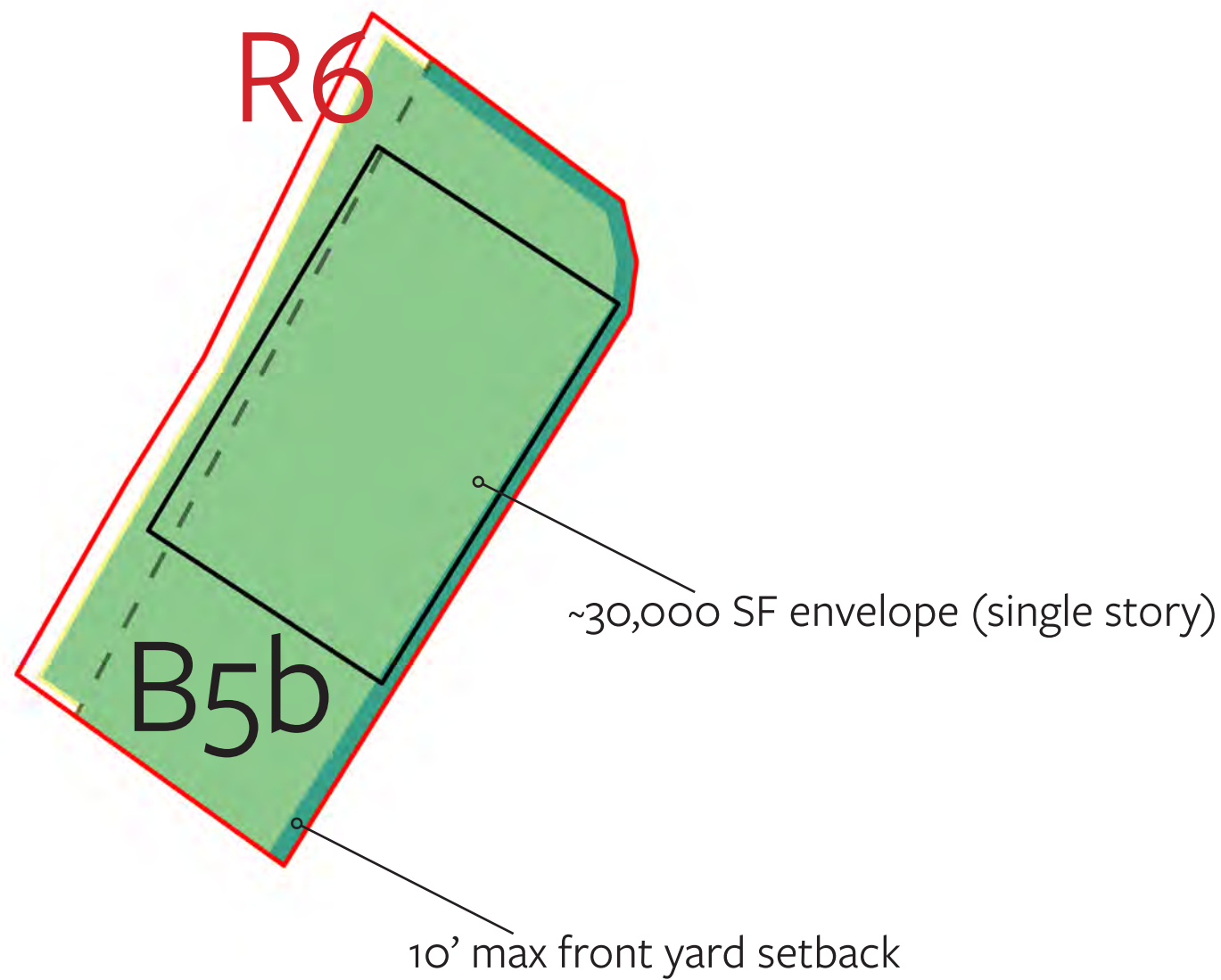
Angelo's Acre: zoning envelope



10' max front yard setback



Angelo's Acre: ~30k SF building



Angelo's Acre: context



0 50 100 150 Feet

Angelo's Acre: site concerns

Smallest Site
Surrounding Context
Site Testing Req'd
Current Use: Parking

0 50 100 150 Feet

Next Steps

654 Riverside St.

Angelo's Acre

County Way Acquisition



HHS analysis:

staff and partner feedback

Council direction:

which sites continue to be feasible and desirable?

Further analysis:

sites may harbor unforeseen constraints

Report back:

which sites remain feasible and compelling?

Additional Council direction:

narrowing site(s) selection

Questions?



Micro-Timeline of Shelter Process

June 2016 – May 2019

Created by City Councilor Belinda Ray
for her website (belindaray.me)

Updated in May 2019

June 2016

HHS & PS Committee notes that while Oxford Street Shelter staff does tremendous work, they are limited by an inadequate facility that was never meant to be an emergency shelter.

October 2016

HHS & PS Committee members visit two 24-hour shelters in the Boston area to get a firsthand look at their practices and policies. (Father Bill's Place, Quincy; Caspar Emergency Services Center & Shelter on the MIT Campus)

April 2017

HHS & PS Committee votes to recommend expanded shelter zoning to the Council and sends the ordinance to the Planning Board for review.

January 2017

The HHS & PS Committee, newly chaired by Councilor Ray, sets "pursuing shelter improvements" as the Committee's number one goal for the year. The goal is two-pronged:

1. Expand shelter zoning in the city
2. Work with city staff & community on shelter improvements, including designing and planning for a new facility to replace the OSS

June 2017

The Council approves expanded shelter zoning in the city.

The Committee asks staff to collect information on the planning, design, and site selection process for a new facility to replace the OSS.

September 2017

The Committee hears about best practices from city staff and holds a public hearing on a draft design of a new shelter facility.

December 2017

The City Council has a workshop to discuss the proposed shelter model and directs staff to seek out potential sites and bring forth a recommendation.

October 2017

Based on Committee input and public comment, city staff presents an updated draft design, and the Committee holds a second public hearing to get more input on the design and process. The Committee requests a council workshop to ensure there is council support for the new facility before asking staff to seek a site.

June 2018

After considering multiple sites, the City announces 1145 Brighton Avenue, on the Barron Center Campus, as the recommended site for the new Homeless Services Center, and staff presents information regarding the site to the HHS & PS Committee.

July 2018

The Committee holds a public hearing on the proposed site.

July 10, 2018

The Committee holds a public hearing on the proposed site for the Homeless Services Center.

Chair Ray announces the committee won't vote on this recommendation until fall to allow time for a Community Information Forum on the HSC service model and homelessness in Portland.

September 8, 2018

City holds Community Forum about the HSC model, homelessness in Portland, and site selection. Breakout sessions include: 1) Safety & Security; 2) Regional Services; 3) The Future of Homeless Services; 4) Zoning, Land Use & Transportation; 5) Housing & Services; 6) Faces of Homelessness; and 7) Q&A with the City Manager.¹

November 13, 2018

The Committee reviews information on various shelter models, and, with the entire council in attendance, gives guidance to staff to pursue a single, city-run facility for up to 150 single adults to replace the Oxford Street Shelter. Staff is also directed to pursue partnerships with community agencies to help address the needs of specific populations experiencing homelessness.³

September 11, 2018

HHS & PS committee holds meeting to review questions about the Barron Center site, but instead pivots and asks staff to do a new, updated search for potential properties throughout the city while also once again looking at the concept of the city hosting multiple smaller shelters vs. one central intake facility (the HSC).²

January 22, 2019

Staff presents the committee with a new list of just under 700 parcels. The list combines earlier analysis with a property search undertaken by the Housing Committee and new considerations.

This list is reduced to 30 sites after screening out municipal buildings (City Hall, fire stations, schools), parks, cemeteries, land bank properties, island properties, watersheds, and highway ramps.

After removing parking garages, the police department, two piers, airport land, private sites not available for sale, and small sites located either within single family neighborhoods, on paper streets, or both, we are down to 14 sites.⁴

The committee reinstates one staff-removed site (650 Riverside St) and eliminates 3 sites:

- 1) The Barron Center Campus – Reason: site deemed appropriate for 81 bed acute care facility proposed by AVESTA Housing and currently in planning stages.
- 2) The former West School site – Reason: half of site is already part of the master plan for Dougherty Field and other half is under consideration for a public-private affordable housing project.
- 3) Land behind the Rosemont Fire Station – Reason: a recent study states the entire Rosemont Fire Station needs to be rebuilt; there is no certainty land will be available for the HSC.

February 26, 2019

The committee removes 9 sites from the list:

- 622 Auburn Street & Franklin Reserve – Reason: zoned R2 and R6, respectively; shelters are not allowed in these zones
- Thames St. Parking Lot – Reason - zoned B6 and EWPZ; shelter not allowed without a zone change; also, abuts waterfront with no obstructions, thus deemed unsafe
- 1819 Westbrook St – Reason: tough to build on this parcel due to wetlands and utility easements; also landlocked – no existing street access to parcel.
- 3 Hutchins Drive – Reason: landlocked parcel; no access from street without taking of private land
- 1386 Riverside & 750 Warren Ave – Reason: privately owned sites; too much uncertainty; no guarantee of availability or affordability
- 33 Portland St – Reason: zoned B2b; shelter not allowed without change)
- 83 Middle Street – Reason: lot too small and land constrained to create facility with amenities and services required by ordinance



March 26, 2019

With the list narrowed to 3 viable sites (County Way, 650 Riverside Street, Angelo's Acre), the committee holds a public hearing to help inform members as they prepare to make a recommendation to the council.

A committee vote is expected at an April meeting, date TBD.



April 23, 2019

After discussion and deliberation, the committee decides to forward two sites for consideration by the full council:

- Angelo's Acre
- 650 Riverside Street

While Councilor Ray expresses a preference for 650 Riverside St., Councilors Batson and Ali choose no frontrunner among the two sites at this time.



May 20, 2019

The Council schedules a public hearing on the choice of a shelter site. Due to lengthy deliberations around the FY 2020 budget, the public hearing isn't held until after 10pm. The Council decides to allow anyone who wishes to comment that evening to do so while also scheduling a second public hearing on this topic on June 3rd.

Anyone who did not comment on May 20th is welcome to comment at the June 3rd public hearing. Meanwhile, public comment can be submitted at any time via email, phone, or snail mail using the Council contact information on the city's website.

(<http://portlandmaine.gov/Directory.aspx?did=11>)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 22, 2019

SUBJECT: 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.

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 Ray, Chair of the HHS & Public Safety Committee.

I. SUMMARY

654 Riverside Street is one of two potential homeless services center sites the HHS & Public Safety Committee voted to recommend to the full City Council.

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on April 16, 2019 and voted 3 - 0 to forward this order to the City Council for consideration of two potential homeless services center sites. It intended that the City Council as a whole would consider both and determine which one was the best option for the City.

This order approves 654 Riverside Street as the location for the Homeless Services Center.

At the May 20, 2019 Mayor Strimling requested that final action on this item be postponed to this meeting. Public comment will be taken from people who did not comment on May 20, 2019. Five affirmative votes are required for passage.

III. BACKGROUND

The HHS & Public Safety Committee has worked to analyze potential Homeless Service Center site locations in the City of Portland that meet a best practice model. Sites have been screened to meet specific zoning and lot size requirements. On April 16th, 2019, the Committee moved to recommend the Angelo's Acre and Riverside locations to the full Council.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

It is the goal of the City of Portland to undertake work on a new state-of-the-art, adult emergency shelter to replace the Oxford Street Shelter. The new shelter will be open 24-hours a day, 7-days a week with on-site meals and a wide range of services including: health and mental health care, substance use treatment, housing assistance, peer support, case management, employment assistance, and more.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

The City of Portland's shelter guests and valued staff deserve to live and work in a respectful and safe environment. We will no longer allow some of our most vulnerable community members to live in inadequate conditions and in locations where they are easily abused, taken advantage of, and

judged for their perceived shortcomings.

The current adult shelter on Oxford Street is leased, poorly configured, and requires residents to vacate the facility every morning with all of their belongings. The building has three floors which require almost double the number of staff who could oversee guests in a single-story building designed specifically as a shelter. It also has cramped sleeping space which necessitates floor mats rather than cots and utilizes a large area for sleeping in the eaves of the building.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Draft Shelter Floor Plan
2. Health and Human Services Homeless Services Center Jan 22 2019 Meeting Presentation
3. HHS Informational Memo 3.26.219
4. HSC_Presentation_March19_2019_V3_reduced_size.3.19.209pdf
5. Riverside_Street_Site_Area_VRAP
6. Shelter List Memo
7. Shelter List
8. Shelter Location Provider Feedback for 3.19.19
9. Staying at Oxford Street in 2018
10. Transient Drownings Table
11. Transient Water Deaths
12. 636 Riverside Street Soils and Geotechnical Information
13. Best Practices for New Shelter
14. DEP Email Re VRAP Certification_1
15. Unified Micro-Timelines of shelter action at committee, council - updated May 2019
16. Public Comment Riverside Street

Prepared by:

Date: 5/22/2019



The Future of Homeless Services in Portland



Health & Human Services Committee Meeting

January 22, 2019

This presentation and ongoing conversations include preliminary information on the homeless services center relocation project. The information includes potential site locations and information regarding potential partners. We realize the mere mention of various locations can be concerning for our residents. No final decisions have been made at this point. This information is solely intended for discussion purposes only.

Combination of Low Barrier HSC + Specialty Beds

Partnership with Avesta Housing & The Opportunity Alliance

150 low barrier beds on one site

+

Specialty Beds

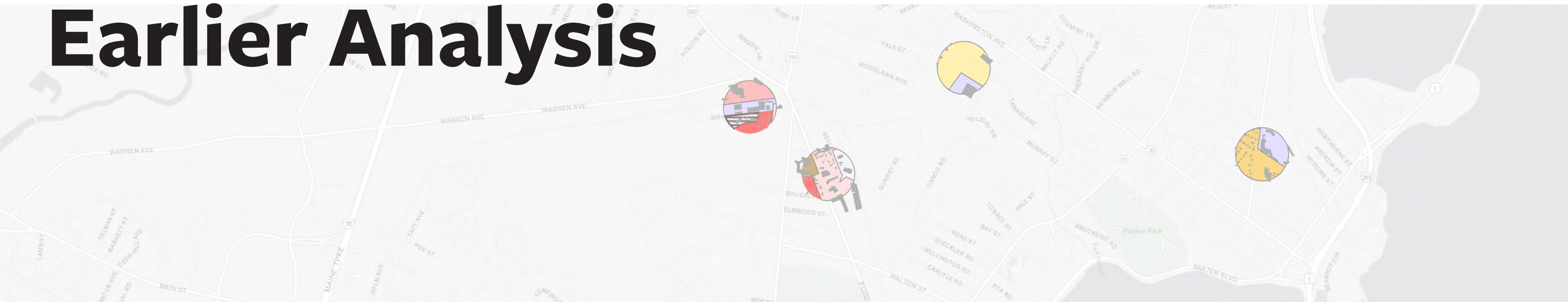
Policy Guidance

Staff would like to recommend that as we are in the process of deciding where and how to locate a new service center, that the Council take a look at long-standing policies regarding local and state guidelines for shelter eligibility and responsibility.

Shelter Location(s): Further Inquiry



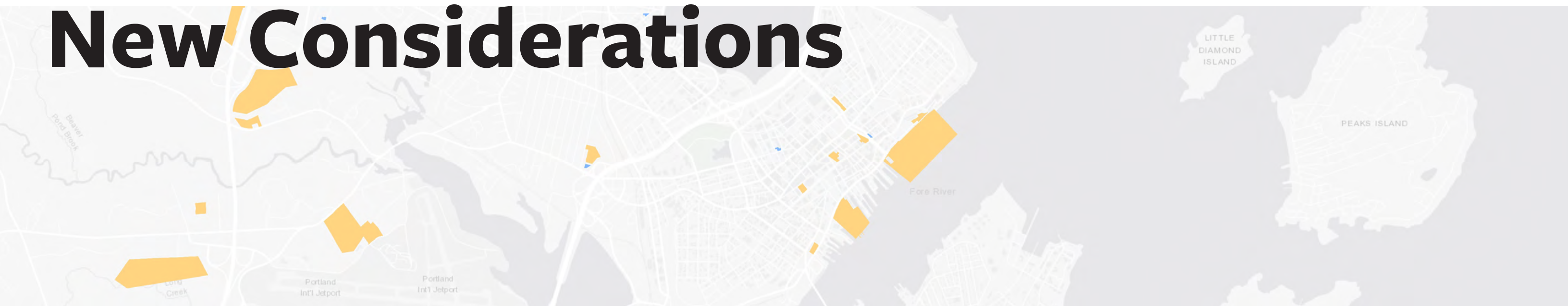
Earlier Analysis



Housing Committee Search



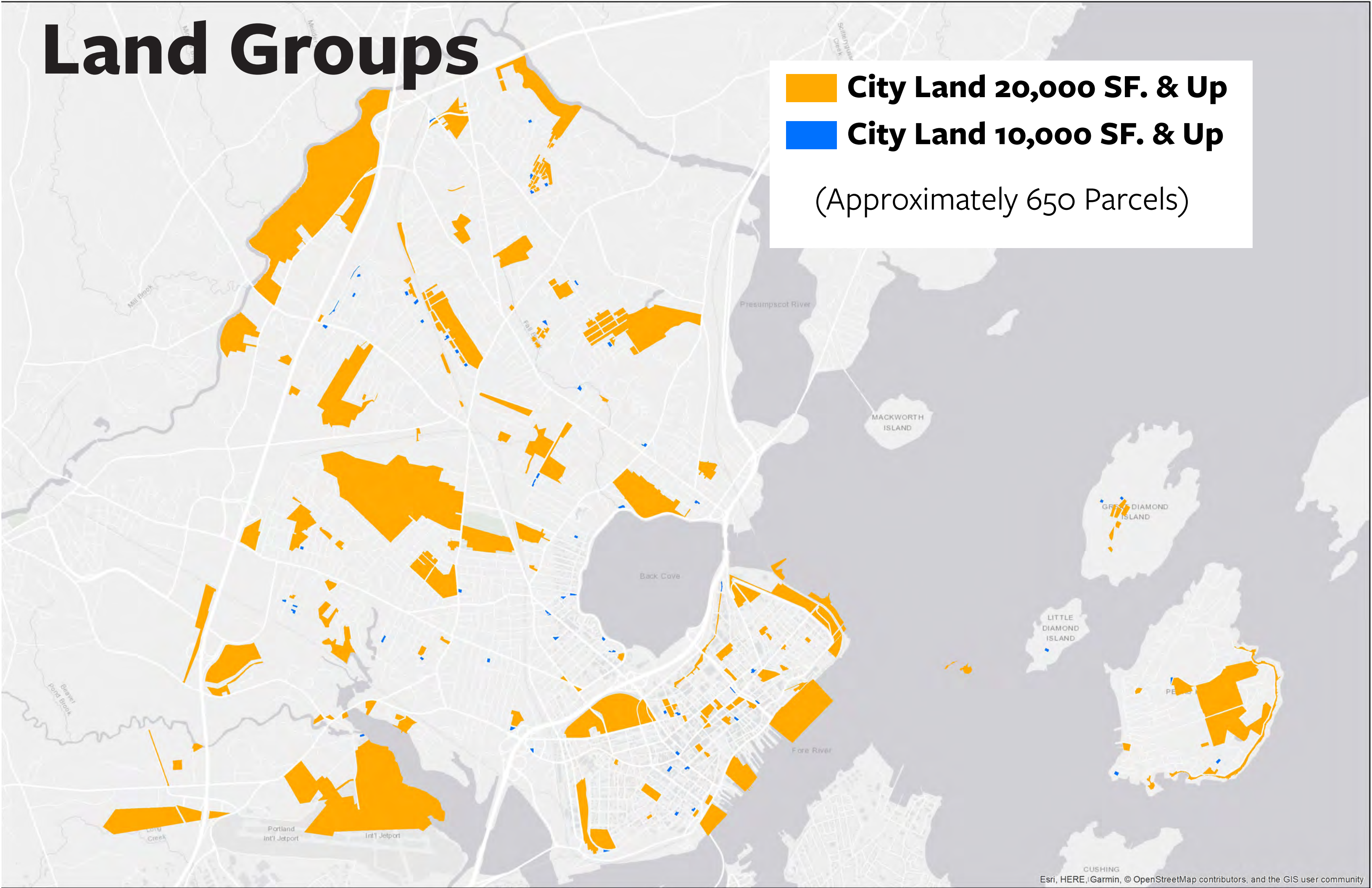
New Considerations



Land Groups

-  **City Land 20,000 SF. & Up**
-  **City Land 10,000 SF. & Up**

(Approximately 650 Parcels)



Quick Reductions

- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Quick Categories

Existing Structures

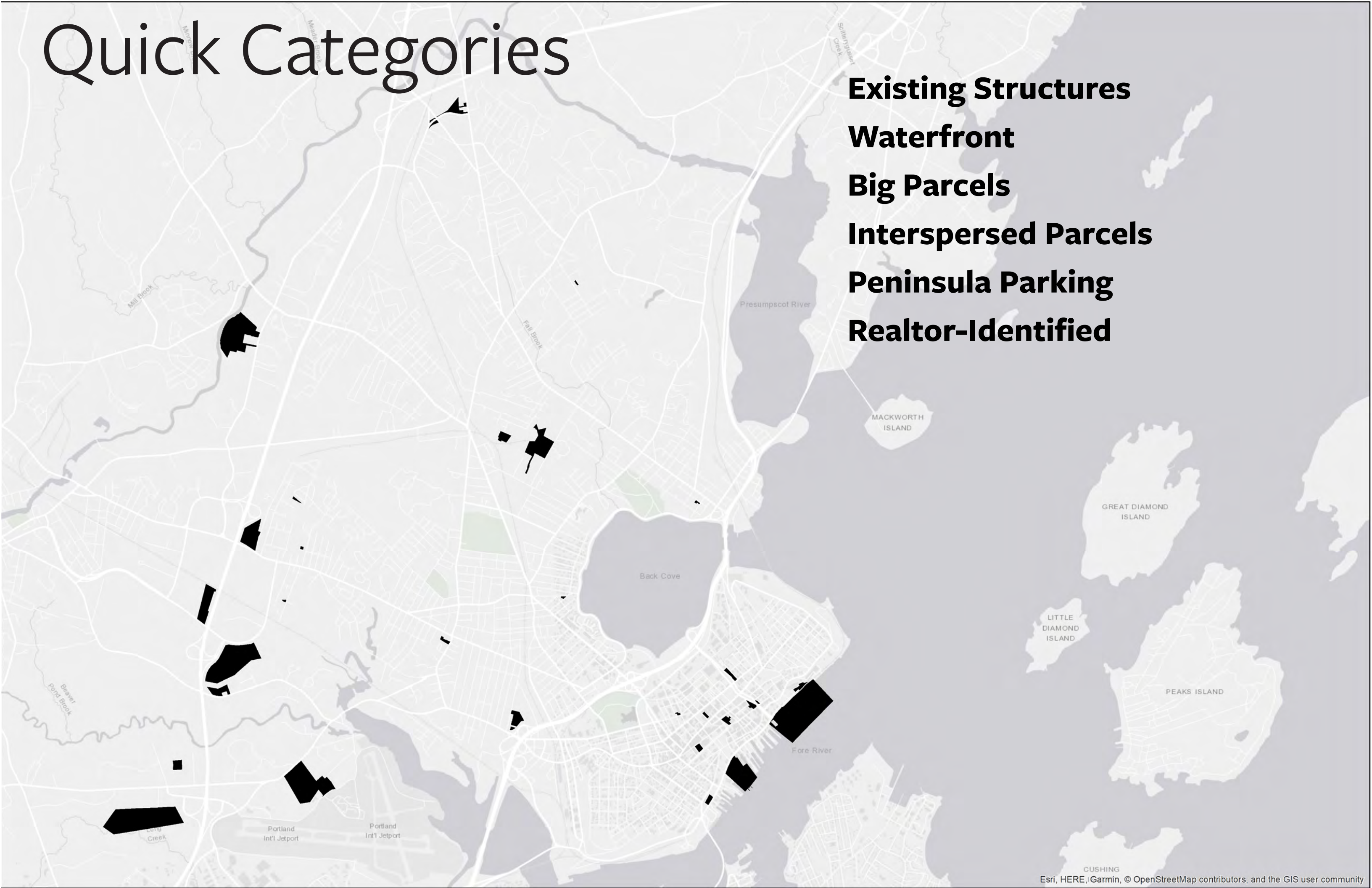
Waterfront

Big Parcels

Interspersed Parcels

Peninsula Parking

Realtor-Identified



Existing Structures

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Existing Structures

DPW / P & R Buildings

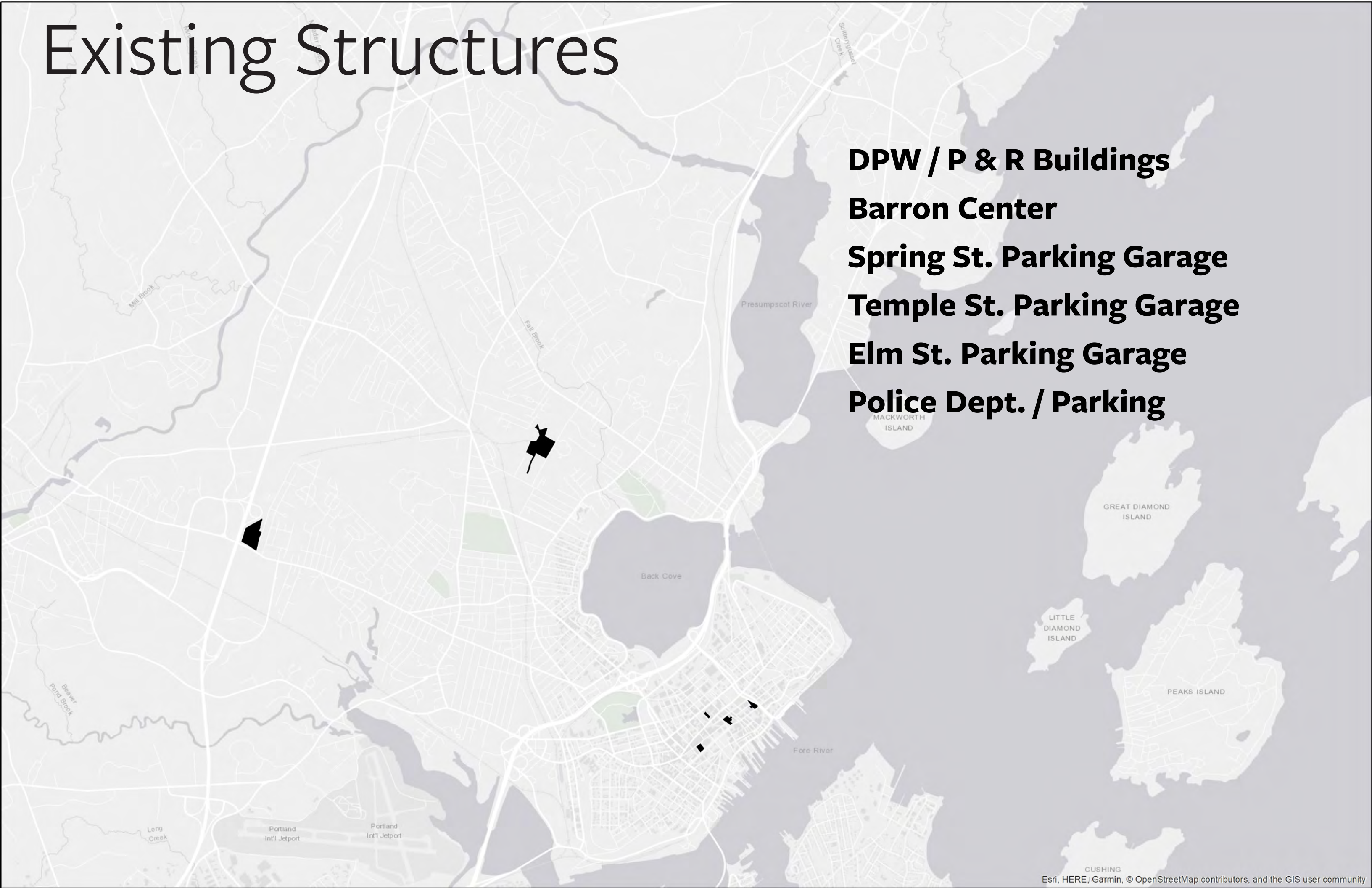
Barron Center

Spring St. Parking Garage

Temple St. Parking Garage

Elm St. Parking Garage

Police Dept. / Parking





DPW / P & R Buildings

Barron Center

Police HQ

Elm St. Garage

Temple St. Garage

Spring St. Garage

Existing Structures: Quick Pass

The size of the parking garages (and therefore the cost and impact of demolition) and the complexity of the Police space appear preventative.

The Barron Center property includes unused land, existing parking lots, and potentially convertible space.

~~**DPW / P & R Buildings**~~

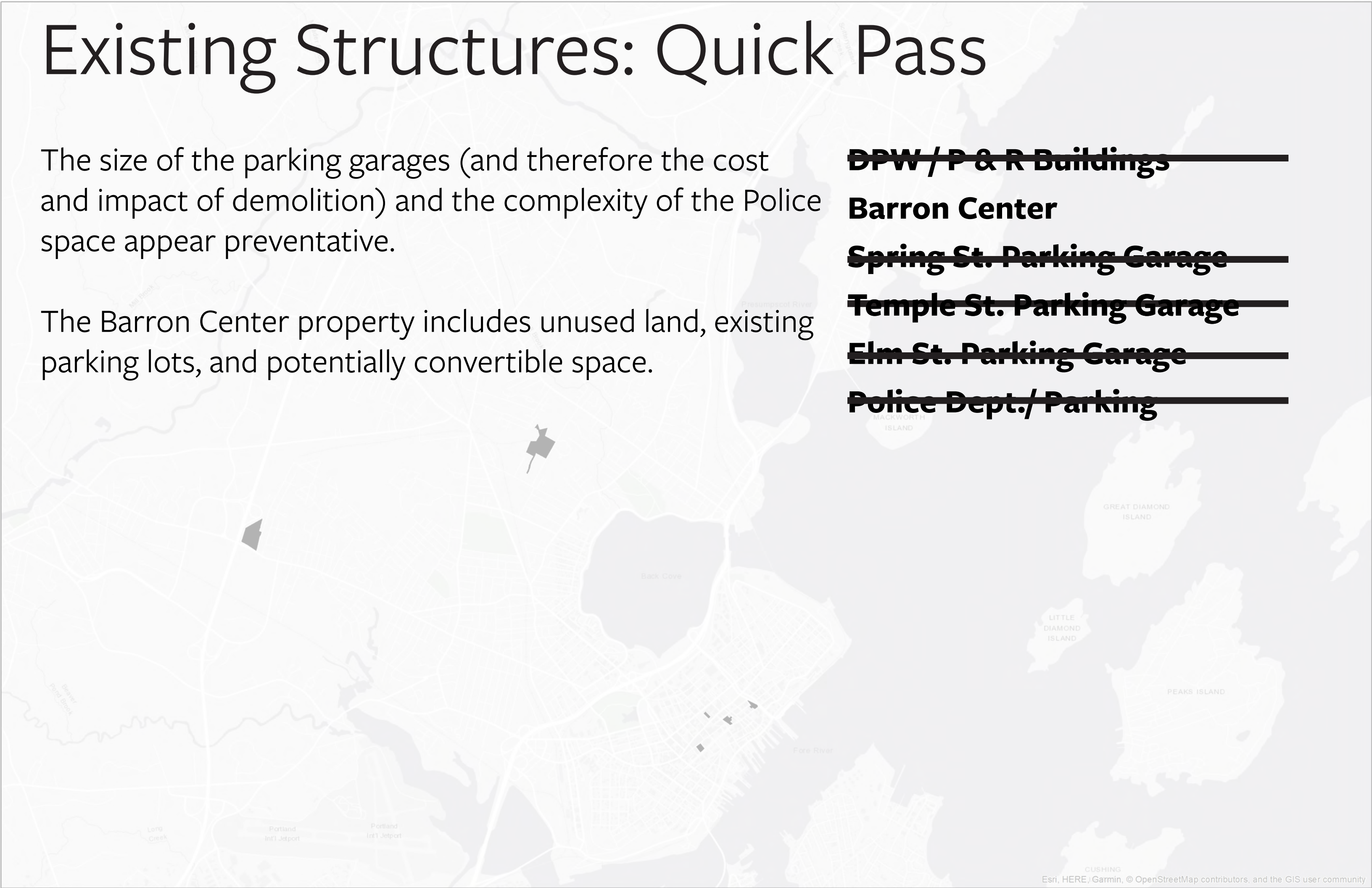
Barron Center

~~**Spring St. Parking Garage**~~

~~**Temple St. Parking Garage**~~

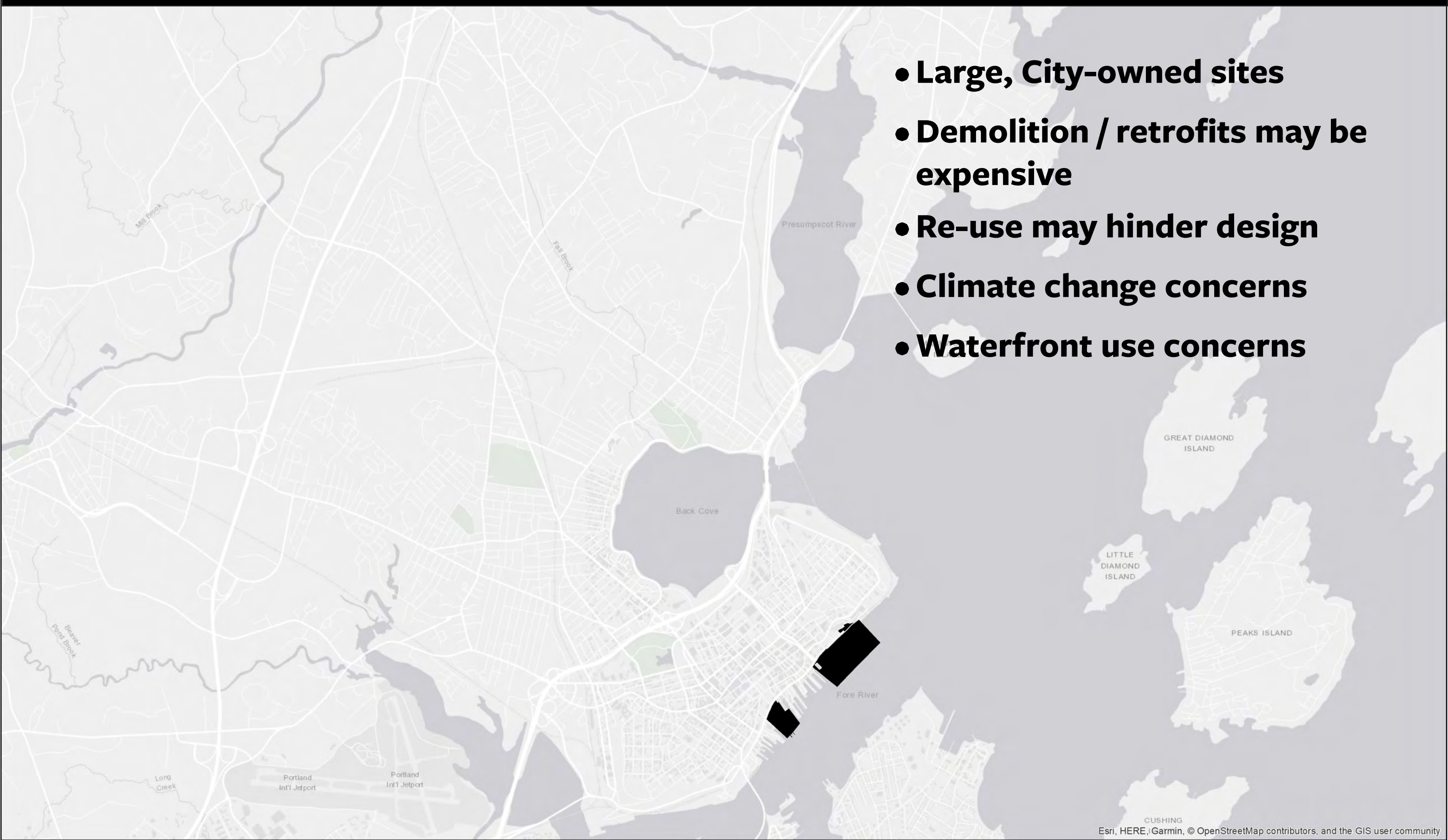
~~**Elm St. Parking Garage**~~

~~**Police Dept./ Parking**~~



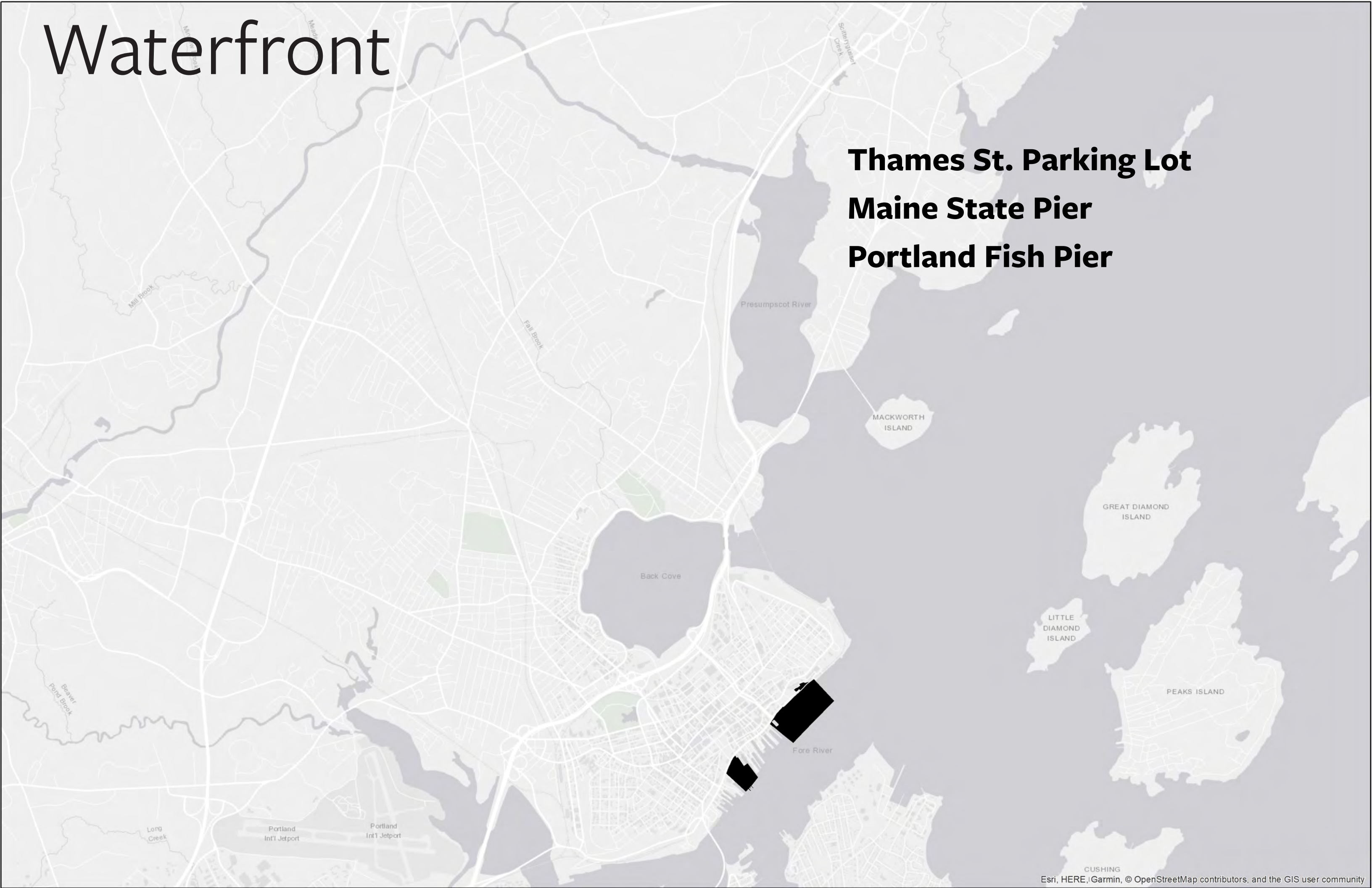
Waterfront

- **Large, City-owned sites**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**
- **Climate change concerns**
- **Waterfront use concerns**



Waterfront

Thames St. Parking Lot
Maine State Pier
Portland Fish Pier





Thames St. Parking Lot

This aerial photograph shows the waterfront of Portland, Maine. A red line outlines a large area along the coast, including a parking lot, a long pier, and a fish pier. The parking lot is located on the left side of the image, near the city center. The pier extends into the water, and the fish pier is located further down the coast. The water is a deep green color, and the city buildings are visible in the background.

Maine State Pier

Portland Fish Pier

Waterfront: Quick Pass

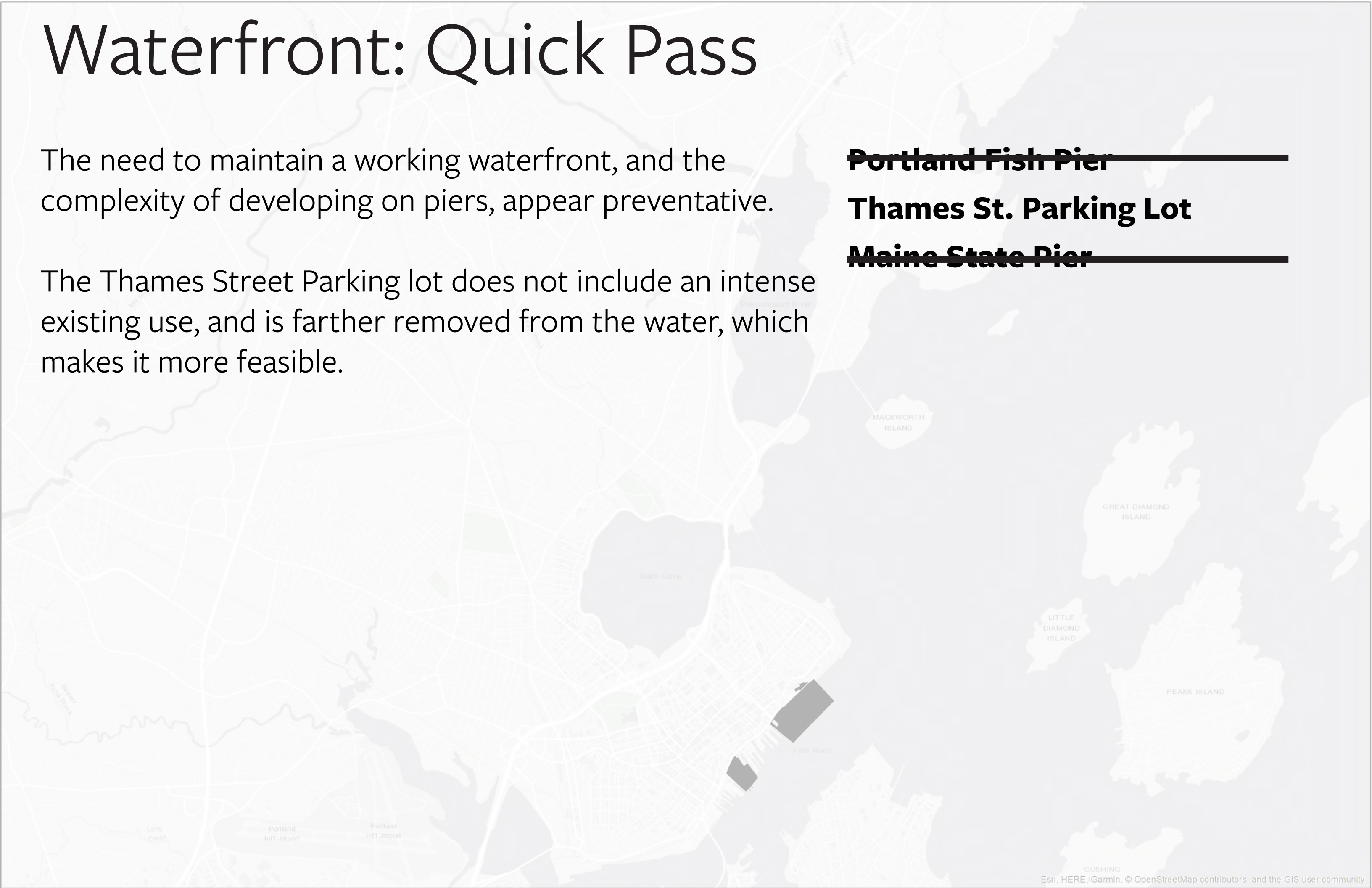
The need to maintain a working waterfront, and the complexity of developing on piers, appear preventative.

The Thames Street Parking lot does not include an intense existing use, and is farther removed from the water, which makes it more feasible.

~~Portland Fish Pier~~

Thames St. Parking Lot

~~Maine State Pier~~



Big Parcels

- Large, City-owned sites
- Tend to be at “edges” of City



Big Parcels

District Rd.

Land Leading to Airport

Former West School

o Westbrook St.

o Rand Rd. (Office Park)

1819 Westbrook St.

Riverside Recycling Facility

622 Auburn St.

Unmapped:

Possible Land Acquisition

An aerial photograph of a coastal town, likely in Oregon, showing a mix of residential, commercial, and industrial areas. The town is situated along a coastline with a large body of water to the right. Several locations are highlighted with red outlines and labeled with white text on dark grey backgrounds. The labels include street names and specific sites. The map shows a dense network of streets, buildings, and green spaces. A large body of water, possibly a bay or harbor, is visible on the right side of the image. The overall scene is a detailed view of a coastal community.

622 Auburn St.

Riverside Recycling Center

1819 Westbrook St.

o Rand Rd.

o Westbrook St.

Former West School Site

1956 Congress St.

District Rd.

Big Parcels: Quick Pass

The sizes of these properties open up possibilities. Given sufficient funding and will, most could conceivably host a new building. These sites are generally in or around industrial, institutional, and/or commercial areas.

The o Westbrook Site includes hillside, is of interest to the Land Bank, and is located near more suitable property. A possible land acquisition at County Way is in a feasible location but may include site concerns.

The funds used to purchase several sites (land leading to the airport, District Road, Rand Road) limit the uses that can occur on each. This land would need to be purchased back, eliminating a key benefit of City-owned land.

~~**District Rd.**~~

~~**Land Leading to Airport**~~

Former West School

~~**o Westbrook St.**~~

~~**o Rand Rd. (Office Park)**~~

1819 Westbrook St.

Riverside Industrial Park

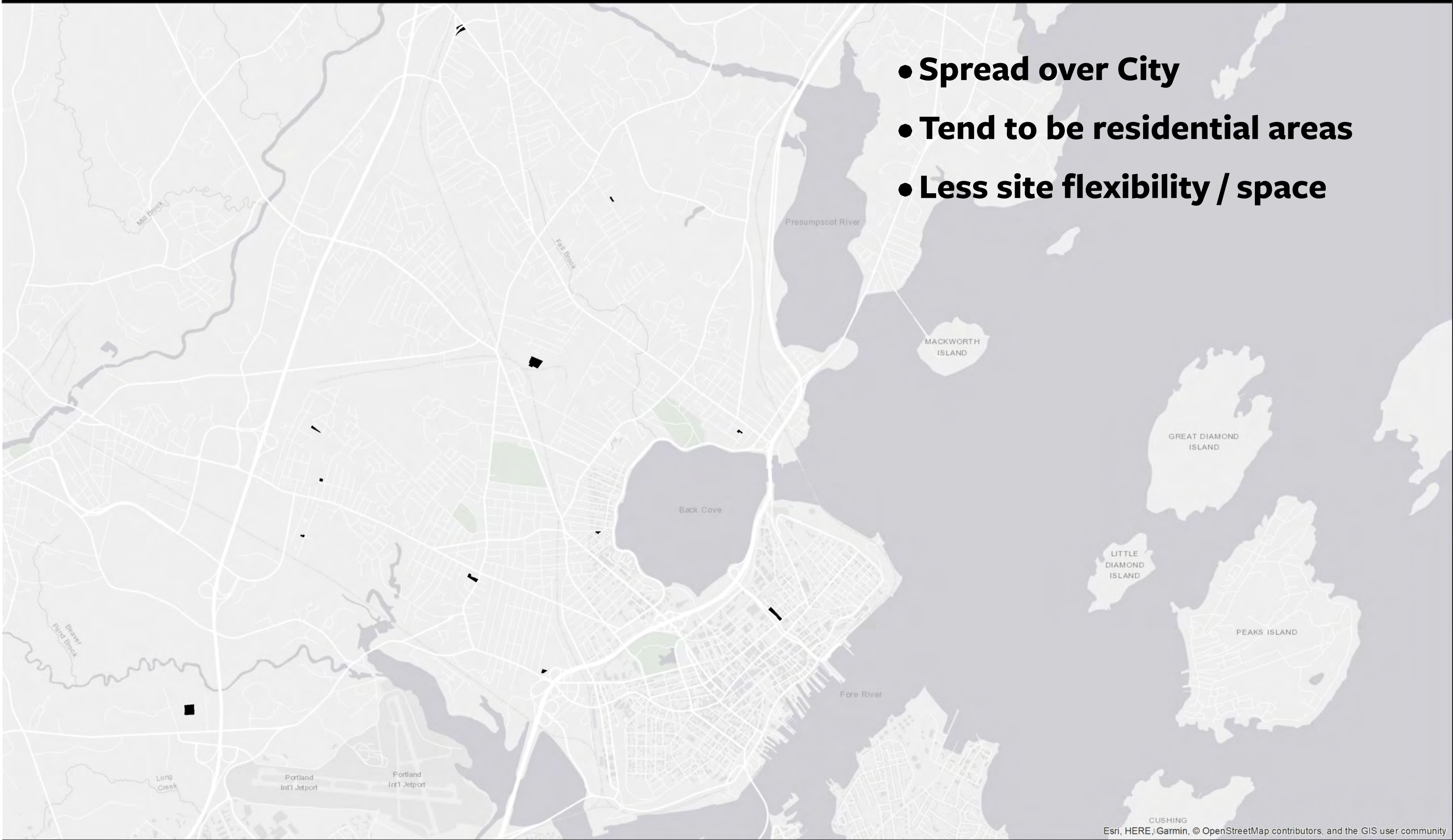
622 Auburn St.

Unmapped:

Possible Land Acquisition

Interspersed Parcels

- Spread over City
- Tend to be residential areas
- Less site flexibility / space



Interspersed Parcels

3 Hutchins Dr.
o Ravina St.
200 Lambert St.
o Cornell St.
43 Douglass St.
111 Rowe Ave.
56 Clifton St.
91 Riggs St.
21 Randall St.
o Utah Ave.
2092 Washington Ave.
Rosemont Fire Station Land
Franklin Reserve

An aerial photograph of a coastal city, likely Seattle, with various locations marked by red dots and labels. The labels are placed over semi-transparent dark grey boxes. The locations include: 2092 Washington Ave. (top left), 200 Lambert St. (top center), o Utah Ave. (top right), o Cornell St. (center), o Ravina St. (middle left), 21 Randall St. (middle right), 91 Riggs St. (lower middle left), 56 Clifton St. (lower middle right), 111 Rowe Ave. (bottom left), Rosemont Station Land (bottom left, near airport), Franklin Reserve (bottom right, near water), 43 Douglass Street (bottom center), and 3 Hutchins Dr. (bottom left, near airport).

2092 Washington Ave.

200 Lambert St.

o Utah Ave.

o Cornell St.

o Ravina St.

21 Randall St.

91 Riggs St.

56 Clifton St.

111 Rowe Ave.

Rosemont Station Land

Franklin Reserve

43 Douglass Street

3 Hutchins Dr.

Interspersed Parcels: Quick Pass

The smaller sizes of some of these properties, and their locations (generally among single family neighborhoods, sometimes on paper streets) make them less feasible. They may be suitable for other social service models.

- o Cornell Street and 3 Hutchins Drive are larger and more industrial in nature. The former borders a residential neighborhood and may have environmental constraints. The latter is situated between other buildings, but given sufficient funds and will it may be feasible.

The Rosemont Fire Station would otherwise be considered a prohibitive existing use, but City-owned land behind the station makes it notable.

Franklin Reserve is also notable as a large area of undeveloped land on peninsula.

3 Hutchins Dr.

~~**6 Ravina St.**~~

~~**200 Lambert St.**~~

~~**6 Cornell St.**~~

~~**43 Douglass St.**~~

~~**111 Rowe Ave.**~~

~~**56 Clifton St.**~~

~~**91 Riggs St.**~~

~~**21 Randall St.**~~

~~**6 Utah Ave.**~~

~~**2092 Washington Ave.**~~

Rosemont Fire Station Land

Franklin Reserve

Peninsula Surface Parking Lots

- **Located near downtown**
- **Flat, clear site**
- **Less site flexibility / space**
- **Loss of parking**



Peninsula Surface Parking Lots

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:
157 Brackett St.
176 Clark St.



33 Portland St.

83 Middle St.

Angelo's Acre

Peninsula Parking Lots: Quick Pass

The location and relative site simplicity of parking lots close to downtown offer possibilities. While 33 Portland Street and 83 Middle Street are somewhat constrained, both these sites and Angelo's Acre could conceivably host a new building.

The unmapped lots on Brackett and Clark Streets are across the street from the Reiche School, which may make them infeasible.

Angelo's Acre
33 Portland St.
83 Middle St.

Unmapped:

~~**157 Brackett St.**~~

~~**176 Clark St.**~~

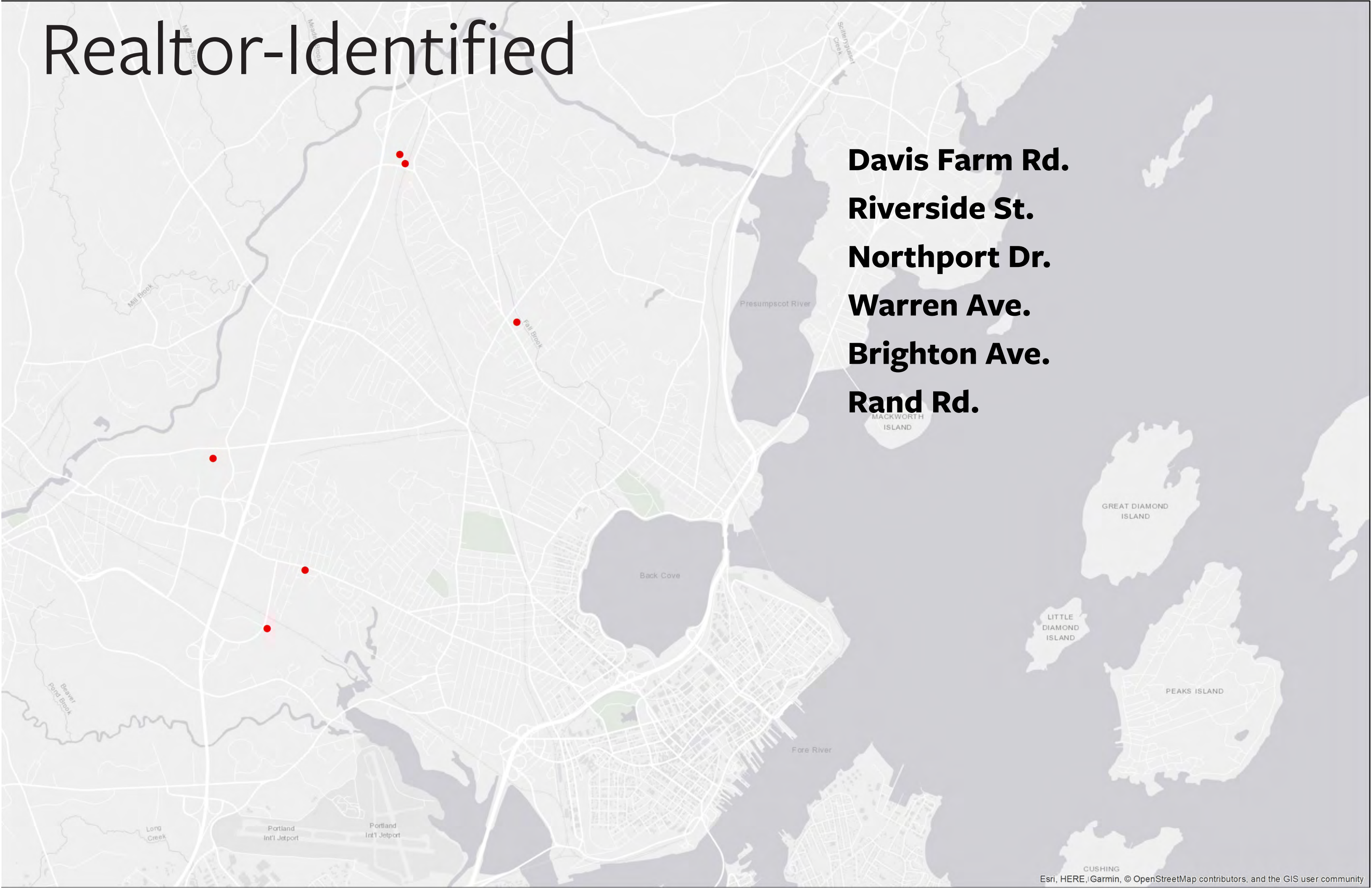
Realtor-Identified

- **Require rental or purchase**
- **Demolition / retrofits may be expensive**
- **Re-use may hinder design**



Realtor-Identified

Davis Farm Rd.
Riverside St.
Northport Dr.
Warren Ave.
Brighton Ave.
Rand Rd.



An aerial photograph of a coastal town, likely in Rhode Island, showing a dense residential area with a grid-like street pattern. A river or estuary is visible on the right side, and a highway runs along the left. Several streets are highlighted with red dots and labels. The labels are: Riverside St. (top left), Davis Farm Rd. (top center), Northport Dr. (center right), Warren Ave. (middle left), Brighton Ave. (bottom center), and Rand Rd. (bottom left).

Riverside St.

Davis Farm Rd.

Northport Dr.

Warren Ave.

Brighton Ave.

Rand Rd.

Realtor-Identified: Quick Pass

Given sufficient funding and will, these sites could host relevant uses. However, all would include significant costs not applicable to City-owned land.

The Warren Avenue site appears most feasible due to its size, location, and existing conditions.

~~**Davis Farm Rd.**~~

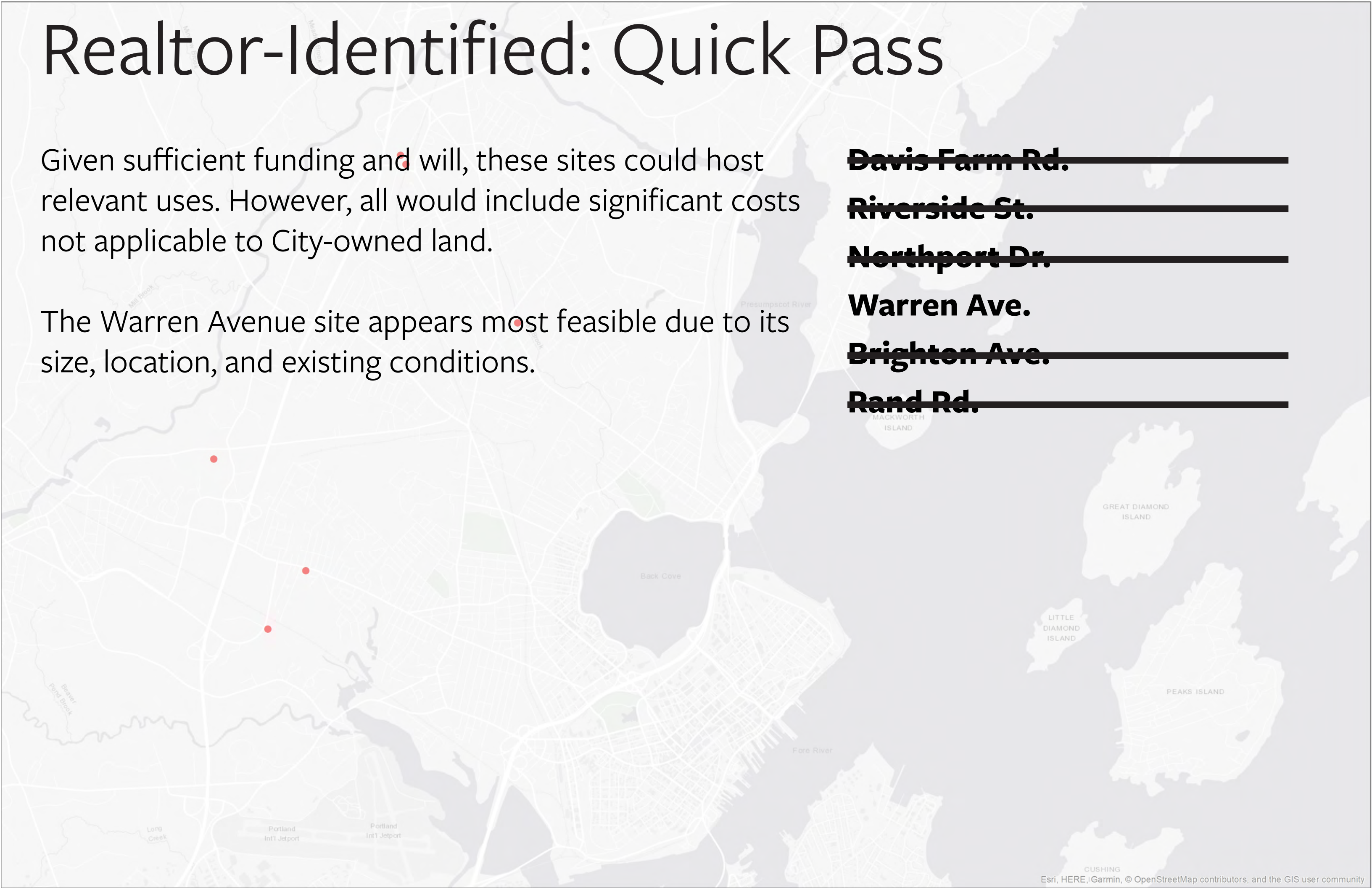
~~**Riverside St.**~~

~~**Northport Dr.**~~

Warren Ave.

~~**Brighton Ave.**~~

~~**Rand Rd.**~~



Most Reasonable (?) Quick Pass

- Thames St. Parking Lot
- Barron Center
- Former West School
- 1819 Westbrook St.
- Riverside Industrial Park
- 622 Auburn St.
- County Way Acquisition
- 3 Hutchins Dr.
- Franklin Reserve
- Rosemont Fire Station Land
- Angelo’s Acre
- 33 Portland St.
- 83 Middle St.
- Warren Ave. Realty Site

14

Different assumptions, criteria, or judgements may yield different results.

Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

Thames St. Parking Lot

Barron Center

Former West School

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Riverside Industrial Park

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3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Most Reasonable (?) Quick Pass

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Rosemont Fire Station Land

Angelo's Acre

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Most Reasonable (?) Quick Pass

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Angelo's Acre

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Warren Ave. Realty Site



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Franklin Reserve

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Former West School

1819 Westbrook St.

Riverside Industrial Park

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County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site



Next Steps

Thames St. Parking Lot

Barron Center

Former West School

1819 Westbrook St.

Riverside Industrial Park

622 Auburn St.

County Way Acquisition

3 Hutchins Dr.

Franklin Reserve

Rosemont Fire Station Land

Angelo's Acre

33 Portland St.

83 Middle St.

Warren Ave. Realty Site

Policy direction:

which sites are sufficiently feasible and desirable?

Additional site analysis:

any of these sites may harbor unforeseen constraints

Report back:

which sites remain feasible and compelling?

Additional leadership direction:

narrowing site(s) selection

However...

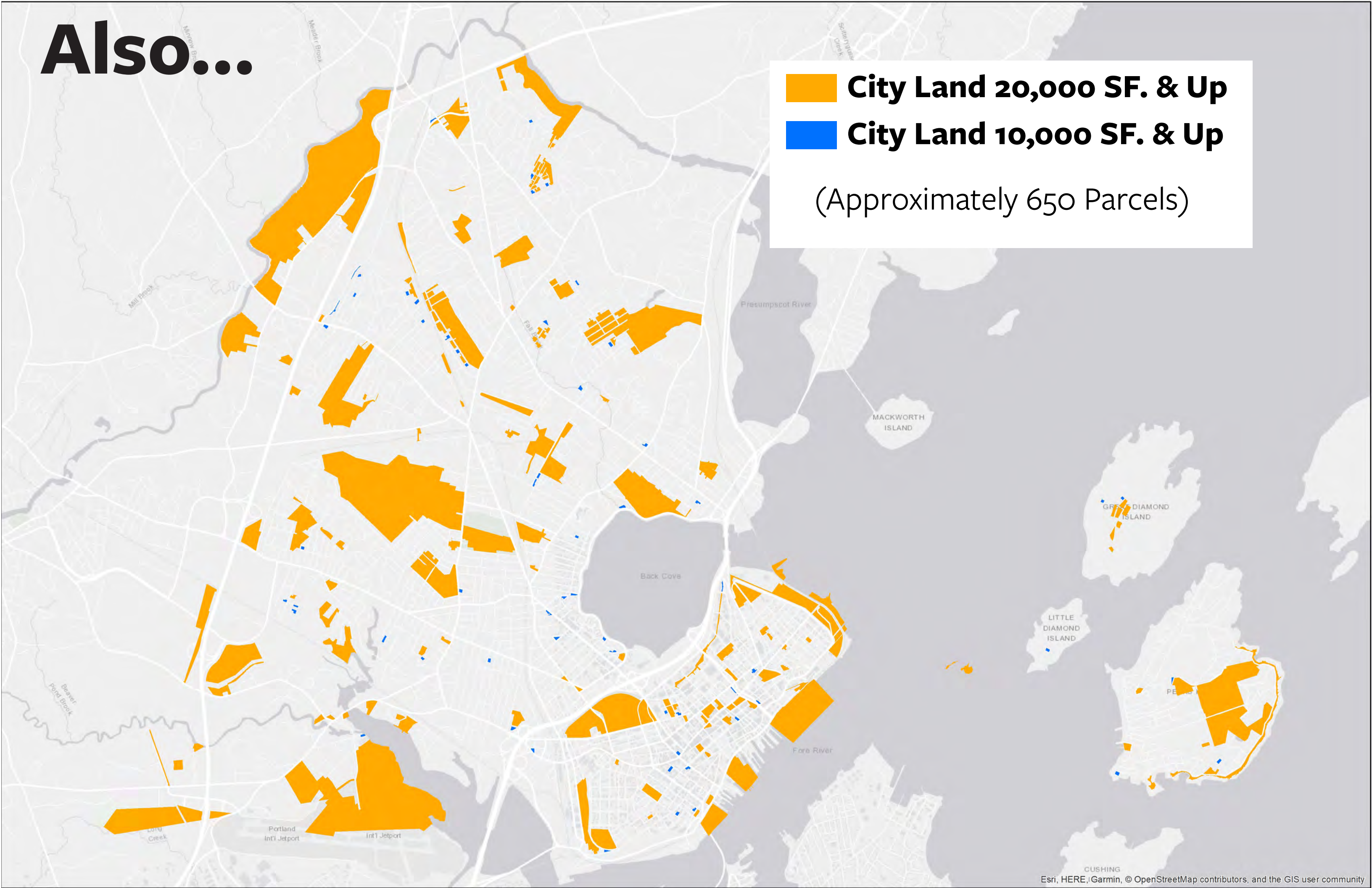
- City Land 20,000 SF. & Up
- City Land 10,000 SF. & Up

(Approximately 30 Sites)

Screened:

- Land Bank
- Parks & Cemeteries
- Wet Properties, Watersheds
- Prohibitive Uses
- Islands
- Highway Infrastructure
- Etc.

Also...



Questions?



Homeless Services Informational Memo
City of Portland
City Council Health and Human Services and Public Safety Committee
March 19, 2019

Prepared By: Rob Parritt, Homeless Services Consultant
To: Jon Jennings, City Manager

At the February 26 Health and Human Services and Public Safety Committee meeting, the Committee narrowed down a list of potential Homeless Services Center locations from 11 to 3 sites. Once the Committee members settled on the three sites, City staff from the Planning and Urban Development and Health and Human Services Departments were tasked with providing additional information on the three sites. HHS staff has identified several sectors of information that have been found to be pertinent to the discussion regarding a new site from a social services perspective; basic zoning criteria being one. In May of 2017, the Planning Board made some zoning adjustments regarding emergency shelter.

The zoning specifically lists several criteria pertaining to emergency shelters and building design. It will be important for any potential site to be able to meet the following criteria.

- Space for on-site providers to provide a variety of services for shelter residents
- A private, screened outdoor area
- A centralized office design with clear sight lines
- ¼ mile access to Metro; or be within ½ mile of Metro with space inside large enough inside to accommodate ALL guests and implement strategies to help residents utilize transit
- Enough space for security searches
- 1 parking space for every two employees
- A Management Plan addressing shelter management responsibilities, process for resolving neighborhood concerns, staffing, access restrictions, on site surveillance, safety measures, controls for resident behavior and noise levels and monitoring reports

HHS staff will provide information regarding the proposed sites' proximity to existing resources and service providers. The concentration of and access to social services has been a constant talking point throughout the site location process so staff felt it important to provide that information. Please note that although access to Metro is an important factor, there will be additional transportation services regardless of site location. These services include a City shuttle van, continued access to taxi vouchers and coordinating with providers for other alternate forms of transportation.

It is important to hear from community service providers to see if the three proposed sites will work for them or if there are concerns that need to be identified so that partnerships can be identified that will allow our shelter residents to receive much needed services. Key partners and community agencies have been contacted and asked to provide feedback on the three proposed sites. The agencies we have contacted thus far include...

Avesta, Amistad, Catholic Charities- ACT Team, Cultivating Community, GA/HIRE, City of Portland- Mobile Medical Outreach, Frannie Peabody, CHOM, Goodwill Northern New England Workforce Services, Milestone Recovery, Portland Adult Education, Portland PD-Community Policing, Portland Public Library, Preble Street, PTLA, SARSSM, Shalom House, Spurwink Mental Health Center, TOA/PATH,

Through These Door and HVJ. Please see the attached exhibits regarding the feedback we received from agencies. Exhibit 1.

Please reference this informational table for a quick overview on transportation access, providers near each site, services available near each site and themes that occurred based on feedback from service providers...

Table 1.1

Site	Metro Access	Providers Located Near Proposed Site	Services Offered by Providers	Provider Feedback Themes
Angelo's Acre 431 Commercial Street	Yes	• Amistad • Learning Works • Catholic Charities • STRIVE U • Frannie Peabody Center • Milestone Recovery • Florence House • VA Clinic • Through These Doors Domestic Violence Outreach at the Portland Police Department	• Emergency Shelter • Detox • Peer Support • Case Management • Medical Treatment • Mental Health Care • Meals • Vet Services • Healthcare • Housing Navigation • DV Services • Street Outreach • HOME Team • HIV/AIDS Services • Anti-trafficking services • ESL • Education • Youth Services	• Waterfront safety concerns • Weather Exposure • Ease of access to transportation and amenities • Likely opposition from businesses and residents
County Way	Yes	• Shalom House • Florence House • Iris Network • Logan Place • Metro Office • Learning Works	• Case Management • Emergency Shelter • Services for Blind People • Transportation • Housing Navigation • Housing Subsidies • Anti-trafficking services • ESL • Education • Youth Services	• Some concerned with proximity to jail • Acceptable access to transportation and services • Could be seen as hiding the homeless • Likely opposition from businesses/residents

Riverside Street 654 Riverside Street	Yes	• Spurwink • Riverton Community Policing • ITN Portland	• Transportation • Community Policing • Case Management • Crisis Services • Behavioral Health • Youth Services • Autism Services • Refugee Services • Foster Care Services	• Isolation • Physical Access • Hiding the homeless • Long bus ride • Difficult for MAT • programs to operate • Difficult to access services
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Table 1.1 Summary:

In summary, all three sites appear to meet accessibility criteria regarding Metro access as clearly stated in the zoning language.

The number of service providers within a close distance of each site varies from site to site. Angelo's Acre is the site that has the most service providers located in a close proximity, County Way had the second most and the Riverside location had the least. It is worth noting that although there are social service providers within a reasonable proximity of each site, not all of those services are designed specifically for people experiencing homelessness.

Community service providers were asked to weigh in on each potential location. One clear concern raised by providers is the safety concerns raised by the Angelo's Acre site due to its proximity to the waterfront. Community providers do not seem to view any location as an obstacle for continuing to provide on-site services except for administering any sort of medication assisted treatment (MAT). Some feedback seems to indicate that the location at Riverside Street is perceived as being isolated and could potentially be seen as "hiding the homeless." At least one provider stated that the proposed location at County Way would have a similar effect of "hiding the homeless." Most community providers do not seem to have an issue with a services center being located closely to the Cumberland County Jail campus (only one provider noted this as a concern).

This memo is not meant to steer the Committee's opinion or indicate staff preference for any location. The information gathered is being presented so that the HHS&PS Committee can make an informed decision based solely on information provided at their request. City staff also completed a SWOT analysis on each location as requested during the February 26 HHS&PS Committee Meeting and can be found below in table 1.2.

Staff examined what social services, medical services, emergency services, employment opportunities and schools are located within a close proximity of the three proposed sites. Staff created a table providing specific details of what entities are located near each potential site. Please reference table 1.3.

SWOT (Strengths, Weaknesses, Opportunity, Threats)

Table 1.2

Site	Strengths	Weaknesses	Opportunity	Threats
Angelo's Acre	Flat Parcel, City Owned, Metro Access	Waterfront Proximity, Water Safety Concerns, Small Site, Traffic Concerns	Community Integration, Employment	Potential issues with tourists/patrons, Loss of parking in Old Port
County Way	Large Parcel, Metro Access	Direct Access to Fore River, Traffic Concerns, Train Tracks	Potential Partnerships with the County, Large enough site to build a flexible building	Land Acquisition VRAP
Riverside Street	Large Parcel, Flat Parcel, Metro Access	Isolation, Access, Water Safety	Large enough site to build a flexible building	VRAP

Location Matrix
Table 1.3

Service Providers within the area of Potential Homeless Service Center Locations

Angelo's Acre	County Way	Riverside Industrial Park
• Amistad 66 State Street Distance: 0.3 miles • Catholic Charities 66 State Street Distance: 0.3 miles • STRIVE U 12 Nye Street Distance: 0.2 miles • Frannie Peabody Center 30 Danforth Street Distance: 0.4 miles • Milestone Recovery 65 India Street Distance: 1. mile • Florence House 190 Valley Street Distance: 1.2 miles • VA Clinic 144 Fore Street Distance: 1.1 miles • Learning Works 181 Brackett Street Distance: 1.6 miles • Through These Doors Domestic Violence Outreach at the Portland Police Department 109 Middle Street Distance: 0.9 miles	• Shalom House 106 Gilman Street Distance: 1.1 miles • Florence House 190 Valley Street Distance: 1.2 miles • Iris Network 189 Park Ave Distance: 0.8 miles • Learning Works 181 Brackett Street Distance: 1.1 miles • Logan Place 52 Frederic Street Distance: 0.5 miles • Metro 114 Valley Street Distance: 1.4 miles	• Spurwink 899 Riverside Street Distance: 420ft • Riverton Community Policing 57 Riverton Drive Distance: 0.6 miles • ITN Portland 90 Bridge Street Distance: 3.8 miles

Fire Stations within the area of Potential Homeless Service Center Locations

Angelo's Acre	50 County Way	Riverside Industrial Park
• Fire Headquarters 380 Congress St.Portland, ME 04101 Distance: .9 miles • Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .9 miles	• Bramhall Station 784 Congress St.Portland, ME 04102 Distance: .7 miles	• Riverton Station 1592 Forest Ave.Portland, ME 04103 Distance: 1.2 miles

Employment Opportunities

Angelo's Acre	50 County Way	Riverside Industrial Park
• Over 160 restaurants/bars/coffee shops. • Hospitality options in multiple old port hotels • Working waterfront, to include fish markets • Seasonal employment	• McDonald's • Amato's • Dunkin Donuts • Sullivan Tire • LaQuinta • Paulin's Tire • D'Angelo's • Save-A-Lot • Dollar Tree • Denny's • HP Hood • Barber Foods • Cozy Harbor	• Riverside Recycling Facility • Hannaford • 7 Eleven • Tortilla Flat • Garbage to Garden • Orkin Pest & Termite Control • Micucci's Wholesale Foods • Seacoast Coffee Company • Family Dollar • Multiple Breweries

Schools Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Reiche Community School Distance: .6 miles • Waynelete Distance: 1.0 miles	• Reiche Community School Distance: 1.6 miles • Waynelete Distance: 2.2 miles	• Riverside Elementary School Distance: 1.3 miles • Casco Bay High School Distance: 2.8 miles • Portland Arts & Technology High School Distance: 2.8 miles • Lyman Moore Middle School Distance: 2.6 miles • Harrison Lyseth Elementary Distance 2.7 miles

Medical Providers Within the Area of Potential Sites

Angelo's Acre	50 County Way	Riverside Industrial Park
• Frannie Peabody Center Distance: 0.4 mile • Milestone Detox Distance: 1. Mile • VA Portland Clinic Distance: 1.1 miles • Portland Community Free Clinic Distance: 1.1 miles	• Mercy Fore River Distance: 1.4 miles • Maine Medical Center Distance: 0.8 miles • 180 Park Ave Distance: 0.7 miles • Iris Network Distance: 0.8 miles	

Exhibit 1

Shelter Location(s): Further Inquiry



February 26 List

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

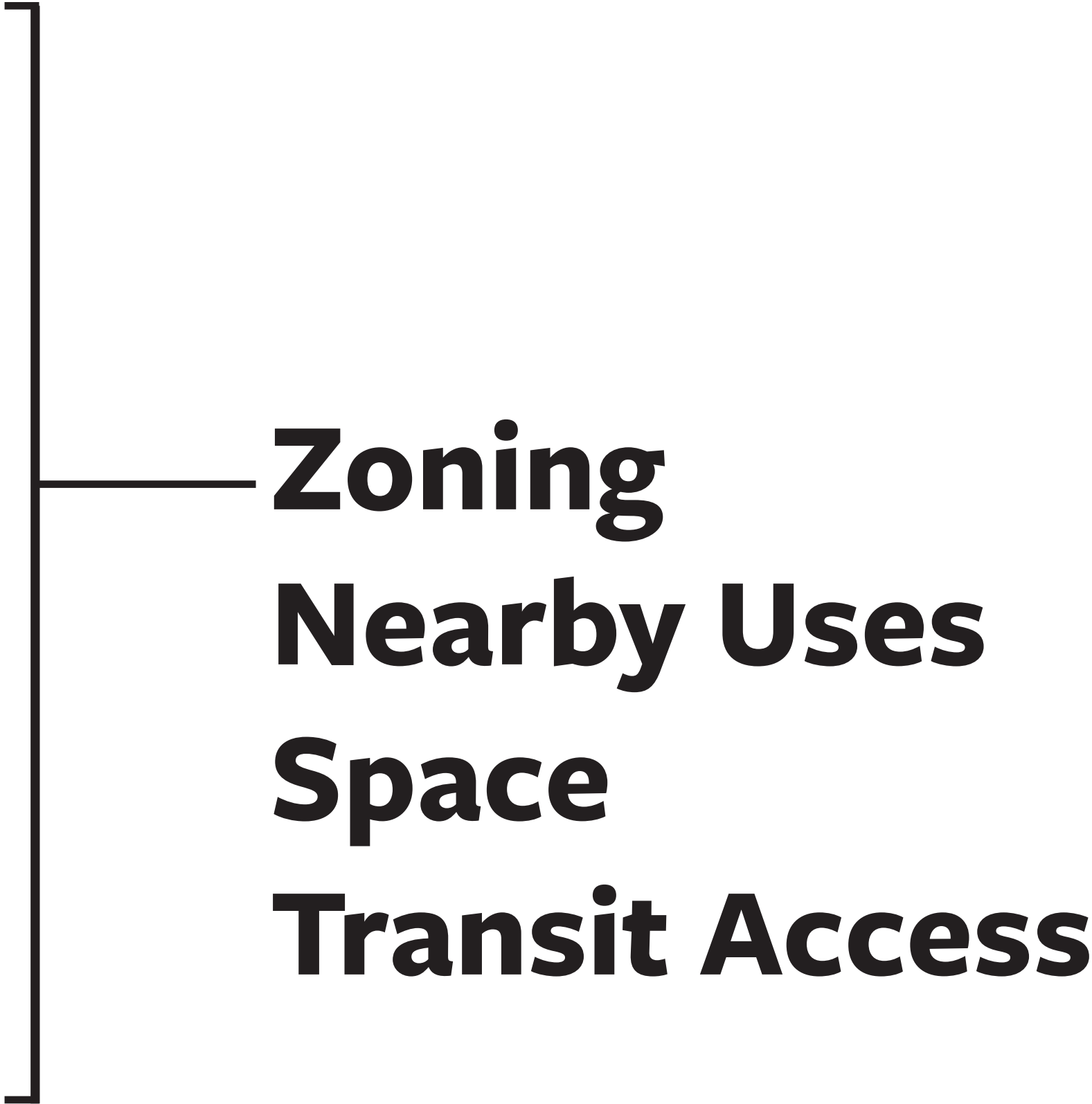
33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition



HHS Selections

Thames St. Parking Lot

1819 Westbrook St.

Franklin Reserve

654 Riverside St.

622 Auburn St.

Angelo’s Acre

33 Portland St.

83 Middle St.

1386 Riverside St.

3 Hutchins Dr.

County Way Acquisition

**Identified for
Continued Analysis**

654 Riverside St.



654 Riverside St. (EDIT)



654 Riverside St. (EDIT)



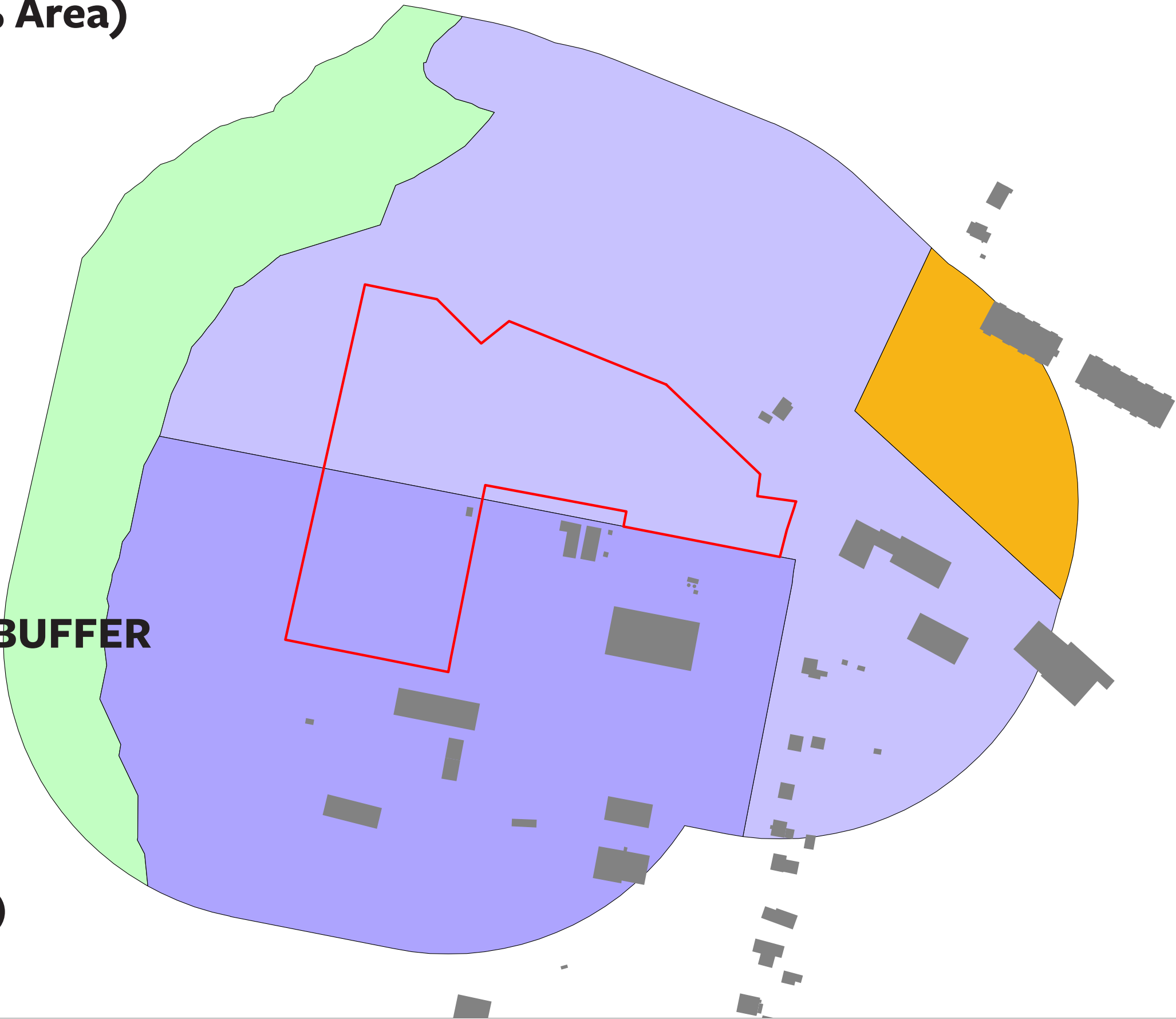
654 Riverside St. (EDIT)

ON SITE ZONING (% Area)

69.7 IM
30.3 IH

ZONING % WITHIN BUFFER

42.3 IM
34.8 IH
14.9 RPZ
5.3 R5
2.7 na (Out of City)



654 Riverside St. (EDIT)

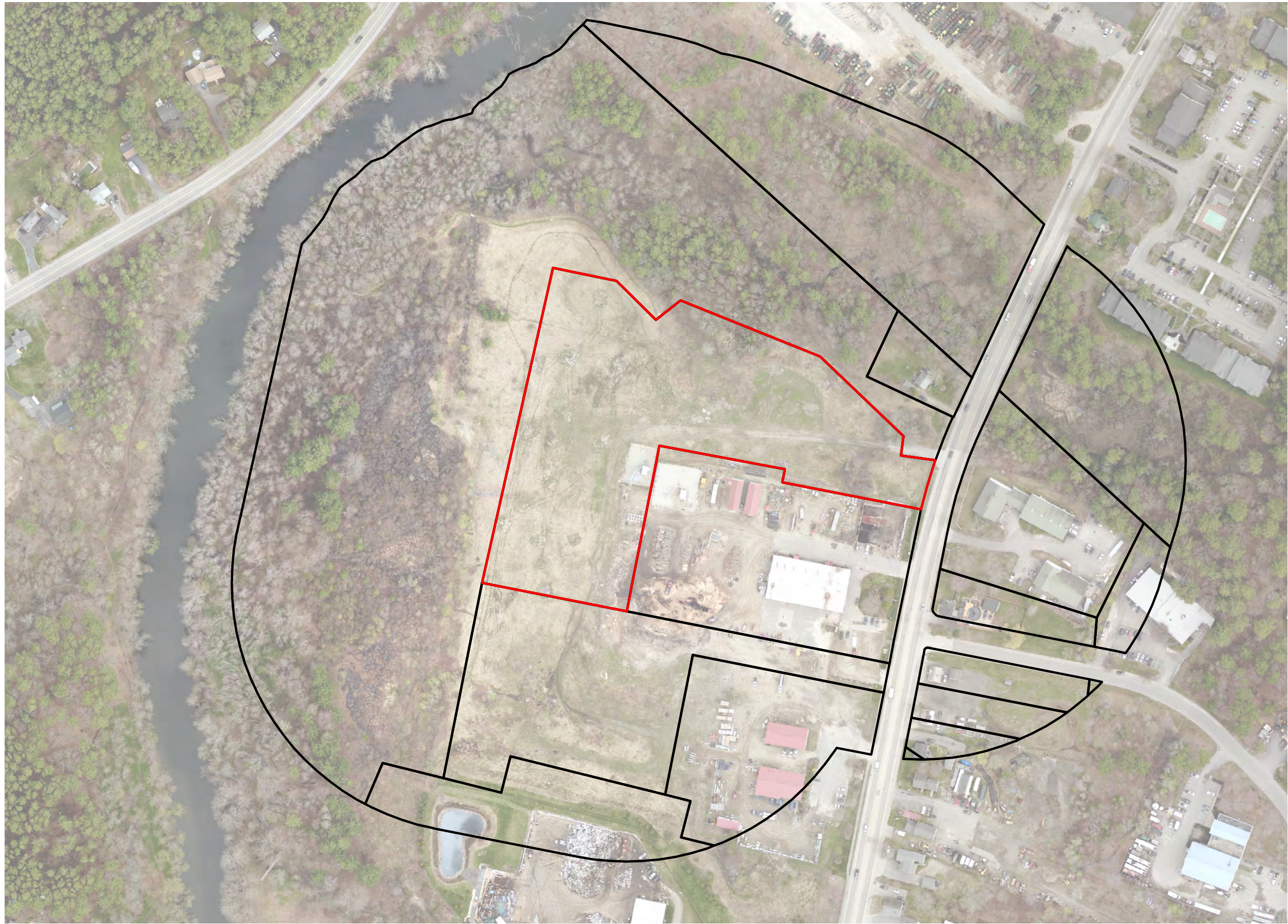
ASSESSED USE (% area):

- 58.9** Governmental
- 16.8** Multi-use Commercial
- 10.0** Parking lots
- 5.2** Twenty-one Plus Family
- 4.4** Single Family
- 3.7** Warehouse/storage

OTHER (<1% area)
manufacturing

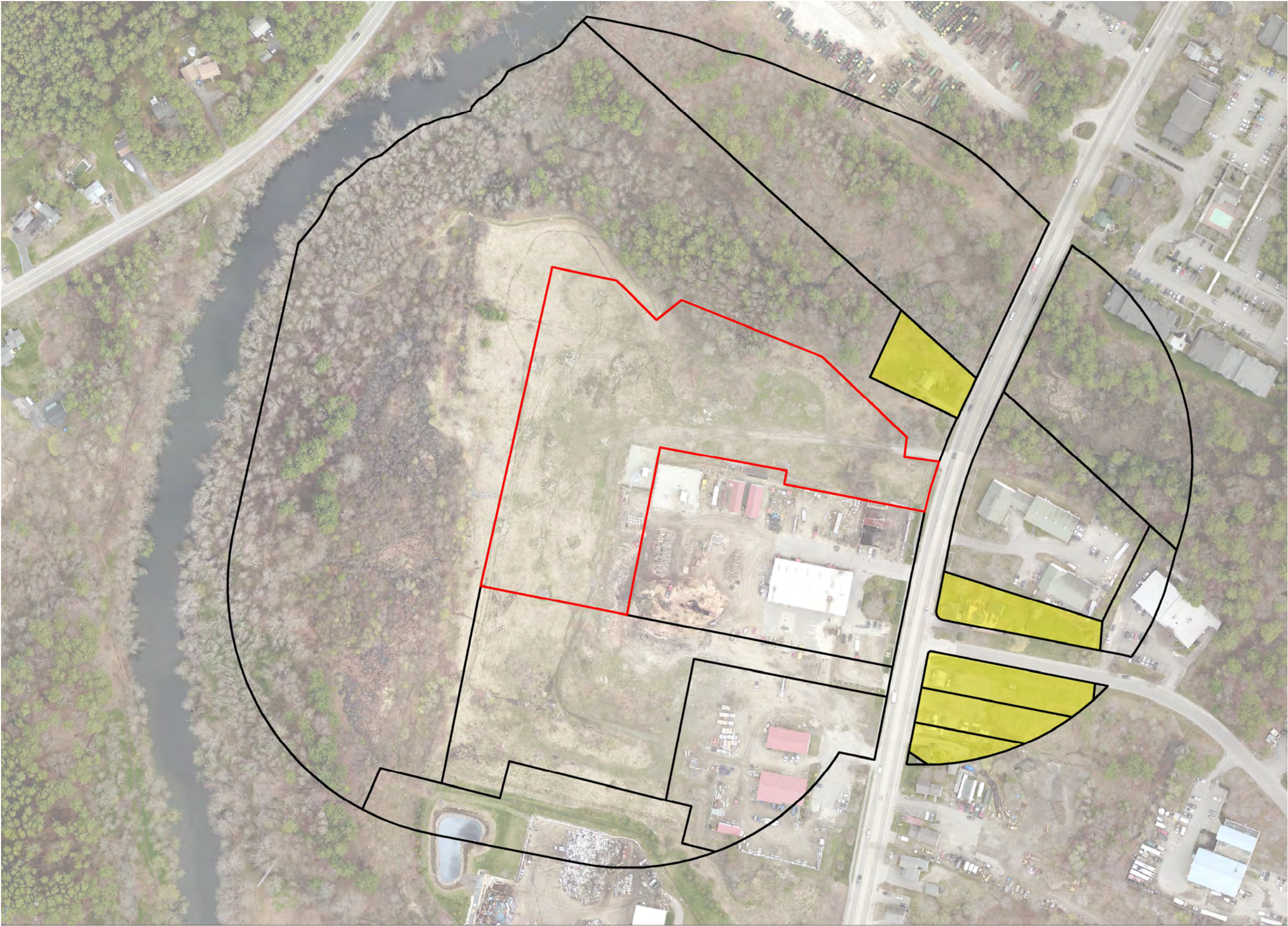


654 Riverside St.



654 Riverside St: single family

one fam units: ~5 five plus fam units: ~117* total units: ~122

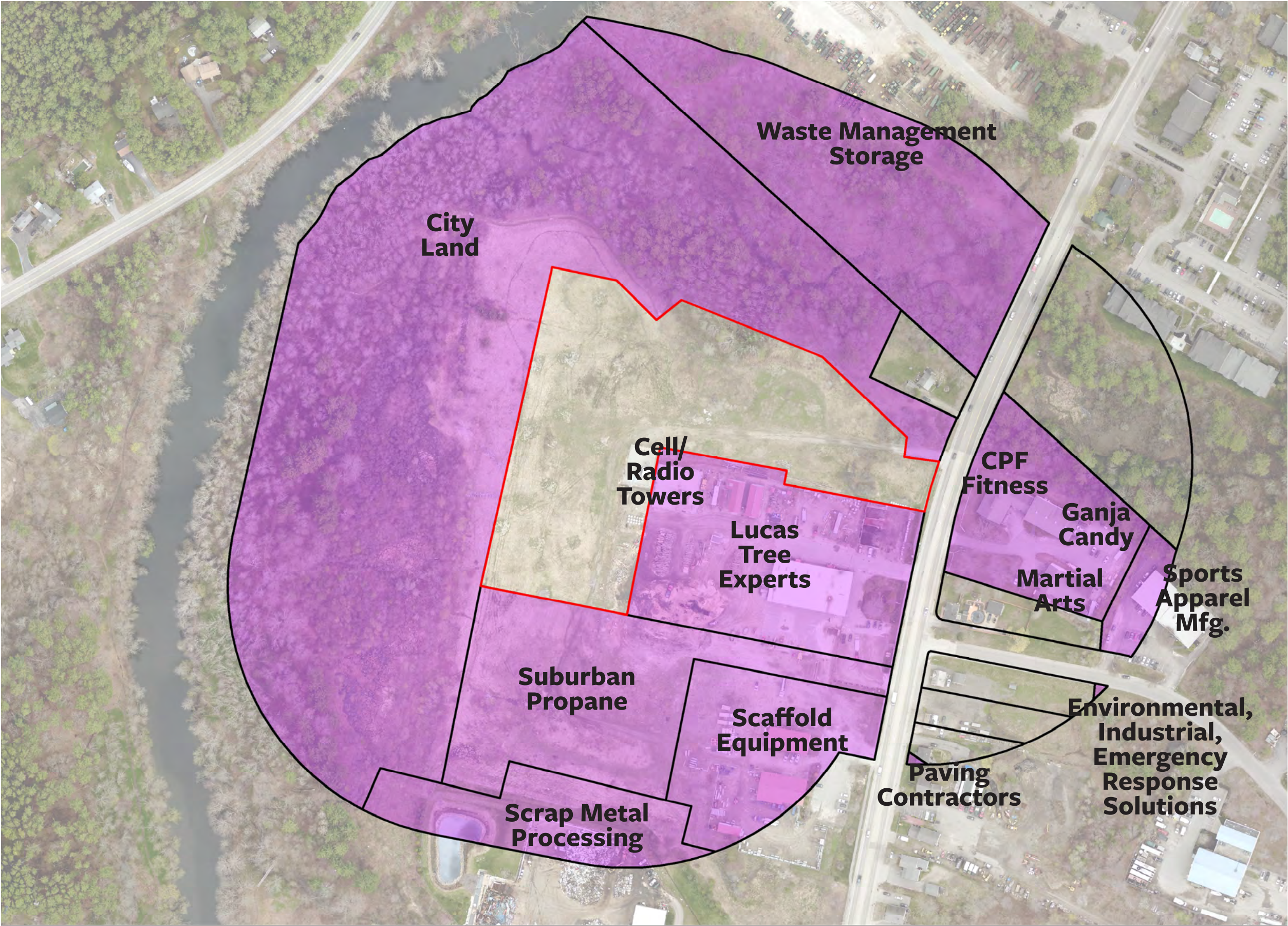


654 Riverside St: larger residential

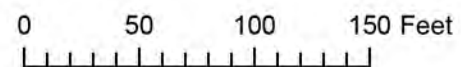
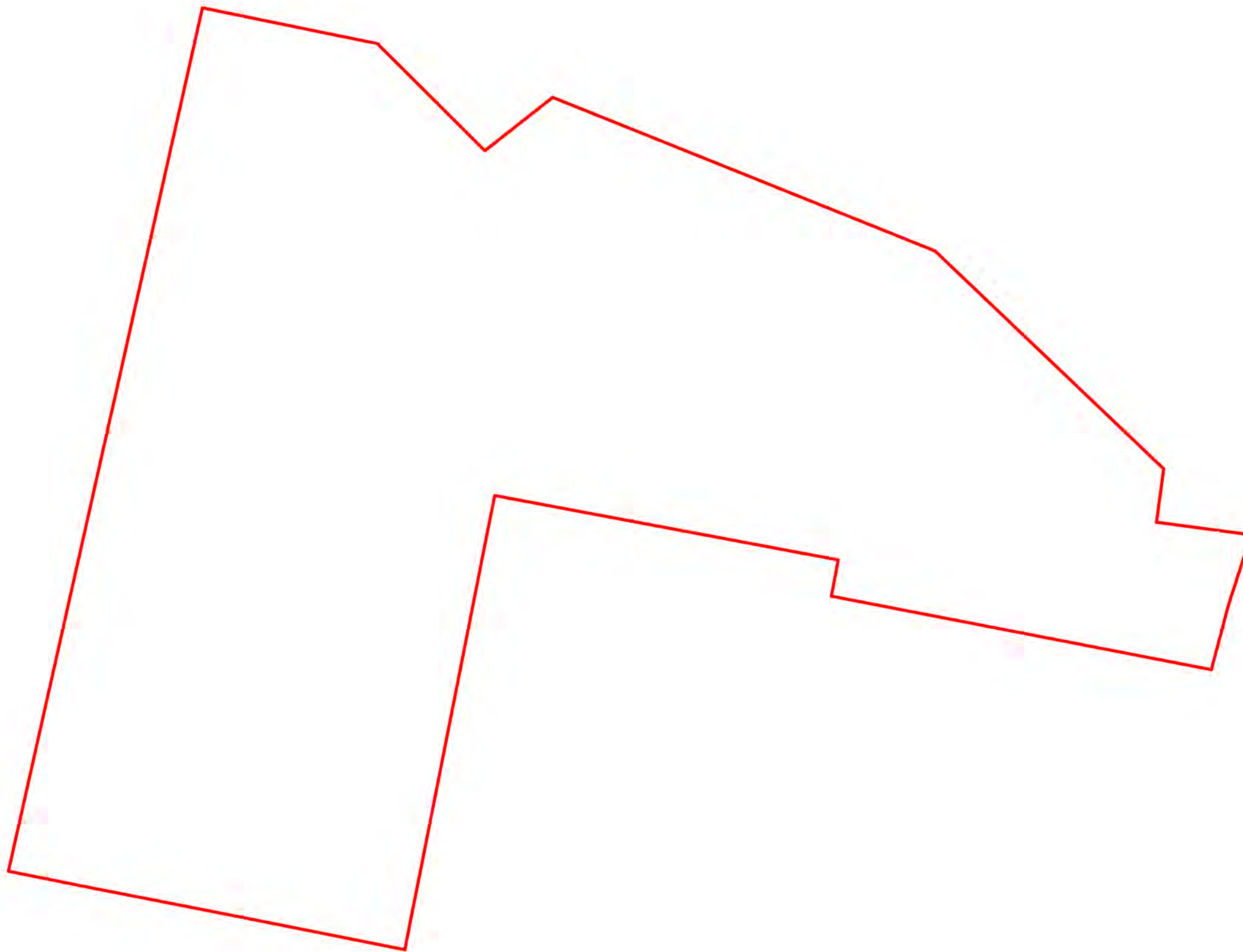
one fam units: ~5 five plus fam units: ~117* total units: ~122



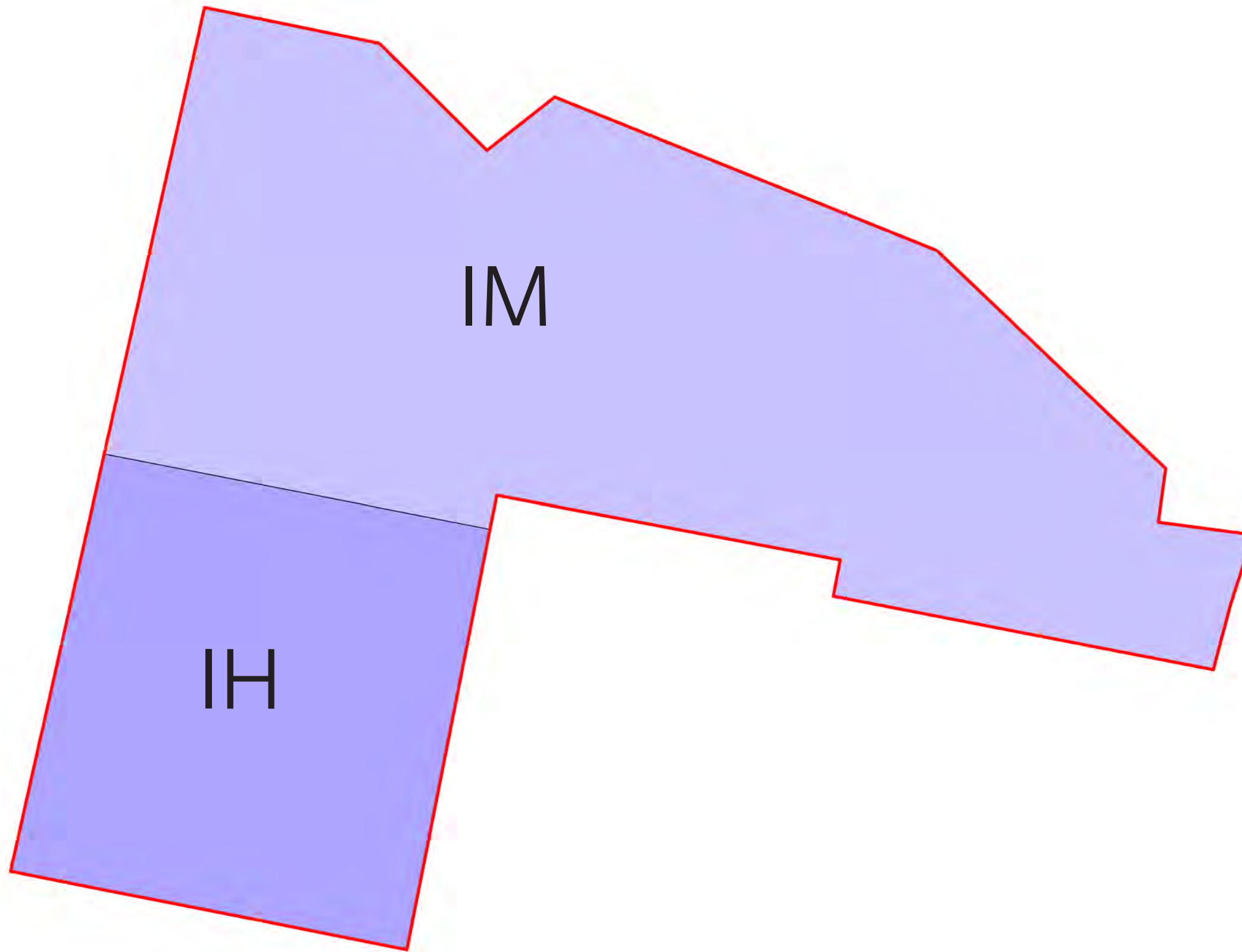
654 Riverside St: other uses



654 Riverside St.



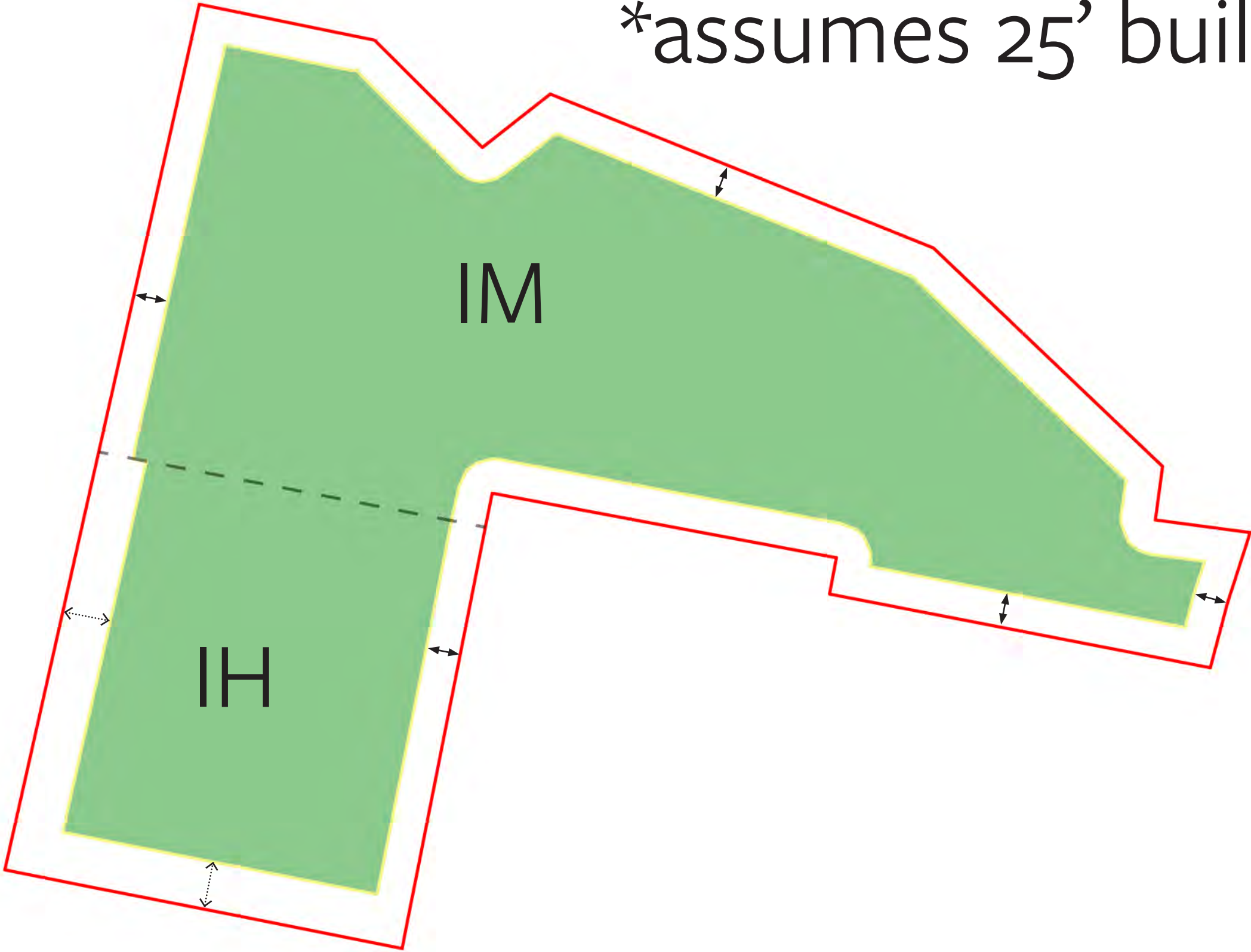
654 Riverside St: site zoning



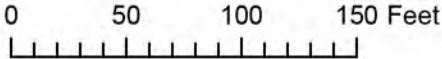
0 50 100 150 Feet

654 Riverside St: zoning envelope*

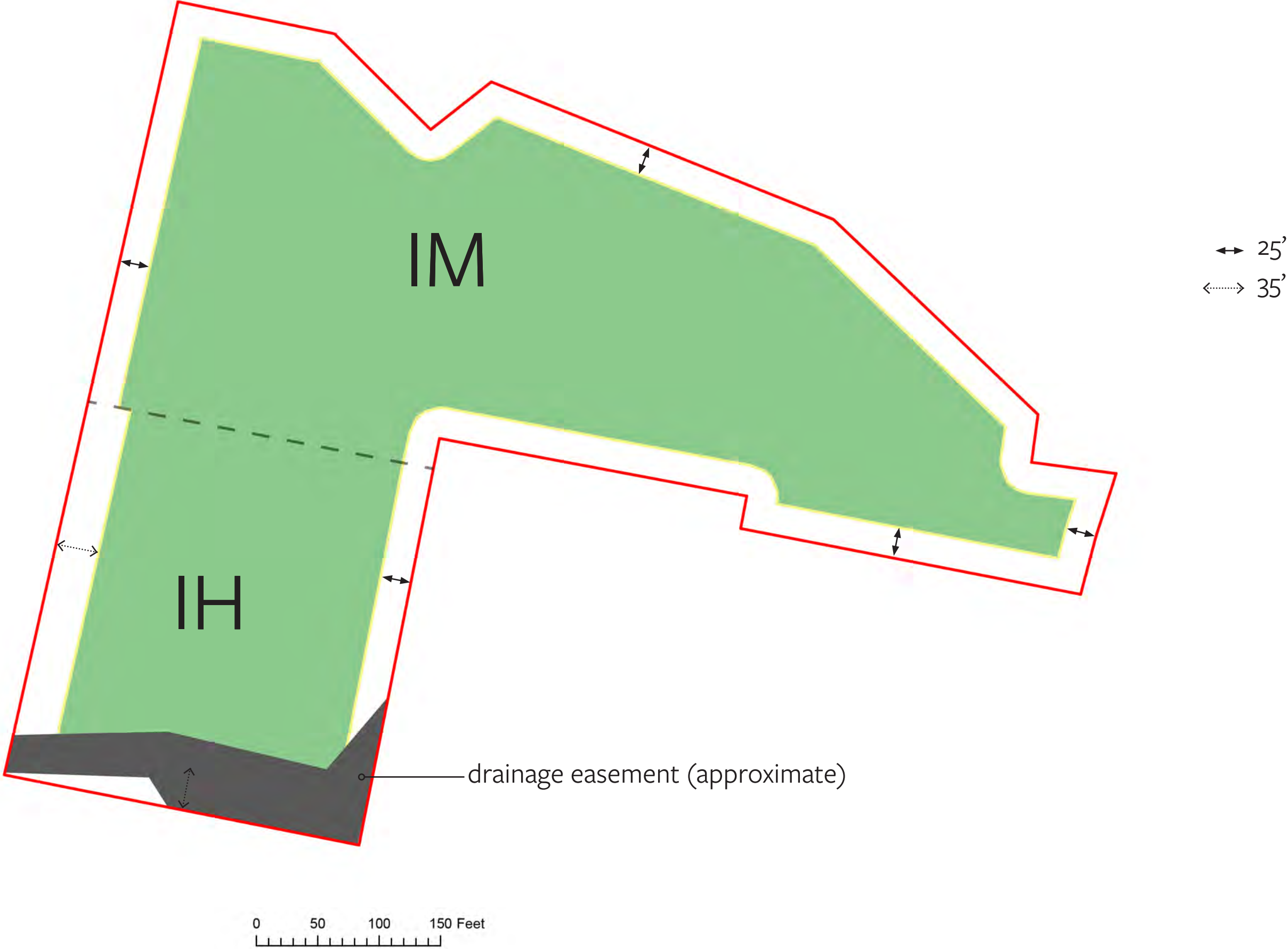
*assumes 25' building



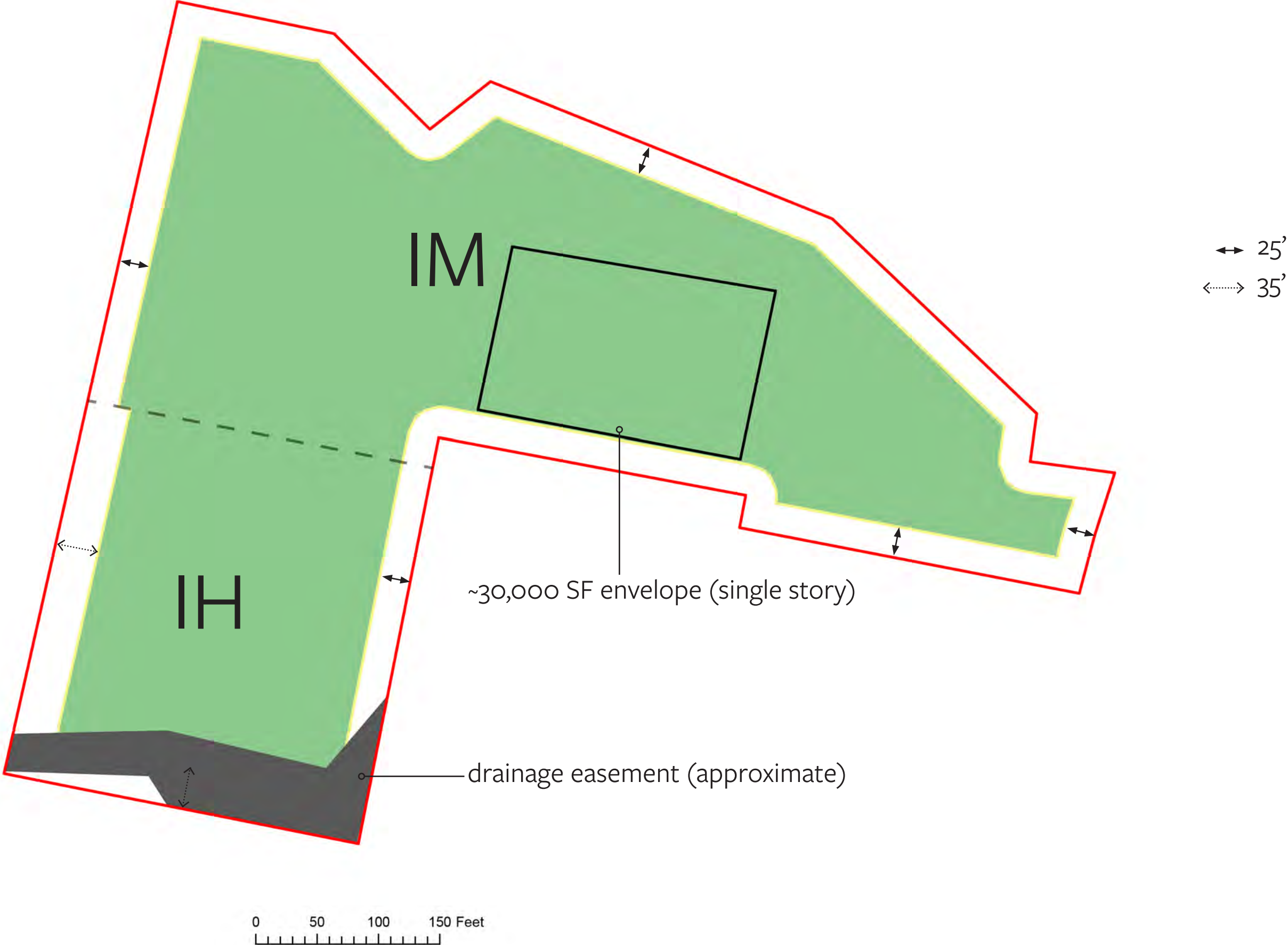
↔ 25'
↔ 35'



654 Riverside St: drainage easement



654 Riverside St: ~30k SF building



654 Riverside St: context



0 50 100 150 Feet

654 Riverside St: site challenges



VRAP

Flood Zone (limited)

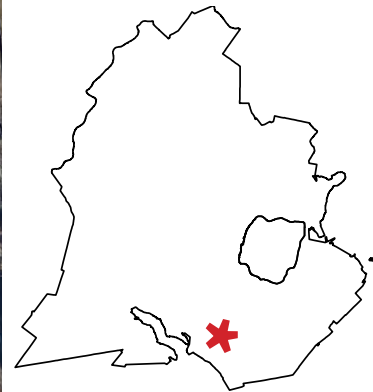
Nearby Industry

Pedestrian Access

Offered for Sale

(interested buyer)

County Way



County Way

ON SITE ZONING (% Area)

95.0 IL

5.0 B2

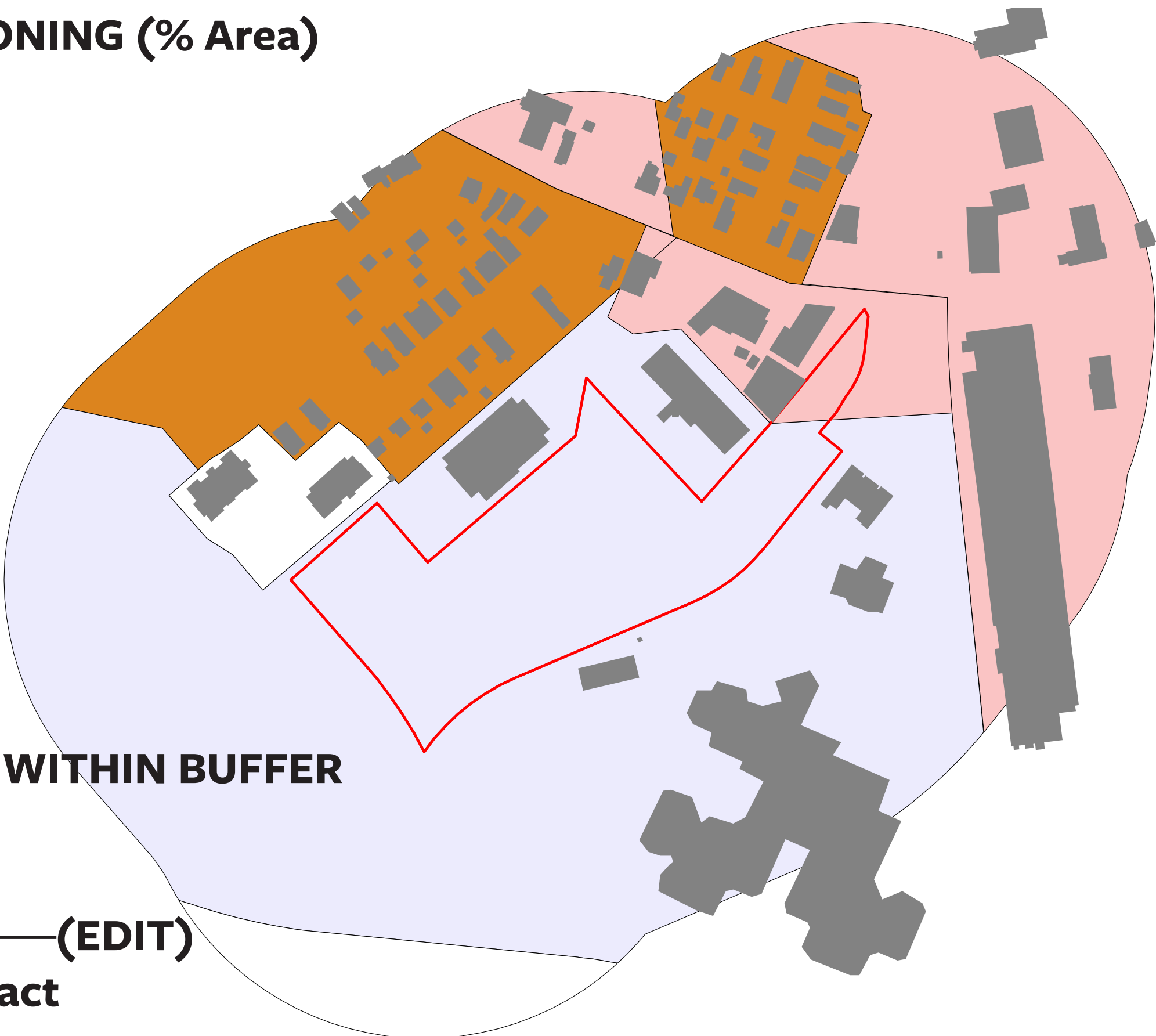
ZONING % WITHIN BUFFER

53.5 IL

23.1 B2

17.3 R6 ← (EDIT)

6.1 Contract



County Way

ASSESSED USE (% area):

- 41.5** Governmental
- 19.2** Retail Services
- 12.7** Null
- 5.3** Benevolent/charitable
- 5.2** Single Family
- 3.6** Two Family
- 3.5** Office Business
- 2.5** Three Family
- 1.2** Five to Ten Family
- 1.2** Twenty-one plus Family
- 1.1** Multi-use Commercial

OTHER (<1% area)

- parking lots**
- manufacturing**
- religious**
- transportation**
- vacant land**

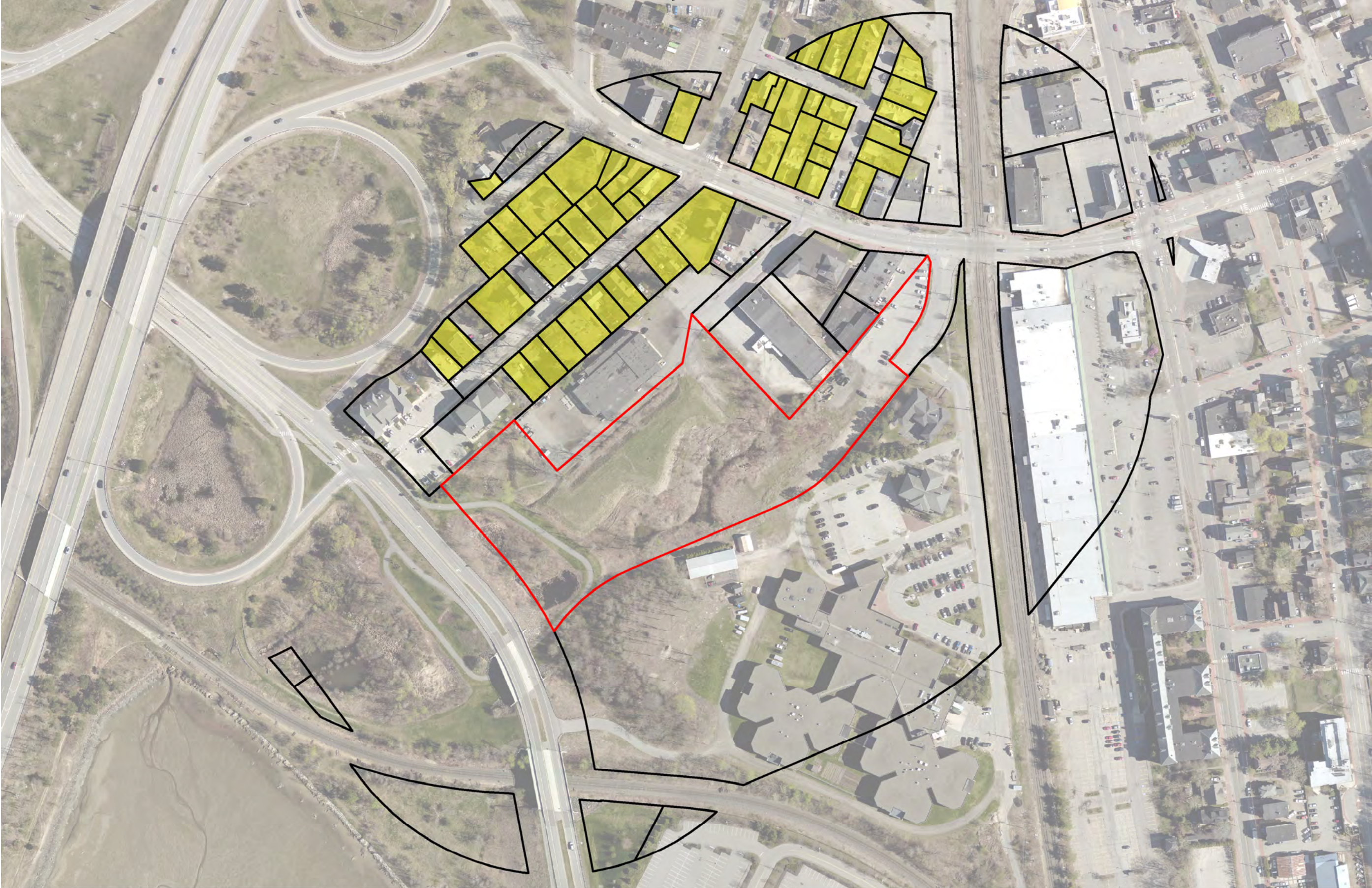


County Way



County Way: 1-4 family

one to four fam units: ~90 five plus fam units: ~55 total units: ~145

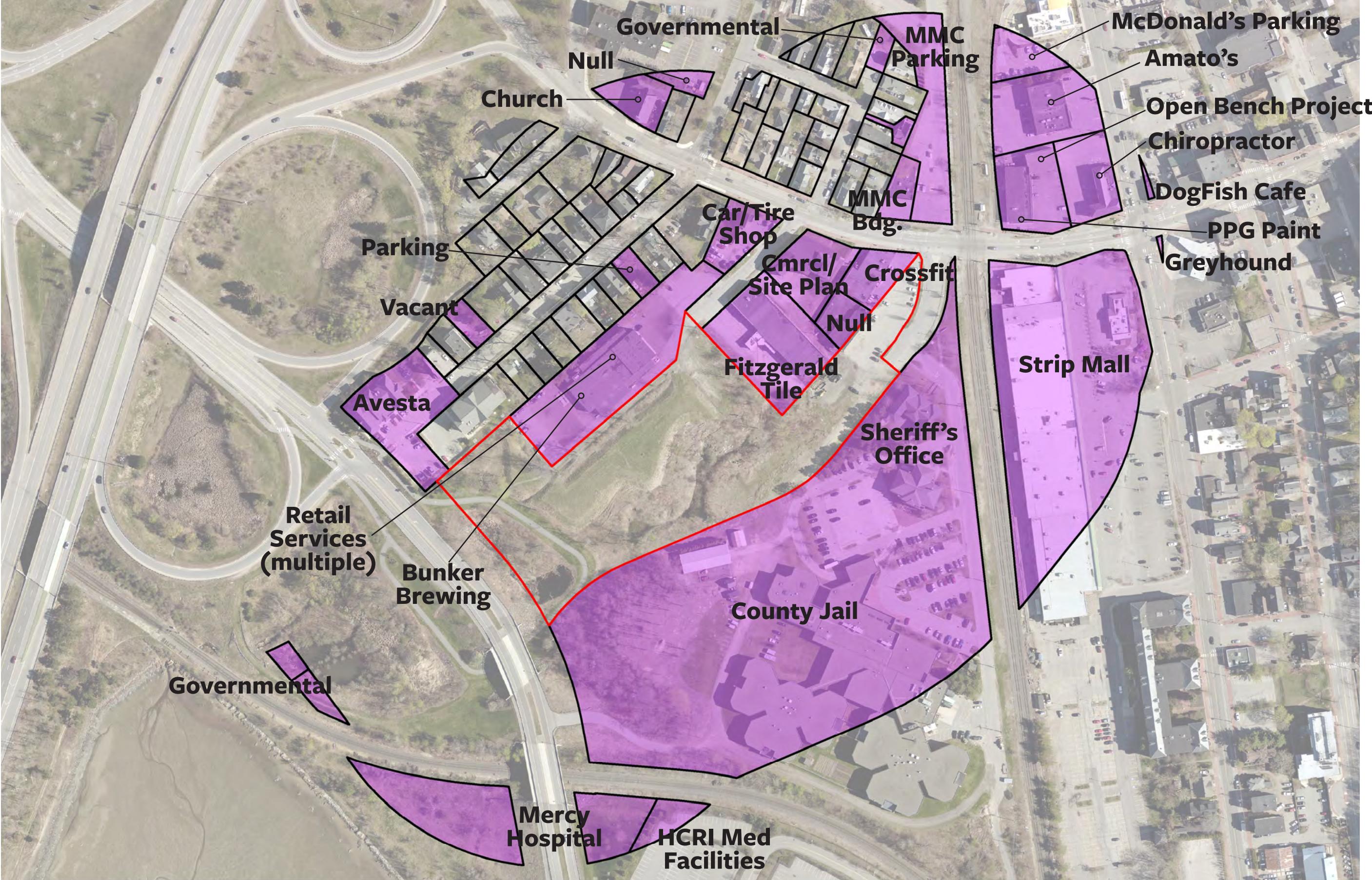


County Way: larger residential

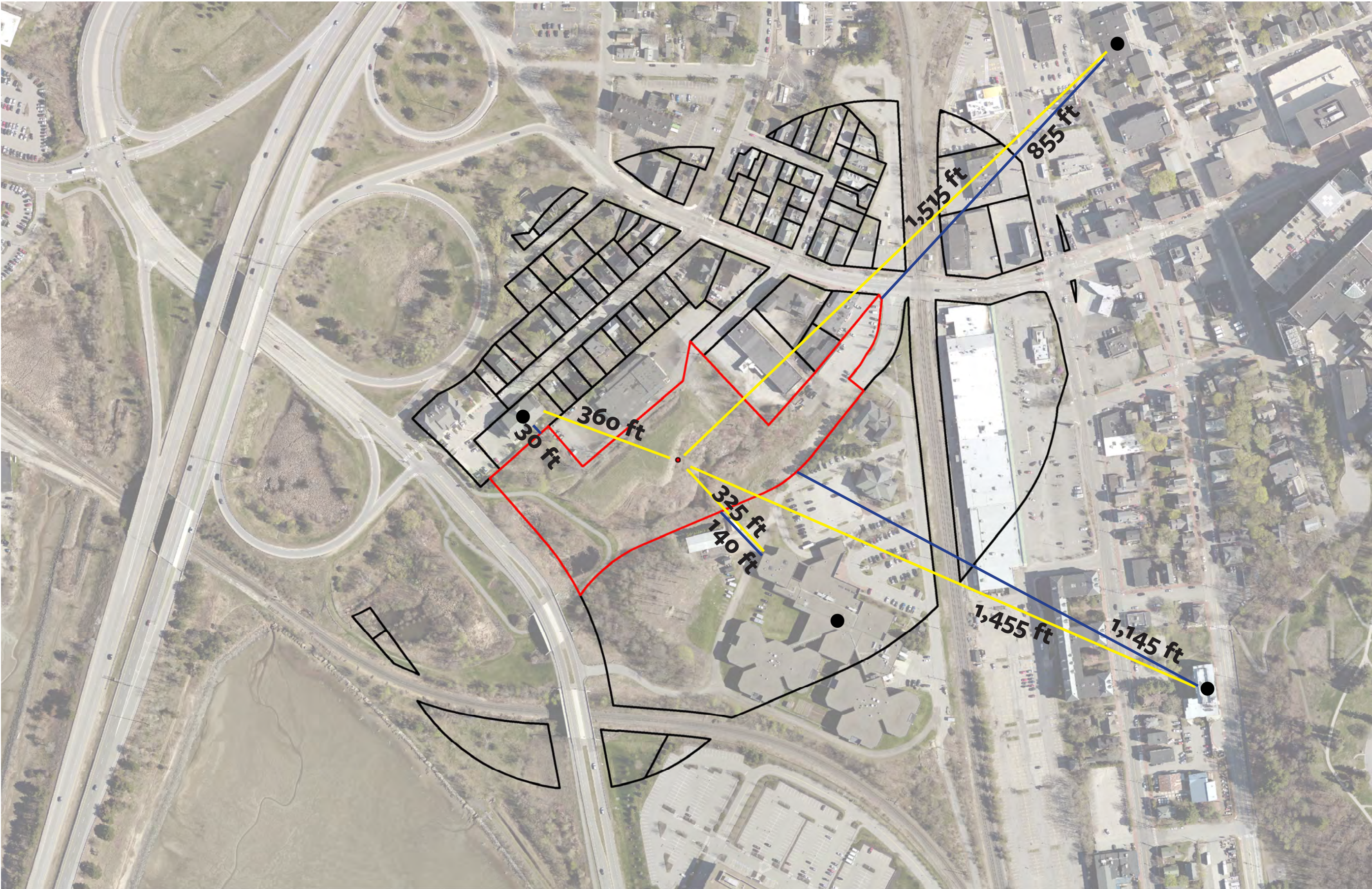
one to four fam units: ~90 five plus fam units: ~55 total units: ~145



County Way: other uses



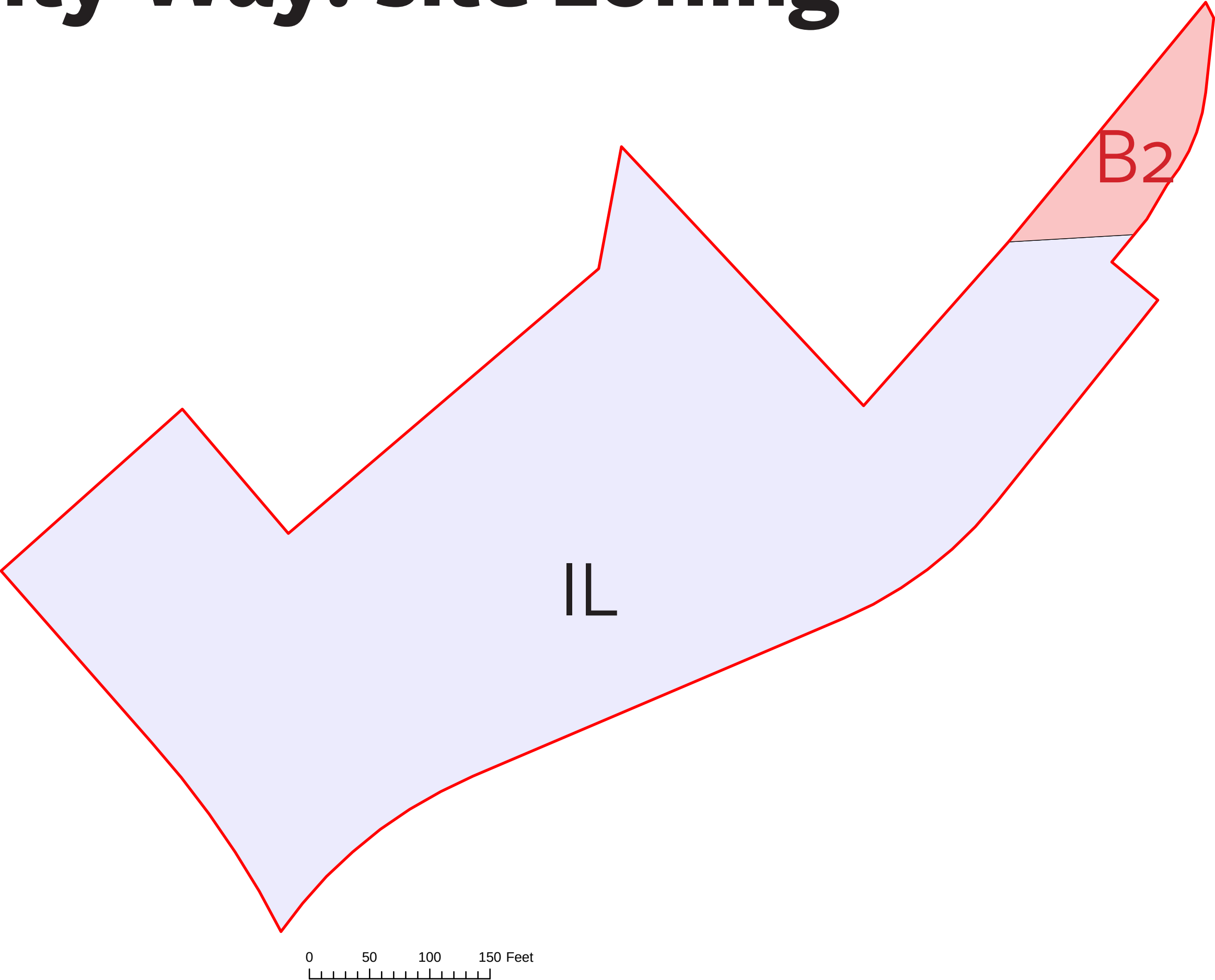
County Way: requested distances



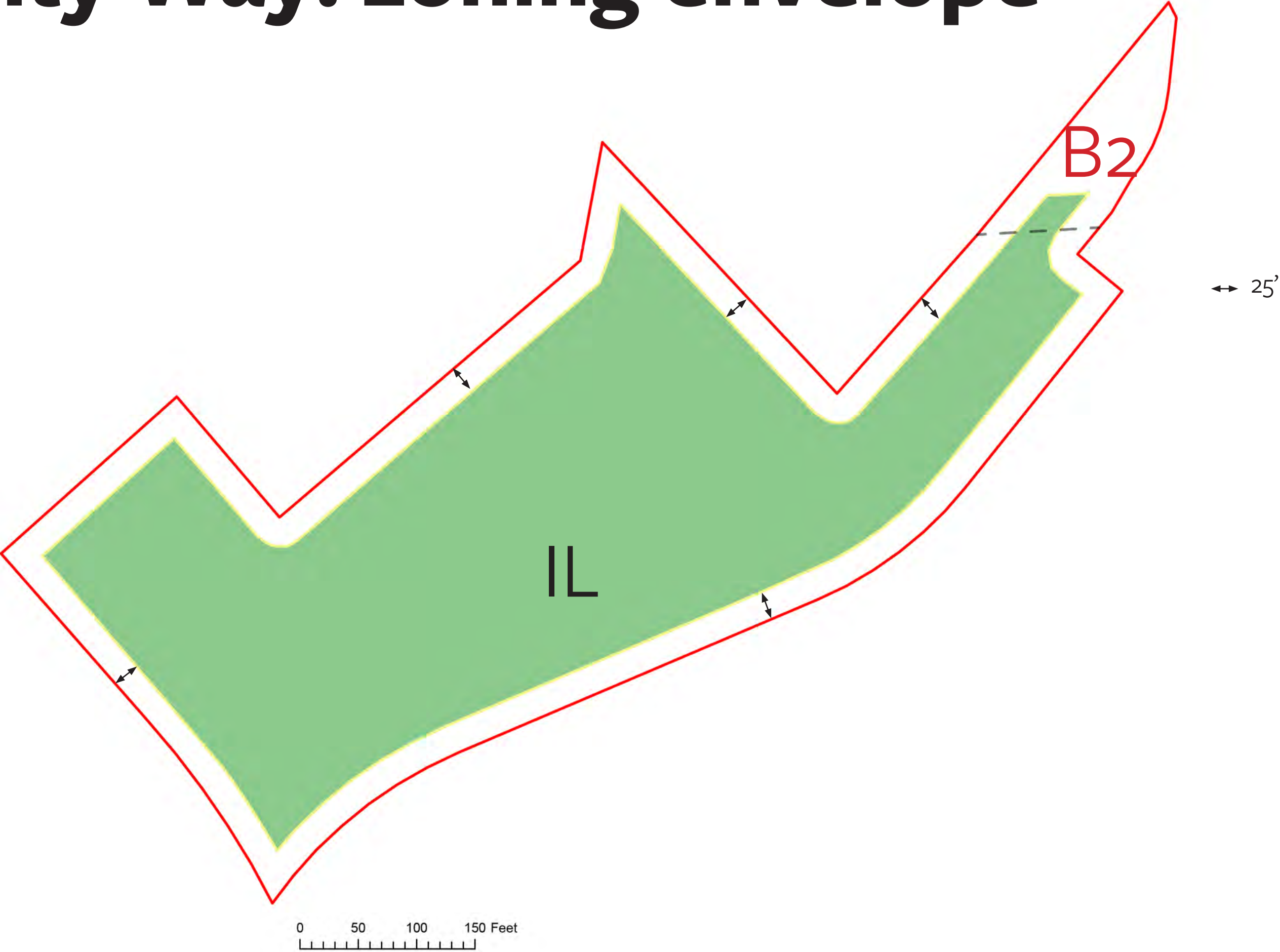
County Way



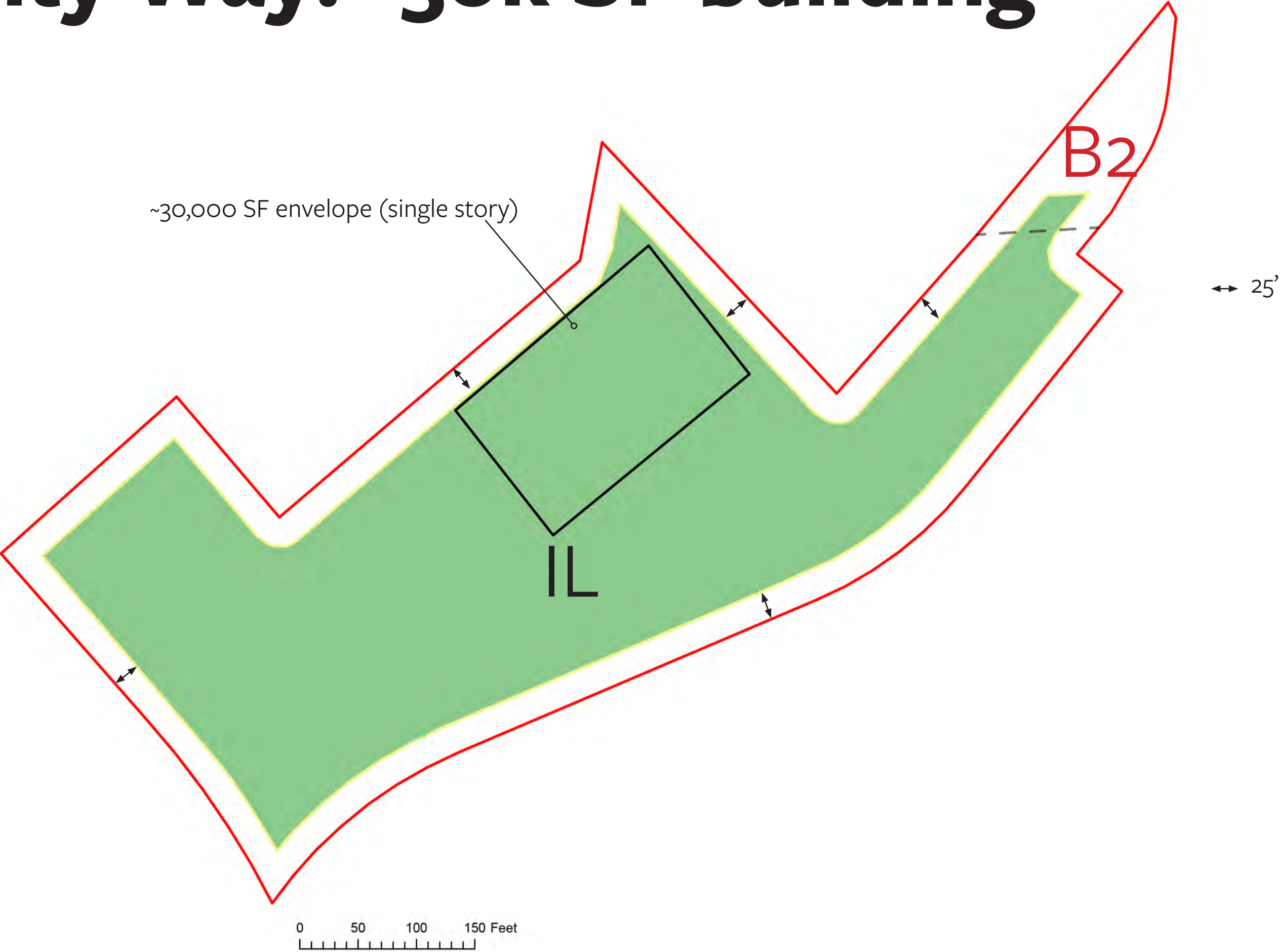
County Way: site zoning



County Way: zoning envelope



County Way: ~30k SF building



County Way: context



0 50 100 150 Feet

County Way: context cont'd



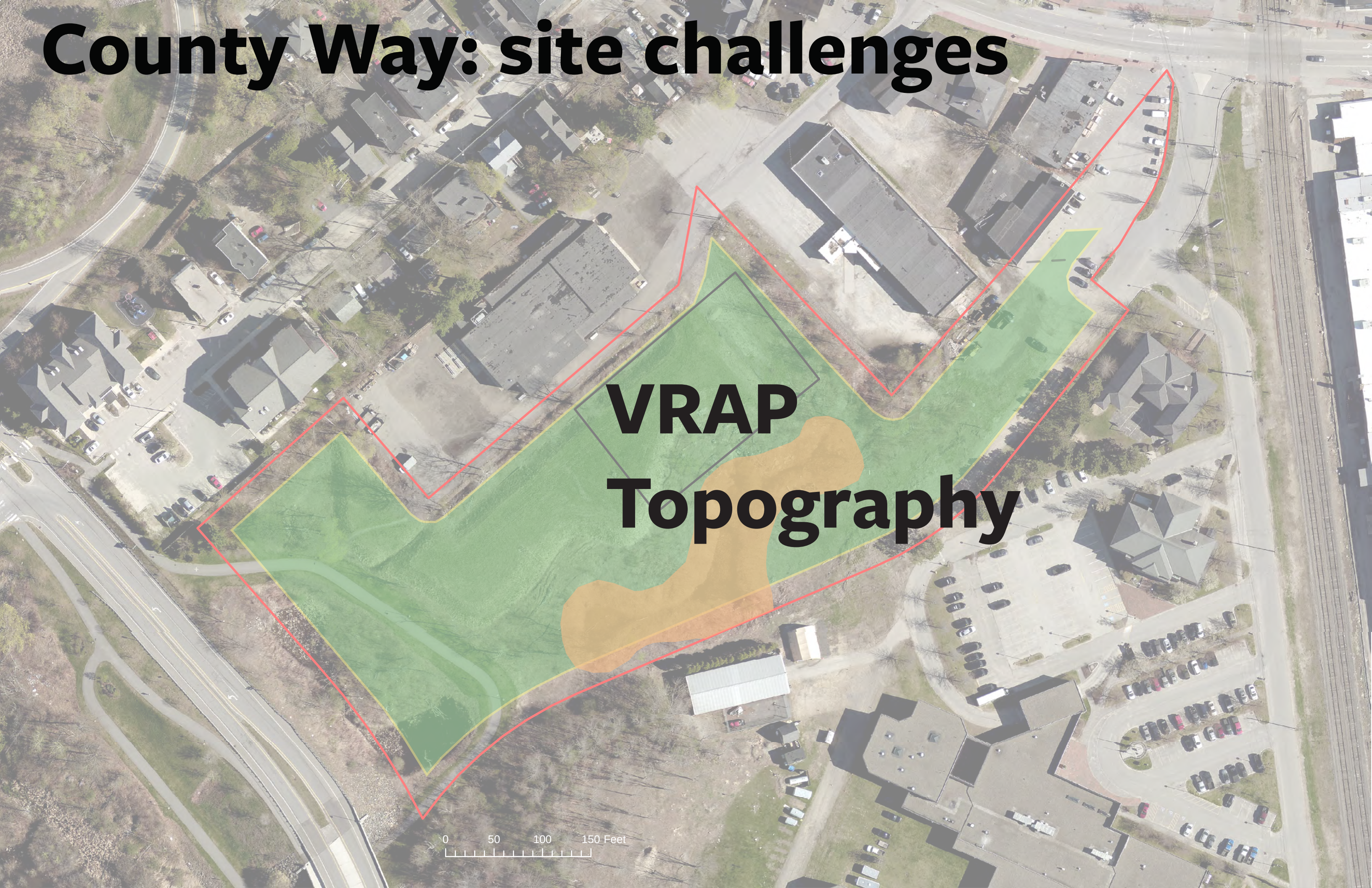
0 50 100 150 Feet

County Way: site challenges

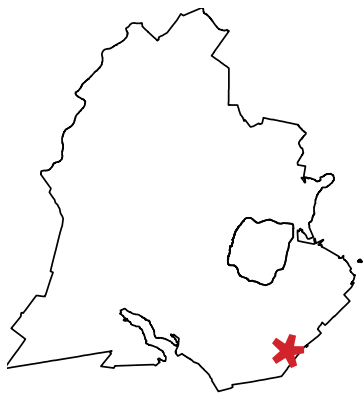
VRAP

Topography

0 50 100 150 Feet



Angelo's Acre



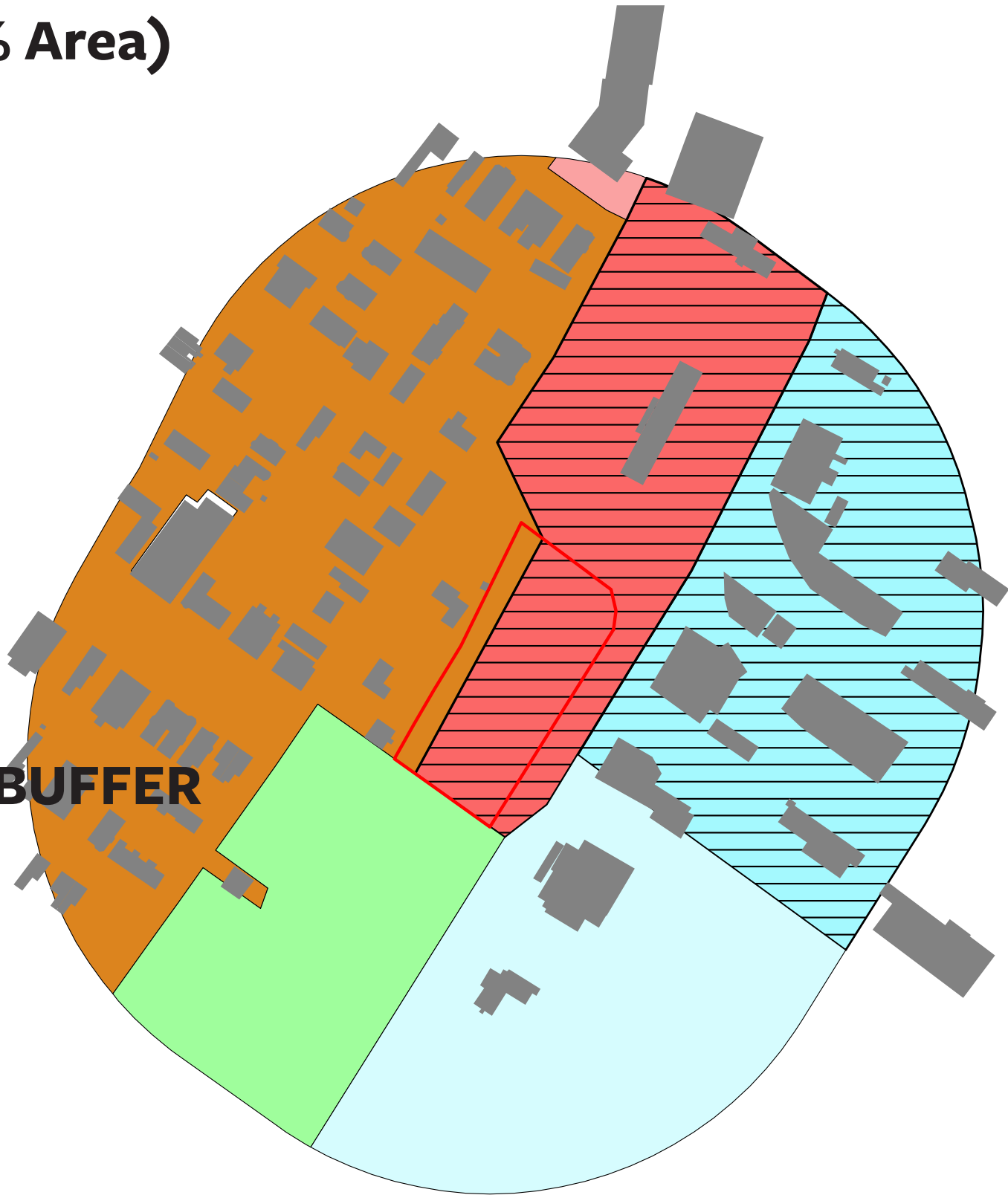
Angelo's Acre

ON SITE ZONING (% Area)

80.4 B5b
19.6 R6

ZONING % WITHIN BUFFER

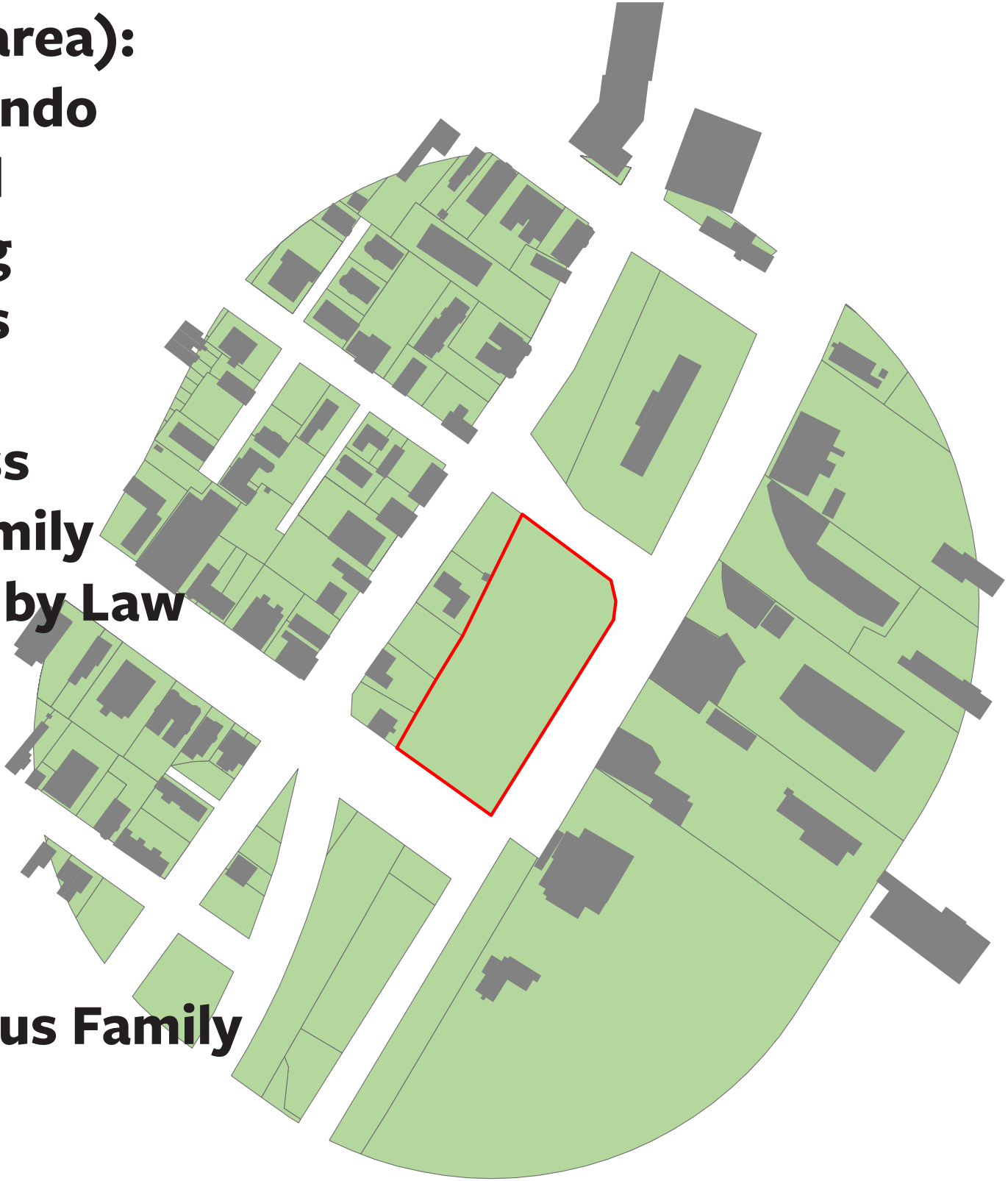
33.9 R6
20.0 WCZ
17.8 WPDZ
15.6 B5b
11.6 ROS
0.7 Contract
0.4 B3



Angelo's Acre

ASSESSED USE (% area):

- 37.9 Residential Condo**
- 20.6 Governmental**
- 7.9 Manufacturing**
- 4.3 Retail Services**
- 4.0 Wholesale**
- 3.6 Office Business**
- 3.2 Five to Ten Family**
- 3.2 Other Exempt by Law**
- 2.2 Single Family**
- 2.1 Vacant Land**
- 2.0 Four Family**
- 1.7 Three Family**
- 1.6 Null**
- 1.4 Twenty-one Plus Family**
- 1.1 Land Bank**



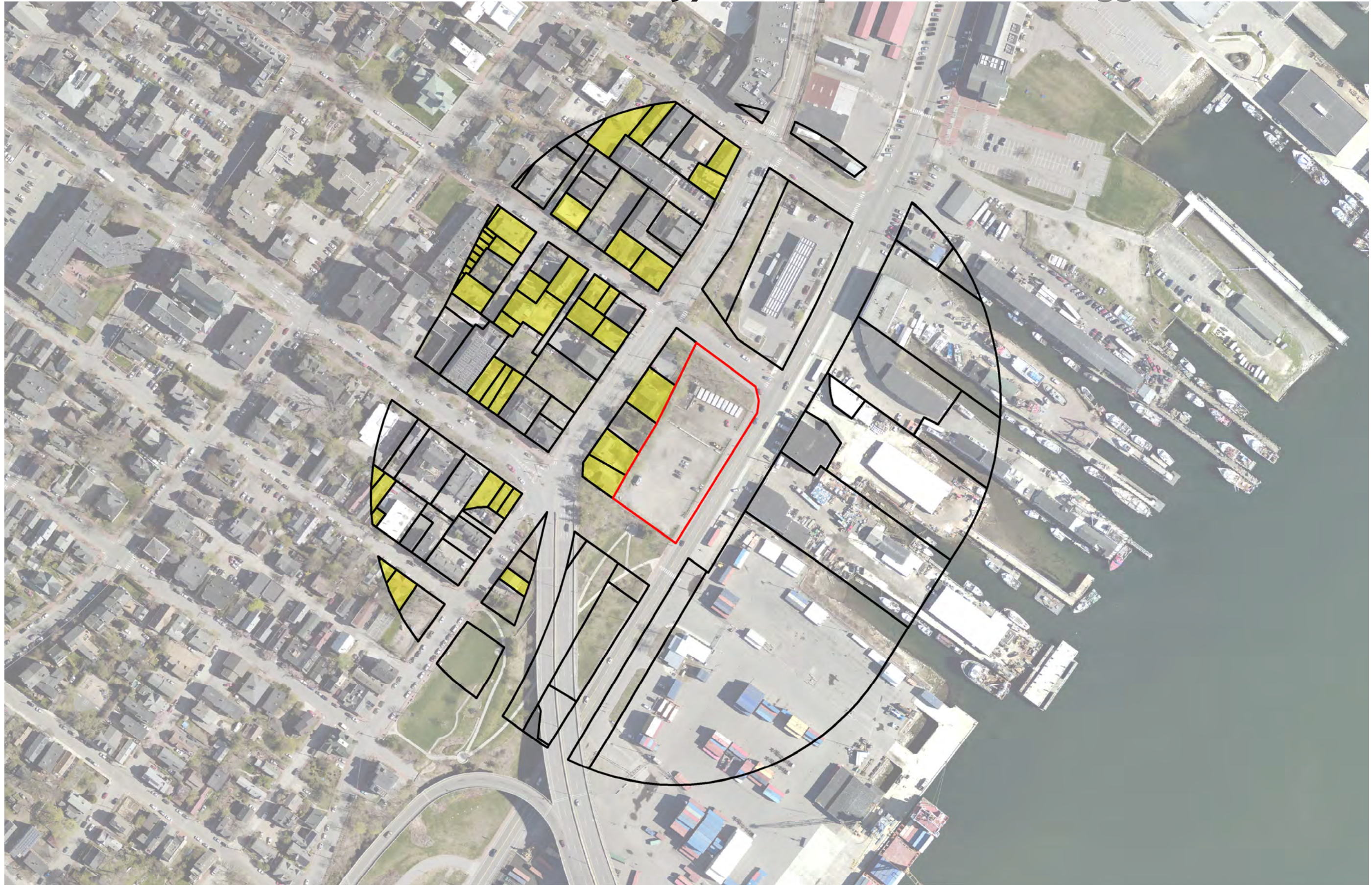
- OTHER (<1% area)**
- two family**
 - benevolent/charitable**
 - eleven to twenty family**
 - warehouse/storage**
 - parking lots**
 - commercial condos**
 - transportation**

Angelo's Acre



Angelo's Acre: 1-4 family

one to four fam units: ~97 five plus fam units: ~55 total units: ~145



Angelo's Acre: larger residential

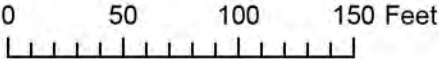
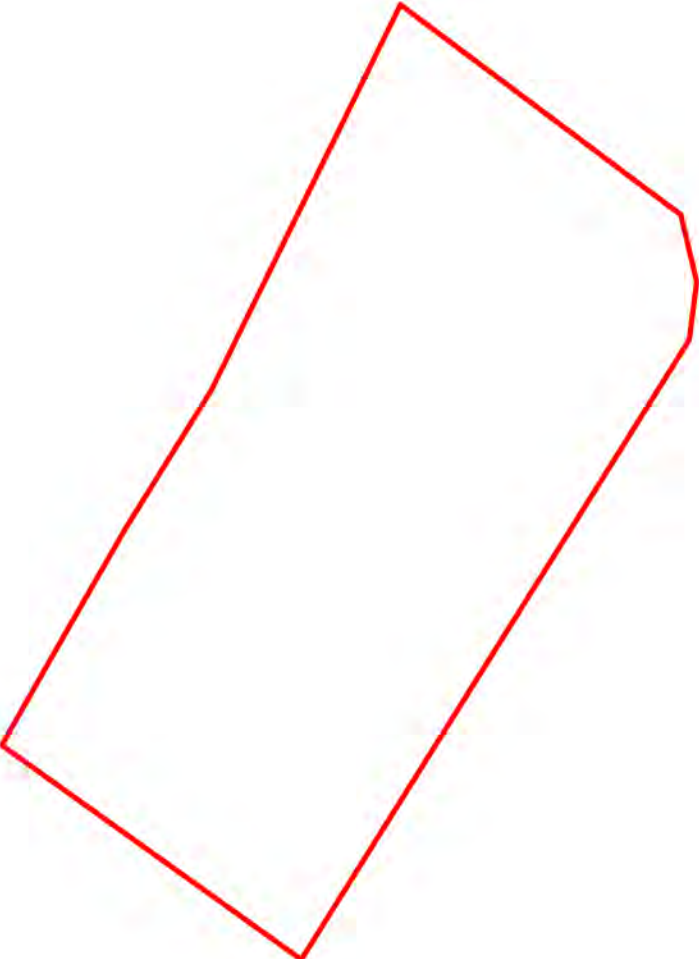
one to four fam units: ~97 five plus fam units: ~269 total units: ~366



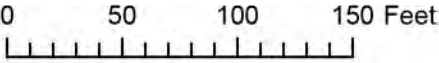
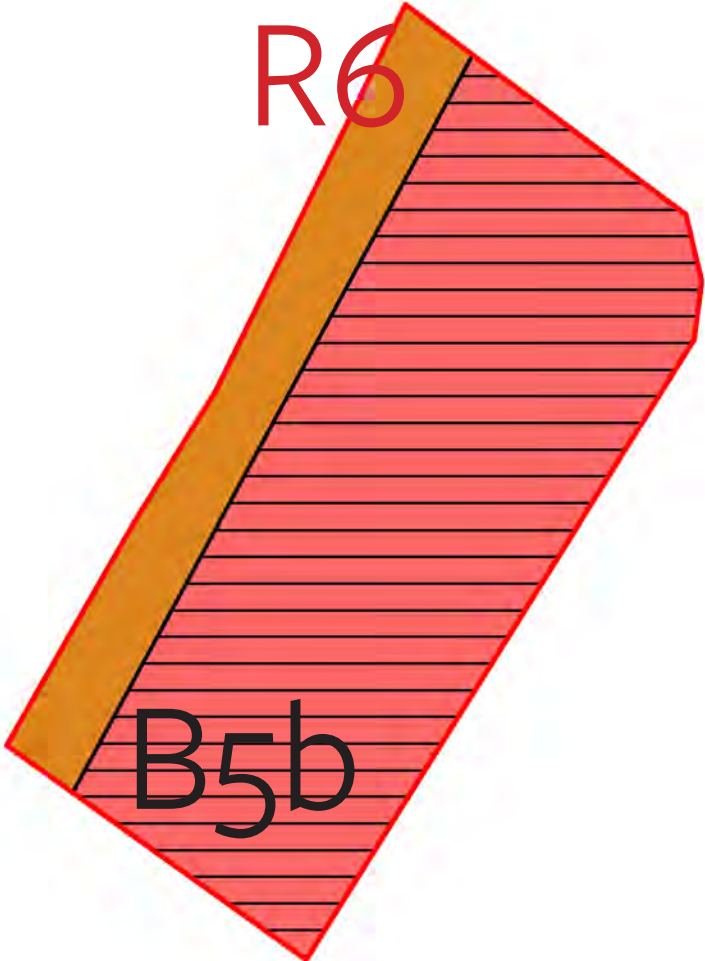
Angelo's Acre: other uses



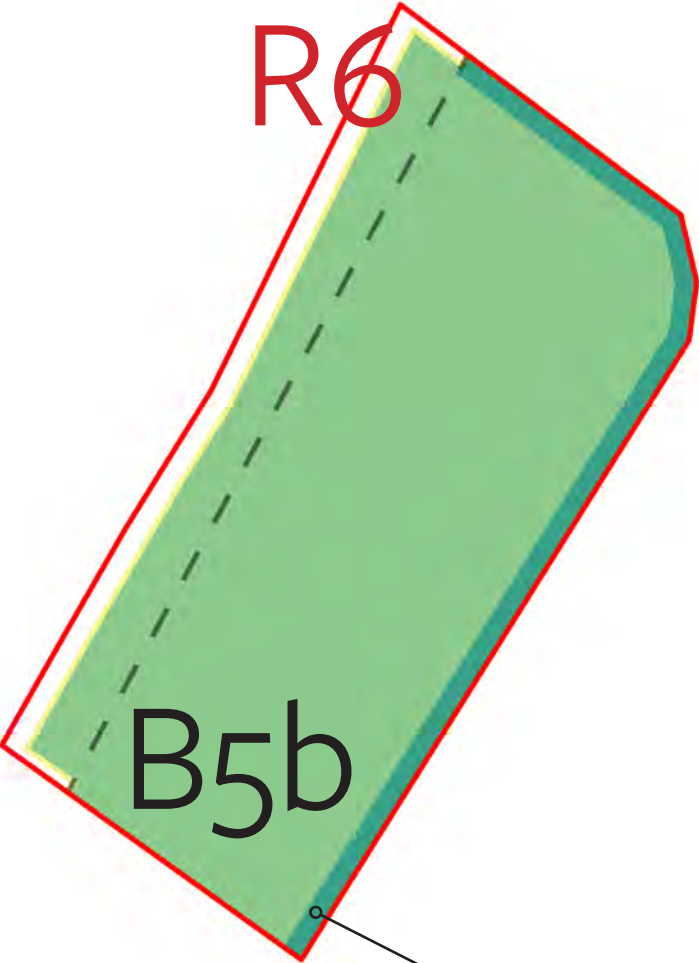
Angelo's Acre:



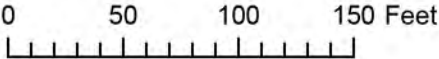
Angelo's Acre: site zoning



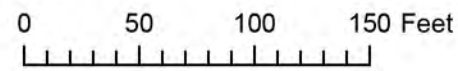
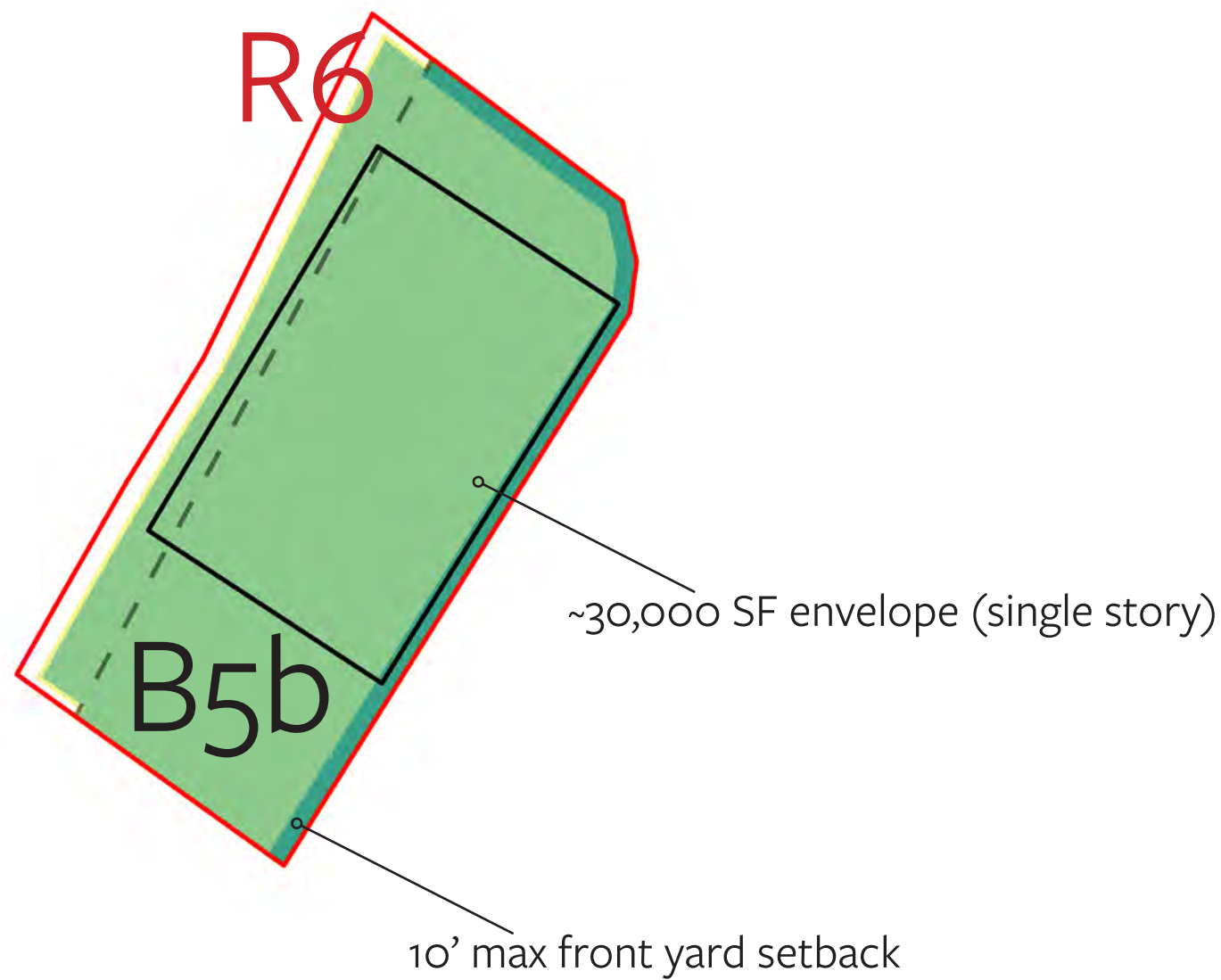
Angelo's Acre: zoning envelope



10' max front yard setback



Angelo's Acre: ~30k SF building



Angelo's Acre: context



0 50 100 150 Feet

Angelo's Acre: site concerns

Smallest Site
Surrounding Context
Site Testing Req'd
Current Use: Parking

0 50 100 150 Feet

Next Steps

654 Riverside St.

Angelo's Acre

County Way Acquisition



HHS analysis:

staff and partner feedback

Council direction:

which sites continue to be feasible and desirable?

Further analysis:

sites may harbor unforeseen constraints

Report back:

which sites remain feasible and compelling?

Additional Council direction:

narrowing site(s) selection

Questions?





STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF PORTLAND	)	COMMISSIONER'S CERTIFICATION
ATTN: GREG MITCHELL	)	OF COMPLETION OF REMEDIAL
DIRECTOR OF ECONOMIC DEVELOPMENT	)	ACTIONS UNDER A VOLUNTARY
389 CONGRESS STREET	)	RESPONSE ACTION PLAN
PORTLAND, ME 04101	)	

JURISDICTION

This certification of completion of a Voluntary Response Action Plan ("VRAP") is made pursuant to the authority vested in the Commissioner of the Maine Department of Environmental Protection ("Department") or the Commissioner's delegee under 38 M.R.S.A. Section 343-E.

FINDINGS OF FACT

1. The covered property (property and/or site) is the former Lucas Tree site located at 636 Riverside Street in Portland, and is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003. The site is 40.85 acres in size. A map of the property is included as Attachment A.
2. The property use in the area is mixed residential and commercial.
3. A Phase I Environmental Site Assessment (ESA), a Phase II ESA, and a Supplemental Phase II ESA were prepared by Tewhey Associates ("Tewhey") in September and December of 2005 and January 2008, respectively, with funding from the City of Portland's Municipal Brownfields Program. These reports identified two areas requiring remedial actions: the spent sand blast grit area and the former greenhouse area.
4. In July 2010, Ransom Environmental Consultants, Inc. ("Ransom") directed remedial activities on the property. Under Ransom's direction, soils were removed from both areas of contamination and loaded on trucks for appropriate disposal. The spent sand blast grit area was cleaned to a visual standard, as earlier sampling had demonstrated that contamination was directly related to the easily identified black sand blast grit. The former greenhouse area was excavated to a standard 2 feet below grade level, based on earlier sampling results for the contaminant of concern, arsenic. Post excavation sampling demonstrated that soils had been cleaned up to typical background in 5 of the 6 samples, with one sample area having a higher level. Given that the bulk of the contaminated soil volume was removed from this area, the actual risk from this small hotspot area is low, and additional remedial action will not be necessary. A total of 296.74 tons of arsenic contaminated soils and spent sand blast grit were excavated from the property and sent to Commercial Paving and Recycling in Scarborough, Maine for recycling. The remedial actions are documented in a letter report dated August 23, 2010 and submitted by Ransom entitled "Lucas Tree Site, 636 Riverside Street, Excavation and Remediation Activities".

FILE COPY

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

2 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

CONCLUSIONS

1. The City of Portland, as an applicant, has submitted a Voluntary Response Action Plan application to the Commissioner pursuant to 38 M.R.S.A. § 343-E for the property located at 636 Riverside Street in Portland, Maine which is identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003 .
2. Site assessments conducted at the site included investigations and reports that adequately identified the nature and extent of contamination associated with identified sources at the property.
3. Actions addressing identified contamination on the property have been completed. These actions included the removal of arsenic contaminated sand blast grit and soils associated with a former greenhouse.
4. Provided the City of Portland, as applicant, and their successors and/or assigns comply with the conditions of this certification, the response actions that have been completed and the activities associated with the continued use of the site will not cause, contribute, or exacerbate releases, or threatened releases, if they exist at the site, that are not required to be removed under the VRAP.

THEREFORE, pursuant to 38 M.R.S.A. § 343-E(5), Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection certifies, subject to the conditions set forth below, that remedial actions have been completed at the property located at 636 Riverside Street in Portland, Maine, identified on the City of Portland Tax Map 322 as Lot A-001 and Tax Map 323 as Lot A-003, and further described in Book 27870, Page 299, at the Cumberland County Registry of Deeds. Upon issuance of this CERTIFICATE, the City of Portland, as applicant, and the persons qualified for protection under 38 M.R.S.A. § 343-E(6) are entitled to the protection from liability to the extent provided by 38 M.R.S.A. §343-E(1) and (5). This protection from liability is limited to the matters addressed by and identified by the environmental reports and is subject to the qualifications and conditions set forth below and in 38 M.R.S.A. § 343-E.

CONDITIONS

1. The future installation of potable wells on the property is prohibited without prior written permission from the Department.
2. Use of the property shall be limited to industrial, commercial, municipal and other non-residential uses and not be residential without prior written permission of the Department.
3. A copy of this certificate for the property located at 636 Riverside Street in Portland shall be recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

CITY OF PORTLAND
ATTN: GREG MITCHELL
DIRECTOR OF ECONOMIC DEVELOPMENT
389 CONGRESS STREET
PORTLAND, ME 04101

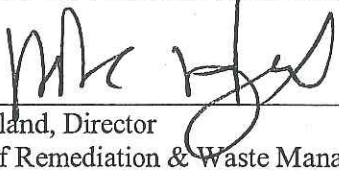
3 COMMISSIONER'S CERTIFICATION
) OF COMPLETION OF REMEDIAL
) ACTIONS UNDER A VOLUNTARY
) RESPONSE ACTION PLAN
)

4. A Declaration of Environmental Covenants, as defined in 38 M.R.S.A. § 3001 et seq., that is consistent with this Certificate and acceptable to the Department must be prepared and recorded at the Cumberland County Registry of Deeds. A copy of the recorded document must be supplied to the Department.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30TH DAY OF AUGUST 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:


Mark Hyland, Director
Bureau of Remediation & Waste Management

STATE OF MAINE
KENNEBEC, ss.,

August 30th, 2010

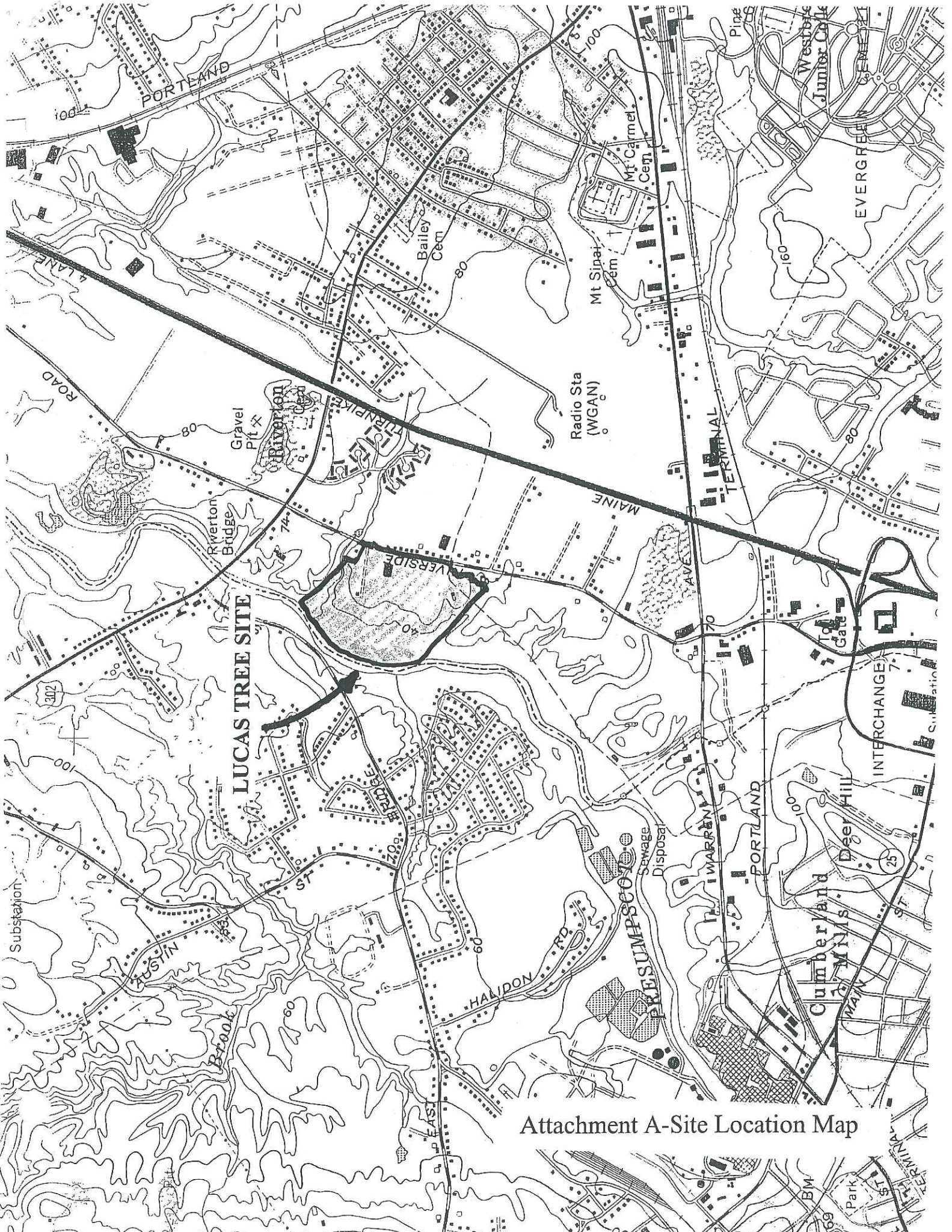
Then personally appeared the above-named Mark Hyland, Director, Bureau of Remediation & Waste Management of the Maine Department of Environmental Protection and duly authorized delegatee for the Commissioner, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the Department of Environmental Protection.

Before me,


Notary Public

Laura L. Gay
(Print Name)

This order was prepared by Nicholas J. Hodgkins, Bureau of Remediation & Waste Management.



Attachment A-Site Location Map



To: Jon Jennings, City Manager
From: Rob Parritt, Consultant
Ref: Maine Shelter Inventory Chart Details
11/21/2018

Maine Shelter Inventory Chart Details

City staff were tasked by the Council to create an inventory list of emergency shelters in the state of Maine and provide information regarding location, funding, size, restrictions, and clients served. The attached backup documentation will illustrate that there are 45 emergency homeless shelters in the state of Maine. They are found from Presque Isle in the North to Alfred in the South. This memo will provide greater detail into the meaning of each category found on the chart.

Location – This category specifically states which town or City each emergency shelter is located in. For some domestic violence shelters, the exact location is kept confidential for safety purposes so the county the program is found in is listed instead. Most shelters are found in the more urban areas of Maine (Portland, Bangor, Augusta, Lewiston) however, there are providers in rural settings serving much less densely populated areas of Maine.

Funding Sources – Emergency Shelters in Maine are split into two categories when it comes to funding. Those who receive federal dollars (dispersed by MaineHousing) and those who do not. On the attached detail worksheet you will see that the shaded shelters appearing on the bottom of the chart do not receive any federal dollars so they rely on private funding sources. These shelters tend to be more faith based and require specific religious activities to be served. These types of requirements are prohibited if you are a shelter receiving MaineHousing Emergency Shelter Homeless Assistance Program (ESHAP) dollars as the funding source for this program is largely federal Emergency Solutions Grant (ESG) dollars from HUD. For shelters who receive ESHAP dollars, there is an application process each year and strict monitoring to ensure grant compliance. The ESHAP funding formula is based on meeting performance benchmarks and a bed night percentage reimbursement formula. ESHAP funded shelters also generally use other sources to make ends meet. General Assistance, Targeted Case Management, private fundraising and program specific grants are also commonly utilized to fund different shelter programs. Some specialty shelters have access to program specific funding opportunities and grants based on program type and licensing. While this list is fairly comprehensive, there are many small funding streams and donation programs that aren't listed or known to us.

Restrictions – The vast majority of shelters in Maine have some kind of restriction or criteria that screens out certain populations. All but a handful of shelters in Maine will not admit people if they are under the influence. Family shelter programs will not accept single adults. Teen programs can only serve specific age groups. Obviously to access a domestic violence shelter, you must be fleeing domestic violence or meet other eligibility criteria. Shelters who only serve men or women will not admit the opposite sex.

Population Served – In Maine, shelters serve a variety of different populations. General population shelters serve both singles and families. Domestic Violence Shelters serve people fleeing from domestic violence situations. Family shelters serve only households made up of at least one adult and children. Single adult shelters serve men and women who are 18 years old or older. Youth providers generally serve homeless and runaway youth aged 13-21. There are a few shelters around the state who even more specific target populations. For example, one shelter will only serve pregnant women.

Size/Capacity – These numbers were pulled directly from the latest Housing Inventory Chart which is a HUD document that each program must submit each year as part of the Point in Time Count. There is a range of shelter sizes in Maine ranging from the largest here in Portland to shelters with barely ten beds.

Shelter Name	Location	Funding Source/s	Restrictions	Population Served	Size	
Bangor Area Homeless Shelter, Emergency Shelter	Bangor	ESHAP, Private Funding, Grants, TCM	Sober Only	General	43	ESHAP - Emergency Shelter Homeless Assistance Program TCM - MaineCare Targeted Case Management GA - General Assistance C0-Op - Communal farming/goods agreement OSA - Office of Substance Abuse CDBG - Community Development Block Grant RHY - Runaway and Homeless Youth Act FQHC - Federally Qulaified Health Center Private Funding - Fundraising/donations Grants - Various grants which may be specific to programs or client type
Bread of Life Ministries, Emergency Shelter	Augusta	ESHAP, Private Funding, Grants, TCM	Sober Only	General	38	
Caring Unlimited DV Shelter - Audrey's House	York County	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	18	
City of Portland, Family Shelter (4 Buildings)	Portland	ESHAP, GA, Grants, TCM	Sober Only	Families	151	
City of Portand, Oxford Street Shelter	Portland	ESHAP, GA, Grants, TCM, CDBG	None	Single Adults	229	
Families And Children Together	Bangor	ESHAP, Private Funding, Grants	Sober Only	Families	8?	
Through These Doors	Portland	ESHAP, Private Funding, Grants, GA, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Kennebec DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	16	
Family Violence Project, Somerset DV Shelter	Kennebec & Somerset Counties	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
HOME, Inc., Emmaus Homeless Shelter	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	25	
HOME, Inc., Sister Marie Ahern House	Ellsworth	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	12	
HOME, Inc., St Francis Inn	East Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Only	General	11	
HOME, Inc., Dorr House Shelter	Orland	ESHAP, Private Funding, Co-Op, Grants	Sober Ony	General	7	
Homeless Services of Aroostook, Sister Mary O'Donnell Shelter	Presque Isle	ESHAP, TCM, Private Funding, Grants	Sober Only	General	49	
Hope and Justice Project, Houlton DV Shelter	Houlton	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	14	
Hope and Justice Project, Caribou DV Shelter	Caribou	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Hope and Justice Project, Fort Kent DV Shelter (St John Valley)	Fort Kent	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	8	
Knox County Homeless Coalition, Hospitality House	Rockport	ESHAP, Private Funding, Grants, TCM	Sober Only	General	26	
Mid-Maine Homeless Shelter	Augusta	ESHAP, Private Funding, Grants, TCM, GA	Sober Only	General	65	
Milestone Recovery, Emergency Shelter	Portland	ESHAP, Private Funding, MaineCare, OSA, GA, CDBG	Must be intoxicated	Single Men	41	
New Beginnings, Emergency Shelter	Lewiston	ESHAP, RHY, Private Funding	Youth only services	Teens	12	
Next Step, DV Shelter	Ellsworth	ESHAP, Private Funding, Grants, TCM	Sober Only, Fleeing DV	DV	12	
Partners for Peace, DV Shelter	Bangor	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	
Penobscot Community Health Center, Hope House Shelter	Bangor	ESHAP, TCM, GA, Private Funding, FQHC, OSA. Grants	Campus Limitations	Single Adults	76	
Preble Street, Joe Kreisler Teen Shelter	Portland	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Teens	24	
Preble Street, Florence House Women's Shelter	Portland	ESHAP, TCM, GA, Private Funding, Grants	Only serves women, shelter cap	Women	25	
Rural Community Action Ministries, Family Shelter	Leeds	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	10	
Rumford Group Homes, Norway Homeless Shelter	Norway	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Women & Children	15	
Rumford Group Homes, Rumford Family Center Shelter	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	Families	17	
Rumford Group Homes, Monier Family Center	Rumford	ESHAP, TCM, GA, Private Funding, Grants	Sober Only	General	14	
Safe Voices, Annie Pearl Shelter	Auburn	ESHAP, Private Funding, Grants	Sober Only, Fleeing DV	DV	17	

Shaw House Emergency Youth Shelter	Bangor	ESHAP, RHY, Private Funding, GA	Teens only, shelter cap	Youth		16
Tedford Housing, Federal St. Family Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		29
Tedford Housing, Cumberland St. Adult Shelter	Brunswick	ESHAP, TCM, Private Funding, Grants	Sober Only	General		16
Western Maine Homeless Outreach	Farmington	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		16
York County Shelter Programs, Inc., Adult Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Single Adults		37
York County Shelter Programs, Inc., Family Emergency Shelter	Alfred	ESHAP, TCM, Private Funding, Grants	Sober Only	Families		18
Hope Haven Gospel Mission	Lewiston	Privately Funded	Sober Only, Religious	General		32
Saint Martin de Porres Residence	Lewiston	Privately Funded	Sober Only, Religious	Single Adults		10
Maliseet DV and Sexual Assault Program	Houlton	Privately Funded	Sober Only, Fleeing DV	DV		10
New Hope for Women	Rockland	Privately Funded	Sober Only, Fleeing DV	DV	?	
The Shephard Godparent Home	Bangor	Privately Funded	Sober Only, Religious	Pregant Women	?	
New Hope Shelter	Solon	Privately Funded	Sober Only, Religious	Women		20
Trinity Shelter	Skowhegan	Privately Funded	Sober Only, Religious	Single Men		85
Passamuoquoddy Peaceful Relations	Pleasant Point	Privately Funded	Sober Only, Fleeing DV	DV	?	

*The City of Portland operates the only municipal run shelters which are the only shelters to run multiple overflow sites. All other on attached are either privately operated non-profits or religious organizations with boards of directors.

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

Anti-Trafficking Services (ATS) is also dependent on federal funds. The current award cycle was for a three-year period and we anticipate receiving funds for another grant period starting 10/1/18. Our ATS team has fluctuated within and across grant funding cycle based on several factors; these changes in team configuration and number of caseworkers affect our ability to provide services.

The Health Services intensive case management services offered to MARF clients is also dependent on grant funding. We are currently participating in the MARF pilot project which ends in March 2019. We are hopeful there will be an opportunity to apply for another grant period through a subcontract with Greater Portland Health however we have no definitive information at this time.

Teen Services provides day services, case management and overnight shelter to youth age 12-20. We do not allow youth age 18-20 to access services at our Resource Center and instead encourage them to access services through our Teen Services. This aids in their ability to seek age and developmentally appropriate services that supports them in moving from homelessness to housing stability. Currently Teen Services works collaboratively with Oxford Street Shelter to encourage 18-20-year-old youth to access services through Teen Services. We would like to continue this practice with the new Homeless Services Center going forward.

Expected Outcomes: Access to specialized services as able.



Adam Harr <ash@portlandmaine.gov>

Fwd: [External Sender]Spurwink Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:30 PM

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

From: **Ben Strick** <bstrick@spurwink.org>
Date: Thu, Mar 7, 2019 at 7:11 PM
Subject: RE: [External Sender]Spurwink Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hi Sarah,

My apologies for the delayed reply. We will work with the city to deliver services wherever the new shelter is located. With that said, County Way or Angelo's Acre would be markedly better for us. Having the shelter located within walking distance of Spurwink Adult Behavioral Health would make it much easier to collaborate and help coordinate care. I think this will be especially true for our MAT program. One of the strengths of our program will be the ability to directly administer medication on a daily basis if needed. While our substance abuse counselors can meet with clients anywhere, it will be hard for the program to routinely administer Suboxone outside of an secure office setting. The closer we can be to the shelter the easier it will be for clients to successfully engage in treatment. I suspect a daily bus ride to/from Riverside Industrial Parkway would create a significant barrier for many individuals.

Please let me know if there is anything else we can do to help.

Thanks so much,

---Ben

BENJAMIN STRICK, LCSW**Director of Adult Behavioral Health**

207.871.1200 x 2149 | 207.615.2146 (c) | 207.871.1232 (f)

901 Washington Ave, Suite 100

Portland, Maine 04103

www.spurwink.org

From: Sara Fleurant <skf@portlandmaine.gov>
Sent: Wednesday, February 27, 2019 5:06 PM
To: Ben Strick <bstrick@spurwink.org>
Cc: Aaron Geyer <aeg@portlandmaine.gov>
Subject: [External Sender]Spurwink Further Location Feedback

Hi Ben,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

CONFIDENTIALITY NOTICE: This communication (including all attachments) is intended solely for the use of the person or persons to whom it is addressed, and should be treated as a confidential communication of Spurwink Services. It may include information that is privileged and/or confidential under both State and Federal Law. If you are not the intended recipient, or agent of the recipient, you are notified that any further use, dissemination, copy, distribution, printing or disclosure of this communication is strictly prohibited. If you have received this communication in error, please notify the originator and delete it from your system (do not retain any copies), return the original transmittal to us by mail without making a copy, and reply to the sender to advise us that this communication was misdirected. Your cooperation in protecting confidential information is appreciated.

--

Aaron Geyer
City of Portland

Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

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Adam Harr <ash@portlandmaine.gov>

Fwd: Amistad Further Location Feedback

2 messages

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Thu, Mar 7, 2019 at 4:38 PM

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Thu, Feb 28, 2019 at 4:09 PM
Subject: Fwd: Amistad Further Location Feedback
To: Aaron Geyer <aeg@portlandmaine.gov>

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

From: **Brian Townsend** <briant@amistadinc.com>
Date: Thu, Feb 28, 2019 at 12:44 PM
Subject: RE: Amistad Further Location Feedback
To: Meredith Pesce <meredithp@amistadinc.com>, Sara Fleurant <skf@portlandmaine.gov>

Hi Sara,

Amistad would be able and willing to provide services onsite and through outreach at any of the three identified options.

Our feedback on the three site options:

With the disclaimer that no site can be perfect, we are inclined to see the County Way location as the best of the three. The most significant positive is the location relative to other services and resources. We do not have the same broad negative feelings about the proximity to the jail that some others seem to have. We agree that the optics aren't great, but we suspect that the people who will have the strongest negative reaction to those optics are not the actual people who will be seeking emergency shelter and services there. The jail does not have negative socio-environmental factors along its periphery, so any downside about being next door is conceptual. If Amistad were looking to purchase land and build a program somewhere, and prioritized accessibility (as we do) above most factors, we would absolutely consider this lot.

Angelo's Acre may have some positive aspects, but our immediate reaction has to do with safety, given the nearness of the harbor. Our community has had enough tragedy associated with accidental drownings; it is hard to overlook this when considering that spot. It also seems like a spot that would be exposed to significant wind and cold, in addition to the noise of the bridge, and we wonder about these factors as being additional existence burdens on the people seeking shelter and support there.

The third option, on Riverside, feels like the least optimal due to its distance from the service center. If all three options were similarly distant, it might hold up by comparison with some other options, but, as one example, it would seem less viable as an option than the previously proposed Barron Center location.

If you would like us to flesh out any of these responses or offer thoughts on specific questions, please let us know!

Brian

From: Meredith Pesce
Sent: Wednesday, February 27, 2019 5:45 PM
To: Sara Fleurant <skf@portlandmaine.gov>; Brian Townsend <briant@amistadinc.com>
Subject: Re: Amistad Further Location Feedback

Thanks Sara, we'll dig into this and send it back over soon.

Meredith Pesce
Associate Director
Amistad
[66 State Street](#)
[Portland, Me 04101](#)

207-241-9141

From: Sara Fleurant <skf@portlandmaine.gov>
Sent: Wednesday, February 27, 2019 4:55 PM
To: Brian Townsend; Meredith Pesce
Subject: Amistad Further Location Feedback

Hi Brian and Meredith,

We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,

Sara

--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

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--

Sara Fleurant
Assistant Director of Housing Services

Oxford Street Shelter

207-482-5224

fax- 207-761-0536

skf@portlandmaine.gov

--

Aaron Geyer
City of Portland
Health & Human Services Department

[196 Lancaster Street](#)

[Portland, ME 04101](#)

(207) 482-5131

aeg@portlandmaine.gov

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Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:31 PM

[Quoted text hidden]



Adam Harr <ash@portlandmaine.gov>

Fwd: PPD Further Location Feedback

1 message

Aaron Geyer <aeg@portlandmaine.gov>
To: "Harr, Adam" <ash@portlandmaine.gov>

Mon, Mar 11, 2019 at 4:32 PM

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

From: **Vernon Malloch** <vwm@portlandmaine.gov>
Date: Mon, Mar 4, 2019 at 12:35 PM
Subject: Re: PPD Further Location Feedback
To: Sara Fleurant <skf@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Hello Sara

The police department will provide all the same services indicated during the review of the Barron Center Site. I believe you have that information on file. If you cannot locate it I will search my old e-mails.

Specific to one site listed here I do have concerns about Angelo's Acre. It's proximity to the working waterfront is a public safety concern. Historically we have seen drowning deaths of homeless people and those who are impaired by alcohol or drugs. The department has worked hard over the years to partner with other providers to significantly reduce this occurrence. Locating a shelter so close to the waterfront has the potential to place an already at risk group in even more danger.

Thanks for soliciting feedback and please let me know if you need any other information.

Best, Vern

On Wed, Feb 27, 2019 at 5:03 PM Sara Fleurant <skf@portlandmaine.gov> wrote:

Hi Chief,

Hope all is well! We wanted to reach out and thank each of you for recently providing feedback on our site location surveys. As you may be aware coming out of last night's Health and Human Service Committee Meeting the site list was reduced to three locations. We have been asked to produce a deeper dive on these three locations and a large part of that is receiving more feedback from our valued community partners. We are asking you to provide any comments or feedback on the attached document, including any onsite or outreach services you think you may be able to provide at any of the locations. We understand at this time these are projections and not actual services to be delivered. We again want to thank so many of you who said they would partner with the City no matter where the new services center will eventually go. We are hoping to have these returned by next Friday so that this data can be compiled for the council.

Please feel free to contact either Aaron or myself with any questions.

Thank you,
Sara

--

Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Vern Malloch

Interim Chief
Portland Maine Police Department
[109 Middle Street](#)
[Portland, ME 04101](#)
207-874-8600
email: vwm@portlandmaine.gov
Our Core Values
Leadership - Integrity - Service

--

Aaron Geyer
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aeg@portlandmaine.gov

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***Homeless Voices for Justice Comment on Three Potential Sites for the Homeless Services Center
March 15, 2019***



To esteemed Councilors of the Health and Human Services Subcommittee:

Homeless Voices for Justice appreciates the opportunity to provide feedback to the HHS Committee on this step of the relocation process.

Based on community outreaches and careful analysis, Homeless Voices for Justice's main points of concern remain: accessibility, eligibility and bed numbers, and community inclusion.

We do have specific feedback on the three sites in particular, and then other points to consider:

Riverside Industrial Park

HVJ is concerned about the accessibility of Riverside Industrial Park as a location for a new Homeless Services Center. The area is somewhere between a four and six mile walk away from the current Oxford Street Location. While there has been much welcome discussion about proximity to METRO, we hope the public and the City understands the accessibility challenges posed by placing a shelter so far away from current services. Many people staying at shelters in Portland have persistent medical conditions that make it impossible to walk much of a distance. Many lack storage space and have to carry bags and belongings around. And many people are in wheelchairs, use walkers, or canes. Complicating this is the fact that few can afford bus passes, and free bus passes supplied by some service providers are incredibly hard to come by. One of the most frequently sought resources by those who are homeless are monthly passes.

When the State moved its DHHS building from Bayside to South Portland, many people who needed support lost services, or the opportunity to more frequently access services, because of the distance created. At the time of that move, HVJ advocated against it for accessibility reasons. Other concerns about this location include sidewalk accessibility and whether there are food stores close by. In addition to services, many people access employment through agencies such as Labor Ready, which involves lining up early in the morning. The distance created by placing the shelter at Riverside, combined with bus schedules, would make it much harder, if not impossible, for many people staying in the shelter to access employment.

County Way

HVJ is concerned about locating a new Homeless Services Center near the County Jail. While the location is closer to many current services than Riverside is, we fear that placing a shelter near the jail will increase the stigma, discrimination, violence and criminalization that people experiencing homelessness already face. Specifically, we are concerned about the association

implicitly made by locating a Homeless Service Center next to a jail. People who are homeless often struggle with barriers that result from disproportionate enforcement of certain laws, such as loitering or trespassing laws to name just two. Our research and experience as those who have been, or are, homeless shows us that the stigma and criminalization of those who are homeless makes basic life-sustaining activities much more difficult. People who are homeless do not have the privacy of a home to conduct their lives. They are disproportionately asked to “move along” in public space; their activities are more frequently and heavily scrutinized by the public and governing institutions. We believe the close proximity to the County Jail may increase these barriers rather than strive to resolve them. We strongly encourage the Health and Human Services Subcommittee to discuss this aspect of the location.

Angelo’s Acre

Of all three potential sites, Angelo’s Acre is the closest to many available services on the peninsula for those who are homeless. By staying on the peninsula, it is not far from the current shelter and a number of service providers and resources that people who are homeless access in downtown Portland. That said, HVJ does recognize other accessibility aspects that make this site challenging. Namely, the fact that it is quite close to water, a frequently busy street and bridge ramp, and the Port Authority.

Other Points to Consider

First, HVJ encourages the HHS Committee to carefully consider the question of residential zones, which has created much discussion among the councilors. A new Homeless Services Center in any location will no doubt be located close to, or in, a given neighborhood, and we would encourage the councilors to consider that guests at the new Center will be neighbors and residents, the same as anyone else. These guests should not be tucked away, out of sight, due to concern that their presence would pose a challenge to their neighbors. To include and integrate people who are homeless in Portland is one way in which our city can better address the need for shelter services, which has become more severe over the years as other shelters have closed down. To this end, we have heard over and over again from our community a concern and strong appeal for people experiencing homelessness to not be hidden. We recognize the City’s emphasis on *not intending* to hide the homeless. However, we believe that in considering whether current residential zones are appropriate, consideration must be given to how Portland, as a community, cares for its most disenfranchised, oppressed, and stigmatized residents.

Secondly, we are concerned about the prospect of opening up a 150 bed facility while the current shelter chronically exceeds its capacity of 154 people, resulting in the use of overflow and sometimes triple overflow on a nightly basis. In December of 2018, 537 people were served by homeless shelters in Portland. Based on current trends, HVJ does not believe the predictions for reduced numbers are realistic. We are encouraging the Councilors to afford for space and capacity such that the new Homeless Services Center does not need overflow in the first place.

Connected to this is the question of guest eligibility and policies governing the new Homeless Services Center. To us, it is crucial that the City keeps to its long-standing commitment to provide emergency shelter services to anyone who needs it and that the policies governing the new Homeless Service Center are the least restrictive they can possibly be, to ensure that the City's goals for rapidly connecting people to resources and housing can be met.

Third, the HHS Committee has moved recently to narrow down sites from 11 to 3. While we welcome the sense of urgency to address the life-threatening problem of homelessness in Portland, we will continue to encourage the HHS committee to work more systematically on including the input of those who are homeless as this process moves forward. Homeless Voices for Justice seeks to empower those who live in poverty and homeless – people whose perspectives are often absent from the development of policies and programs that directly impact their social and economic well-being. To this end, we are working in conjunction with City Management on convening a community forum for people who are homeless so their input can be heard. While those plans continue to move forward, we advise that the City take steps to ensure that the pace of the relocation process does not move so fast as to exclude the concerns and feedback of the community they seek to help.

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

County Way:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

Angelo's Acre:

Goodwill's Workforce programs can provide onsite services to homeless individuals at this location if there are significant barriers to clients accessing services at our primary local program office, 190 Lancaster Street.

This includes access to:

- Job Connection programming
- Workforce Innovation and Opportunity Act (WIOA) Youth, Adult and Dislocated Worker programming through Workforce Solutions, and
- Employment Services (job coaching and/or job development through Vocational Rehabilitation)

Agency: Goodwill Northern New England

Representative: Dave Wurm, Senior Director, Workforce Services

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

In considering these locations, the Library evaluates how we could provide service through our existing locations and how we could add a site onto our outreach agenda. We recognize that the Library's collections are helpful as research tools as well as much-needed entertainment for people experiencing homelessness, and that library spaces are welcoming and safe which can be reassuring and provide a positive sense of community for someone experiencing disruption and anxiety due to homelessness. Of the Library's locations, the Main Library on Monument Square is best equipped to provide the variety of information resources, the technology tools, security staffing, and seating to accommodate.

Riverside Industrial Park:

Being the location farthest from any of our branches, especially the Main Library, this location would be most challenging to provide our strongest service. Based on current models and funding, we would anticipate providing bookmobile or pop-up service once per week, and the possibility of providing donated collections for free use (similar to Florence House). It seems critical that the location be on a bus line.

County Way:

The proximity to the peninsula and both major hospitals, as well as to the Police Headquarters (if it moved there), add value to this location. As stated above, the Library can provide our best service through our Main Library location, and this would still require a bus or a solid walk from County Way. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Angelo's Acre:

This is geographically nearest to the Main Library and is, therefore, the most beneficial site for access to full Library services. As with any location chosen, the Library would provide outreach and pop-up service to the extent we can as described above.

Agency: Portland Public Library

Representative: Sarah Campbell

Service Provider Information Sheet

Service Provider: Preble Street

Point Person: Fiona Mason

Services List: Targeted outreach, engagement and case management services for clients who are homeless and who meet program requirements for Veterans Housing Services, Anti-Trafficking Services and the Medication Assisted Recovery Program (MARF) within Health Services.

Target Demographic:

- Veterans
- Survivors of Human Trafficking that meet the federal definition of Human Trafficking
- Uninsured and high risk individuals with Substance Use Disorder that are participants in the Medication Assisted Recovery Program (MARF)
- Youth age 18 through 20

Days /Hours: TBD

Space /Office requirements: TBD

What else is needed?

All the of the services outlined are provided through and dependent on grant funding. Historically, funding and needs have changed over time which results in fluctuating service delivery. For example, we apply for and have received awards annually for our Veterans Housing Services program through the federal Specialized Services for Veterans and Families (SSVF) program. After receiving the award for this next grant period starting October 1, 2018, we were notified they may be reducing all SSVF grants for the next grant period. This reduction in funding will result in reduced service delivery.

Anti-Trafficking Services (ATS) is also dependent on federal funds. The current award cycle was for a three-year period and we anticipate receiving funds for another grant period starting 10/1/18. Our ATS team has fluctuated within and across grant funding cycle based on several factors; these changes in team configuration and number of caseworkers affect our ability to provide services.

The Health Services intensive case management services offered to MARF clients is also dependent on grant funding. We are currently participating in the MARF pilot project which ends in March 2019. We are hopeful there will be an opportunity to apply for another grant period through a subcontract with Greater Portland Health however we have no definitive information at this time.

Teen Services provides day services, case management and overnight shelter to youth age 12-20. We do not allow youth age 18-20 to access services at our Resource Center and instead encourage them to access services through our Teen Services. This aids in their ability to seek age and developmentally appropriate services that supports them in moving from homelessness to housing stability. Currently Teen Services works collaboratively with Oxford Street Shelter to encourage 18-20-year-old youth to access services through Teen Services. We would like to continue this practice with the new Homeless Services Center going forward.

Expected Outcomes: Access to specialized services as able.

March 6, 2019 - Shelter Locations Questionnaire

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: ***DEFINITE NO*** Yes/**No**/ Maybe ?

Pluses

- Receptivity by residential and business neighbors- likely somewhat low opposition

Minuses

- Public visibility- hiding homeless guests on outskirts of town...
- Access to other services and amenities – too remote; not within walking distance to much of anything...; longish bus ride
- Neighborhood- industrial
- Transportation- where's the nearest bus stop?

County Way ***NOT A PREFERRED SITE*** Yes/No/**Maybe** ?

Pluses

- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely high opposition, by businesses who might not see a Homeless Services Center as good for business and by residential neighbors
- Public visibility- hiding homeless guests from public view
- Neighborhood- industrial feel; next to jail, may be seen by some as equating homelessness with criminality

Angelo's Acre ***PREFERRED SITE*** **Yes**/No/ Maybe ?

Pluses

- Public visibility- definitely not hiding homeless guests
- Transportation- near bus lines
- Access to other services and amenities – within walking distance or short bus ride

Minuses

- Receptivity by residential and business neighbors- likely opposition by both; may be manageable though...

Shalom remains committed to providing mental health case management to support mutual clients in need of such services wherever they are, including the new Homeless Services Center. The new configuration will make it easier to meet with shelter guests at the Center. In addition, Shalom will continue to meet with guests to assess eligibility for Section 17 adult mental health case management and/or eligibility for Shalom group homes or Community Rehabilitation Services.

Shalom staff will also continue to award as many eligible shelter guests as program resources allow with one of the rental subsidies we administer so that guests can better afford available housing in the area. We will also set up mutually agreeable times to meet with guests in need of rental vouchers and schedule regular weekly hours at the new Homeless Services Center to answer questions / assist guests and their housing counselors with rental assistance applications.

Agency: Shalom House, Inc.

Representative: Norm Maze, Deputy Director

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park :

We are concerned that this location is too far removed from services. While the City seems committed to having a transportation plan in place, we feel that our clients benefit from being able to walk to access needed resources, services, and work. The team also has concerns that the segment of the population with significant behavioral challenges will struggle to be able to maintain access to transportation services whether it be city - provided or through the bus line.

County Way:

While the proximity to the jail is problematic optics and messaging wise, we feel that it is located close enough to town that folks will still have ease of access to essential services and its proximity to MMC is particularly positive.

Angelo's Acre:

Pros for this location include that it is centrally located and would provide ease of access to services. It is also the most publicly visible of the 3 remaining locations.

We have some concerns about clients who are under the influence wandering into traffic or down some of the wharfs in that area. It's worth noting that when people are restricted or CTO'd from the shelter some are likely to sleep rough around the city and shifting this population closer to the water could be dangerous, particularly for those who may be under the influence. There have been many instances of people who are homeless drowning in Portland and anything that puts people closer to the waterfront could be a concern.

Agency: The PATH Program at The Opportunity Alliance

Representative: Christina Cook

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park:

This location seems too far and would seem to not help folks get the services they need, but instead might hinder them even more. SARSSM does not promote this location.

County Way: **County way is a great solution. It is close to the hospital and sticks to the bus route. It does not create any more barriers to the homeless population.**

Angelo's Acre: **Angelo's Acre is a great second choice.**

Agency: Sexual Assault Response Services of Southern Maine (SARSSM)

Representative: Whitney Adell, Program Manager of Advocate and Outreach Services

What the agency can provide:

- **On-site one on one support for folks that have been sexually harmed**
- **On-site outreach by consistently showing up on a specific day to table and create awareness about surveys**
- **Possibility of an on-site support group once outreach as been established**



Adam Harr <ash@portlandmaine.gov>

Fwd: Location feedback

1 message

Robert Parritt <rwp@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Tue, Mar 12, 2019 at 1:05 PM

Through These Doors Feedback

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

From: **Sara Fleurant** <skf@portlandmaine.gov>
Date: Fri, Mar 8, 2019 at 6:04 AM
Subject: Fwd: Location feedback
To: Robert Parritt <rwp@portlandmaine.gov>

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

From: **Jennifer S** <jennys@throughthesedoors.org>
Date: Thu, Mar 7, 2019 at 3:14 PM
Subject: Location feedback
To: Sara Fleurant <skf@portlandmaine.gov>
CC: Kelley W <kellyw@throughthesedoors.org>, Rebecca H <rebeccah@throughthesedoors.org>

Hi Sara,

Thanks for reaching out to Kelley with regards to our feedback on the shelter locations being proposed and the services we could provide. We had a discussion about what our involvement could be as a whole. The location of the shelter doesn't have an impact on the services that we could provide onsite.

Given the intersection of homelessness and domestic violence, what will be needed and what we could provide is a full-time domestic violence advocate (if funding permits) located on site to provide advocacy and support to victims and survivors of domestic violence, stalking, human trafficking and dating abuse.

Let me know if you have any questions.

Thanks.
Jenny

Jenny Stasio, Director of Operations

she/her/hers

Through These Doors *(formerly Family Crisis Services)*

Office: 207-874-1196

Mobile: 207-712-8274

24-hour Helpline: 800-537-6066



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Sara Fleurant
Assistant Director of Housing Services
Oxford Street Shelter
207-482-5224
fax- 207-761-0536
skf@portlandmaine.gov

--

Rob Parritt
Homeless Services Consultant
City of Portland
rwp@portlandmaine.gov

As our most relied upon partners, we appreciate your feedback on the following potential locations for a Homeless Services Center. Please indicate any onsite services you may be able to provide. Thank you!

Riverside Industrial Park: Community Housing of Maine (CHOM) does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Riverside Industrial Park site.

County Way: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the County Way site.

Angelo's Acre: CHOM does not provide direct services, however we would be happy to continue our collaborative relationship with the City at any of the three potential locations for a Homeless Services Center, including the Angelo's Acre site.

Agency: Community Housing of Maine

Representative: Cullen Ryan, Executive Director

Feedback from community members experiencing homelessness, gathered from Homeless Voices for Justice outreaches and community meeting.

Homeless Voices for Justice gathered feedback from people experiencing homelessness in Portland on the three proposed sites for the city of Portland's proposed Homeless Services Center. HVJ collected 44 survey responses (combined with 88 general comments from surveys we utilized in previous community outreach) and held a community meeting in the Preble Street Resource Center with roughly 30 people, all of whom provided extremely diverse feedback and responses.



Significantly, HVJ has also spoken with a number of other community members who use the Oxford Street Shelter that opted *not* to fill out a survey, due to concerns that their voices and concerns would not be heard. This is why we feel it is important to continue working with City Management to arrange a community forum on this topic, specifically for those who are homeless and utilize shelter services in Portland.

Feedback on sites:

Riverside Industrial Zone

The majority of responses were opposed to this site for accessibility and location reasons. The frequency and price of public transportation would make moving between this location and other sites in the city very difficult or prohibitive. There was also concern from people who have to carry their belongings, have mobility challenges, and who need to access employment services/opportunities closer to the center of the city. Example of the responses not in favor of this site:

"This site would take someone without mobility issues at least two hours to get to from the center of town."

"I believe the reasons for this site are to hide the homeless community. It needs to remain fairly close and easily accessible to resources."

There were, however, some people who favored the Riverside site *because* of its distance from the rest of Portland. For example, one respondent said:

"[Riverside Industrial Site is] Choice 1. Out of town! Further away would be less stereotypes."

County Way

A sizeable number of responses from the community opposed this location due to its proximity to the Cumberland County Jail. People raised concerns about the impact of this location on increasing the stigmatization and criminalization of those who are homeless. Example of the responses not in favor of this site:

“This is not a good idea. Many homeless people have a negative association with police and the county jail.”

“They should absolutely NOT move it next to the jail... there is already a harsh stigma against the homeless and throwing us at the jail is wrong AND offensive.”

On the other hand, a sizeable number of responses from the community favored this location, noting that the location might help increase security and has close proximity to existing grocery stores, job opportunities, emergency and/or medical services, public transportation, etc.

Angelo’s Acre

Its closeness to existing, frequently utilized resources and social services in Downtown Portland (particularly the Bayside Neighborhood) was frequently referenced as a strength. In addition to facilitating access to important services, the central location was favored by some for keeping the issue of homelessness visible (as an important issue) in the city.

Responses opposed to this location were concerned about pedestrian safety, due to proximity to Commercial Street and the Casco Bay Bridge.

Overall, the responses to **Angelo’s Acre** and **County Way** were more mixed and positive as both remain closer to available resources downtown than does the Riverside site.

Other comments:

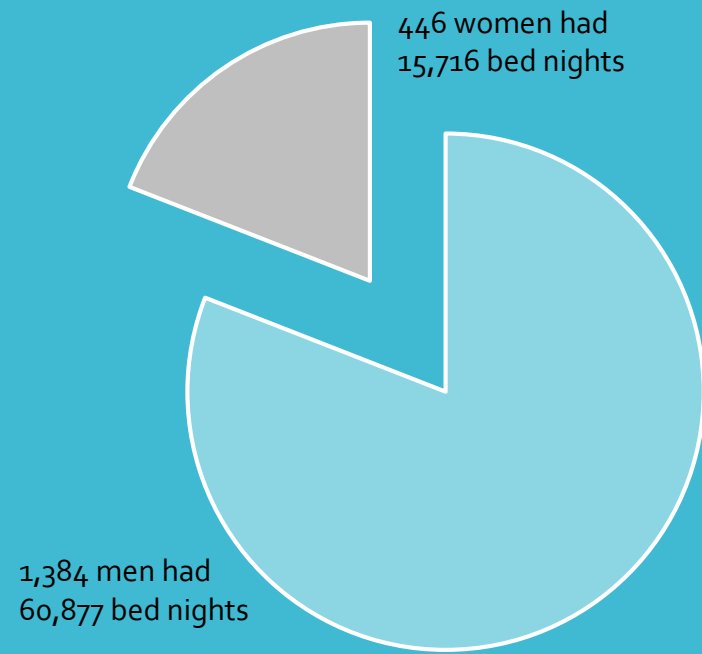
1. *What about other locations that the City has already moved on from?* The Douglass Street site came up several times. It was also clear that people who are homeless aren’t fully informed of the range of potential sites that had existed before there were three.
2. *What will happen to policies and procedures that govern the new Homeless Services Center?* Many people are concerned about policies and procedures and *who* can access services at the current shelter. Because Oxford Street Shelter cannot adequately accommodate those with high medical, disability, or related needs, those who are homeless in these categories are disproportionately affected by an outdated system. Many people are concerned whether the new Homeless Services Center will be more adequately set up to address guests with relatively higher needs, specifically medical needs.
3. *What about other resources?* People’s core concerns are around access to resources, including transportation. If the current density of resources and social services in the Bayside Area are broken up, people are concerned about how the City will help shelter guests access those vital services? Even if the new Homeless Services Center provides a number of services on-site, guests will still have to navigate the rest of the City for services and resources.
4. *How many beds?* People are concerned that 150 beds are inadequate to address the current need. People experiencing homelessness in Portland see that the current shelter is 154 beds, with frequently used overflow of 77 beds. The community is concerned how the City is going to address this need with a smaller shelter.

5. *Current conditions.* Overcrowding, pests, not feeling heard, not having adequate access to vital services such as casework, and opportunities to exit homelessness are few among the many indignities those who are homeless face in Portland on a daily basis. Often, people in the community want to discuss these conditions, what it's like from their perspective to experience them, and what needs to be different. People experiencing homelessness want to know how the new Homeless Services Center will address these issues.

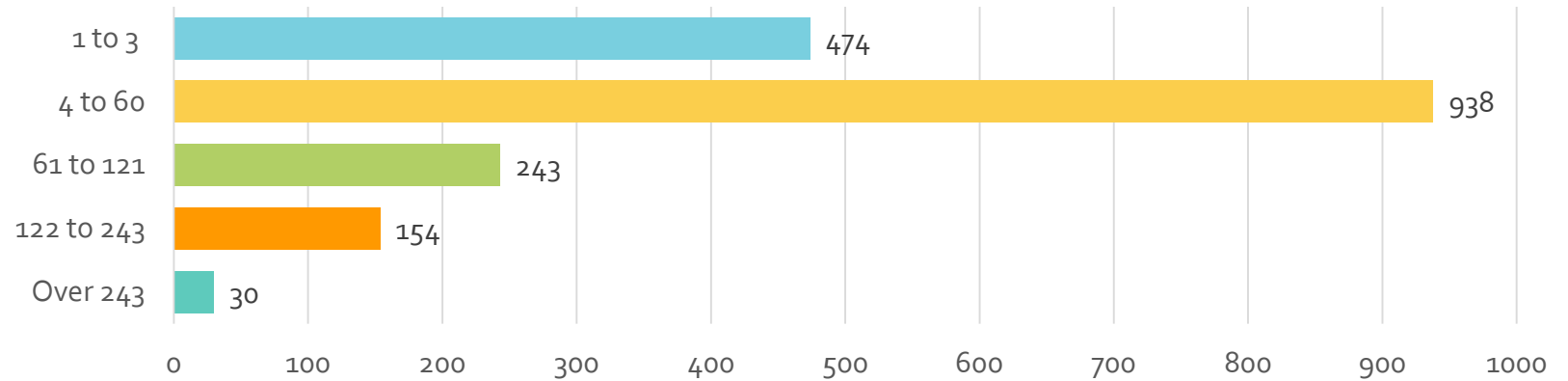
Staying at OSS

Average Monthly Bed Nights and Length of Stay Across Age and Gender at the City Operated Low-Barrier Emergency Shelter

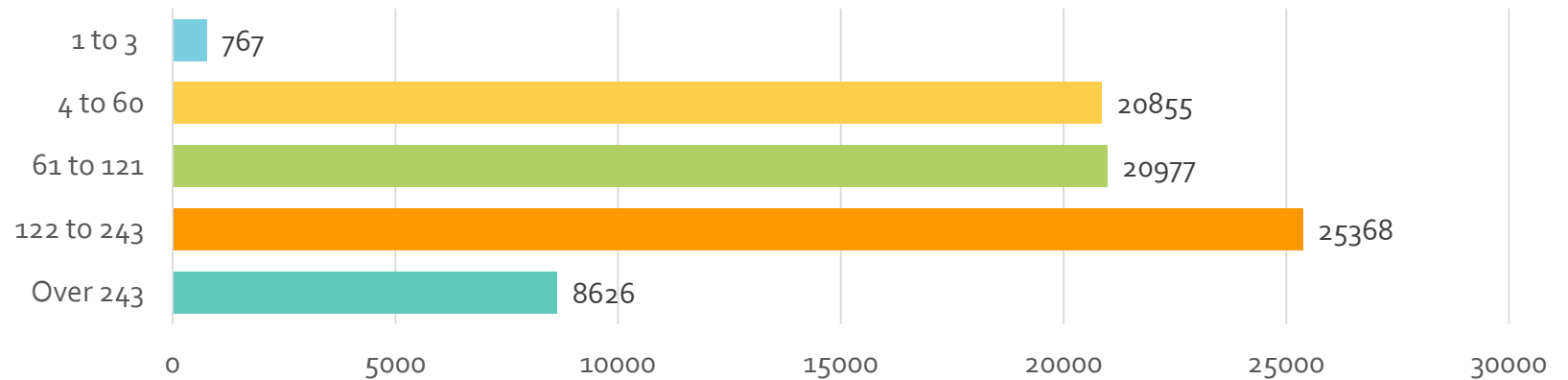
Total 2018 Bed Nights: by Gender



Shelter Stays: 1,839 Unduplicated Individuals



Total Bed Nights: 76,983



Staying at OSS

Stayed 1 to 3 nights

Stayed 4 to 60 nights

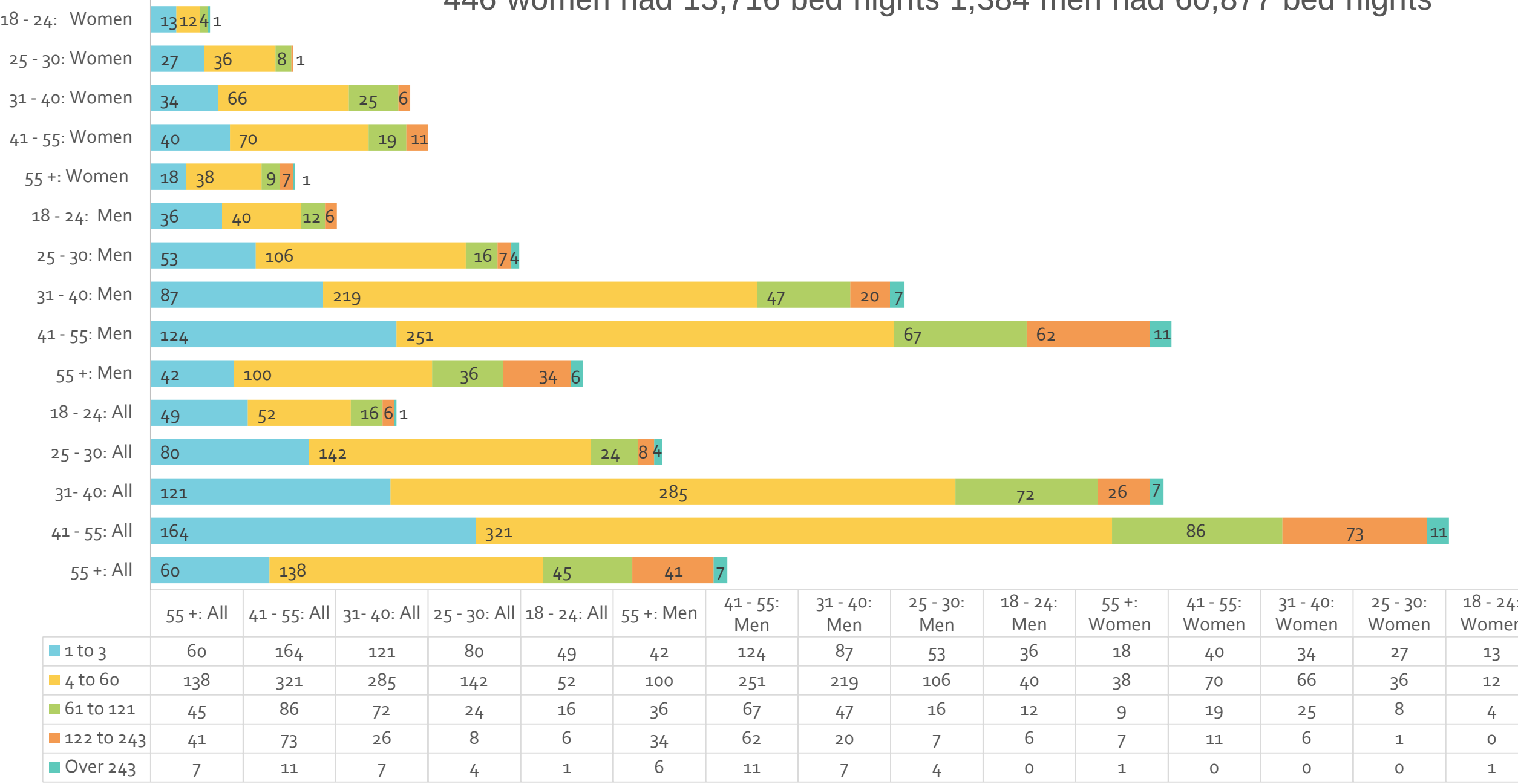
Stayed 61 to 121 nights

Stayed 122 to 243 nights

Stayed over 243 nights

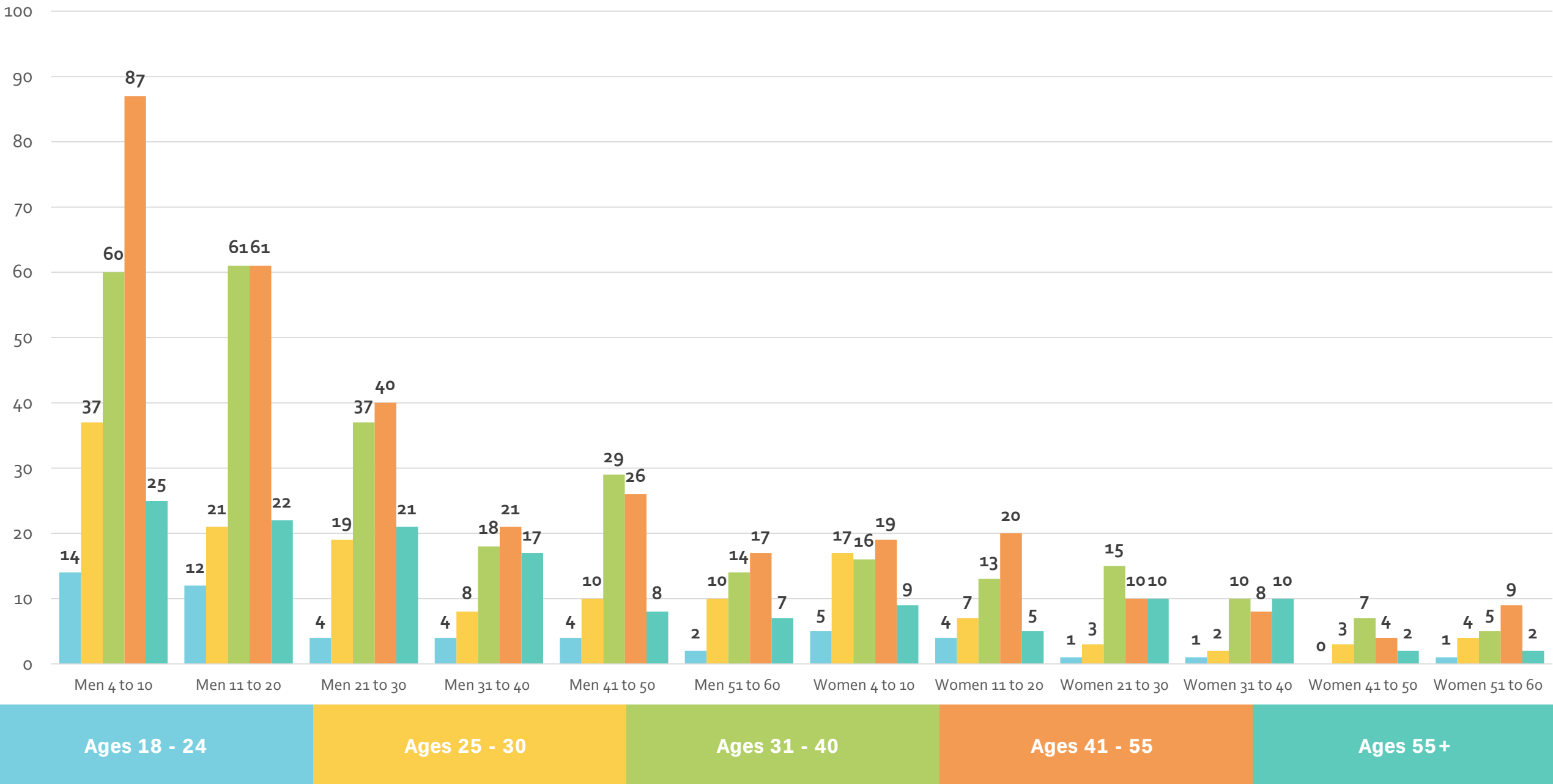
Length of Stay in 2018: 1,839 Unduplicated Individuals by Age and Gender

446 women had 15,716 bed nights 1,384 men had 60,877 bed nights



STAYED 4 – 60 DAYS AT OSS: 938 UNDUPLICATED INDIVIDUALS

716 MEN HAD 15,929 BED NIGHTS; 222 WOMEN HAD 5,103 BED NIGHTS

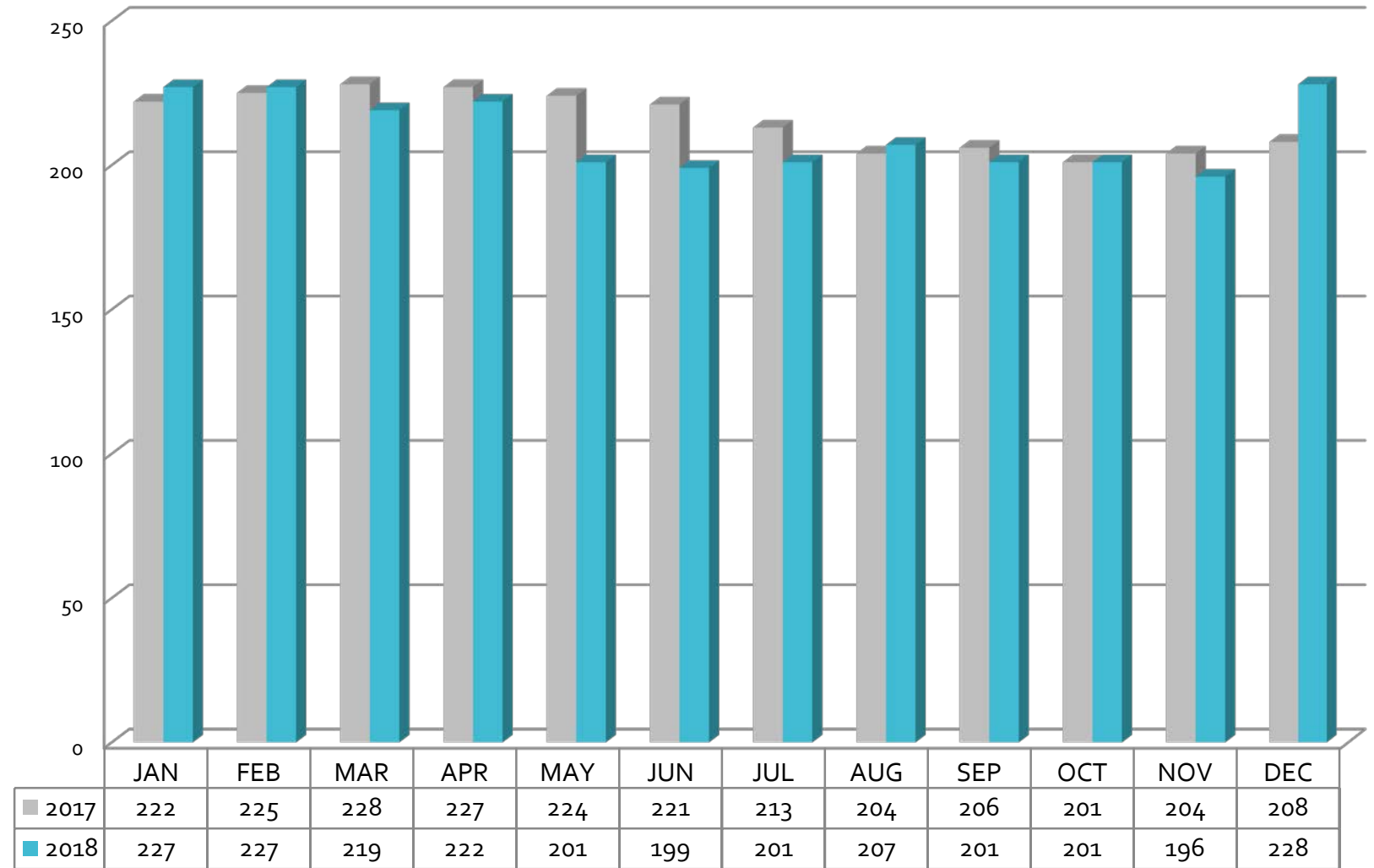


Oxford Street Shelter Bed Nights

2018

- On 1/28/2019 270 individuals slept at the shelter
- On Average, 211 people stayed at OSS per night
- An individual stayed an average of 42 nights
- The median length of stay was 17 days

Average Bed Night: average number of people at OSS on any given night in a month



Transient Drownings

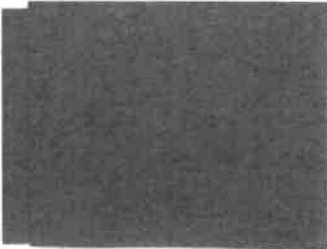
ID	YEAR	LOCATION	CITY	STATE	CASE
1	2016	9 Custom House Wharf	Portland	ME	116005134
2	2013	9 Custom House Wharf	Portland	ME	113004874
3	2010	14 Ocean Gateway Pier	Portland	ME	110006918
4	2010	9 Custom House Wharf	Portland	ME	110003126
5	2009	58 Fore St	Portland	ME	109009685
6	2005	Casco Bay Bridge	Portland	ME	105009759
7	2005	405 Chandler's Wharf	Portland	ME	105003488
8	2005	75 West Commercial St	Portland	ME	105003088

Transient Water Deaths Since 2005



17-0499.1 E

July 13, 2017



Subject: Environmental Soils Information
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear 

This letter summarizes environmental soil conditions encountered during the June 26 and 27, 2017 geotechnical test boring and test pit explorations program by S. W. Cole Engineering, Inc. (S.W.COLE) at the subject project site.

Petroleum contamination was encountered at the depth range of approximately 2 to 3 feet in uncontrolled fills during the excavation of Test Pit TP-110. Refer to the S.W.COLE Preliminary Geotechnical Information letter dated July 13, 2017 for a plan showing the approximate location of TP-110, and for a log of this test pit.

Photoionization detector (PID) screening of a sample of the petroleum-contaminated soil indicated a concentration of 134 parts per million (ppm). The "Oil in Soil" shake test result for the same sample indicated a "Positive" result for fuel oil.

The lateral extent of the petroleum-contaminated soils was not determined during the geotechnical explorations program. Based on the "Positive" Oil in Soil shake test result, the Maine Department of Environmental Protection (MeDEP) may require remediation of the soils if they are to be excavated during the proposed site development.

The MeDEP issued a Voluntary Response Action Plan (VRAP) Certificate of Completion dated August 30, 2010 to the City of Portland after sand blast grit and soils with documented elevated levels of arsenic were successfully remediated at the site. S.W.COLE reviewed the reports for the environmental investigations completed at the site prior to the 2010 VRAP Certificate of Completion being issued, and did not find evidence that the investigations encountered petroleum-contaminated soils.

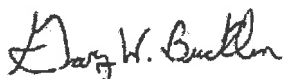
Construction of the proposed development will require an Environmental Media Management Plan (EMMP) that outlines a program for managing the petroleum contaminated soil in the area of TP-110, and for managing previously unidentified contamination that may be encountered in other areas during earthwork activities.

Coordinating and monitoring the management of contaminated soil, preparation of a remedial action completion report, and potentially other environmental services will be necessary in order to facilitate the MeDEP issuing an amended VRAP Certificate of Completion to the site owner and it's assigns after the completion of construction activities at the site.

Please contact us if you have questions regarding this correspondence.

Sincerely,

S. W. Cole Engineering, Inc.



Gary W. Bucklin, C.G.
Senior Geologist

GWB:tjb



www.swcole.com

17-0499 S

August 22, 2017

[REDACTED]

Subject: Preliminary Geotechnical Information – rev 1
Proposed Commercial Buildings
636 Riverside Street
Portland, Maine

Dear [REDACTED]

As requested, this letter summarizes preliminary geotechnical information relative to foundations, earthwork and pavement associated with the subject project. This letter is provided in advance of our geotechnical report and is subject to the limitations set forth therein. This letter supersedes its prior release, dated July 13, 2017.

S. W. Cole Engineering, Inc. (S.W.COLE) completed test boring and test pit explorations at the site on June 26 and 27, 2017. The attached plan shows the approximate locations of the explorations as well as existing and proposed site features. Logs of the explorations and a key to the notes and symbols used on the logs are also attached.

Based on the subsurface findings and our understanding of the proposed construction, we offer the following geotechnical considerations for the proposed development:

- **Foundations:** The site is principally underlain by uncontrolled fills overlying stable native deposits of glaciomarine clay, glacial outwash sands and glacial till. The uncontrolled fills range from 3 to 25 feet thick and are unsuitable for support of the proposed buildings. We recommend a combination of uncontrolled fill removal and replacement, as well as aggregate piers to improve ground conditions for conventional spread footing and on-grade floor slab support. The

286 Portland Road, Gray, ME 04039-9586 • P: (207) 657.2866 • F: (207) 657.2840 • E: info@swcole.com

Geotechnical Engineering

Construction Materials Testing and Special Inspections

GeoEnvironmental Services

attached plan summarizes the ground improvement method for each proposed building footprint. We estimate a premium cost of \$6 to \$9 per square foot of proposed building area to improve ground conditions for conventional spread footings and on-grade floor slabs.

- **Earthwork:** As discussed, we recommend raising finished floor elevations and site grades to preclude exporting environmentally impacted site soils. The site soils are sensitive to moisture and frost. We recommend site grading and foundation construction occur in drier, non-freezing weather of Spring, Summer and Fall. The uncontrolled fills and non-organic soils displaced by excavation may be reused as compacted Common Borrow in paved areas and beneath buildings improved with aggregate piers.
- **Pavements:** Pavement subgrades should be proof-rolled and densified with a 10 ton vibratory roller. Areas that become soft after proof-rolling, must be removed and replaced with compacted Granular Borrow prior to installing pavement subbase gravels. We recommend planning consider a 30 inch thick pavement section consisting of 4 inches of hot mix asphalt over 18 inches of compacted MaineDOT Type D Crushed Subbase Gravel over 8 inches of MaineDOT Granular Borrow for Underwater Backfill.

We trust this letter meets your current needs. We will prepare our geotechnical report upon your notice to proceed.

Sincerely,

S. W. Cole Engineering, Inc.



Timothy J. Boyce, P.E.
Senior Geotechnical Engineer

TJB:emw

Attachments: Exploration Location Plan
 Exploration Logs
 Key to Notes and Symbols used on Exploration Logs



Health & Human Services Department

Dawn Stiles, Director

Oxford Street Shelter

Robert Parritt, Director

Social Services Division

David MacLean, Director

Date: January 4, 2017

Emergency Shelter Best Practices

Single floor, open concept design style with clear lines of sight

A foyer/screening area to perform security searches and other assessments

A centralized shelter operations office with sight lines to the dorms

A large day room that can accommodate all shelter guests for day shelter and meals
Along with storage for portable tables and chairs

Food prep and service area

Suitable laundry facilities

Handicap accessible bathrooms in the day room and dormitories

Office space for Oxford Street housing staff as well as partner agencies on site for direct services

Two open concept dorms with raised beds, one male and one female
Raised beds must be at least 18 inches apart and walkways must be three feet wide

Enclosed park area behind the shelter

Outside storage building with lockers for guest bags

Facilities storage shed for maintenance tools and equipment

Parking for 20 vehicles

Security camera system

Accessible to public transportation

Programmatic Best Practices

New shelters should operate a low barrier program

Services should be housing driven using a housing first approach

All programs must meet MaineHousing/ESG criteria

New programs must work collaboratively with other shelter providers within the City using coordinated entry

Must be accessible to public transportation

New programs must be operated and staffed 24 hours a day and offer day shelter and food programs

New programs must report data to ESAC to gauge trends and progress

New programs must be active participants in the continuum of care

Fwd: Question re VRAP Certification

3 messages

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 29, 2019 at 2:36 PM

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Can you please include this email on the backup materials for the new shelter discussion? I will be sending you another email with attachments to do the same. Thanks.

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

From: **Kimberly M. Cook** <kcook@portlandmaine.gov>

Date: Mon, Apr 29, 2019 at 8:37 AM

Subject: Fwd: Question re VRAP Certification

To: Belinda Ray <bsr@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>, Jill Duson <jduson@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Justin Costa <jcosta@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>

Good morning all,

Please see the correspondence below.

Jon - please pass this info along to staff and have it posted to the webpage.

Thanks
Kim

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

From: **Burns, Dave E** <Dave.E.Burns@maine.gov>

Date: Mon, Apr 29, 2019 at 8:13 AM

Subject: RE: Question re VRAP Certification

To: Kimberly M. Cook <kcook@portlandmaine.gov>, Madore, David <David.Madore@maine.gov>
CC: Hodgkins, Nick <Nick.Hodgkins@maine.gov>

Good morning Kim,

The VRAP program does not have a definition of "residential" that we can point you to. However, we would consider a homeless shelter residential and prohibited at this site, based on the certificate. You may be able to give us supporting documentation so that we may reconsider this prohibition and allow this use. If you'd like to pursue that course or explore that option further, please contact Nick Hodgkins, our VRAP coordinator, directly. I've copied him on this e-mail so that you have his information.

Please let me know if you have any further questions regarding this.

Thanks,

Dave

David Burns, P.E., Acting Director

Bureau of Remediation & Waste Management

(207) 287-7890 (desk) / (207) 592-9104 (cell)

www.maine.gov/dep

From: Kimberly M. Cook [mailto:kcook@portlandmaine.gov]
Sent: Saturday, April 27, 2019 6:42 PM
To: Burns, Dave E <Dave.E.Burns@maine.gov>; Madore, David <David.Madore@maine.gov>
Subject: Question re VRAP Certification

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dave and David,

I am contacting you wearing my hat as a Portland City Councilor. We are currently in the process of deciding on a site for a new homeless shelter and one of the locations is [636 Riverside Street](#) for which the City has received the attached VRAP certification.

A constituent of mine asked me whether this VRAP precludes a shelter (without further written permission from the DEP) as it serves as a temporary residence for those experiencing homelessness. We are contemplating up to a 150 bed shelter currently.

I would appreciate your determination of whether a shelter would be "residential" under Condition number 2 in this letter. Does the DEP have a definition of "residential" that I can point my constituent to?

Many thanks for your assistance in answering my questions.

Best,

Kim

Kim Cook

Portland City Council, District 5

Deering Ctr., Riverton, No. Deering

www.kimcook.org

207.874.8986

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Kim Cook

Portland City Council, District 5
Deering Ctr., Riverton, No. Deering
www.kimcook.org
207.874.8986

--

Jon P. Jennings
City Manager
[City of Portland](#)
[389 Congress Street](#)
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jpj@portlandmaine.gov
www.portlandmaine.gov
Twitter: [@portlandmanager](#)

Micro-Timeline of Shelter Process

June 2016 – May 2019

Created by City Councilor Belinda Ray
for her website (belindaray.me)

Updated in May 2019

June 2016

HHS & PS Committee notes that while Oxford Street Shelter staff does tremendous work, they are limited by an inadequate facility that was never meant to be an emergency shelter.

October 2016

HHS & PS Committee members visit two 24-hour shelters in the Boston area to get a firsthand look at their practices and policies. (Father Bill's Place, Quincy; Caspar Emergency Services Center & Shelter on the MIT Campus)

April 2017

HHS & PS Committee votes to recommend expanded shelter zoning to the Council and sends the ordinance to the Planning Board for review.

January 2017

The HHS & PS Committee, newly chaired by Councilor Ray, sets "pursuing shelter improvements" as the Committee's number one goal for the year. The goal is two-pronged:

1. Expand shelter zoning in the city
2. Work with city staff & community on shelter improvements, including designing and planning for a new facility to replace the OSS

June 2017

The Council approves expanded shelter zoning in the city.

The Committee asks staff to collect information on the planning, design, and site selection process for a new facility to replace the OSS.

September 2017

The Committee hears about best practices from city staff and holds a public hearing on a draft design of a new shelter facility.

December 2017

The City Council has a workshop to discuss the proposed shelter model and directs staff to seek out potential sites and bring forth a recommendation.

October 2017

Based on Committee input and public comment, city staff presents an updated draft design, and the Committee holds a second public hearing to get more input on the design and process. The Committee requests a council workshop to ensure there is council support for the new facility before asking staff to seek a site.

June 2018

After considering multiple sites, the City announces 1145 Brighton Avenue, on the Barron Center Campus, as the recommended site for the new Homeless Services Center, and staff presents information regarding the site to the HHS & PS Committee.

July 2018

The Committee holds a public hearing on the proposed site.

July 10, 2018

The Committee holds a public hearing on the proposed site for the Homeless Services Center.

Chair Ray announces the committee won't vote on this recommendation until fall to allow time for a Community Information Forum on the HSC service model and homelessness in Portland.

September 8, 2018

City holds Community Forum about the HSC model, homelessness in Portland, and site selection. Breakout sessions include: 1) Safety & Security; 2) Regional Services; 3) The Future of Homeless Services; 4) Zoning, Land Use & Transportation; 5) Housing & Services; 6) Faces of Homelessness; and 7) Q&A with the City Manager.¹

November 13, 2018

The Committee reviews information on various shelter models, and, with the entire council in attendance, gives guidance to staff to pursue a single, city-run facility for up to 150 single adults to replace the Oxford Street Shelter. Staff is also directed to pursue partnerships with community agencies to help address the needs of specific populations experiencing homelessness.³

September 11, 2018

HHS & PS committee holds meeting to review questions about the Barron Center site, but instead pivots and asks staff to do a new, updated search for potential properties throughout the city while also once again looking at the concept of the city hosting multiple smaller shelters vs. one central intake facility (the HSC).²

January 22, 2019

Staff presents the committee with a new list of just under 700 parcels. The list combines earlier analysis with a property search undertaken by the Housing Committee and new considerations.

This list is reduced to 30 sites after screening out municipal buildings (City Hall, fire stations, schools), parks, cemeteries, land bank properties, island properties, watersheds, and highway ramps.

After removing parking garages, the police department, two piers, airport land, private sites not available for sale, and small sites located either within single family neighborhoods, on paper streets, or both, we are down to 14 sites.⁴

The committee reinstates one staff-removed site (650 Riverside St) and eliminates 3 sites:

- 1) The Barron Center Campus – Reason: site deemed appropriate for 81 bed acute care facility proposed by AVESTA Housing and currently in planning stages.
- 2) The former West School site – Reason: half of site is already part of the master plan for Dougherty Field and other half is under consideration for a public-private affordable housing project.
- 3) Land behind the Rosemont Fire Station – Reason: a recent study states the entire Rosemont Fire Station needs to be rebuilt; there is no certainty land will be available for the HSC.

February 26, 2019

The committee removes 9 sites from the list:

- 622 Auburn Street & Franklin Reserve – Reason: zoned R2 and R6, respectively; shelters are not allowed in these zones
- Thames St. Parking Lot – Reason - zoned B6 and EWPZ; shelter not allowed without a zone change; also, abuts waterfront with no obstructions, thus deemed unsafe
- 1819 Westbrook St – Reason: tough to build on this parcel due to wetlands and utility easements; also landlocked – no existing street access to parcel.
- 3 Hutchins Drive – Reason: landlocked parcel; no access from street without taking of private land
- 1386 Riverside & 750 Warren Ave – Reason: privately owned sites; too much uncertainty; no guarantee of availability or affordability
- 33 Portland St – Reason: zoned B2b; shelter not allowed without change)
- 83 Middle Street – Reason: lot too small and land constrained to create facility with amenities and services required by ordinance



March 26, 2019

With the list narrowed to 3 viable sites (County Way, 650 Riverside Street, Angelo's Acre), the committee holds a public hearing to help inform members as they prepare to make a recommendation to the council.

A committee vote is expected at an April meeting, date TBD.



April 23, 2019

After discussion and deliberation, the committee decides to forward two sites for consideration by the full council:

- Angelo's Acre
- 650 Riverside Street

While Councilor Ray expresses a preference for 650 Riverside St., Councilors Batson and Ali choose no frontrunner among the two sites at this time.



May 20, 2019

The Council schedules a public hearing on the choice of a shelter site. Due to lengthy deliberations around the FY 2020 budget, the public hearing isn't held until after 10pm. The Council decides to allow anyone who wishes to comment that evening to do so while also scheduling a second public hearing on this topic on June 3rd.

Anyone who did not comment on May 20th is welcome to comment at the June 3rd public hearing. Meanwhile, public comment can be submitted at any time via email, phone, or snail mail using the Council contact information on the city's website.

(<http://portlandmaine.gov/Directory.aspx?did=11>)

MAY 29 2019

To the Members of the City Counsel,

City Manager's Office

Thank you for taking the time to listen, I live in the Riverton neighborhood. Although I believe there are numerous reasons to reconsider the Riverside Street location for a 150-200 bed shelter, I'd like to take this opportunity to list the top 10:

1. **Pedestrian Safety**: Riverside is one of the busiest roads in the city. Traffic in that area is fast moving. There are limited sidewalks.
2. **Safety of Children**: This location is within .5 miles of Riverton Park, where some of our most vulnerable people live. There are numerous families working two jobs, struggling to make ends meet, who send their children to school and the community center who are walking unattended. It is a well known fact that people who live near the current shelter are exposed to "violent and alarming acts" (Portland Press Herald, 5/6/18). How will this affect our children. How will we keep them safe?
3. **Rapid river**: There is a fast moving river behind the site puts safety of residents at risk.
4. **Risk of residents wandering in neighborhood**: Shelters have rules. According to Mark Swan, director of the Oxford Street shelter, "When they are not followed, people are banned from the center, but that only forces them into the neighborhood" (PPH5/6/18). The Riverton community has a little league field, local breweries, an historical trolley park, a Portland trail that runs behind our neighborhood along the train track, several low income housing projects, single family homes, an elementary school, and a community center all within close proximity of the proposed shelter. I am concerned about the safety factor and how this will affect some of these businesses.
5. **Access to services**: At Maine.gov there are 24 pages of data from those who provide services to this population. The majority are opposed to this site simply because it will be more difficult to provide much needed services for residents. There is the added cost of providing transportation into the city to/from services but also the very real possibility that shelter residents will be riding the bus with our high school kids. Getting through Morrill's corner in an emergency will take added time putting residents at risk. There would be additional stressors on police, fire, and EMT staff, at a time when positions in these departments are being cut.
6. **Hiding the "problem" outside of the city**: Moving the shelter so far outside the city caters to those with more money—multimillion dollar condos for residents who live here for three months in the summer. Prioritizing their needs over the those of the people who have lived and worked here for years is wrong.
7. **The Site itself**: This site was being considered for a dump. It will need considerable work before anything can be built there costing millions of dollars. Is this the most effective use of our resources?
8. **Camping along the river**: in a 4/17/19 Bangor daily news article, the city raised concerns about the number of homeless people putting up tent cities along the river stating that "As these campsites continue to grow, they do turn violent. Substance abuse issues, mental health disorders, and there are some people down here with criminal intent. They prey on each other down here." Putting this mega shelter next to the river will undoubtedly lead to the same activity in our neighborhood.
9. **The path of least resistance**: How do Riverton park residents have a voice in this? Many do not speak or read English. Many cannot come to city counsel meetings. It seems like the counsel

considered this site because fewer people would resist. This could be perceived as taking advantage of the situation.

10. **Backed into corner:** The counsel seems to have backed itself into a corner by eliminating all but two sites. There is pressure to make a selection and move forward. I certainly understand that pressure. But making a decision without adequate consideration of the consequences—how best to serve the residents of the homeless shelter and the consequences of building a mega shelter (which we know would not only be too small based on what we've heard about current overflow) and would undoubtedly attract MORE homeless people to our city, which is already running low on resources, is not the answer.

I urge you to reconsider.

Laurie Mack
24 Hillcrest Circle
Portland

PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE



Division 18 Waterfront Central Zone Text Amendments
City of Portland, Applicant

Submitted to: Portland Council from
the Planning Board
Public Hearing Date: June 3, 2019

Prepared by: Matthew Grooms, Planner
Date: May 29, 2019

I. INTRODUCTION

The Planning Board voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to recommend to City Council the adoption of amendments, prepared by City staff, to the Waterfront Central Zone (WCZ), excluding proposed reductions to the Non-Marine Use Overlay Zone. Board members voting opposed, supported adoption of the entire suite of amendments, including reductions to the overlay zone. The Board held two separate workshops and one public hearing to deliberate on and vet these text amendments. The draft zoning now before the Council is the product of an intensive five-month stakeholder engagement process, further detailed below.



Figure 1: WCZ Zone Boundaries in Context

In December, 2018, the Portland City Council enacted a six-month moratorium on non-marine development within the Waterfront Central Zone (WCZ). The impetus for this moratorium was a proposed referendum on non-marine development within the zone, that if passed, would result in a five-year pause on such development. Since the moratorium went into effect, the City has engaged with stakeholders to better understand and address perceived issues. This process is being undertaken through a series of meetings (11 since January 3, 2019¹) between City officials, representatives of Portland's working waterfront, and members of the public, who compose the Waterfront Working Group (WWG), (see the link for more information <https://www.portlandmaine.gov/2411/Waterfront-Working-Group>).

The proposed amendments are based upon feedback from this group, and translate as general recommendations from the WWG. Where complete consensus was not possible, amendments were based upon the group's majority position (discussed in greater detail under Section IV of this memo) and Planning staff's synthesis of the input received into zoning text. The goal of this process has been to identify and facilitate the appropriate balance

between marine and non-marine uses, accounting for their respective operational needs so that they may successfully coexist and contribute to Portland's working waterfront.

II. PLANNING BOARD RECOMMENDATION AND DISCUSSION

A. Recommendation

On May 14, 2019, the Planning Board voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to find the proposed text amendments, excluding proposed reductions to the extent of the Non-Marine Use Overlay Zone, consistent with the Comprehensive Plan and to recommend ordinance amendments with revisions by the Planning Board to the full City Council for adoption. Board members voting opposed, supported adoption of the entire suite of amendments, including reduction of the overlay zone.

B. Board Discussion

The Planning Board generally supported the text put forward by staff and in particular the proposed Operations and Access Management Plan, and commended the City on its open and equitable process with the Waterfront Working Group. The Board was unable however to unanimously recommend adoption of all elements of the zoning, namely, proposed reductions to the Overlay Zone. Those members of the Board who opposed the reduction were concerned that the changes appeared arbitrary, and that they would undermine the ability of property owners to fund necessary marine infrastructure and regular pier maintenance. Property owners are supported by provisions of the overlay zone that require investment by non-marine uses, which may decline as a result of the overlay zone's reduction.

At the hearing, considerable public testimony was provided both in favor of and against the proposed amendments. Those in favor cited a need to protect the City's working waterfront and observations that Portland's wharves are no longer as conducive to marine operations as a result of traffic and/or other impacts generated by non-marine uses. Some who spoke, identified that there were perceived issues with the analysis provided by the pier owners regarding financial impacts of the zone change, referencing the memorandum provided by staff.

Those who were opposed generally found fault with reduction of the overlay zone, citing a lack of data to support that particular amendment or the stance that non-marine uses were responsible for displacement of marine uses. While concerns related to traffic were a universal concern, many who were opposed to the reduction of the overlay zone felt that traffic would remain an issue regardless of zoning changes.

For the reference of the Council, the portion of the amendment, which would reduce the extent of the overlay zone from 150 feet (up to 500 feet in some locations) to 125 feet (up to 300 feet in some locations), is as follows:

"The geographic limits of the CSOZ are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established one hundred ~~twenty-five~~ ~~fifty~~ (12550) feet southerly of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ extends to a line ~~three hundred~~ (3500) feet southerly ~~of from~~ the southerly sideline of Commercial Street in the area between the easterly ~~and westerly~~ sideline of Long Wharf ~~to the westerly sideline of Union Wharf~~. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal 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 leaves 75% or more of the building within the CSOZ, the entire building shall be considered included in the CSOZ. All offset distances are measured horizontally."

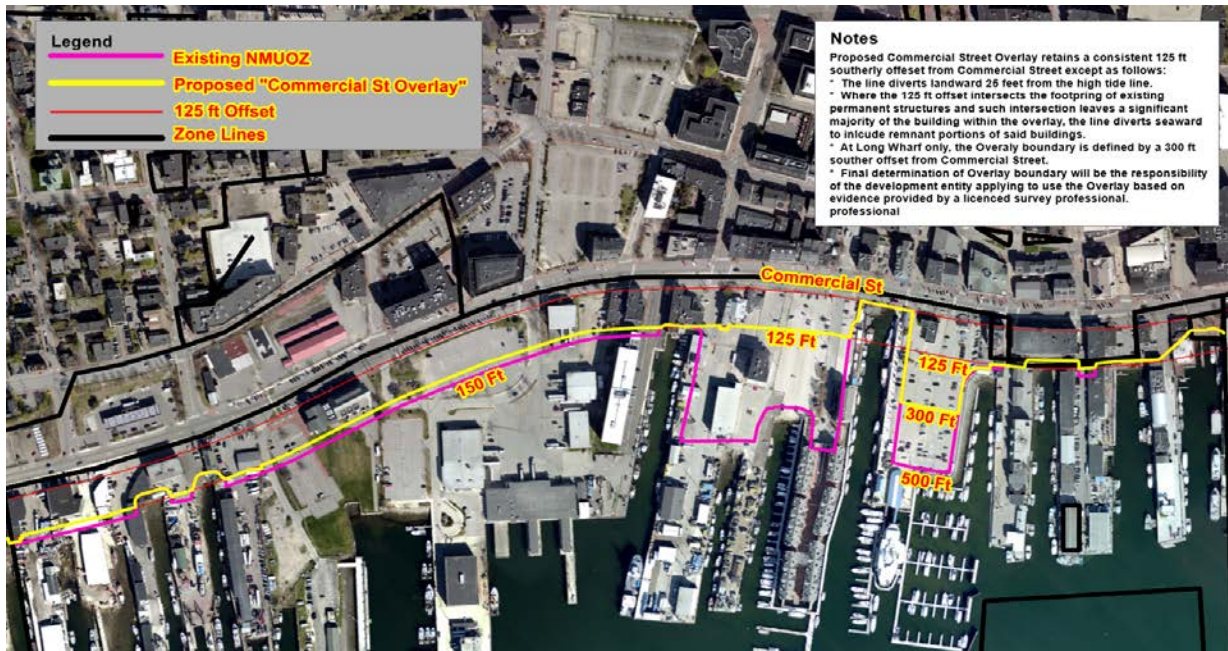


Figure 2: Map showing reduction to the Overlay Zone (note: Planning Board does not recommend this reduction)

III. BACKGROUND

The Waterfront Central Zone (WCZ), perhaps the most iconic area of Portland's working waterfront, was created to protect and nurture water-dependent and marine-related uses while leveraging certain compatible non-marine uses for necessary investment of marine infrastructure. This hierarchy, implemented through a variety of land-use control measures, translates into a unique mixture of complementary though disparate uses within a small geographic area, transitioning from predominantly commercial and marine-related uses along the northern edge (landward side) of the zone, to predominantly water-dependent uses along the southern edge (seaward side), with some exceptions. Extending from Deake's Wharf in the west to just past Maine Wharf in the east, the zone consists of 13 separate, mostly privately-owned wharves, with an extensive array of uses including; retail and restaurants, marine-related tourism, residential, marine and non-marine offices, institutional, berthing for both recreational and commercial fishing and lobstering vessels and seafood processing. While not an exhaustive list, these uses demonstrate the unique challenges faced by users of this zone, in that all such uses are competing for adequate water access (either direct or visual) and vying for limited real-estate. This challenge is exacerbated by the different market realities for these industries, especially so as tourism in Portland continues to grow and with it, demand for recreational waterfront access.

A. Description of Existing Zoning

As currently written, the WCZ establishes a regulatory balance between uses through an array of development standards including performance and more specific non-marine use standards. Performance standards, which apply to all uses, are intended to limit nuisance/negative externalities among uses, and range from general performance standards such as lighting, odor and noise, to more marine-specific standards, such as filling in of berthing areas and utility of piers. In all, the WCZ contains seventeen (17) performance standards, listed under Section 14-311(d).

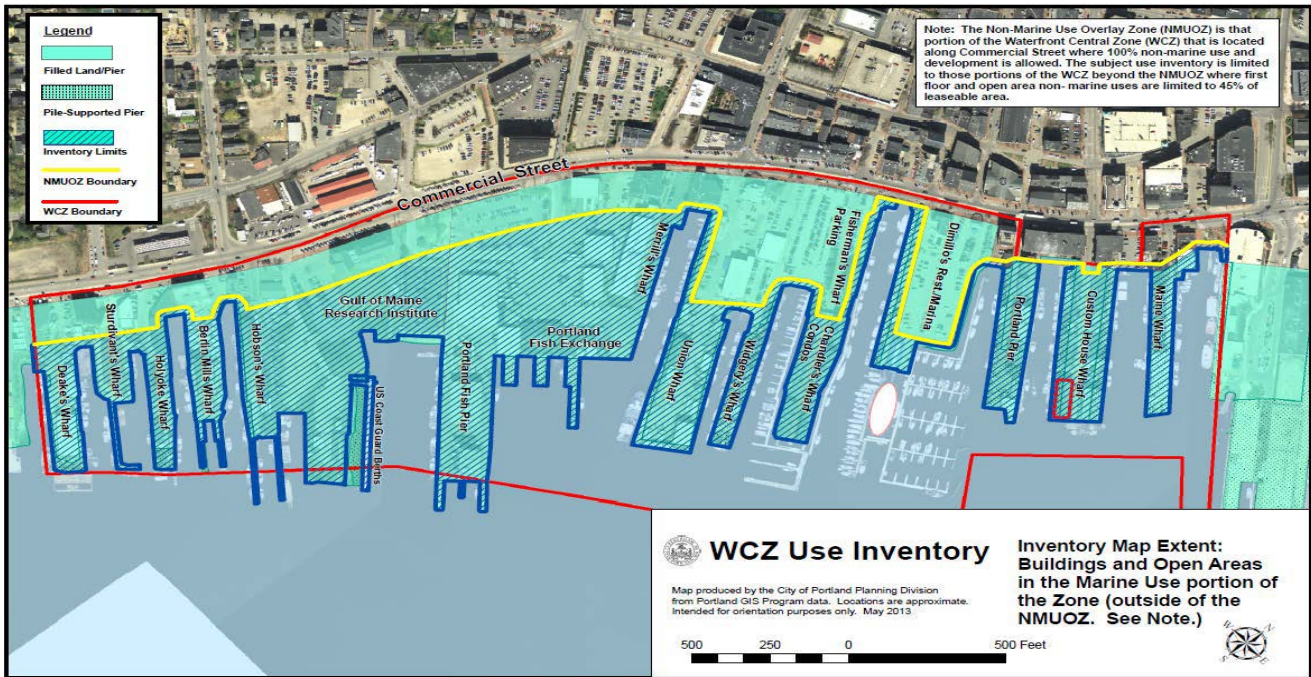


Figure 3: Zone boundaries, with NMUOZ shown on landward side of yellow line.

Non-Marine use standards, as their name would suggest, only apply to non-marine uses (identified as such in the permitted use section, 14-307(b)) and are dependent upon the location of that use within the zone. Regarding non-marine uses, the zone is geographically split into two parts, the first, being the Non-Marine Use Overlay Zone (NMUOZ), which spans the width of the zone and occupies the landward side of the zone along Commercial Street, as well as some larger surface parking areas extending into Union Wharf, Widgery Wharf, Chandler's Wharf and Dimillo's Pier. Generally, the NMUOZ extends one hundred fifty (150) feet south of the Commercial Street right-of-way though no closer than twenty-five (25) feet from the average high tide line. Between Union Wharf and Dimillo's Pier, the zone extends five hundred (500) feet south of the Commercial Street right-of-way. When the zone was amended in 2010, it was well-understood that the Old Port district (which consists largely of retail and restaurants popular among tourists) extended across Commercial Street and occupied significant real-estate within the zone. To reconcile this fact, and leverage the investment potential of such users, the City adopted the NMUOZ as part of the 2010 zoning amendment, which includes three standards aimed at facilitating an effective transition from non-marine to marine use within the zone.

Development Standards: Non-Marine Use Overlay Zone (NMUOZ)		
Vessel Access	Development Disposition	Marine Infrastructure Investment
Non-marine uses not to disrupt or block access to vessel berthing	- Lots with 75 feet of frontage or more along Commercial Street: Front façade of building must be no more than 35 feet from ROW, and front façade and pedestrian entrance oriented towards Commercial Street - Exemptions: - Frontage less than 75 feet	- Non-marine development valued at > \$250,000 required to provide marine investment totaling no less than 5% of total project cost. - Improvement may be direct, meaning; dredging, pile replacement, replacement decking, etc...

	2. Change of use within existing building 3. Building addition of less than 5,000 square feet.	Financial contribution to City's Waterfront Loan and Investment Fund
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Non-marine uses proposed outside of the NMUOZ are subject to a separate set of standards, targeted towards maintaining a majority of the available ground-floor leasable space and undeveloped land area for marine uses, with a minimum requirement of 55% marine. This section of the ordinance also requires that property owners prioritize the leasing of vacant ground-floor space for marine users while reserving property immediate adjacent to piers and bulkheads for marine uses.

Unusual within the City of Portland's zoning code, the WCZ contains a list of standards related to contract or conditional rezoning. Across Portland, property owners are entitled to seek either a map amendment for their property (changing their property from one established zone to another), a text amendment to a particular zone (to alter regulations governing a zone) or a contract/conditional rezoning agreement, which is an individualized agreement between the City and property owner, subject to requirements listed under Sec. 14-62, wherein a new zone is created with its own list of regulations and geographic boundary. At present, more than 60 such zones are in existence.

Contract or conditional rezonings are not typically regulated via the base zoning district, meaning that were a property owner in the R-3 Residential zone for example to seek a conditional or contract rezoning for their property, they would not in any way be impeded by language found within the R-3 zone. In the WCZ however, a property owner seeking a contract or conditional rezoning must first demonstrate compliance with the contract or conditional rezoning standards.

This section contains nine (9) standards geared specifically towards proposals deviating from the dimensional standards for the zone, listed under Section 14-310, and/or permitted uses list, Section 14-307 and 14-308. These standards share many similarities with the non-marine and performance standards, and are largely concerned with maintaining water access for water-dependent users, ensuring that requisite marine investment by non-marine users is not avoided, and ensuring contextuality of a proposed project with permitted uses as it relates to traffic impacts and protection of water-dependent uses.

Difference Between Contract/Conditional Rezonings and Conditional Uses	
Contract/Conditional Rezoning	Conditional Use
- Time intensive negotiation process wherein a new 'site specific' zoning district is agreed to between Property Owner and City - WCZ is unique in that it provides an extra step in the process, a requirement that certain standards be met before a proposal is considered eligible - City Council must find the proposed contract/conditional rezoning to be consistent with the Comprehensive Plan	- A conditional use is a use that is permitted by-right so long as zone-specific and general conditional use standards are being met. - A conditional use is reviewed by either the Planning Board or ZBA and is not considered by City Council.

B. Waterfront Working Group

Just prior to imposition of the moratorium on non-marine development within the WCZ, the City Manager convened the Waterfront Working Group (WWG), a focus group consisting of ten (10) waterfront stakeholders was convened by the City Manager to discuss critical issues related to waterfront development and concerns of fishing interests in Portland Harbor. As of the May 14th Planning Board public hearing, the group has met eleven (11) times and has provided feedback on the following topic areas:

- WCZ Marine Use Inventory Update
- Effectiveness of the WCZ Zoning
- Recommendation on prioritization of short-term Waterfront TIF funding allocations.
- Accommodation for marine parking.
- Berthing and marine access conditions.

This process has been highly informative for City staff in understanding the needs of our working waterfront, and feedback from this group has served as the basis for the proposed text amendments now before the Planning Board. For more information on this process, please see the attached memo from the City's Economic Development Office (Attachment 1).

IV. PLANNING BOARD WORKSHOPS**A. January 22, 2019**

On January 22, 2019, the Planning Board held a workshop to consider a limited set of text amendments that would prohibit contract and conditional rezonings within the WCZ. The Waterfront Working Group had articulated a concern that this section of the ordinance effectively permitted uses to locate within the zone that were expressly prohibited. For example, the Fisherman's Wharf hotel project was proposed as a conditional rezoning. As a response to this concern, the staff suggested prohibiting contract and conditional rezonings, and drafted language to that effect based upon the Comprehensive Plan.

At the workshop, members of the public were generally opposed to the elimination of contract and conditional rezonings, and instead recommended that the contract and conditional rezoning prohibited uses list be broadened to include other incompatible uses such as hotels. The Board recommended that staff continue to work with the Waterfront Working Group to resolve this issue, and further asked that staff complete the zoning discussion with the group and draft a comprehensive set of amendments based upon that discussion before holding a second workshop with the Planning Board.

B. April 23, 2019

The Planning Board held a second workshop on April 23, 2019 to consider a broader suite of suggested amendments to the Waterfront Central Zone.

At this workshop, the Board heard testimony from a range of waterfront stakeholders, including pier owners, business owners and members of the fishing community, along with other interested parties. The public comment provided was not universally supportive of the text amendments, with some raising concern that the reduced overlay zone would eliminate necessary investment by non-marine uses (a requirement of the overlay zone), or that the changes were not necessary given the relative effectiveness of the existing zoning in achieving an appropriate balance between marine and non-marine uses. Meanwhile, other public comment supported the proposed amendments and the Waterfront Working Group process, claiming that development pressures were

once again impacting the zone and therefore, the zoning should be changed to reflect those conditions.

In response to the public comment, the Board questioned whether or not the zoning was responsible for any decline in marine activity along the waterfront, and asked what extent it should be revised. One Board member asked that information be compiled to describe the projected loss in tax revenue that would result from changes to the overlay zone. A general sentiment expressed was that the proposed changes should be better justified by the City as an appropriate response to perceived concerns. The Board also advised that staff continue to work with the Waterfront Working Group to address any outstanding zoning concerns, particularly the performance standards, before holding the public hearing.

C. Response to Planning Board Feedback

The Waterfront Working Group process raised the following concerns; incompatibility of certain non-marine uses, maintenance and upkeep of marine infrastructure, enforcement of existing zoning, lack of available parking for marine uses, traffic congestion along Commercial Street, extent of the non-marine use overlay zone and both general and functional access to vessel berthing.

City staff developed a series of approaches to address those concerns, many of which were not zoning focused. For example, two meetings of the group were dedicated to the discussion of Tax Increment Financing (TIF) allocations for the financing of private marine infrastructure improvements. A separate meeting was held to discuss potential parking accommodation for marine uses, through dedication of parking spaces or a hang-tag system to occupy certain on-street spaces. These efforts are on-going.

The City is also working with MaineDOT and the Portland Area Comprehensive Transportation System (PACTS) on the development of a Commercial Street Operations and Master Plan, aimed at improving the functionality of Commercial Street as a major multi-modal streetscape (for more information, please see <https://www.portlandmaine.gov/2081/15594/Transportation-Master-Plan>). A primary goal of this plan is to improve access to the city's wharves and piers, which would directly benefit members of the working waterfront.

In response to the concern that changes to the overlay zone may impact tax revenue, staff consulted with the City Assessor and multiple property owners to compile relevant information and provide a data-based recommendation. A full discussion of this response can be found in the attached memo from Economic Development (Attachment 1). Several pier owners also submitted a letter (Attachment 3), with information on property valuation to further support this request by the Board. The Director of Planning and Urban Development provided a response to that letter, which is attached (Attachment 4).

V. PROPOSED TEXT AMENDMENTS

As seen in the table below, a broad range of amendments are being proposed, although many are very minor in nature. The most substantive changes include reducing the area of the Non-Marine Use Overlay Zone (now proposed as the Commercial Street Overlay Zone (CSOZ)), eliminating certain non-marine uses such as restaurants and retail establishments from areas outside the CSOZ, increasing the pier edge setback from five (5) feet to ten (10) feet, eliminating contract and conditional rezonings and both streamlining and strengthening the performance standards to ensure compatibility between marine and non-marine uses. The full text is attached to this report (Attachment 2).

Waterfront Central Zone – Summary of Proposed Text Amendments	
Zoning Ordinance Sec.	Changes drafted for May 20, 2019 City Council Meeting
<i>Purpose (14-305)</i>	Purpose statement expanded so as to account for future functionality of working waterfront.
<i>Definitions (14-306)</i>	Change ‘Non-Marine Use Overlay Zone’ to ‘Commercial Street Overlay Zone’.
<i>Permitted Uses (14-307)</i>	- Create new sub-category of uses permitted only within Commercial Street Overlay District (restaurants, retail, museums, galleries, banking, street vendors, street vendors, medical offices and personal services) - Add new uses, “Commercial Parking for Water Dependent Uses” (defined under 14-47), commercial kitchen and seafood retailing (in conjunction with seafood processing) - Eliminate laundry as permitted use.
<i>Conditional Uses (14-308)</i>	Eliminate residential use for Marine Business Owner
<i>Prohibited Uses (14-309)</i>	- Prohibit following uses; laundry and dry-cleaning, service stations, convenience stores, commercial parking for non-marine uses. - Expand hotel prohibition to include additional forms and short-term rentals - Expand drinking establishment prohibition to include private/social clubs and recreational facilities.
<i>Dimensional Standards (14-310)</i>	- Prohibit non-marine off-street parking within pier setback requirement and better define pier edge. - Permit structural posts and deck/building mounted equipment for vessel loading and unloading. - Increase pier setback requirement from 5 feet to 10 feet at first floor level
<i>Standards for Non-Marine Uses Outside Commercial St. Overlay (14-311(a))</i>	- Marketing Requirement – Change from 60 days to 180 days similar to PAD requirements and strengthen language for ‘targeted media’. - Remove inventory requirement from zoning, with goal of having Council mandate through Council Order “State of the Marine Economy” Report and annual report of significant waterfront development.
<i>Commercial Street Overlay Standards (14-311(b))</i>	No changes proposed
<i>Contract and Conditional Rezoning (14-311(c))</i>	Prohibit contract and conditional rezoning.
<i>Performance Standards (14-311(d))</i>	- Condense Parking, non-marine compatibility and functional utility of piers performance standards into new ‘Operations and Access Management Plan’ standard, with specific parameters for locating parking, structures, equipment, access-ways and sidewalks, so that access to berthed vessels and marine uses is accounted for. - Remove unnecessary standards: Shoreland Zone, Signs, State and Federal Environmental Regs.

A. Discussion of Draft Text

The broad aim of the proposed amendments is to reaffirm the WCZ's purpose statement, which is to protect and nurture marine development within the zone, and better define where and under what circumstances non-marine development is appropriate and harmonious. The WWG, with select representation from the fishing industry, pier proprietors, waterfront business owners and invested members of the waterfront community has provided insight on various concerns related to pier access and management, parking and traffic conditions, compatibility of uses and the effectiveness of existing marketing requirements. Based upon that feedback, staff developed a set of suggested approaches that were further refined through discussions with the WWG, with finalized approaches serving as the basis for the draft amendments now before the Board.

B. Commercial Street Overlay Zone (CSOZ)**a. Non-Marine Use Overlay to Commercial Street Overlay**

Staff suggest changing the name of the 'Non-Marine Use Overlay Zone' to the 'Commercial Street Overlay Zone' as a way of better defining the purpose of this geography. The east side of Commercial Street has more limited value for water-dependent uses given its lack of direct waterfront access and traditionally, has been a mixed-use environment with not only restaurant and non-marine retail establishments (tied closely with the Old Port Commercial District), but also a variety of marine uses, for example the Gulf of Maine Research Institute, Maine Marine Supply Company, as well as several seafood markets and processing centers. The suggested name change deemphasizes non-marine uses and instead reflects the broader range of uses being promoted within the overlay zone.

C. Permitted Uses**a. Permitted Uses for Commercial Street Overlay Zone**

Under the permitted uses section, staff recommend adding a new category of permitted uses, 'Uses permitted only within the Commercial Street Overlay Zone (CSOZ)', and eliminating high traffic generating uses such as restaurants and retail establishments from elsewhere within the zone. Members of the WWG have consistently raised the concern that such uses are incompatible with water-dependent uses and that there would be conflict related to traffic, noise and hours of operation. Many of the wharves in their existing condition cannot accommodate significantly more vehicle or pedestrian traffic. The idea behind this amendment is to shift all such high impact, non-marine uses towards Commercial Street, so that they are more easily accessed by patrons not as familiar with the wharves and their operations.

b. New Permitted Uses

Commercial parking for water-dependent uses, commercial kitchens and seafood retail are proposed as permitted uses.

Parking has repeatedly been raised as a concern, as many feel that sufficient parking is not available for water-dependent uses. Meanwhile, non-conforming parking lots within the zone provide significant parking supply for visitors to the area, which adds to the area-wide traffic impacts. By permitting commercial-use parking for water-dependent uses, the City would provide an avenue by which non-conforming uses could become conforming, and also alleviate parking constraints for marine uses.

Regarding commercial kitchens and seafood retail, members of the WWG raised these uses as either a compatible non-marine use (commercial kitchen), or a marine-related use (seafood retailing) currently not

permitted. These uses have limited impacts that would benefit from proximity to seafood processors.

D. Conditional Uses

a. Eliminate Residential Uses – Marine Business Owner

At present, the zone permits marine business owners to live above their place of business, provided that the unit be of a certain size, that there is a compelling reason for living on-site, and that the unit be for year-round use. Given that no business owners are currently taking advantage of this allowance, and that there is a general interest in eliminating residential uses from the central waterfront, staff suggest eliminating this conditional use.

E. Prohibited Uses

Based upon feedback from the WWG, staff are recommending that laundry and dry-cleaning, service station and commercial parking for non-marine uses be eliminated, and that the prohibition on hotels and drinking establishment be expanded and strengthened to include other like categories; bed and breakfasts, hostels, short-term rentals, and then private clubs and non-profit social and recreational facilities respectively.

F. Dimensional Requirements

a. Pier Edge Setback Increase

Vessel operators have indicated that the existing setback requirement does not provide sufficient space for maneuvering and/or the loading and unloading of goods from vessels. In response, staff suggest increasing the pier edge setback from five (5) feet to ten (10) feet at the first-floor level. Due to the first-floor ceiling height requirement of fifteen (15) feet, this would provide operators with approximately fifteen (15) of clear overhead space. The setback would not apply to structural building supports such as posts or beams, and would similarly not apply to deck or building mounted equipment for the loading and unloading of vessels. These exceptions support the operational functionality of the pier for water dependent uses.

As part of this amendment, staff are also strengthening the definition of the pier edge, stating that floats, rafts and barges not structurally integral to the pier are not counted as part of that requirement.

G. Standards for Non-Marine Uses Outside of the Commercial Street Overlay Zone

a. Marketing Requirement

Initially staff had suggested removing the marketing requirement from the zone, having not identified an example where it was successful in securing a lease for a marine use. Members of the WWG universally supported the marketing requirement and asked that the noticing period be lengthened, and that the media requirement be strengthened. Based upon that feedback, staff are suggesting that the marketing period be increased from 60 days to 180 days (same as is required within the Pedestrian Activities District (PAD)) and have provided additional guidance on appropriate forms of media within which to advertise.

Language regarding the trigger for this requirement (14-311(a)(3)(c)) is also revised within the draft amendment. The current trigger is either a site plan application or change of use application, which conflicts with language found in 14-311(a)(3)(a), which indicates that the threshold is change of occupancy. A change of occupancy does not technically trigger either of the two aforementioned applications, and so, for consistency, the language now would read, “Prior to changes of occupancy and/or as part of applications for new development”.

b. Waterfront Inventory Requirement

The WCZ requires that an inventory of all uses within the zone be carried out on an annual basis, and that that inventory identify whether or not the marine/non-marine land use requirements (where the maximum first-floor and exterior area permitted for use by non-marine uses is 45% per pier outside of the NMUOZ/CSOZ) are being met.

In discussions with the group, staff indicated that the report was not particularly useful for users of the zone and that it was time and energy intensive to produce. Instead, staff suggest that a less frequent 'state of the marine economy' report be drafted, that would highlight the competitiveness of the local marine economy and provide guidance on goals and objectives for improvement. Staff would also present to City Council an annual summary of major development within the zone.

H. Contract and Conditional Rezoning

Staff continue to support the elimination of the contract and conditional rezoning provisions for the WCZ, replacing it with a short excerpt from the Comprehensive Plan that identifies key goals related to Portland's working waterfront as justification for prohibition of this zoning tool within the zone. In initial discussions, staff had considered adding a larger subset of uses, including hotels, to the list of uses not eligible for a conditional or contract rezoning. This approach was determined to be ineffective for two main reasons. First, given the open-ended nature of contract and conditional rezoning, it provides less certainty as to what can happen in the future in the zone.

The second reason is that the WCZ, as currently written, is the product of a robust, decades long dialogue between highly disparate stakeholders, informed by industry best practices and numerous studies. As evidenced by the most recent WCZ waterfront inventory, released in early January 2019, the zone operates largely as it was intended, with a vast majority of available space (81%), either being occupied by or available to marine uses. Remaining non-marine uses subsidize vitally necessary infrastructure that is key to the success of Portland's working waterfront. This framework may require minor amendments in the future to accommodate changing needs and conditions, but it is important to recognize the fine balance that has been struck through such a lengthy and well-informed public process. A contract or conditional rezoning would undermine that framework, remove many key stakeholders from the negotiation process and create a new set of rules for a particular property that would still need to function cohesively with other properties and uses found within the WCZ. As Portland grows and its waterfront continues to experience changes, it is likely that new uses (perhaps not yet identified), may serve as catalysts to reopen this conversation as to how best balance the needs between marine and non-marine uses within the WCZ, and they could be considered as part of a public process for potential amendments if ever needed.

For these reasons, the staff support prohibition of contract and conditional rezoning within the WCZ, relying instead on the myriad use and development standards that are consistent with the goals found within the Comprehensive Plan. The proposed prohibition is generally supported by the WWG, though there is not complete consensus on this approach.

I. Performance Standards

a. Operations and Access Management Plan

In a letter provided by members of the fishing industry, staff were asked to assess whether or not the performance standards as written, guaranteed adequate access for the loading and unloading of goods and

materials between land-bound vehicles and vessels, and whether it ensured effective compatibility between marine and non-marine users. This assessment found that several of the standards, notably the ‘parking’, ‘compatibility of non-marine uses with marine uses’, and ‘functional utility of the piers’ standards were largely redundant and difficult to interpret. Staff’s suggested approach is to maintain the intent of those standards, but streamline as one new standard that would be a requirement for a physical plan to be called an ‘Operations and Access Management Plan’. For new development, including changes of use or expansion of existing uses, a plan and accompanying narrative would need to be provided for review by the Planning Authority, that would clearly indicate the location of structures, activities, parking, circulation and loading facilities. This plan could then be used to confirm that non-marine uses are sited appropriately, and that no use impedes waterfront access by water-dependent uses.

b. Elimination of Redundant Standards

Staff suggest elimination of the ‘shoreland zone’, ‘signs’ and ‘state and federal regulations’ standards as these standards are not substantive. For example, the ‘signs’ standard, requires compliance with the City’s sign ordinance, which is a requirement regardless of whether or not it is listed as a performance standard. The same concept applies to the other two standards listed.

VI. COMPREHENSIVE PLAN

The City’s ordinance states that any rezoning must be consistent with the City’s Comprehensive Plan. In forming its recommendation to the City Council, the Board found that the proposal is consistent with the Comprehensive Plan. As seen below, staff have identified below a number of the specific Comprehensive Plan goals and policies which are suggested as being relevant to the proposed text amendments to the WCZ.

The central vision of Portland’s Plan 2030 is represented by the venn diagram demonstrating the integral interrelation of the community’s core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City’s need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City’s goals for maintaining a working waterfront and transforming Portland through orderly growth and development be balanced with needs for connectivity of residents and visitors to the waterfront, sustainability of marine-dependent infrastructure and the ability to maintain that infrastructure, and authentic as a defining characteristic Portland’s image and economy.



As currently written, the WCZ promotes a mixture of marine and non-marine uses in accordance with the Waterfront Use Hierarchy pyramid. This pyramid acknowledges that water-dependent uses (ex. fishery berthing) cannot successfully exist or sustain maintenance of necessary infrastructure (ex. dredging, pier maintenance, fendering etc..) without investment by both marine-related industries (ex. marine product retail) and compatible non-marine uses (ex. offices or restaurants). The zoning provides mechanisms that both limit the total percentage of available land and floor area that may be occupied by a non-marine use, and exacts actual investment from non-

marine users. Meanwhile the permitted, conditional and prohibited use list precludes many non-marine uses out right, notably residential, hotel and drinking establishment uses, which are considered incompatible. Those non-marine uses that are permitted, are required to comply with numerous performance and specific non-marine development standards that ensure compatibility of non-marine uses with integral uses of the working waterfront.

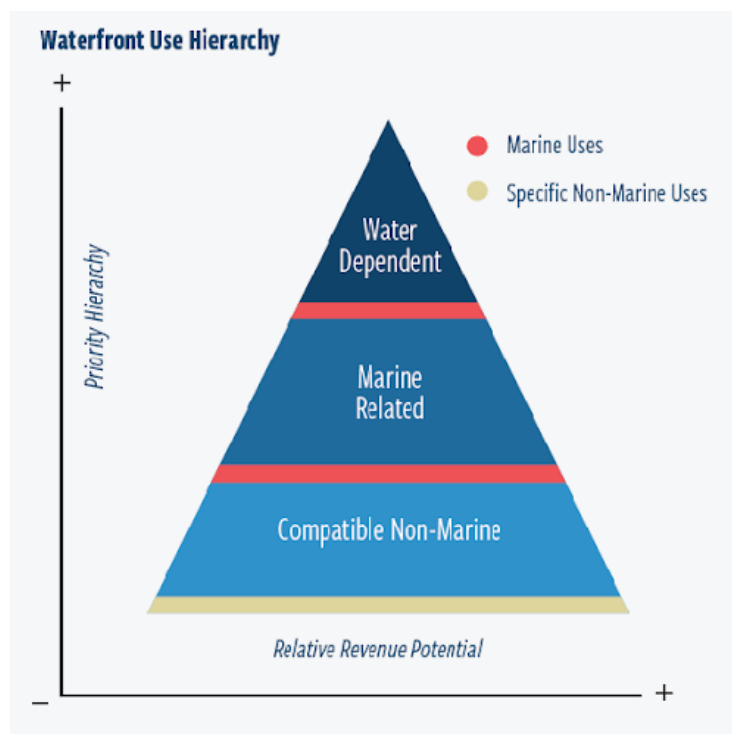
The City has engaged extensively with stakeholders of this zone in order to understand their concerns and operational needs. We are recommending a comprehensive suite of amendments that are in line with the goals of the City's Comprehensive Plan and that reprioritize the WCZ as a catalyst and incubator for a successful working waterfront

Development Goals:

- Prioritize and promote Portland's unique mix of water-dependent, marine-related and compatible non-marine uses.
- Recognize and reinforce the respective roles of the Eastern, Central, and Western Waterfronts.
- Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.
- Ensure the future of the marine economy through support for emerging marine industries and mitigation of market trends that could compromise the balance between marine industries and competing development.
- Recognize and reinforce waterborne transport of goods and people as foundational to our community.
- Develop effective public and private partnerships to promote the Port of Portland as an economic engine for the State of Maine.

The WCZ ordinance is the result of an iterative, decades long negotiation process that has been tested and revamped over the years to regulate and maintain the many nuances of this highly unique working waterfront, and has been shown, as seen in the Waterfront Inventory, to be largely effective in achieving that balance. The Comprehensive Plan identifies that policy shifts are critical to the success of Portland's working waterfront, and that we as a City need to be responsive to evolving and cyclical market conditions that place considerable development pressure on this zone.

The City of Portland values a strong working waterfront that prioritizes water-dependent and marine-related uses over compatible non-marine uses. That said, we understand that compatible non-marine uses are key to the success of our working waterfront, providing invaluable investment to marine infrastructure and in part, subsidizing other marine uses.



The proposed amendments represent the next step in that iterative process and are a direct response to today's market pressures, where non-marine businesses are competing for space deemed valuable to the marine economy. The City favors an incremental approach as opposed to sweeping changes, where the general structure of the ordinance would remain as is. Within that framework, we suggest further restricting non-marine uses though still maintaining adequate opportunity for them where appropriate. This restriction provides increased opportunity for marine uses, which are further supported by the greater predictability achieved through removal of contract and conditional rezoning, and streamlining of the performance standards so as to be easier to interpret and administer.

VII. PUBLIC COMMENT

A. Feedback from Fishing Community Representatives of the WWG (Attachment 3)

Two (2) public comments were provided by the attorney representing fishing interests within the Waterfront Working Group, which provide direct feedback on draft zoning language.

Where reasonable, staff have revised the zoning in response to this feedback. This includes significant changes to the draft performance standards, specifically the Operations and Access Management Plan, which now clearly identifies submission requirements and standards, requirements for the compatibility of non-marine uses, opportunities for shared parking and stronger provisions for the establishment and maintenance of vehicle/vessel loading areas. Aside from changes to the performance standards, a number of uses have been added to the permitted and prohibited use list, and the purpose statement has been revised to reflect the need to account for future needs of the zone and potential development.

Suggested language as presented in these letters has at times been directly incorporated into the draft text, or otherwise, rewritten so as to preserve the intent of their suggestion, while changing the exact language to streamline the text, increase clarity, or remove redundancy.

Staff are unable to recommend one suggested change, recommended by this group for 14-311(a), standards for non-marine uses outside of the overlay zone. This request would have changed the calculation of ground floor non-marine space from, which at present only includes leasable areas, to include common or non-leasable areas such as lobbies, stairwells and mechanical rooms. The difference between these two calculations is likely marginal, though would be significantly more difficult to administer. The Waterfront Working Group did not reach a consensus on changing the existing permissible split between marine and non-marine uses (55/45%), and the proposed change was not vetted by the entire group. For this reason, staff suggest maintaining the proposed requirement, which is based upon leasable area and can be consistently applied to all uses.

B. Other Public Comment (Attachment 3)

Aside from specific feedback from certain members of the Waterfront Working Group, staff received five (5) additional written comments, one from Bateman Partners, LLC, describing the proposed development scheme for Fisherman's Wharf and a concern that changes to the overlay zone would result in less direct marine investment by non-marine uses, and then three additional comments, which generally stressed the need to protect the working waterfront through restrictions to non-marine uses. One additional public comment, provided as of the writing of this report, was submitted by several of the pier owners, with information on property valuation, in response to feedback from one of the Planning Board members. The Director of Planning and Urban Development has provided a response to that letter for the Board's consideration (Attachment 4).

VIII. PLANNING BOARD RECOMMENDATION

On May 14, 2019, the Planning Board voted 4-2 (Dundon and Stanley opposed, Dunfey absent) to find the proposed

text amendments, excluding proposed reductions to the extent of the Non-Marine Use Overlay Zone, consistent with the Comprehensive Plan and to recommend adoption of the amendment to the City Council.

IX. ATTACHMENTS

1. Needelman Memo on WWG Process, Economic Development Office
2. Division 18, Draft Amendments to WCZ
3. Public Comment Compiled
4. Response to Financial Impact Letter – Jeff Levine, Planning and Urban Development Director



CITY OF PORTLAND
Economic Development
Gregory A. Mitchell, Director

MEMORANDUM

TO: Chair Dundan and Members of the Planning Board

FROM: Bill Needelman, Waterfront Coordinator

DATE: April 11, 2019
Updated, May 9, 2019

SUBJECT: Review of Zoning Amendments to the Waterfront Central Zone and results of the City Manager's Waterfront Working Group

CC: Jon P. Jennings, City Manager
Greg Mitchell, Economic Development Director
Jeff Levine, Planning and Urban Development Director
Christine Grimando, Planning Director
Matt Grooms, Planner
John Peverada, Parking Manager
Jennifer Thompson, Associate Corporation Counsel

Background

The following memo was originally prepared for the Planning Board's April 23 workshop. Economic Development staff has updated material as appropriate and provided additional information answering Board questions raised at the workshop. All new information is provided below in Italics.

Beginning in January of 2019, the City Manager convened a Waterfront Working Group (WWG) to discuss critical issues related to waterfront development and concerns of fishing interests in Portland Harbor. The process was prompted by recent activism by the fishing community responding to development pressures on the waterfront. Recognizing these concerns, the City Council has imposed a 180-day moratorium, Order 119-18/19, restricting non-marine development in the WCZ. The moratorium provided an alternative to a citizen referendum that would have potentially imposed highly restrictive zoning over the entire waterfront.

The WWG began their work just prior to the City Council's passage of the moratorium and

the group and has met nine times since January. *(The WWG has met an additional two times since the April 23, 2019 Planning Board Meeting with Zoning being a significant topic of discussion.)*

Membership of the working group includes:

Willis Spear, Lobsterman, F/V Providence
Keith Lane, Lobsterman, F/V Kestrel
Bill Coppersmith, Lobsterman, MLU Vice President,
Charlie Poole, Proprietors of Union Wharf, Custom Float
Steve DiMillo, Proprietors of Long Wharf, DiMillo's Restaurant and Marina
Mike Alfiero, Proprietors of Holyoke Wharf, Harbor Fish Market
Togue Brawn, Downeast Dayboat Scallops
Rebecca Rand, Becky's Diner
Cyrus Hagge, Community Member
Dory Waxman, Community Member

Invited directly by the City Manager, the WWG has acted as a focus group to inform staff on issues of concern and to provide feedback on approaches to address problems. The WWG has been supported by Economic Development and Planning staff and has been chaired by the City Manager. Additional support has been supplied by Corporation Counsel and the City Parking Manager.

Staff has relied heavily on the combined experience and expertise of the group in crafting zoning amendments provided for the Board's consideration. To date, the WWG has spent the majority of their efforts on zoning issues and made significant progress. Most significantly, the conversation and exchange generated between members has provided an invaluable insight into the function of the WCZ, the complexity of the working waterfront, and potential improvements to the zone. The group was not asked to draft language for the Board's consideration but Planning and Economic Development staffs have relied heavily on the conversations to date and the language developed is a good faith attempt to reflect the learning and feedback generated.

Most zoning issues addressed, and translated into amendments, reflect a general consensus of the WWG. Where consensus was not achieved, staff has used our best judgement to forward recommendations that will most effectively address the issues identified. Staff will inform the Board on issues of disagreement within the process and WWG members have been encouraged to contribute to the Board's public comments as individuals to promote specific ideas in support for or contrary to the staff recommendations herein.

In addition to land use regulations, the WWG held productive sessions discussing priorities for use of Waterfront TIF funds and waterfront parking issues. Some parking issues are reflected in the resulting zoning recommendations.

City Staff and the entire community owe a tremendous debt of gratitude to the WWG members for their contribution and commitment to the Portland waterfront.

The WWG process has been well documented on the City's website at <https://www.portlandmaine.gov/2411/Waterfront-Working-Group>

Planning Board members are encouraged to review the process to date to better understand the context of the recommended amendments.

Issues Under Discussion

The WWG agreed to limit their discussions geographically to the Waterfront Central Zone and to concentrate on the following issues:

- Evaluate the current physical, functional, and business conditions, including the 2018 WCZ Marine Use Inventory Update.
- Provide recommendations on Zoning.
- Make recommendations on prioritization of short-term Waterfront TIF funding allocations
- Provide formative contribution to the ongoing Commercial Street Operations and Master Plan process.
- Evaluate berthing and marine access conditions.

WWG Zoning Discussion

Waterfront zoning, the Waterfront Central Zone (WCZ) in particular, is notoriously complex. The WCZ prioritizes and protects water-dependent and marine uses, such as fishing, but allows limited non-marine development to provide needed revenues to pier owners. The longstanding goal, recently restated and adopted in the *Portland's Plan 2030* Comprehensive Plan, promotes *balance* between potentially competing uses. Marine uses are given space and protections, while the pier owner is given sufficient opportunity to generate revenues for maintenance and a return on investment.

Within the context of the moratorium and the potential citizen's initiative referendum, the WWG has spent considerable time rethinking the *balance* of uses. Looking toward an April submission to the Planning Board, the WWG has discussed the following:

- Contract and Conditional Rezoning: Should this tool be available within the WCZ?

Staff is recommending eliminating the contract and conditional rezoning tool for the WCZ. The WWG did not achieve consensus on this issue, with some members voicing support for the flexibility offered. However, most members with Staff agreement believe that the zone is specifically and carefully crafted to address the complex policies of the Comprehensive Plan for the Central Waterfront. The potential for contract and conditional rezoning in the WCZ has generated uncertainty, speculative development pressure, and unpredictability within the zone.

Eliminating site specific rezoning essentially shuts the door on applications for hotel use within the zone – a primary cause of concern leading to this process.

- Non-Marine Use Overlay Zone, the area where marine use is *not* required: Should the overlay be eliminated, contracted, or left in its current location?

The recommended amendments suggest shrinking the extent of the overlay zone and renaming it the Commercial Street Overlay Zone. The recommended

amendment is marginally smaller (125 feet deep from 150 feet currently) in most areas and significantly smaller in the areas nearest the Old Port (from 500 feet deep to 125 feet except Long Wharf, which would shrink to 300 feet deep.)

As with contract and conditional rezoning, the WWG did not achieve complete consensus on reducing the size of the overlay. While most members saw the reduction as a reasonable compromise to limit the extent and impact of non-marine development, some members did not see a compelling case for the reduction.

A review of the map (see the Planning Staff submission) shows that there is only a marginal impact to the potential use of existing buildings with the reduction, but the fishing community expressed a desire to reduce the overall scale of non-marine development and to concentrate such development toward Commercial Street. Staff is in agreement that a smaller overlay is a reasonable compromise consistent with the Comprehensive Plan. *The largest impact of reducing the overlay are found in the areas between Union Wharf and Long Wharf. Please see the Response to Planning Board questions below.*

- Percentage of space required for marine use, outside of the Overlay: Should more space be allocated to marine use?

After significant discussion, there was no strong support for changing the percentage of space allocated for marine use outside of the overlay – as amended. This apparent consensus relied on the reduction in the mapped extent of the overlay described above, and the *Marketing* and *Permitted Use* amendments described below.

- Marketing requirement for marine use: Should space be required to be marketed to marine use prior to seeking a non-marine tenant? (outside of the overlay)

The marketing requirement for marine use is comparable to similar provisions for pedestrian oriented uses in the Pedestrian Activities Districts (PAD) of the Downtown B-3 zone. Currently the provision requires a 60 day marketing period for marine use prior to offering space to a non-marine use. The WWG provided strong support for extending the marketing period to 180 days, consistent with the B-3 PAD requirements. Other clarifying language has been added.

- Marine Use Inventory: What is the best way to track and monitor the success of the Zone and state of marine economy?

Staff has recommended, and the WWG agrees (though without apparent enthusiasm) to remove the inventory requirement from zoning. Staff recommends a standalone City Council order to replace the existing requirement with an annual report of significant waterfront development. The City should also commit to conduct a periodic assessment of the state of the Marine Economy for the entire waterfront as a better measure of the waterfront's health than provided by the extremely limited inventory currently described in the WCZ.

- Permitted Uses: Should uses allowed in the overlay, such as restaurants, be allowed outside of the overlay?

With strong support from the WWG, staff is recommending that non-marine retail, all restaurants (excepting accessory uses) and other retail-like uses should be limited to the Commercial Street Overlay Zone. The expansion of such uses was seen as an erosion of marine use potential, undue pressure on pier parking, and provided too much traffic and potential conflict with higher priority marine use. Staff agrees that the Comprehensive Plan is better implemented by concentrating high parking and traffic generating uses toward Commercial Street.

- Performance Standards: Are the current development standards adequately protecting marine use access and ability to function efficiently?

Staff recommends, with the general agreement of the WWG, streamlining redundancies within the current WCZ performance standards. Existing protections are retained or strengthened; while language and submission requirements are clarified.

The above bullets are a summary of the most important recommended changes. Please refer to the Planning memo for the complete narrative, policy review, and the redline amendment for text.

Summary

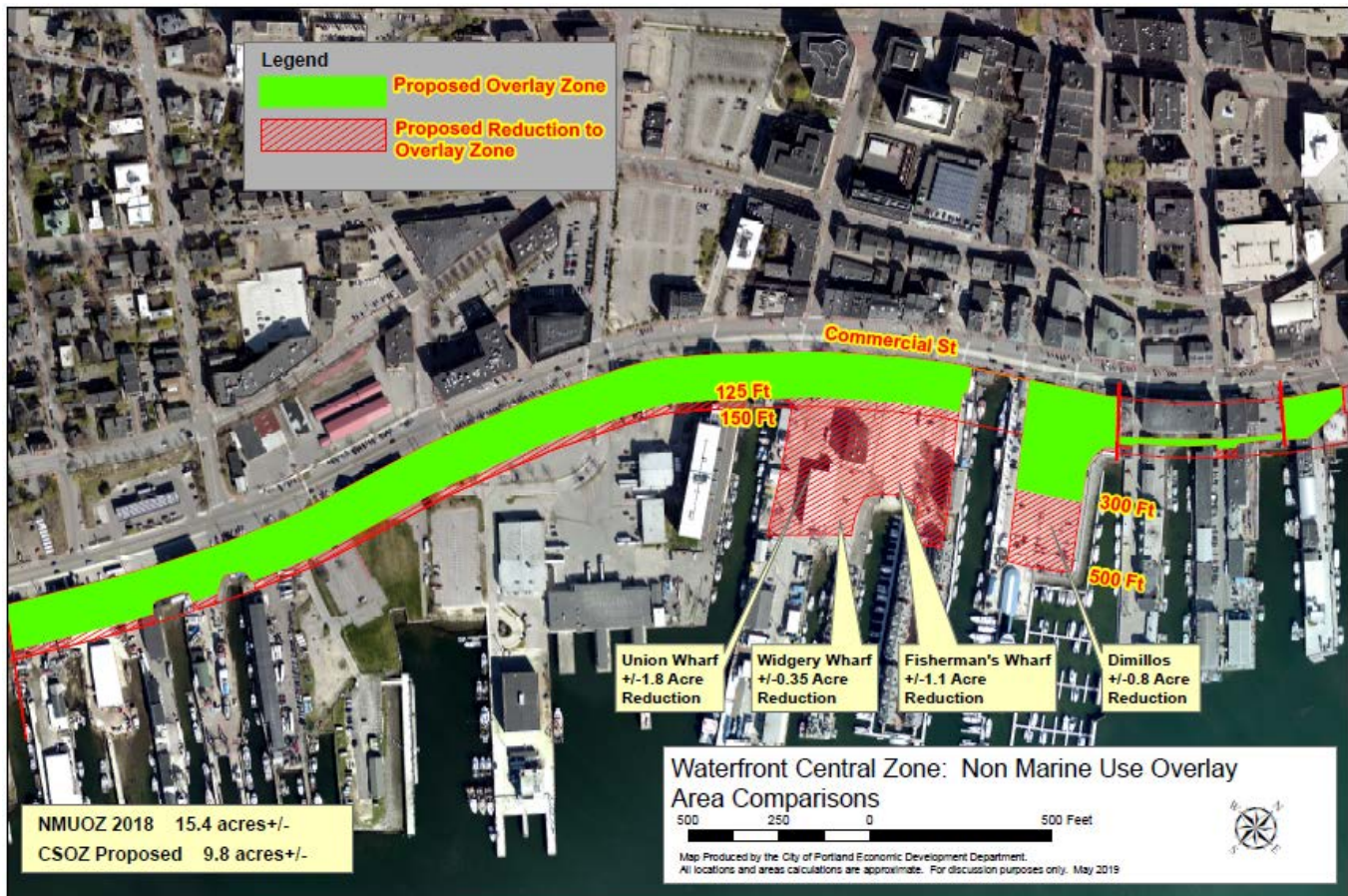
The Planning Board is requested to hold a *public hearing* on the above amendments, with the hope of moving directly to Public Hearing in May. City staff asks that the Board refer to the materials provided at the WWG website to understand the depth and extent of background work that has led to these recommendations. Rarely do zoning issues benefit from such an extensive discussion by such an informed and committed group. As stated in the introduction of this memo, the WWG has met nine times. Zoning has been a primary topic at eight of these meetings. The discussions have generated significant mutual learning between parties and fostered a far better understanding of tradeoffs by all parties. That learning is reflected in these recommended amendments to the WCZ. Based on the excellent and thorough input by the WWG, staff has sufficient feedback to provide the Planning Board and City Council with a set of recommended zoning amendments that are informed, reasonable, and consistent with the Comprehensive Plan.

In addition to the quality of the feedback provided, the Board is asked to recognize the time constraints created by the current non-marine development moratorium. By completing this important work within the limits of the moratorium, development interests for both marine and non-marine investments will have ability and certainty needed to move forward. It is our strong hope to conclude the current process within the timeframe described.

Response to Planning Board questions regarding reduction to the NMUOZ (CSOZ)

At the April 23 workshop, Board members asked questions regarding the potential impacts from reducing the Non-Marine Use Overlay Zone (NMUOZ, renamed Commercial Street Overlay Zone, herein referred to as the “Overlay.”) Board members questioned impacts to taxable value, development potential, and investment in marine infrastructure.

To respond to the Board's questions, Economic Development staff measured the approximate area of the current NMUOZ, the area of the reduced CSOZ, with specific area calculations provided in the areas around Union Wharf, Widgery Wharf, Fisherman's Wharf, and Long Wharf.



The City's Assessor provided guidance to staff based on current and revalued tax assessment to assist with the response to the Board's inquiries.

Taxable Value: Taxable value is based on current use. Given the anticipated flux in zoning and land use regulation implicit in the ongoing Re-code process, simultaneous with the current revaluation, develop-able potential premised on zoning will not be considered in the revaluation results. The short-term taxation impact of changing the overlay will be zero.

Potential Development: Development potential will be impacted (which could have an effect on future taxation.) Currently, and under the proposed language, four habitable floors are allowed within the overlay and only three floors are allowed outside of the overlay. With the reduction in the overlay, +/-5.6 acres of land (including built area) would see this loss of one floor of potential space, with +/-4 of those acres sited between Union Wharf and Long Wharf. Within these +/-4 impacted acres, nearly half is located on Union Wharf. This portion of Union Wharf already houses the new Putnam Office Building and the MSRC warehouse, greatly limiting the future development potential of the site assuming that these buildings remain.

Marine Investment: Board members also questioned the potential reduction of reinvestment in marine infrastructure resulting in loss of land within the overlay. Fewer high value structures in the overlay (a speculative assumption) would result in fewer investment dollars required to satisfy the overlay standard for 5% of project costs dedicated to marine infrastructure. Board members should note that coincident with these zoning amendments, the City has been expanding the Waterfront TIF program, which captures new tax value from both sides of Commercial Street and the Eastern Waterfront. Waterfront TIF dollars may be used toward waterfront infrastructure, such as dredging."

NOTE: As of the writing of this memo, proprietors of three wharfs within the WCZ provided specific analysis on the impacts of reducing the NMUOZ. Staff will review this material and may provide additional comments to the Board at the Public Hearing.

Respectfully submitted, wbn

DRAFT AMENDMENTS TO DIV. 18, WATERFRONT CENTRAL ZONE

DIVISION 18. WATERFRONT CENTRAL ZONE - DRAFT AMENDMENTS*

*Editor's note—Ord. No. 168-93, § 2, adopted Jan. 4, 1993, repealed former Divs. 18, 18.5 and 18.7, §§ 14-306–14-320.2, which pertained to waterfront zones, and enacted new provisions as Divs. 18, 18.5 and 18.7 to read as herein set out. Formerly, such provisions derived from Ord. No. 426-83, § 1, adopted Apr. 25, 1983; Ord. No. 427-83, § 1, adopted Apr. 25, 1983; Ord. No. 355-85, § 1, adopted Jan. 7, 1985; Ord. No. 438-86, § 1, adopted Apr. 7, 1986; Ord. No. 189-87, § 3, adopted Feb. 7, 1987; Ord. No. 174-87, 's; 1, 2, adopted Mar. 4, 1987; Ref. of May 5, 1987; Ord. No. 385-87, adopted Apr. 6, 1987; Ord. No. 36-89, §§ 1, 2, adopted June 28, 1989; and Ord. No. 15-92, §§ 22, 23, adopted June 15, 1992.

Order 184-14/15 repealed Division 18.7 on 6-1-2015.

Order XXX-18/19 adopted 6-3-2019, retroactive to 6-15-2019.

Sec. 14-305. Purpose.

The ~~W~~aterfront ~~C~~entral ~~Z~~one was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose. The following priority of uses is recognized:

- (a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability;
- (b) The second priority is to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;
- (c) Non-marine uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure.

Water-dependent and marine-related support uses by their

nature have activities and operational needs that are unique to this area and are not shared by other commercial and industrial uses in the city. These first and second priority uses and related activities may result in noise, odor, dust, hours of operation, parking and traffic patterns and traffic control needs that are necessary for the convenient and successful conduct of such uses. Other uses may not be compatible with these types of effects. Other specified uses are permitted in the waterfront central zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses must be, and are assumed to be, aware of the impacts associated with marine uses and therefore must accept and be tolerant of them. Other specified uses in the zone shall accommodate to those patterns and needs of the higher priority uses so long as those higher priority uses are not detrimental to public health and safety and the higher priority activities are conducted in accordance with sound practices or practices customary in the trade.

Commercial Street is recognized as an important economic center for the city and region. Marine compatible uses are encouraged to locate and grow along Commercial Street while higher priority marine uses are protected on the waterfront.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 193-05/06, 4-19-06; Ord.No. 103-10/11, 12-20-10)

***Editor's Note**—Pursuant to Council Order 103-10/11 passed on 12/20/10 Section 14-306 *No adverse impact on marine uses* was repealed in it's entirety and remaining sections were re-numbered accordingly.

Sec. 14-306. Definitions.

For the purposes of the Waterfront Central Zone only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

~~Commercial Street Non-Marine Use Overlay Zone (CSOZ NMUOZ)~~: The ~~Commercial Street non-marine Overlay Zone (CSOZ NMUOZ)~~ is a portion of the ~~Waterfront Central Zone~~, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the ~~CSOZ NMUOZ~~ are defined by parcels of land and piers within the ~~Waterfront Central Zone~~ located on the landward side of a line established one hundred fifty (150) feet ~~southerly~~ of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the ~~CSOZ NMUOZ~~ extends to a line 500 feet ~~southerly of from~~ the southerly sideline of Commercial Street in the area between the easterly sideline of Long Wharf to the westerly sideline of Union Wharf. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. All offset distances are measured horizontally.

All applicants for development within the ~~CSOZ NMUOZ~~ are responsible for demonstrating their location within the ~~CSOZ NMUOZ~~ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the ~~CSOZ NMUOZ~~ shall be shown on all site plans and subdivision plats for proposed development within the ~~CSOZ NMUOZ~~. ~~A map showing the presumed boundaries of the NMUOZ is on file with the Department of Planning and Urban Development. Said map is for illustrative purposes only and shall not be relied upon in determining whether a proposed development is located within the NMUOZ.~~

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.
(Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10)

Sec. 14-307. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses are permitted in the Waterfront Central Zone:

(a) Marine:

1. Marine products wholesaling~~r~~ distribution and retailing;
2. Marine repair services and machine shops;
3. Tugboat, fireboat, pilot boat and similar services;
4. Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels;
5. Marine industrial welding and fabricating;
6. Shipbuilding and facilities for construction, maintenance and repair of vessels;
7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;
8. Cargo handling facilities, including docking, loading and related storage;
9. Boat repair yards;
10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);
11. Seafood processing and retailing;
12. Seafood packing and packaging;
13. Seafood loading and seafood distribution;
14. Fabrication, storage and repair of fishing equipment;

15. Ice-making services;
16. Facilities for marine construction and salvage;
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
18. Fabrication of marine-related goods;
19. Fishing and commercial vessel berthing;
20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.

Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.

21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;
22. Public landings;
23. Marine research, education, and laboratory facilities;
24. Bait sales and processing;
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

26. Commercial parking for water-dependent uses.

- (b) Non-marine commercial and industrial uses: Non-marine uses permitted by this section are subject to the standards listed in section 14-311.

1. Professional, business, government, and general offices;
- ~~2. Retail and service establishments, including craft and specialty shops. Convenience stores with gas pumps shall be permitted under this section;~~

~~3. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;~~

~~4. Banking services without drive up services~~

~~5. Laundry and dry cleaning services;~~

2. Cabinet and carpentry shops, studios for artists and crafts people;

3. Intermodal transportation facilities;

4. Cold storage facilities;

~~5. Museums and art galleries; and Commercial kitchens; and,~~

6. Outside accessory activities.

(c) Public:

1. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails;

(d) Other:

1. Accessory uses:

a. Interior accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-307(a)(1), (a)(7), (a)(11), or (a)(22); that such uses do not exceed two-thousand (2,000) square feet in total floor area of the building, or twenty-five percent (25%) of the total floor area of the building, whichever is less, and that each individual accessory use

does not exceed one-thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele. Exterior accessory uses shall be otherwise subject to the provision of 14-311(a); and

- b. Interior meeting or classroom space accessory to uses permitted in section 14-307(a)(23) (marine research, education, and laboratory facilities) may be rented out for meeting use by marine-related or non-marine related groups or organizations, or the general public, and such accessory uses shall not be subject to the limitations contained in paragraph b, but shall only be permitted as accessory uses if the total of all support uses, including interior meeting or classroom space, does not exceed three-thousand (3,000) square feet in total floor area per building, or fifteen percent (15%) of the total floor area per building, whichever is less.

2. ~~Street vendors licensed pursuant to Chapter 19.~~
3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(e) Uses permitted only within the Commercial Street Overlay Zone. Uses permitted by this section are subject to the standards listed in section 14-311(b).

1. Retail and service establishments, including craft and specialty shops;
2. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;
3. Banking services without drive-up services;
4. Museums and art galleries;

5. Street vendors licensed pursuant to chapter 19.
6. Offices of health care practitioners or health care clinics.
7. Personal service establishments.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 131-01/02, § 1, 1-23-02; Ord. No. 309-01/02, § 1, 7-15-02; Ord. No. 38-02/03, § 1, 9-4-02; Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10; Ord. No. 33-11/12, 1-18-12)

Sec. 14-308. Conditional use.

The uses listed herein shall be permitted as conditional uses in the waterfront central zone, provided that, notwithstanding section 14-471 and section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and further provided that in addition to the provisions of section 14-474(c) (2), they shall also meet the applicable ~~W~~aterfront ~~C~~entral ~~Z~~one development standards in section 14-311:

(a) Commercial marine conditional uses:

1. Fish by-products processing, provided that:
 - a. Any fish by-products processing facility has a valid rendering facility license under chapter 12;
 - b. Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the I-M zone; and
 - c. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.
2. Boat rack storage facilities, provided that:

- a. Parking shall be provided for one-hundred percent (100%) of the demand generated by the use (notwithstanding 14-311(d)7, performance standard for parking), and such parking shall be provided off-site, in another zone permitting such use.
- b. Boat rack structures shall not exceed ten thousand (10,000) square feet of building footprint.

~~(b) Residential: The primary owner of a marine business listed under section 14-307(a) located on the same site may occupy upper floor space with a residential use, provided the following conditions are met:~~

- ~~1. The applicant demonstrates a compelling business related need for living on site that cannot otherwise be accomplished;~~
- ~~2. The residential living space shall not exceed one thousand (1,000) square feet, inclusive of all exterior porches and decks;~~
- ~~3. The occupancy of said space shall be limited to the primary owner of the marine related business. The residential use is not transferable to friends, family or anyone other than the primary business owner. No such residential space shall be leased out by or allowed to be used for occupancy by other than the primary owner of the marine related business;~~
- ~~4. The residential use shall be limited to one unit per wharf;~~
- ~~5. The residential use shall be year round use only, and shall not be used on a seasonal basis; and~~
- ~~6. Upon the vacancy in excess of three (3) months of the residential living space by the primary owner of the marine related business, the residential use shall automatically terminate and shall not be continued without new conditional use approval under this subsection.~~

~~For purposes of this subsection, "primary owner of the~~

~~marine-related business" shall mean a person who legally owns fifty percent (50%) or more of the marine business listed under section 14-307(a), permitted marine uses.~~

- (b) Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:
1. The facility is located more than one-hundred (100) feet from the water's edge;
 2. The facility occupies no more than fifty (50) square feet of structure above ground;
 3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage; and
 4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.
- (c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and

4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(d) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 168-93, § 2, 1-4-93; Substitute Ord. No. 00-42, 8-7-00; Ord. No. 73-01/02, § 1, 10-15-01, Ord. No. 131-01/02, § 2, 1-23-02; Ord. No. 193-05/06, 4-19-06; Ord. No. 29-09/10, 8-3-09, emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 278-09/10, 7-19-10; Ord. No. 103-10/11, 12-20-10; Ord. No. 33-11/12, 1-18-12)

Section 14-309. Prohibited uses.

Uses which are not enumerated in either section 14-307 or 14-308 as permitted or conditional uses are prohibited. Uses enumerated

in section 14-307(e) shall be considered prohibited uses outside of the CSOZ. Those uses that are prohibited shall include, without limitation:

- (a) Residential Uses ~~Except as provided in section 14-308, residential uses (not in existence on May 5, 1987);~~
- (b) Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals or boatels;
- (c) Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use;
- (d) Drinking establishments, private clubs, or non-profit social and recreational facilities;
- (e) Ground mounted telecommunication towers, antennas, and/or disks; and
- (f) Drive-up services for any use other than a permitted use listed under 14-307(a) or 14-308(a) (1).
- (g) Major and minor auto service stations.
- (h) Laundry and dry-cleaning services.
- (i) Convenience stores with gas pumps.
- (j) Commercial parking for non-marine uses.

(Ord. No. 168-93, § 2, 1-4-93; Ord. No. 73-01/02 § 2, 10-15-01; Ord. No. 193-05/06, 4-19-06; Ord. No. 103-10/11, 12-20-10)

Sec. 14-310. Dimensional requirements.

In addition to the provisions of division 25 of this article, lots in the Waterfront Central Zone shall be subject to the following requirements:

- (a) Minimum lot size: None.
- (b) Minimum frontage along Commercial Street: Seventy-five (75) feet.
- (c) Minimum lot width within the CSOZ ~~NMUOZ~~: Fifty (50) feet

measured parallel with Commercial Street and such lot width shall be continuous for the full depth of the lot located within the CSOZ ~~NUMUOZ~~.

(d) Minimum yard dimensions:

1. Front setback: None.
2. Side setback: None
3. Rear setback: None.
4. Setback from pier edge: Notwithstanding the above requirements, a minimum first-floor setback of ten ~~five~~ ~~(105)~~ feet from the edge of any pier, wharf or bulkhead shall be required for any structure, (exclusive of structurally necessary posts supporting upper floors, and deck mounted equipment for loading and unloading vessels). The edge of any pier, wharf or bulkhead shall include any attached apron(s). Floats, rafts, and or barges not structurally integral to the pier, wharf or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.

(e) Maximum lot coverage: One-hundred (100) percent.

(f) Maximum building height: Fifty (50) feet. Except as provided in (h) below, a structure in the ~~W~~waterfront ~~C~~entral ~~Z~~one shall provide no more than three habitable floors; however, typical rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.

(g) Minimum ground floor clearance: Any new building proposed to be larger than three-hundred (300) square feet, and located more than 35 feet from the southerly sideline of Commercial Street, shall provide no less than fifteen (15) feet of first floor to ceiling vertical clearance to promote marine industrial use potential. New buildings less than three-hundred (300) square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.

(h) New non-marine use building exception for usable floors

and minimum ground floor clearance: Notwithstanding provisions (f) and (g) above, for new non-marine use buildings permitted within the CSOZ ~~NMUOZ~~, four (4) usable floors are allowed and ground floor clearance minimums do not apply.

(Ord. No. 168-93, §2, 1-4-93; Ord. No. 309-01/02, § 2, 7-15-02; Ord. No. 193-05/06, 4-19-06, Ord. No. 103-10/11, 12-20-10)

Sec. 14-311. Development standards.

- (a) Standards for non-marine uses located outside of the CSOZ ~~NMUOZ~~: Non-marine uses listed above in Sec. 14-307(b) and 14-308(b) that are located outside of the CSOZ ~~NMUOZ~~ shall be subject to the performance standards listed in 14-311(d) as well as the following standards:
1. 55% marine use required on ground floors: At least 55% of the ground floor of all of the buildings on the lot (defined in 14-306 above), when calculated using the aggregate of all the leaseable area of such ground floors, shall be occupied by marine uses, as listed under 14-307(a) or 14-308(a) (1).
 2. 55% marine use required for all open areas: After subtracting areas used for common circulation drives (defined in 14-306 above), at least 55% of un-built area (meaning area not occupied by a building) on the lot, when calculated using the aggregate of all such un-built areas, shall be occupied by marine uses, as listed under 14-307(a) or 14-308 (a)1.
 3. Ground floor vacancies and change of occupancy offered to water dependent/marine uses: Ground floor vacant space and areas proposed for a change of occupant outside of the CSOZ ~~NMUOZ~~ shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.
 - a. *Ground floor vacancy and change of occupant outside of the CSOZ ~~NMUOZ~~ advertised to marine users:* In any lot or portion of lot outside of the CSOZ ~~NMUOZ~~, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, must be made available to new marine occupants.

Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a one hundred eighty(18060) day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront bulletins .) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone(outside of the CSOZ NMUOZ.)The property owner may stop advertising sooner than the end of the 18060 - day period if a lease is signed with a marine user. Should no marine user apply by the end of the 18060-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum of 45% of the ground floor area or open area.

- b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the planning authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner must indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.
- c. Prior to changes of occupancy and/or as part of applications for new development Applicants for site plan review or a change of use permit outside of the CSOZ NMUOZ, the property owner or applicant shall provide the planning authority with proof of compliance with the requirements of this section as a

condition of approval.

~~d. The city planning authority shall compile and report inventories of ground level uses, as reported under (b) above, into an annual report of ground level uses and investment in the Central Waterfront. The report shall include an aggregated assessment of ground floor marine and non-marine use occupancy and a catalogue of marine infrastructure investment for the reporting period. The report shall be submitted to the City Council as a communication not less than once every calendar year.~~

4. Pier or bulkhead edge reserved for marine uses: Notwithstanding ~~anything contained in 14-311(c) Contract or conditional rezoning, or any other~~ any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing pursuant to 14-307(a)(20), all berthing and/or dockage space and associated floats plus the entire linear edge of that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least ~~tenfive~~ (10) feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses as defined in 14-307(a) or 14-308(~~ab~~). Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.

(b) ~~CSOZ NMUOZ~~ standards: Non-marine uses listed under 14-307(b), 14-307(e) and 14-308 located within the CSOZ ~~NMUOZ~~, as defined in 14-306, shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

1. Vessel access: Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Sec. 14-311(d).
2. *Maximum setback for new development on lots with seventy-five (75) or more feet of Commercial Street*

frontage: Any new non-marine development constructed subject to this provision which is located on a lot with seventy-five (75) or more feet of frontage along the Commercial Street right of way shall be located with its front façade no further than thirty-five feet (35) from the southerly sideline of the Commercial Street right of way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street.

Non-marine development subject to this provision on lots with fewer than seventy-five (75) feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

3. *Investment in marine infrastructure:* All applicants for site plan review or a change of use permit for non-marine development in the CSOZ ~~NMUOZ~~ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the CSOZ ~~NMUOZ~~.

Required investment may occur by one or both the following methods:

- a. *Direct investment in marine infrastructure* located on the same lot: Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of

recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.

- b. *Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.*

(c) No Contract or Conditional Rezoning Permitted

- 1. Purpose: This section is intended to accomplish goals from Portland's Plan 2030. Specifically, these changes will:
 - a. Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses;
 - b. Recognize and reinforce the respective roles of the Eastern, Central and Western Waterfronts; and
 - c. Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.
- 2. In light of this purpose and the significance of the central waterfront to the City's future, no contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

~~(e) Contract or conditional rezoning standards: Applications for proposals deviating from any dimensional requirements under section 14-310 and/or including uses~~

~~not listed under sections 14-307 and 14-308 may only be considered if the reviewing body finds the applicant has met the performance standards listed under 14-311(d) and the following standards:~~

- ~~1. Conditional or contract rezoning located outside of the NMUOZ: The ground level floor area of any building, existing or proposed, on the subject lot and the un-built area of the subject lot and the un-built area of the subject lot shall be subject to and meet the requirements of section 14-311(a) of this code.~~
- ~~2. Conditional or contract rezoning located within the NMUOZ: Conditional or contract rezoning applications located within the NMUOZ are subject to the provisions of 14-311(b) (3) (Investment in marine infrastructure).~~
- ~~3. Residential dwellings are prohibited.~~
- ~~4. The development is consistent with the comprehensive plan and without the development the site could not otherwise support an economically viable water dependent use.~~
- ~~5. Any physical or legal impediments which preclude or impede functional access from the site of the development to any portion of the water's edge are not the result of action taken by the current owner, the applicant for rezoning, or any prior owner after January 4, 1993.~~
- ~~6. The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits: protection of existing water dependent uses, preservation of future water dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.~~
- ~~7. The development responds to any unique physical conditions and development opportunities along the shoreline in a manner that is consistent with~~

~~section 14-305 (purpose).~~

~~8. The non-marine portion of the proposed development will not adversely affect the efficient operation of marine uses, such as producing less efficient traffic, parking or circulation patterns. Parking for the non-marine portion of the proposed development shall be subject to review under section 14-311(d) (8).~~

~~9. The rezoning contains adequate provisions and/or conditions to ensure that any associated water-dependent infrastructure remains occupied by any commercial marine use as listed in 14-307(a) and that said use is not abandoned after the project is developed.~~

(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. The Operations and Access Management Plan (standard 13) ~~Standards 8, 10, 13, 14, 15, 16, and 17 below~~ shall be reviewed by the planning authority:

1. Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.

2. Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60)

seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).

3. Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.

~~4. Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.~~

4. Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.

5. Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.

6. Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as

to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.

7. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.

~~The planning authority shall review applications for non-marine use parking against the following standards:~~

- ~~a. Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.~~
- ~~b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").~~
- ~~c. Non-marine use parking shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.~~
- ~~d. Water dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.~~

- ~~8. Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article.~~

8. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting

the harbor nor have an unreasonable adverse impact on adjacent residential zones.

~~9. Signs: Signs shall be permitted as set forth in division 22 of this article.~~

9. Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.

10. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.

11. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

~~12. Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.~~

~~13. Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational~~

~~needs of water dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:~~

- ~~a. Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.~~
- ~~b. Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.~~
- ~~c. With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.~~
- ~~d. Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.~~

12. Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual

access to the water through sensitive building placement.

The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

13. Operations and Access Management Plan: Any new development, including changes of use or expansion of uses in the Waterfront Central Zone shall submit a scaled plan and accompanying narrative that demonstrates adequate waterfront access and logistical accommodation for water-dependent users. In accordance with Portland's Plan 2030, the plan shall demonstrate consistency with the hierarchy of waterfront uses pyramid, as further detailed in Sec. 14-305 (Purpose), with non-marine and marine-related uses being subordinate in placement and disposition to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

a. Submission Requirements. The plan shall, at a minimum, illustrate the following information:

i. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, access-ways, sidewalks, pier edges, floats and docks, showing the entire lot in the context of its respective pier.

- ii. Proposed off-street parking, labeled with associated uses.
 - iii. Facilities for the loading and unloading of goods and materials.
 - iv. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.
- b. Review Standards. In addition to the information above, the plan shall demonstrate compliance with the following standards:
- i. Off-street parking is subject to the limitations described in Sec. 14-311(a) ("55% Rule"). Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.
 - ii. Proposals for new non-marine parking shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.
 - iii. Off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m.
 - iv. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.

- v. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.
- vi. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes must be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.
- vii. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

Ord. No. 103-10/11, 12-20-10; Ord. 108-15/16, 11-16-2015)



Matthew Grooms <mgrooms@portlandmaine.gov>

Fwd: Waterfront

jmy <jmy@portlandmaine.gov>

Wed, Apr 17, 2019 at 12:11 PM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Matt, I am going to ask you to save this to your WCZ folder as a public comment because I am unable to locate it. Can you let me know where you are keeping the pc for WCZ? Thanks.

On Tuesday, April 16, 2019 at 3:25:36 PM UTC-4, Joel Richardson wrote:

Please do not allow non marine related business to encroach on our gem of a waterfront. You will be responsible for loosing our charm and tourism business only to increase the tax base a tiny bit. Not worth it.
Joel Richardson

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April 23, 2017

Via Email

Portland Planning Board
Sean Dundan, Chair
City of Portland
Planning Division
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone
Draft Ordinance Amendments/Workshop April 23, 2019

Dear Mr. Dundan and Planning Board Members:

The purpose of the recent referendum efforts of the Portland Working Waterfront Group ("PWWG") was to protect both the present and future of the Portland working waterfront. The PWWG agreed not to submit its referendum, even though far more than the required number of signatures had been gathered from Portland citizens, so as to work with the City and other stakeholders in an effort to achieve this goal. While the PWWG appreciates the participation by the City and other stakeholders in these efforts and believes that some positive amendments are being proposed as a result, the PWWG's end goal (and I believe the efforts of the task force committee that has been formed to review the ordinance) was not to eliminate what the planning department apparently perceives as mere redundancies in the ordinance, but rather to strengthen the standards that already exist to protect the Waterfront Central Zone. While perhaps not intended, this is however precisely what the draft ordinance amendments do with respect to Sec. 14-311(d) "Performance Standards", by removing key substantive protections.

Portland Planning Board
Sean Dundan, Chair
April 23, 2019
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The issues are broken down below by subsection. Also, a suggested revised draft of Sec. 14-311(d)(13), reincorporating the deleted performance standards is attached to this letter as reference and to assist in your review.

Existing Standard (d)(8) “Off-street parking and loading” (shown as (7) on the City’s redline draft (“Draft”)):

The Draft takes out existing Performance Standard 8 which says that "non-marine use parking shall only be located on a lot where . . . the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot." The substitute standard calls for a detailed plan, but doesn't carry over this requirement for no non-marine parking unless marine is adequate requirement. This draft keeps the idea that Water Dependent Uses (“WDU”) parking spaces shall be located close to associated vessels and ground floor lease areas, *but weakens it* by switching from as close as "reasonably possible" to as close as "practicable".

Existing Standard (d)(15) “Compatibility of non-marine uses with marine uses” (shown as (12) on the Draft):

The Draft strikes existing Performance Standard (d)(15) “Compatibility of non-marine uses with marine uses” and rolls part of it into the new plan requirement ((d)(13)). But, the Draft (d)(13) omits the substantive standard that non-marine uses "shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses" (emphasis added). This needs to be put back in as a meaningful standard.

Existing Standard (d)(16) “Functional utility of piers and access to the water’s edge” (shown as #13 on the Draft):

The Draft strikes existing Performance Standard (d)(16) and reduces it to a requirement that buildings located within 10 feet of the pier edge "shall account" for the transfer of goods. This is a shadow of the existing requirement that "all new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge . . ." (emphasis added). There are also subparagraphs in the existing standard for design for

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board

Sean Dundan, Chair

April 23, 2019

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storage and movement of goods and materials, retention of internal circulation routes, need of non-marine uses to adjust to accommodate marine uses, alternative circulation if buildings are within 10 feet of pier edge, and a key provision that accessways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses. Shadows of some of these issues come through in the City draft, but without the full protections of the existing language.

In summary, the new Standard (d) (13) "Operations and Access Management Plan" ("Plan") emphasizes form over substance -- it focuses on what is to be shown on a plan but not what needs to be accomplished if the plan is to be deemed sufficient. Instead of flagging the importance of marine uses, it features the plan as an end in itself. It deletes very specific operational language from the existing ordinance and substitutes only vague references requiring that it "demonstrates adequate waterfront access and logistical accommodation for water-dependent users" and that it "demonstrates consistency with the hierarchy of waterfront uses pyramid" in the City's Plan 2030.

The Waterfront Central Zone needs the existing enforceable standards language returned to the draft so it is clear how the Plan is to be judged rather than substituting that existing clarity with only vague goals. In addition, applicants must know when they read the ordinance what specific standards must be met in order to meet the ordinance's goals without arbitrary application or undue delay.

Further, the new Performance Standard (d) (13) seems to suggest it would apply only to new development and changes of use. The Plan should also be required for expansion of an *existing* non-marine use. Standard (d) (13) also limits the submission to showing a plan for a small area, "within one hundred feet of the project's limit of work boundary." **This is not sufficient.** Except in the CSOZ, the entire pier needs to be shown on the Plan and reviewed to fully analyze and make sure that there will not be adverse impacts on marine uses.

Once again, the PWWG appreciates and acknowledges the time and effort that has gone into working on draft amendments to date. The PWWG remains concerned however not only about the issues highlighted above, but also with regard to issues that have yet to be addressed by the task force and that are therefore not reflected in the Draft, including stronger enforcement standards.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Portland Planning Board

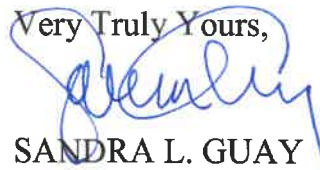
Sean Dundan, Chair

April 23, 2019

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In summary - it is imperative that as a result of the task force and City's efforts, the ordinance be amended so as to maintain the existing forward-focused standards that look not only at existing WDUs but cast an eye on preserving the functional utility for potential future WDUs. The importance of this frame of reference is *essential* in order to maintain the value of the harbor as an economic engine for future generations. The Draft performance standards as presented fail to accomplish this and instead only serves to weaken the performance standards that are already in place.

Thank you for your timely consideration of these important comments.

Very Truly Yours,

SANDRA L. GUAY

SLG/lb

Copy to: Willis Spear, PWWG

Bill Coppersmith, PWWG

Jon Jennings, City Manager

Bill Needelman, Waterfront Coordinator

shared with non-marine uses, except that, if strictly and effectively enforced and if not being occupied by marine uses, parking spaces for marine uses may be made available to non-marine uses between the hours of 5:00 pm and 2:00 am.

To successfully demonstrates that it meets each of these criteria, the Plan shall, at a minimum, incorporate the following information and address any restrictions:

- a. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, accessways, sidewalks, pier edges, floats and docks showing the entire pier if not located in the CSOZ, or within one hundred feet of the project's limit of work boundary if located within the CSOZ ;
- b. If a Bbuilding shown on the Plan is already or is proposed to be located within ten (10) feet of the pier edge the Plan shall account for demonstrate how the transfer of goods and materials between berthed vessels and land-bound vehicles will be accomplished, such as by providing openings and circulation routes through or around buildings as necessary to accommodate water-dependent uses.
- c. Proposed off-street parking, labeled with associated uses and illustrating compliance withsubject to limitations as described in Sec. 14-311(a) ("55% Rule"), as applicable. Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possiblepracticable to associated vessels and/or ground-floor lease area. Proposals for new non-marine parking shall require submission of a parking analysis justifying the number of non-marine spaces based upon the proposed use and the sufficiency of the marine use parking supply on the lot.
- d. Facilities for the loading and unloading of goods and materials. Facility design shall account for frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.
- e. Non-marine uses outside of the CSOZ shall identify a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.
- f. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.
- g. Location of Off-street parking, loading facilities and access ways intended for use by water-dependent users, with a designation of whether they are intended to -shall be exclusive to water dependent uses only. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.

14-311(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. . . .

13. No adverse impact on marine uses: Operations and Access Management Plan: No use, including new development, a change of use, or expansion of a non-marine use, shall be permitted, approved, or established in this zone if it will have an impermissible adverse impact on existing or potential marine uses. Any applicant for a proposed new development, including changes of use, or expansion of a non-marine use, in the waterfront central zone shall submit a scaled Operations and Access Management Plan and accompanying narrative for review by the Planning Authority that demonstrates compliance with this performance standard. To be in compliance, the Plan shall clearly demonstrate that it meets each of the following criteria:

A. The proposal retains adequate waterfront access and makes necessary logistical accommodation for water-dependent users.

B. In accordance with Portland's Plan 2030, as further detailed in 14-305 (Purpose), the proposal is ~~an~~ shall demonstrate consistency with the hierarchy of waterfront uses, giving highest priority to existing and potential water-dependent uses and second priority to marine-related support uses, pyramid, with non-marine and marine-related uses being allowed only if they do not interfere with and are not incompatible with water-dependent and marine-related subordinate in placement and disposition to water-dependent uses.

C. The parking and traffic circulation plan and analysis portion of the Operations and Access Management Plan demonstrates that any proposed non-marine use parking is only being located upon a lot where the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot and the parking spaces designated for water-dependent uses are located as close as reasonably possible to associated vessels and any water-dependent and/or marine use ground floor lease areas.

D. Any proposed non-marine use will be compatible with marine uses and will neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses.

E. The proposal, whether for marine or non-marine use, will adequately protect the functional utility of piers and access to the water's edge by appropriately anticipating current and future functional and operational needs of water-dependent uses to access the water's edge for the transfer of people, goods, and materials between vessels and land.

F. Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.

G. Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be

BATEMAN PARTNERS, LLC (/)

HOME (/)

WHO WE ARE (/WHO-WE-ARE)

WHAT WE DO (/WHAT-WE-DO)

PROJECTS (/WHO-WE-ARE-1)

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NEWS (/NEWS)

April 23, 2019 (/news/2019/4/22/do-you-really-know-what-was-proposed-at-fishermens-wharf)

Do you REALLY know what was proposed at Fishermen's Wharf? (/news/2019/4/22/do-you-really-know-what-was-proposed-at-fishermens-wharf)

Real estate development (/news/category/Real+estate+development)

Actually nobody knew — until today, April 23, 2019.

Well, one minor exception. About a dozen Portland residents knew. They participated in a focus group in December and we told them, to see what they thought. Before the publication of this post today, **nobody else knew**. No fishermen, no lobstermen, nobody on the Planning Board, no City Councilors, no reporters. The reason for that? We felt strongly that we needed to extend the courtesy of running these ideas by the fishing community first, face to face, before taking the more formal step of going to the Planning Board. A meeting with representatives of the fishing community hasn't happened yet.

We voluntarily withdrew our proposal

(<https://bangordailynews.com/2019/01/11/news/portland/developer-withdraws-plan-for-waterfront-hotel-in-portland-citing-concerns-by-fishermen/>) in January as the City formed a Waterfront Working Group, to allow that committee to do its work. Tonight, the Planning Board is considering more restrictive zoning (<http://www.theforecaster.net/portland-waterfront-zoning-gets-planning-board-review/>) along the waterfront. As the Board considers reducing the value of commercial properties, and thus reducing the tax revenue generated to help pay for the upkeep of the working waterfront's infrastructure, now seems like an appropriate time to outline what we had been thinking. If for no other reason than ideas like this --- in general -- - should be part of the discussion as the community plans the future of the working waterfront.

COLLABORATION



We had hoped to help Maine fishermen capitalize upon Portland's worldwide reputation as a "foodie" destination. The project we wanted to build would have encouraged collaboration among all working waterfront organizations, particularly among fishermen and restaurants, to transform Portland's working waterfront into a "must-see"

destination not only for Maine people, but also for children, tourists, chefs and journalists all over the world. Here are the benefits of the project we wanted to build, in more detail:

FOR FISHERMEN, HARD PHYSICAL BENEFITS

- Approximately \$2 million for dedicated infrastructure upgrades to the working waterfront, including commercial floats, gangways, pilings, etc.
- 7-9 free parking spaces.
- Wider lane from Commercial Street to Widgery Wharf, so that fishermen, bait trucks, etc. could access the wharf more easily.
- Private waterfront land between Widgery Wharf & Chandler's Wharf upgraded for use by fishermen, a viewing spot at the working waterfront so visitors could see what Maine fishermen and lobstermen do.
- The extension of services like electricity and water down to Widgery Wharf for use by the fishermen, services that do not exist now.
- A substantial financial contribution to a comprehensive, solutions-focused traffic study to improve conditions on Commercial Street.

FOR FISHERMEN, COOPERATIVE MARKETING ASSISTANCE



- New "Maine Sustainable Seafood Center" that would have included:
- Some processing of seafood landed by local fishermen.
- Some sales of seafood landed by local fishermen.

- A “Coastal Culinary Academy” and “R&D Kitchen” for culinary research & development focused on fresh Maine seafood.
- Direct & personalized promotion of Maine fishermen, their boats and their products to customers around the world.
- Direct personal access for visitors --- including schoolchildren --- to fishermen, boats, traps, nets and all aspects of the working wharves.
- “Maine Sustainable Seafood Raw Bar,” a restaurant serving innovative and traditional Maine seafood dishes, tracing each bite to Maine farmers and fishermen.
- We had hoped to work with our neighbors to establish an open-air fresh seafood and working waterfront market, in kiosks or under tents along on a Portland wharf.
- “International Maine Seafood Chef of the Year” contest, among others.
- “Maine Fisherman Hall of Fame” featuring storytelling, curated photographs, artifacts, etc.
- In summary, encourage collaboration among all working waterfront organizations to transform the waterfront into “must-see” destination for children, tourists, chefs and journalists all over the world.

FOR TOURISTS & PUBLIC

- New Marine Dispatch Center, central location and waiting area protected from the elements for all waiting for marine transportation out onto Casco Bay.
- Indoor bathrooms for tour boat and water taxi customers, instead of the status quo: porta-potties sitting in the hot sun.
- Private land converted to upgraded “public access point,” a new and prime viewing spot at the working waterfront.
- New 12,400 sq. ft. boardwalk & park along Fisherman’s Wharf, getting pedestrians off Commercial Street, allowing visitors to get right to water’s edge.

FOR PORTLAND TAXPAYERS

- Increase in tax revenue from \$28,000 annually that the Fisherman’s Wharf parking lot now generates, to an annual amount exponentially larger than that, after project competition.
- Another property generating robust funds for a TIF fund dedicated to current maintenance needs and future improvements to the infrastructure serving Portland’s working waterfront.

Just to be clear and avoid any confusion, the hotel proposal is withdrawn (<https://bangordailynews.com/2019/01/11/news/portland/developer-withdraws-plan-for-waterfront-hotel-in-portland-citing-concerns-by-fishermen/>). The Planning Board is meeting this afternoon, Tuesday April 23rd, in the City Council chambers at 4:30 p.m.

The zoning revisions are expected to face a Planning Board hearing and recommendation on May 14. A non-binding recommendation would be forwarded to the City Council, which needs to approve the zoning revisions. A first reading could be held May 20, with a public hearing and vote June 3. A 180-day moratorium on development within the Waterfront Central Zone expires June 15.

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DEVELOPERS & CONSULTANTS

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MEMO

To: Portland Planning Board, Portland City Council
From: O. E. Delogu, Emeritus Professor of Law, Portland resident
Subject: Proposed Revisions to the Draft Amendments to City Code, Chapter 14, Land Use,
Division 18, Waterfront Central Zone (WCZ)
Date: April 29, 2019

Introduction:

I was one of the primary draftsmen of the Portland Waterfront Zoning Amendments Initiative presented to the City (by 10 residents, mostly fishermen) on October 30, 2018; the Initiative was withdrawn in early January, 2019 after over 2300 signatures had been gathered, more than enough to bring the Initiative to a city-wide vote. The withdrawal was agreed to by the signatories to the Initiative to allow a mid-December, 2018 six month Moratorium and Task Force (appointed by the City Manager) to seek a compromise between existing waterfront zoning which was seen as squeezing out traditional water-dependent uses, and the Initiative provisions which sought to more fully protect these water-dependent uses. The withdrawal was an act of good faith by Portland fisherman to arguments made by city officials that more could be accomplished by working together.

That said, it must be noted at the outset that the Moratorium and consequently the work of the Task Force (unlike the Initiative) did not encompass all of Portland's waterfront zones; the Eastern Waterfront Port Zone (EWPZ) and the Waterfront Port Development Zone (WPDZ) were omitted. **I view this failure to see the relatively small Portland waterfront (barely 2.6 miles in length) in a comprehensive manner as a mistake;** Portland's waterfront is in fact a single highly integrated whole, with Commercial Street (and its extensions) as the landward boundary of all three zones.

Given this limitation, the Task Force commenced its work in early January; it has been diligent; the meetings have been civil; the City Manager and city staff personnel by their presence at all meetings and by their pulling together of data have facilitated the Task Force's examination of a wide range of issues: problems with present zoning provisions, increased traffic along Commercial Street, parking problems in the WCZ and in all of the adjacent waterfront and non-waterfront zones, the use of the city's TIF funds, the role of non-water dependent uses within all waterfront zones, but particularly the WCZ. But reducing frank discussions to tangible Draft Amendments for zoning changes in the WCZ has taken time—the 26 page (unnumbered) document being examined was made available to the Initiators and the public on late Friday afternoon April 19, 2019 (the start of Easter weekend), four days before a scheduled April 23rd Planning Board Workshop at which proposed revisions and comments on these Draft Amendments was to be received. **This time frame is unfair on its face.**

Having now fully read the 26 page Draft Amendments and compared them to both the existing zoning and the 2018 Initiative provisions I would make two observations and then offer my Proposed Revisions. First, the Draft Amendments accept a number of the Initiative proposals—a good step forward. But in my view **the Draft could go further than it does to effect a more reasonable compromise.** Second, I have numbered the 26 pages; all of my revisions (except the last revision) reference the page number on which the change I would make is found.

Proposed Revisions:

Page 1—In §14-305 (c) I would drop the fourth word “ encouraged” and substitute the word “permitted”; I would also **delete the whole of the second sentence.** Non-marine uses to a limited degree are tolerated in the WCZ; whether they are essential to the economic survival of the piers and marine infrastructure has been asserted, but not proved by pier owners; what is clear is that Portland's

waterfront has existed for over 300 years without the wide range of non-marine uses put in place over the last 20-25 years.

Page 3—The §14-306 definition of the Non-Marine Use Overlay Zone (NMUOZ) is renamed the Commercial Street Overlay Zone (CSOZ)—fine. In the original 1987 Initiative the NMUOZ did not exist. What came to be called the NMUOZ crept in gradually (in a series of post 1987 zoning amendments) to the WCZ—first along Commercial street extending seaward for 25’, then 50’, then 150’ and up to 500’ along three of the central piers. The 2018 Initiative would have eliminated this zone altogether—it invited far too many non-water dependent uses (squeezing out water-dependent uses) into the heart of the WCZ. Elimination of NMUOZ, now CSOZ, was unacceptable to pier owners and a majority of Task Force members. Leaving the overly generous 500’ inroad onto 3 piers aside, the struggle for a compromise did not begin with some number between 0 and 150. The fisherman on the Task Force proposed a 75’ uniform seaward reach within the CSOZ, extended to 300’ for Long Wharf alone. The Draft Amendments accept the latter (still generous) provision, but establish the uniform seaward reach of the CSOZ at 125’. **This less than balanced compromise does not go far enough.** The obvious compromise between 0 and 150 feet was proposed by the fisherman; the fact that it was rejected by the Task Force does not prevent it from being accepted by the Planning Board and City Council as a true, a more realistic compromise aimed at avoiding a revived 2019 waterfront Initiative.

Page 6—§14-307 (b) deals with non-marine commercial and industrial uses: 2. dealing with cabinet and carpentry shops, studios for artists and crafts people **should be deleted**. There are an infinite number of locations in non-waterfront zones where these non-marine activities can be located.

Page 6—§14-307 (c) I would **put a period after the word spaces**. It seems inappropriate and unsafe to channel pedestrian and bicycle trails along commercial street which is already congested, and will become more congested with Eimskip 18-wheelers, fishing (and other) trucks, tourist buses and cars. Danforth Street and Fore Street offer safer options for these trails.

Pages 7-8—§14-307 (e) deals with uses permitted only within the CSOZ. **I would delete 4. Museums and art galleries, and 6. Offices for health care practitioners and clinics.** Both of these activities require user parking (already very scarce), are likely to attract higher volumes of people, and seem more suited to other Old Port, peninsula, and off-peninsula areas.

Page 8—§14-307 (e) 7. Personal service establishments **should be deleted**; it is too vague; or it should be defined more precisely—there are literally hundreds of possibilities.

Page 9— §14-308 dealing with Conditional uses: whether you add a sub-(b) or a part 3. Under sub (a) is a matter of indifference, but **I would add as a conditional use** “Structured parking facilities”; there are at least two areas in the CSOZ where this is possible, Long Wharf and the Fish Pier. This facilities are remunerative, and would help alleviate waterfront and island parking shortages.

Page 12—§14-309 dealing with Prohibited uses: retaining all of the Draft Amendment prohibited uses, **I would add the following** three contained in the withdrawn 2018 Initiative: (j) bulk freight or truck terminal facilities, (k) amusement theme parks or game rooms, and (l) gambling establishments/facilities, except those permitted by law on inter-port vessels.

Page 12—§14-310 (c) two references to NMUOZ should be changed to CSOZ.

Page 13—§14-310 (h) reference to NMUOZ should be changed to CSOZ.

Page 15—§14-311 (a) 3. c reference to NMUOZ should be changed to CSOZ.

Pages 18-20—the Draft Amendments total elimination of contract or conditional rezoning is an important step in the right direction (closing an abused loophole); however, **the Planning Board/City Council may want to consider retaining** (as did the withdrawn 2018 initiative) some limited capacity (other than a variance, not usually available when proposed projects seek PB approval) to permit **minor** deviations from otherwise applicable dimensional requirements in the zoning ordinance; for example, an otherwise permitted or conditional use should not be denied when it only has 9.5 feet of dock setback when 10 feet is required.

[This is the last revision—there is no page number reference]

It revises and applies the last amendment in the withdrawn 2018 Initiative that applied to all three waterfront zones. Obviously, here it would apply only to the WCZ. It reads as follows:

“Notwithstanding automatic lease renewal provisions, and/or more permissive non-conforming use provisions in other portions of the City Land Use Code, upon passage of these WCZ Draft Zoning Amendments, the parking of vehicles on ground-level spaces or in any structured parking facilities in the WCZ to meet the parking needs of uses permitted in non-waterfront zones landward of Commercial Street is prohibited when current leases (whether held by Unified Parking Partners or any other property owner in the WCZ) expire, or three years from the date of passage of these Draft Amendments, whichever is shorter.”

In the WCZ (including CSOZ) parking needs for fisherman, other marine uses, existing (and new) permitted and conditional non-marine uses, and year-round island residents are currently not being met. The Task Force has wrangled for hours over these issues in an effort to bring some degree of order to these legitimate parking needs. Permitted uses in non-waterfront zones throughout the peninsula must be made to meet their parking needs within the footprint of their own property and/or the zone in which they are located (or an adjacent non-waterfront zone). They cannot be allowed to exacerbate WCZ parking problems. The above provision is an important step; it will reduce the current WCZ parking space shortage, and allocate the current supply to those with the most legitimate claim/need for these spaces.

[Attached to this submission are two recent op-ed pieces written by the author.]

Portland's Working Waterfront — Under Siege Again

by Professor Emeritus of Law Orlando E. Delogu

In the early to mid-1980s Portland's waterfront was healthy and showed signs of getting healthier; BIW's dry dock facility was moving into the east end of the waterfront; P.D. Merrill's facility (now Sprague) was expanding its activities on the west end of the waterfront; the Fish Exchange and a growing ship-to-container business occupied centrally-located wharf areas, and nearly 200 working (mostly fishing) boats as well as ship chandlery / supply businesses occupied space along the 18 wharves that line the 2 1/2 -mile waterfront.

But Portland's development community and governmental leaders, with an eye to Boston's waterfront development, were caught up in the belief that upscale condominium development, high-end office space, and smart shops on Portland's piers and along our waterfront was the real key to economic growth. A small condominium project found its way onto Portland Pier; the massive Chandler's Wharf condominiums were built; still more condominium, office, restaurant, and shopping spaces were under discussion or in the early stages of planning board consideration. These projects were headed for fast-track city approval. The green light was on.

At this point, a diverse group of waterfront workers, fisherman, neighbors, and people with planning law background came together to head off this yuppie movement onto Portland's waterfront, and the loss of traditional marine commerce activities that would almost certainly follow. It would only be a matter of time before upscale condo and shop owners, office workers, and shoppers would tire of the smells, noise, long hours, and truck traffic that are the hallmark of a working waterfront. Seeing little chance that the city's power elite would put zoning provisions in place that would protect the working waterfront, these dissenters turned to the city's initiative process.

The initiated waterfront zone drew the line down the middle of Commercial Street; the water side and piers were included; it was roughly 2 1/2 miles in length; it left existing buildings and uses alone — they were treated as nonconforming uses; any and all forms of water dependent uses were permitted in the newly-created working waterfront zone.

The zone was rooted in two unassailable facts. First, marine commerce activity in Portland traced back over 350 years; the city was founded, and grew up, on the back of marine commerce; in the mid-1980s Portland was (and remains today) the leading marine commerce port in the state. These longstanding job-creating benefits should not be lost. The rallying cry of proponents of the initiative was "Don't take the Port out of Portland." This would shortly become the rallying cry of the whole city.

Second, marine commerce (unlike condos, offices, and shops) by its very nature, is water dependent. It can only be located on the waterside of Commercial Street. But Portland's waterfront (unlike waterfronts in Boston, New York and other east and gulf coast ports) is small — barely 2 1/2 miles from Sprague's facilities on one end to where the BIW dry dock was (and now Ocean

Gateway is) located. These areas represent less than 3% of developable land in the city. Condos, office blocks, restaurants, shops, industrial facilities are not water dependent — they can be placed anywhere in the city. In the mid-1980s, a great deal of unbuilt upon land existed even on the peninsula — some of it exists today.

These two realities drove the initiative. The signatures needed were readily gathered; the vote was held on May 5, 1987. In spite of Chamber of Commerce, development community, and nearly unanimous governmental opposition, the initiative passed overwhelmingly — by a 2 to 1 margin; it carried every voting precinct in the city. A legal challenge to the ordinance brought by disappointed developers was also unsuccessful. In early 1988, a unanimous Law Court sustained the ordinance. One would think that Portland's working waterfront would be safe for a generation or more, but one would be wrong.

Barely five years after passage of the ordinance, a group of pier owners and disappointed developers calling themselves the Waterfront Alliance sought amendments that undercut the fundamental premise of the ordinance, i.e., that non-water dependent uses (non-marine uses) should be kept out of the defined waterfront zone.

The Alliance, pleading economic ruin, but not wishing to tangle with the Maine State pier and BIW on the East end, or P.D. Merrill on the West End, focused their proposed changes on the Waterfront Central Zone (WCZ). They wanted office and other non-marine uses to be allowed along the water side of Commercial street and on 2nd and 3rd floors of existing buildings. They downplayed the fact that this zone encompassed 14 of the city's 18 piers, almost all of the fishing boat tie-ups, the Fish Exchange, and most of the working waterfront's support facilities. These activities then, and now, are the most economically fragile elements of any working waterfront. Moreover, as noted above, the parking needs, noise, smell, and hours of operation of these activities would directly clash with the proclivities of upscale office workers and shoppers.

The battle lines were drawn — Alliance views were supported by the planning board; many councilors supported their views. The proponents of the 1987 initiative conceded that some fine-tuning amendments were needed, but they saw these as narrow in scope.

They argued that the will of the voters should be respected — that the two fundamental premises of the ordinance remained indisputable. They argued that the protections provided by the ordinance were working — the working waterfront was healthy and the full economic potential of the waterfront had not yet been reached. After months of debate, a compromise was passed by the city council in January 1993.

The Alliance was not happy with the outcome, but the erosion of the distinction between water dependent marine uses and non-marine uses that could be put elsewhere in the city had begun — it would not end with the

1993 amendments to the initiated ordinance. The Alliance saw it could not kill the initiated zoning ordinance outright. Instead, it embarked on a longer run strategy, one that would allow more non-marine uses into the CWZ gradually over time.

For example, language was added to CWZ provisions allowing individual, otherwise prohibited, non-marine uses to gain access to the waterfront pursuant to conditional or contract zoning amendments if the planning board / council found that it met a vaguely worded "no adverse impact" standard. The council failed to recognize the fact that the very presence of non-marine uses shrinks and clashes with (is "adverse" to) marine uses that can exist only in the 3% of city land / pier area suitable for marine commerce.

Further, CWZ language was added that bluntly stated: "Non-marine uses are encouraged ... [they] are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure." Rubbish — this is a make-weight economic argument aimed at circumventing the purpose and intent of the initiated ordinance.

What many pier owners wanted was upscale profits from upscale development located on the waterfront and where it will squeeze out marine uses that have nowhere else to go. This language ignores the fact that the marine infrastructure expanded and improved for 350 years without these non-marine uses / activities.

Finally, the most egregious non-marine intrusion into the Central Waterfront Zone was the Non-Marine Use Overlay Zone (NMUOZ). This overlay (limited to the CWZ) allows new non-marine uses to be built on open land on the water side of Commercial street well back (150 feet) from the southerly side of the Street, and 500 feet out on Long, Chandler's, Widgery's, and Union Wharfs. Large prime waterfront areas / piers are opened up to non-marine development.

This overlay zone is contrary to the letter and spirit of the initiated waterfront zoning ordinance. It ignores the indisputable facts that led to passage of the initiated ordinance. It invites a massive expansion of non-marine uses onto the waterfront.

In all, smaller or larger loophole amendments weakening the water dependent focus of the initiated ordinance were enacted in 2002, 2006, 2009, 2010, 2011, 2012, 2014, 2015, 2016, and 2017 — "death by a thousand cuts." It would only be a matter of time before a developer puts a proposal on the table that fully exploits the largest loophole, the NMUOZ.

As I write, that time is at hand. The Bateman Corporation has put a massive hotel, parking garage and retail shops project, straddling Chandler's and

Widgery's wharfs, on the planning board's / city council table. This complex would extend non-marine Old Port-types of development directly onto Portland's waterfront / piers. Phase 2 office developments (also in the overlay zone) are briefly noted in the applicant's Phase 1 proposal.

If any version of the Bateman project is approved, the working waterfront in the CWZ will be hard put to survive. The Fish Exchange and the 90 or more fishing boats operating in the zone will be pariahs in the neighborhood they've been located in for decades; some water taxi and marina activities serving the very rich will be the last to go.

In sum, though aspects of the working waterfront have never been healthier, e.g., the cruise boat business, Eimskip, Sprague Inc.; we keep squeezing it, making its survival ever more difficult, narrowing its full potential by narrowing the space available for water dependent uses. Portland seems trapped in a penchant for short sightedness; it is more enamored with the immediate returns from non-marine uses on its waterfront — a hotel, parking garage, upscale shops, and offices than it is with the long run returns that a working waterfront committed to water dependent marine uses would provide. The city fails to grasp that with proper zoning it can have both.

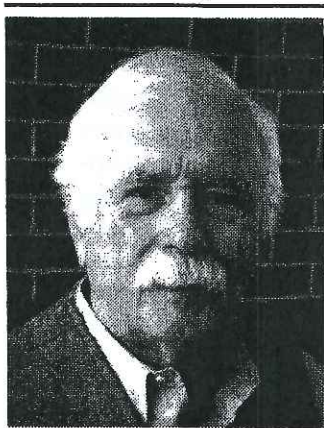
The city also fails to value the fact that Portland has one of the finest deep water harbors on the east coast. This won't change — we should build on it. This reality gave rise to the ship building, job creating, defense role the city played in World War II. It's a big factor in the cruise boat boom we're now enjoying.

Portland's prime location as the most northern and eastern major U.S. harbor also won't change. Again, we should build on it. Given the reality of global warming and the likely opening of a northern passage between the Atlantic and Pacific oceans, we should see what Eimskip saw, with its European roots, more vision, more experience; i.e., the economic advantage (boom) these locational factors portend. That's why they have expanded their waterfront land holdings in Portland and pressed for new rail and cold storage facility.

The long-term potential for Portland that a northern passage between oceans gives rise to boggles the mind. The last thing we need is waterfront zoning that kills this potential by putting massive non-marine uses where they do not belong. But that's exactly what we seem bent on doing. That's what the NMUOZ does. That's what the Bateman project is all about.

This zoning misallocation of scarce waterfront land / pier resources must surely give water-dependent developers pause: Will Portland be a reliable partner justifying future marine related capital investments? The degree to which the initiated 1987 waterfront zoning has been undercut over the years (especially by NMUOZ) suggests the answer to this question is "No."

This must change if Portland's working waterfront is to realize its full potential. The planning board and city council have the power to effectuate this change — to reaffirm the premises of the initiated 1987 waterfront zoning ordinance. If they cannot or will not act, a new citizen's initiative may well be in order.



Orlando Delogu

This overlay zone is contrary to the letter and spirit of the initiated waterfront zoning ordinance. It ignores the indisputable facts that led to passage of the initiated ordinance. It invites a massive expansion of non-marine uses onto the waterfront.

Orlando Delogu, one of the founders of the Maine Civil Liberties Union is professor emeritus at Maine Law, where he has taught for more than 50 years. He has been involved in policy issues, from local to the international level. In 2013, he was awarded the Justice Louis Scolnik Award by the ACLU of Maine.

MAINE VOICES

City waterfront task force lacking public input, sense of urgency

Last November, 10 Portland residents, mostly fishermen, filed a petition seeking a referendum to restore the concept of water dependency to the zoning provisions that control development along the seaward side of Commercial Street, including the 18 existing piers.

A similar initiative was adopted by city voters in 1987 but has been eroded to the point of non-existence by City Council-approved amendments. Offices, shops, restaurants, parking (all non-water dependent uses) are widely permitted. Hotel development was proposed. These uses have squeezed, and now threaten the continued existence of, Portland's fishing fleet as well as other water-dependent activities (Eimskip, Sprague, Vessel Services, ship supply and repair services, cruise, tugboat and ferry services) that all need water access.

The city bureaucracy – the Planning Board, the Economic Development Department, the

ABOUT THE AUTHOR

Orlando E. Delogu of Portland – an emeritus professor at the University of Maine School of Law – helped draft the recent working waterfront initiative.

city manager's office, the mayor and the City Council – that for years has championed unbridled growth on the waterfront and in nearby areas sat up and took notice of the new initiative. Long-ignored calls to discuss growing development pressures in surrounding neighborhoods and on water-dependent users of the waterfront were heeded, and meetings hastily organized.

City Manager Jon Jennings took the lead. Planning Board data on non-water dependent uses within waterfront zones were brought up to date. Several councilors proclaimed that a hotel would never be approved – that other loopholes in the present zoning

could and should be closed. The idea of a six-month moratorium surfaced. Would the initiators hold off on their signature-gathering effort in order to allow Portland to make zoning changes that would preclude the need for a new initiative?

By mid-December, the moratorium was passed as an emergency measure. Unfortunately it was limited to only the Waterfront Central Zone; it did, however, call for a task force (which the city manager quickly assembled) to begin putting some of the more obvious zoning changes in place.

A series of meetings beginning in January was scheduled. There was an abundance of hope. With over 2,300 signatures in hand – more than enough to put their proposed zoning changes to the voters – the initiators (mostly fishermen) accepted the city's olive branch. They withdrew their initiative days before the deadline for submitting the 1,500 required signatures.

They accepted the city's assertion that more could be accomplished by working cooperatively than by passing an initiative that many developers and pier owners saw as too blunt an instrument. Time will tell whether this cooperation will produce the zoning changes needed to preserve Portland's working waterfront. The early signs are not promising.

The Waterfront Working Group seems a fair-minded body, but it suffers from the absence of any critic of recent city zoning policies; from the absence of the initiators' lead counsel, Sandra Guay, who could clarify their position; from the absence of anyone with solid land use planning credentials. It suffers from the fact that all of its background information and the facilitation of the meetings are provided by the same city bureaucracy that gave rise to the present problems.

It suffers from the lack of opportunity for any public input into task force proceedings.

Each week a large and patient audience can only listen. Questionable bureaucratic statements go unchallenged. People can mail their comments in, but that's hardly an effective or timely mechanism. I suggest devoting the last half-hour of task force sessions to public input.

Finally, having sat through all of the task force meetings to date, I believe that what seems missing is any sense of urgency. The same zeal that created the moratorium as an emergency measure seems to have waned. I see the council extending the task force for an additional six months, but if we're still talking about continuing to allow parked cars, office blocks and restaurants that have fish on the menu as water-related uses in a non-marine use overlay zone in the heart of the Waterfront Central Zone, the woes of fishermen and the working waterfront will not have been fixed.

— Special to the Press Herald

MEMO

To: Bill Needelman, Matthew Grooms, Jon Jennings, Portland City Council, Portland Planning Board

From: Orlando E. Delogu, Emeritus Professor of Law, Portland Resident

Subject: Proposed Revisions to the second Draft Amendments to City Code, Chapter 14, Land Use, Division 18, Waterfront Central Zone (WCZ)

Date: May 7, 2019

Introduction:

On April 29, 2019 I hand delivered a memo laying out revisions I thought necessary to the first Draft Amendments provided by city staff to members of the Waterfront Task Force, interested parties and the general public. Proposed revisions were presumably examined, and if accepted by city staff, were incorporated into a second Draft Amendments that again were circulated for further comment and suggested revisions. These final suggested revisions (if accepted) will presumably lead to a final set of WCZ Amendments which will be presented to the Planning Board and City Council for action.

At this point I would note that none of the ten substantive revisions tendered in the April 29th memo were accepted by city staff. That is disappointing. And though §14-311 (d) performance standards are usefully retained in this second Draft, and refined to some extent, it leads me to reiterate with respect to these second Draft amendments that **they do not go far enough to effect a reasonable compromise between water-dependent uses/activities and pier owner interests.**

A last effort at substantive comment:

It serves no useful purpose to simply reiterate here the ten substantive points made in the April 29th memo. They are a matter of record and can be examined by members of the Planning Board and City Council as they see fit. I would, however, note three revisions that underscore the unacceptable degree of intrusion by non-water dependent activities into the water dependent working waterfront.

§14-306 renames the Non-Marine Use Overlay Zone (NMUOZ) to the Commercial Street Overlay Zone (CSOZ); this cosmetic change is intended to de-emphasize the non-marine use creep into the heart of the waterfront. But knowledgeable people will not be fooled. More importantly it must be noted that the 1987 waterfront initiative did not contain any non-marine use provision on the water side of Commercial Street. What came to be called NMUOZ extended non-marine uses seaward of Commercial Street by a series of amendments, first 25' then 50' then 150', with a provision for 500' encompassing three piers in the center of the WCZ. The fisherman on the Task Force proposed a CSOZ of 75' with a 300' seaward reach on Long Wharf. The Draft Amendments while accepting the Long Wharf proposal, hold out for a 125' seaward reach for non-marine uses across the full length of Commercial Street w/in the WCZ. A compromise between zero and 150 is not 125. The fishermen concede that a CSOZ is appropriate but a more reasonable balance must be struck.

§14-307 (e) 4, 6, and 7 allowing museums and art galleries, offices for health care practitioners or health care clinics, and personal service establishments (without defining the scope of the latter) seems to invite non-water dependent activities amply provided for in other non-waterfront zones, posing high foot, traffic, and parking problems into the heart of the working waterfront. Commercial Street traffic and parking are already a mess; we do not need to exacerbate the problem by inviting uses such as these into the CSOZ.

Finally, the unnumbered last provision in the April 29th memo dealing with the unmet parking needs of development taking place in nearby non-waterfront zones on the peninsula should not be ignored. These parking needs cannot continue to be met by cramming them into un-built areas w/in the WCZ. Language along the following lines should be adopted as part of the final Draft Amendments for the WCZ tendered to the Planning Board and Council.

“Notwithstanding automatic lease renewal provisions, and/or more permissive non-conforming use provisions in other portions of the City Land Use Code, upon passage of these WCZ Draft Zoning Amendments, the parking of vehicles on ground-level spaces or in any structured parking facilities in the WCZ to meet the parking needs of uses permitted in non-waterfront zones landward of Commercial Street is prohibited when current leases (whether held by Unified Parking Partners or any other property owner in the WCZ) expire, or three years from the date of passage of these Draft Amendments, whichever is shorter.”

The Task Force has wrangled for hours in an effort to bring some degree of order to legitimate parking needs within the WCZ. Permitted uses in non-waterfront zones throughout the peninsula must be made to meet their parking needs within the footprint of their own property and/or the zone in which they are located (or an adjacent non-waterfront zone). They cannot be allowed to exacerbate WCZ parking problems.

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PETER L. EDMANDS
(Retired)

May 7, 2019

Bill Needelman, Waterfront Coordinator
Matthew Grooms, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone/Draft Ordinance Amendments

Dear Bill and Matt:

This letter provides comments on behalf of the Portland Working Waterfront Group (PWWG) to the revised draft amendments for the Waterfront Central Zone. While the PWWG appreciates the ongoing efforts by the City to complete the amendments within the moratorium timeframe, the group remains concerned about the removal of some of the existing standards which only serve to weaken the existing protections.

In addition to the critical need to remove the hastily added "leasable area" language in Section 14-311 (a)(1), the most significant comments are with respect to the performance standards which, despite prior comments from PWWG still leave out existing and substantive standards. This is so even with the attempts that have been made to combine and rework language into the new required Operations and Access Management Plan.

It is critical to maintain the existing zoning's forward-focused standards that look not only at existing WDUs but cast an eye on preserving the functional utility for potential future WDUs. This frame of reference is very important if the City is to maintain the value of the harbor as an economic engine for future generations.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

May 7, 2019

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Comments on revised ordinance amendments:

14-307(a)(26): Change to: Commercial parking for individuals who work in or are employed by water-dependent uses.

14-307(b)(1): Add: except for offices of health care practitioners or health care clinics which are limited to the CSOZ after the word “offices”.

14-310(d)(4): Remove open parenthesis at start of fifth line.

14-311 (a)(1): The term “leaseable [sic – this should be leasable] area” must be removed. This term is too open for arbitrary decisions or misinterpretation and it has the potential of significantly reducing the 55% marine use are on the first floor.

Section 14-311(d)(13): First paragraph: (a) First line after Operations and Access Management Plan change to: No use, including new development, a change of use, or expansion of a non-marine use, shall be permitted, approved, or established in this zone unless the applicant meets all submission requirements and demonstrates that the proposed development, change of use or expansion of use meets each of the review standards and other requirements of the Performance Standards. (as now written, it sounds like this section applies only to new development); (b) Reinsert “for review by the Planning Authority” which has been deleted, so the next sentence reads: The applicant shall submit a scaled plan and accompanying narrative for review by the Planning Authority.

Section 14-311(d)(13): First paragraph, following sentence: The use of the word “pyramid” from the Comprehensive Plan is confusing in this section and should be deleted as it is sufficient and less confusing to simply refer to the hierarchy itself. Also confusing is the term “subordinate in placement and disposition” as the meaning of this term is unclear. It would be clearer to say as the third sentence in this paragraph:

In accordance with Portland’s Plan 2030, the plan shall demonstrate the proposal is consistent with the hierarchy of waterfront uses, as further detailed in Sec. 14-305 (Purpose), giving highest priority to existing and potential water-dependent uses and second priority to marine-related support uses, with non-marine uses being allowed only if they do not interfere with and are not incompatible with water-dependent and marine-

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

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related uses, and the proposal is designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

14-311 (d)(13)(b)(ii): After the word “parking” in the first line add: for uses permitted in the WCZ and proposed to be located on the subject lot shall submit.....

Section 14-311(d)(13)(b)(iii): As written weakens the shared use concession and omits important qualifications. This could be corrected by adding the red, underlined language below:

Except for common circulation drives as defined in 14-306, off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusively for (not exclusive to) such uses and shall not be shared with non-marine uses, (current zoning, Performance Standard 16(d)) except that, if strictly and effectively enforced and if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m.

Section 14-311(d)(13)(b)(v): The current draft omits the concept that it is design of facilities that is the object, and “and materials” has been lost from the original phrase related to loading and unloading of “goods and materials.” The term “and materials” should be returned.

Existing performance standard **Section 14-311(d)(15)** “Compatibility of non-marine uses with marine uses” (shown as **Section 14-311(d)(12)** on the redline) is rolled in part into **Section 14-311(d)(13)**, but still omits the substantive standard that non-marine uses “shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses” (emphasis added). This language needs to be put back in as a meaningful standard as without it there could well be misinterpretation as to whether these standards apply to potential future marine uses, as well as existing marine uses.

The proposed amendment strikes out existing performance standard **Section 14-311(d)(16)** “Functional utility of piers and access to the water’s edge” (shown as **Section 14-311(d)(13)** on the redline). The earlier draft reduced it to a requirement that buildings located within 10 feet of the pier edge “shall account” for the transfer of goods. In the revised draft that is deleted as well. While the amendments do include some of the provisions, key language is missing from the existing requirement, specifically that “all

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

May 7, 2019

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new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge . . ." (emphasis added). This language needs to be put back in as a meaningful standard.

The PWWG notes that the revised draft of performance standard 13 for the Operations and Access Management Plan does add review standards, which is an improvement from the first draft. But it still leaves out some of the very specific operational requirements from the existing ordinance.

In summary, the following language is improperly omitted and should be inserted into the current draft so that these standards are maintained as substantive and forward-looking planning review standards. They could be added as Review Standards viii, ix:

Any proposed non-marine use will be compatible with marine uses and will neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. (current zoning, Performance Standard #15)

The proposal, whether for marine or non-marine use, will adequately protect the functional utility of piers and access to the water's edge by appropriately anticipating current and future functional and operational needs of water-dependent uses to access the water's edge for the transfer of people, goods, and materials between vessels and land. (current zoning, Performance Standard #16)

Again, while appreciative of the effort that has gone into the redrafting of the proposed amendments, the PWWG sees these substantive standards as a crucial component of the current zoning, and cannot accept as sufficient an amended ordinance which omits them. I would be happy to meet with you and any other City representatives to discuss how this may be accomplished before the current draft is finalized for the Planning Board.

Thank you for your attention to this matter.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

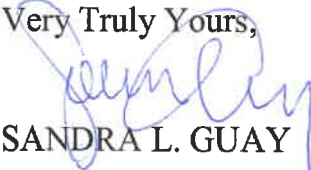
Bill Needelman, Waterfront Coordinator

Matthew Grooms, Planner

May 7, 2019

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Very Truly Yours,


SANDRA L. GUAY

SLG/lb

Copy to: PWWG

Jon Jennings, City Manager

**Owners and Representatives of
Long Wharf, Fisherman's Wharf, and Union Wharf**
Portland, Maine

May 9, 2019

Sean Dundon, Chair
Planning Board
City of Portland
389 Congress Street
4th Floor
Portland, ME 04101

Dear Chairman Dundon and Members of the Planning Board,

Re: Proposed Waterfront Central Zone (WCZ) Text Amendments / Financial Impact

During the workshop held April 23, 2019 to discuss proposed Waterfront Central Zone ("WCZ") text amendments, several Board members requested additional information regarding the financial impact of modifying the current Non-marine Use Overlay Zone ("NMUOZ") located within the WCZ boundary.

As proposed, the majority of properties in the NMUOZ would have the current depth of 150' from Commercial Street reduced to 125' or a net decrease of 25'.

The most significant proposed changes affect the three wharves which represent the greatest resource for future development that we believe will be necessary to maintain the working waterfront infrastructure for both public and private improvements. These are Long, Fisherman's, and Union, all lying next to each other in a central location directly adjacent the Old Port District.

As the owners and representatives of these three wharves, the following information has been compiled as a collaborative effort to provide the Planning Board with the financial impact analysis as requested.

As background, the NMUOZ boundary affecting these three wharves was delineated in terms of size (i.e. a depth of 500' from Commercial Street seawards) when the NMUOZ was originally created, specifically because they represented a significant resource for future, private development that could help the working waterfront. Both Long and Fisherman's consist mainly of open parking lots which provide access to Portland's tour boat fleet and commercial retail uses. The fishing community has not been located on either of these wharves in decades. This is not the case for the other wharves and piers in WCZ which were highly developed in terms of existing structures vs. open area and contained a mixture of marine and non-marine uses. Union Wharf has continued to develop since the

creation of the NMUOZ in a way which hosts a broad mixture of both marine and non-marine/marine compatible uses as a direct result of the ability to utilize the “zoning tools” provided by the current NMUOZ boundaries and text provisions. The attached financial analysis examines each wharf on an individual basis as follows:

- Current disposition (use).
- Future development potential based on current zoning and allowable uses.
- Future development potential based on the proposed zoning amendments.
- Presents the net difference in terms of lost revenue benefits to the City and working waterfront if the current NMUOZ is reduced as proposed by the current zoning amendment.

The underlying assumptions utilized for this analysis are as follows:

- Current property tax information as listed by the City of Portland for each affected parcel.
- Current use(s) and size of each parcel both currently in the NMUOZ and reduced as proposed.
- Development potential based on the highest and best use allowed under current zoning.
- Estimated development costs experienced by the owners based on similar projects both recently completed and/or currently under construction within the City.
- Estimated taxable project valuations based on guidance provided by the City’s Tax Assessor.

Each wharf contains a separate analysis which is followed by a summary economic impact comparison chart reflecting individual wharf impacts and a schedule showing the three wharves combined.

The schedule of all three wharves combined illustrates the following financial impacts created if the proposed modification of the current NMUOZ is enacted:

- Total annual real estate tax revenue potential created by new development would be **\$1,178,733 (55.64%) less per year.**
- Total annual revenue available to fund the Waterfront Capital Improvement Zone (T.I.F. District) would be **\$1,208,865 (65.2%) less per year.**
- Total funds required for marine infrastructure investment would be **\$3,418,194 (63.53%) less in total.**

Based on the economic impacts created by the proposed modifications to the current NMUOZ relating specifically to these three wharves, we urge the Planning Board NOT to recommend these zone changes to the City Council for approval.

We further encourage this Board to examine the information presented to date in support of radically modifying the current NMUOZ in light of the following facts:

Sean Dundon, Chair
City of Portland Planning Board
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May 9, 2019

- The current NMUOZ is and has been working effectively to preserve and enhance the working waterfront, as demonstrated by the ongoing development at Union Wharf and the very public process which has been a part of the proposed development at Fisherman's Wharf.
- The City of Portland's recent waterfront inventory shows little measurable change over the past ten years that the current NMUOZ has been in effect.

To be clear, this inventory does not support the claim some have made that "fishermen are being pushed out" or that berthing and parking for fishermen have been and is decreasing as a result of commercial development on the waterfront.

In fact, a recent poll of the thirteen wharf and pier owners which comprise Portland's working waterfront did not indicate any lack of berthing or parking for fishermen for those who have requested the same.

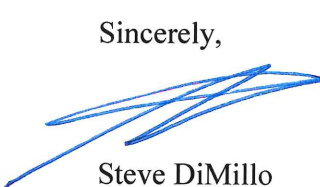
- Eliminating the provisions for contract zoning and condition use rezoning is unnecessary and short sighted. The working waterfront is an ever-changing part of the City, as the past 300+ years have shown. The current zoning provisions have worked as they were intended to. The recent City waterfront inventory and integrated commercial development to date reflects a balance between marine and non-marine uses, both of which are critical to maintaining the healthy and vibrant working waterfront we now enjoy.

It appears that the proposed amendments are being rushed to a decision before a thoughtful analysis and sorting fact from fiction on the issues have been fully vetted. In other words, these proposed amendments seem more like change simply for the sake of change and not reinforcement and support for the working waterfront's continued economic well-being.

The wharf and pier owners have supported and continue to support marine use and, particularly, the fishing community. The current NMUOZ allows us the financial ability to continue to support and subsidize berthing and parking for fishermen while creating additional commercial development in a responsible and balanced way, which in turn can fund much needed waterfront infrastructure improvements.

We hope the attached analyses will help with your deliberations. Thank you.

Sincerely,



Steve DiMillo
Long Wharf



David Bateman
Fisherman's Wharf



Charlie Poole
Union Wharf

cc: Jon Jennings, City Manager

Comparative Schedule Reflecting Combined Financial Impact to Three (3) Wharves
LONG WHARF, FISHERMAN'S WHARF & UNION WHARF

	Current NMUOZ Zoning	Proposed Revised NMUOZ Zoning	Net Difference
Total Annual Real Estate Tax Revenue Potential Created by New Development	\$2,118,238	\$939,505	(\$1,178,733) <i>Less Available Annually or 55.64% Loss</i>
Total Annual Revenue Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$1,853,038	\$644,173	(\$1,208,865) <i>Less Available Annually or 65.2% Loss</i>
Total Funds Required for Marine Infrastructure Improvement	\$5,383,317	\$1,962,123	(\$3,421,194) <i>Less Required Marine Investment or 63.55% Loss</i>

SUMMARY for LONG WHARF, FISHERMAN'S WHARF & UNION WHARF

Economic Impact Comparison Chart --- Existing Non-Marine Use Overlay Zone vs. Proposed Zoning Amendment

Wharf	Current Disposition	Development Potential Based on <u>Current</u> Zoning and Allowable Uses	Development Potential Based on <u>Proposed</u> Zoning Amendment	Net Difference / Lost Tax Revenue if Current "NMUOZ" Zone is Reduced as Proposed by Zoning Amendment
LONG WHARF				
-Total SF in NMUOZ Zone	199,914 SF	199,914 SF	65,514 SF	Reduction of 45.36% of NMUOZ Area
-Real Estate Tax	\$97,527	\$1,149,591	\$671,900	(\$477,691)
-Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$0	\$1,052,064	\$574,373	(\$477,691)
-Required Marine Infrastructure Investment	\$0	\$3,144,586	\$1,716,790	(\$1,427,796)
FISHERMAN'S WHARF				
-Total SF in NMUOZ Zone	79,792 SF	79,792 SF	28,250 SF	Reduction of 64.5% of NMUOZ Area
-Real Estate Tax	\$30,132	\$652,775	\$30,132	(\$622,643)
-Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$0	\$652,775	\$0	(\$652,775)
-Required Marine Infrastructure Investment	\$0	\$1,694,348	\$0	(\$1,694,348)
UNION WHARF				
-Total SF in NMUOZ Zone	114,850 SF	114,850 SF	32,142.5 SF	Reduction of 72% of NMUOZ Area
-Real Estate Tax	\$167,672	\$315,872	\$237,473	(\$78,399)
-Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District)	\$0	\$148,199	\$69,800	(\$78,399)
-Required Marine Infrastructure Investment	\$0	\$544,383	\$245,333	(\$299,050)

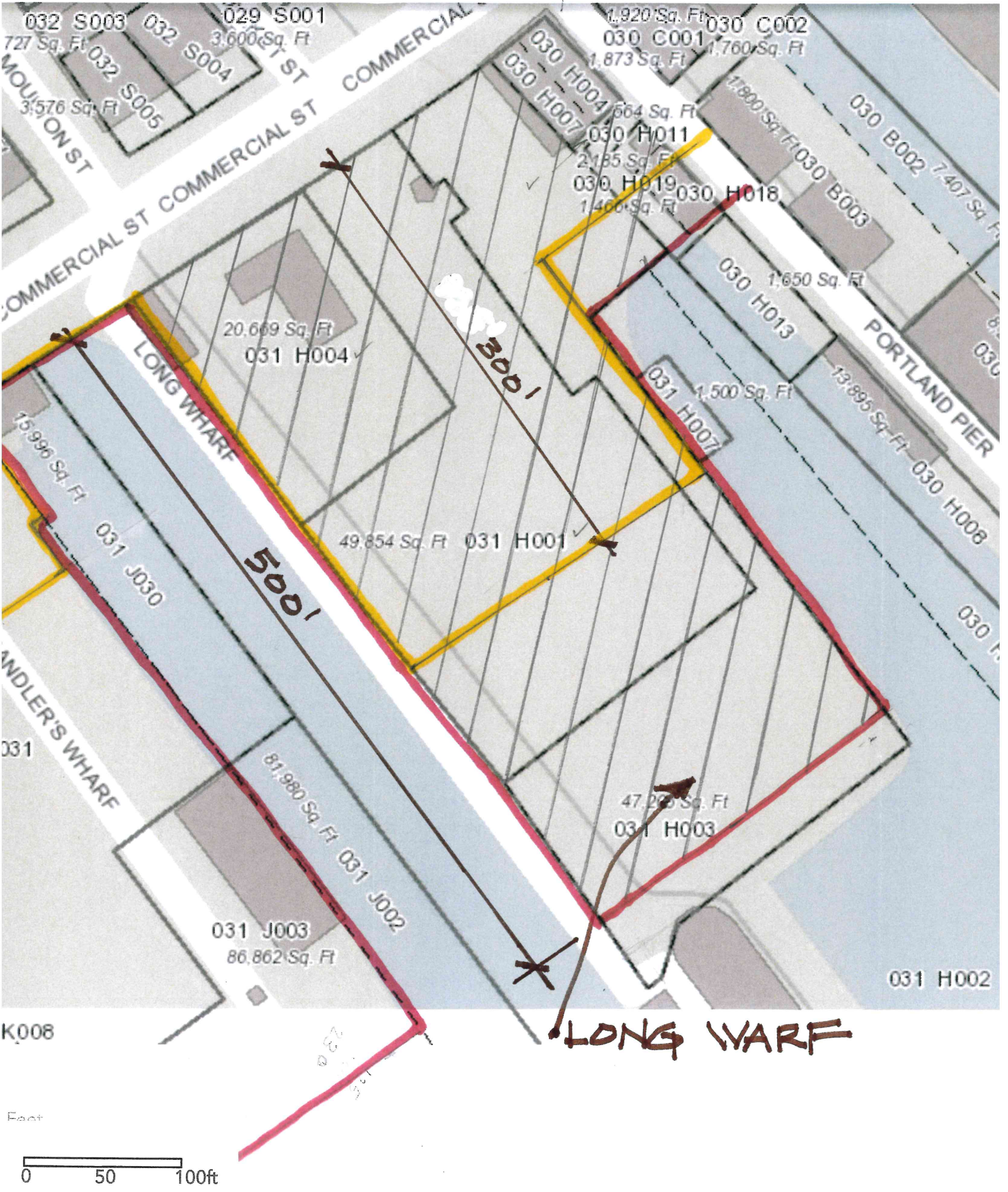
LONG WHARF

Current Disposition	Development Potential Based on Current Zoning and Allowable Uses	Development Potential Based on Proposed Zoning Amendment	Net Difference / Lost Tax Revenue if the Current “NMUOZ” Zone is Reduced as Proposed by the Current Zoning Amendment																									
Parcel(s) currently in “NMUOZ” zone: <table><tr><td>031-H004</td><td>20,669 SF</td><td>119,914 SF</td></tr><tr><td>031-H001</td><td>49,854 SF</td><td>Lot Area</td></tr><tr><td>031-H003</td><td>47,206 SF</td><td></td></tr><tr><td>030-H001</td><td><u>2,185 SF</u></td><td></td></tr><tr><td>Total in NMUOZ =</td><td>119,914 SF</td><td></td></tr></table> • Current Use(s) Retail, Restaurant, Marina, Parking Lot	031-H004	20,669 SF	119,914 SF	031-H001	49,854 SF	Lot Area	031-H003	47,206 SF		030-H001	<u>2,185 SF</u>		Total in NMUOZ =	119,914 SF		Parcel(s) currently in “NMUOZ” zone: • Project Description (Highest & Best Use) -Assume 65% first floor lot coverage for new structures. <u>First Floor Level:</u> Parking 28,800 SF = 24% Retail 20,000 SF = 17% Office <u>29,200 SF = 24%</u> 78,000 SF = 65% Coverage (78,000 ÷ 119,914) -Parking Structure / 564 Spaces – 4 Levels 115,200 SF -Retail/1st Floor Only 20,000 SF -Office / 4 Floors @ 29,200/FL 116,800 SF	Parcel(s) in proposed “NMUOZ” zone: <table><tr><td>031-H004</td><td>20,669 SF</td></tr><tr><td>031-H001</td><td>43,222.5 SF</td></tr><tr><td>031-H003</td><td>0 SF</td></tr><tr><td>030-H001</td><td><u>1,622.5 SF</u></td></tr><tr><td>Total in NMUOZ =</td><td>65,514 SF</td></tr></table> • Project Description (Highest & Best Use) -Assume 65% first floor lot coverage for new structures. <u>First Floor Level:</u> Parking 15,724 SF = 24% Retail 11,130 SF = 17% Office <u>15,730 SF = 24%</u> 42,584 SF = 65% Coverage (42,584 ÷ 65,514) -Parking Structure / 308 Spaces – 4 Levels 62,896 SF -Retail/1st Floor Only 11,130 SF -Office / 4 Floors @ 15,730/FL 62,920 SF	031-H004	20,669 SF	031-H001	43,222.5 SF	031-H003	0 SF	030-H001	<u>1,622.5 SF</u>	Total in NMUOZ =	65,514 SF	Reduction of 45.36% of “NMUOZ” Zone Lot Area
031-H004	20,669 SF	119,914 SF																										
031-H001	49,854 SF	Lot Area																										
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Current Disposition Continued:	Development Potential Based on Current Zoning and Allowable Uses Continued:	Development Potential Based on Proposed Zoning Amendment Continued:	Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment Continued:
	-Office above Retail / 20,000 SF x 3 <u>60,000 SF</u> Total Project SF = 312,000 SF Estimated Project Cost: Parking Structure = \$16,130,400 Retail = 4,682,926 Office = <u>42,078,400</u> Total Project Cost <u><u>\$62,891,726</u></u>	-Office above Retail / 3 Floors @ 11,130/FL <u>33,390 SF</u> Total Project SF = 170,336 SF Estimated Project Cost: Parking Structure = \$ 8,808,800 Retail = 2,606,000 Office = <u>22,921,000</u> Total Project Cost <u><u>\$34,335,800</u></u>	
• Current Real Estate Tax 031-H004 \$22,812.70 031-H001 13,382.34 031-H003 12,764.14 030-H001 <u>48,568.04</u> Total = \$97,527.22	• Estimated Real Estate Tax -Current Tax = \$ 97,527.22 -Additional Tax Generated = 1,052,064.00 (312,000 New SF x \$150/SF \$46,800,000 Valuation @ \$22.48 Mil Rate) _____ Total \$1,149,591.22	• Estimated Real Estate Tax -Current Tax = \$ 97,527.22 -Additional Tax Generated = 574,373.00 (170,336 New SF x \$150/SF \$25,550,400 Valuation @ \$22.48 Mil Rate) _____ Total \$ 671,900.22	• Real Estate Tax Reduction of \$477,691 of Annual Tax Revenue or 45.4% Less/YR <u>\$1,052,064</u> < <u>574,373</u> > \$ 477,691 <u>\$477,691 ÷ \$1,052,064 = 45.4%</u>
• Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	• Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$1,052,064	• Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$574,373	• Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$477,691 Less/YR

<i>Current Disposition Continued:</i>	<i>Development Potential Based on Current Zoning and Allowable Uses Continued:</i>	<i>Development Potential Based on Proposed Zoning Amendment Continued:</i>	<i>Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment Continued:</i>
	Required Marine Infrastructure Investment Project Cost = \$62,891,726 x .05 = \$3,144,586	Required Marine Infrastructure Investment Project Cost @ \$34,335,800 x .05 = \$1,716,790	Required Marine Infrastructure Investment <i>\$1,427,796 Less Available for Marine Infrastructure Improvements</i>

ver



FISHERMAN'S WHARF

<i>Current Disposition</i>	<i>Development Potential Based on Current Zoning and Allowable Uses</i>	<i>Development Potential Based on Proposed Zoning Amendment</i>	<i>Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment</i>
Parcel(s) currently in "NMUOZ" zone: 031-J03 79,792 SF	Parcel(s) currently in "NMUOZ" zone: 79,792 SF	Parcel(s) in proposed "NMUOZ" zone: 031-J03 79,792 SF Area Removed from NMUOZ <51,542> SF Revised NMUOZ Area = 28,250 SF	Reduction of 64.5% of "NMUOZ" Zone Lot Area
Current Use(s) Restaurant, Parking Lot, Berthing for Commercial Tour Boats and Ticket Sales	Project Description (Highest & Best Use) -Buildings and Parking Structure as currently designed and submitted to the Planning Board replacing the Hotel use with Commercial Office and Retail use. <u>First Floor Level:</u> Parking 29,848 SF = 37% Retail 16,612 SF = 21% Office <u>4,000</u> SF = <u>5%</u> 50,460 SF = 63% Coverage (50,460 ÷ 79,792) -Parking Structure / 501 Spaces – 4 Levels 102,204 SF -Retail/1st Floor Only 16,612 SF	Project Description (Highest & Best Use) -Based on net operating income after expense the current use as parking yields the highest return and lowest risk, therefore the current use will remain as surface parking.	

Current Disposition Continued:	Development Potential Based on Current Zoning and Allowable Uses Continued: -Office / In 3 Buildings <u>65,835 SF</u> Total Project SF = 184,651 SF Estimated Project Cost: Parking Structure = \$14,328,600 Retail = 3,889,639 Office = <u>15,668,730</u> Total Project Cost <u>\$33,886,969</u>	Development Potential Based on Proposed Zoning Amendment Continued:	Net Difference / Lost Tax Revenue if the Current “NMUOZ” Zone is Reduced as Proposed by the Current Zoning Amendment Continued:
Current Real Estate Tax 031-J03 \$30,131.52	Estimated Real Estate Tax -Current Tax = \$ 30,131.52 -Additional Tax Generated = 622,643.17 (184,651 New SF x \$150/SF \$27,697,650 Valuation @ \$22.48 Mil Rate) _____ Total \$652,774.69	Estimated Real Estate Tax -Current Tax = \$30,131.52 -Additional Tax Generated = <u>0.00</u> Total \$30,131.52	Real Estate Tax <i>Loss of \$622,643.17 of Annual Tax Revenue or 95.38% Less/YR than if developed.</i> <i>\$622,643.17 ÷ \$652,774.69 = 95.38%</i>
Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$652,774.69	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) <i>\$652,774.69 Less/YR</i>

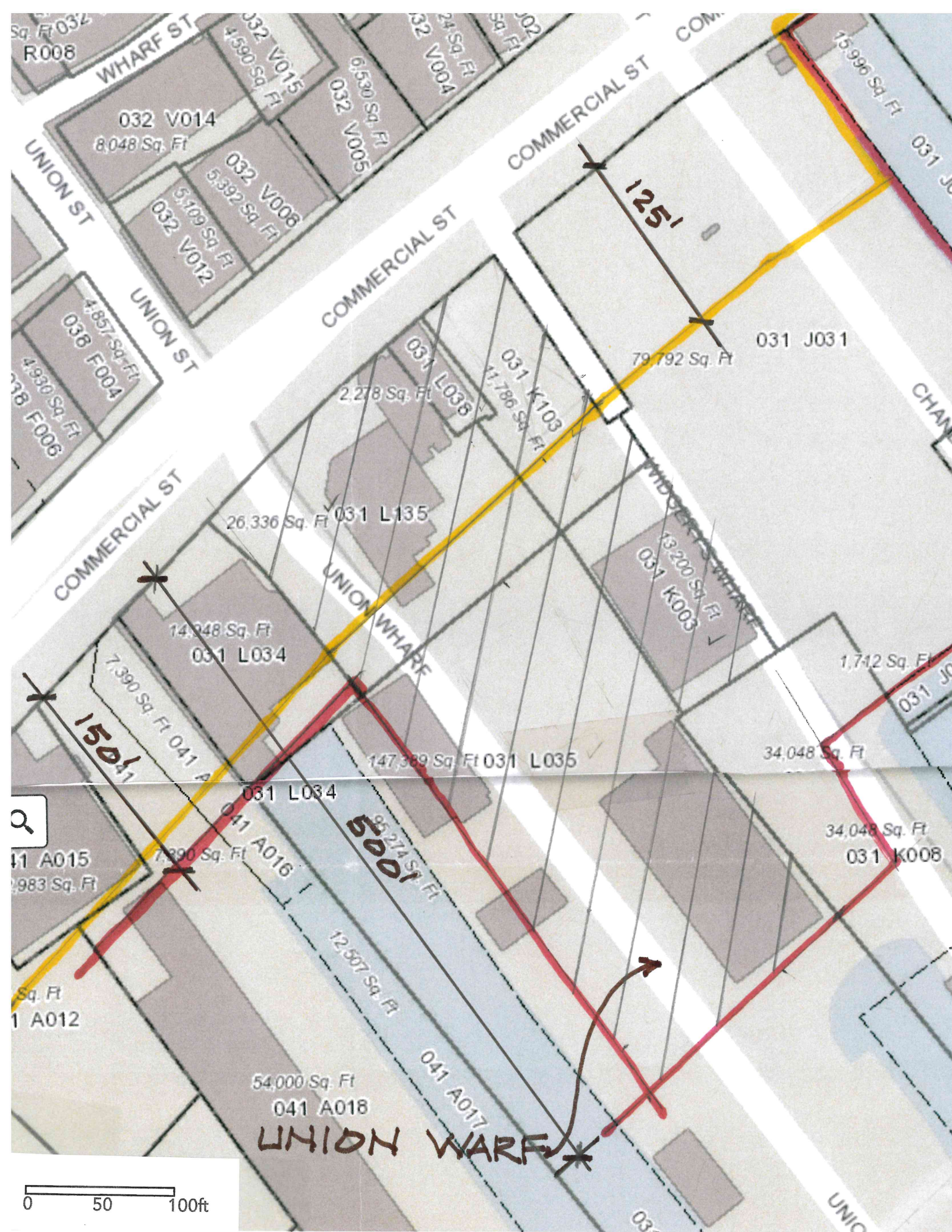
<i>Current Disposition Continued:</i>	<i>Development Potential Based on Current Zoning and Allowable Uses Continued:</i>	<i>Development Potential Based on Proposed Zoning Amendment Continued:</i>	<i>Net Difference / Lost Tax Revenue if the Current "NMUOZ" Zone is Reduced as Proposed by the Current Zoning Amendment Continued:</i>
	Required Marine Infrastructure Investment Project Cost = \$33,886,969 x .05 = \$1,694,348	Required Marine Infrastructure Investment \$0	Required Marine Infrastructure Investment <i>\$1,694,348 Less Available for Marine Infrastructure Improvements</i>



UNION WHARF

Current Disposition	Development Potential Based on Current Zoning and Allowable Uses	Development Potential Based on Proposed Zoning Amendment	Net Difference / Lost Tax Revenue if the Current “NMUOZ” Zone is Reduced as Proposed by the Current Zoning Amendment																																																		
Parcel(s) currently in “NMUOZ” zone: <table><tr><td>031-K103</td><td>11,786 SF</td><td>114,850 SF</td></tr><tr><td>031-L038</td><td>2,278 SF</td><td>Lot Area</td></tr><tr><td>031-L135</td><td>26,336 SF</td><td></td></tr><tr><td>013-L035*</td><td>61,250 SF</td><td></td></tr><tr><td colspan="2">*Portion of Total Lot</td><td></td></tr><tr><td>031-K003</td><td><u>13,200 SF</u></td><td></td></tr><tr><td>Total in NMUOZ =</td><td>114,850 SF</td><td></td></tr></table> • Current Use(s) Retail, Restaurant, Office, Parking Lot, Marine Product Production and Storage Facilities, Commercial Fishing and General Marine Berthing	031-K103	11,786 SF	114,850 SF	031-L038	2,278 SF	Lot Area	031-L135	26,336 SF		013-L035*	61,250 SF		*Portion of Total Lot			031-K003	<u>13,200 SF</u>		Total in NMUOZ =	114,850 SF		Parcel(s) currently in “NMUOZ” zone: <table><tr><td>031-K103</td><td>11,786 SF</td><td>114,850 SF</td></tr><tr><td>031-L038</td><td>2,278 SF</td><td>Lot Area</td></tr><tr><td>031-L135</td><td>26,336 SF</td><td></td></tr><tr><td>013-L035*</td><td>61,250 SF</td><td></td></tr><tr><td colspan="2">*Portion of Total Lot</td><td></td></tr><tr><td>031-K003</td><td><u>13,200 SF</u></td><td></td></tr><tr><td>Total in NMUOZ =</td><td>114,850 SF</td><td></td></tr></table> • Project Description (Highest & Best Use) -Retail at 1st Floor/ Office Above (5,175 SF x 4 Floors) 20,700 SF -Office Above 1st Floor Parking <u>23,250 SF</u> (7,750 SF x 3 Floors) Total Project SF = 43,950 SF Estimated Project Cost: Retail & Office Building = \$ 4,906,657 Office Building = <u>5,981,000</u> Total Project Cost <u>\$10,887,657</u>	031-K103	11,786 SF	114,850 SF	031-L038	2,278 SF	Lot Area	031-L135	26,336 SF		013-L035*	61,250 SF		*Portion of Total Lot			031-K003	<u>13,200 SF</u>		Total in NMUOZ =	114,850 SF		Parcel(s) in proposed “NMUOZ” zone: <table><tr><td>031-K103</td><td>11,403.5 SF</td></tr><tr><td>031-L038</td><td>2,278 SF</td></tr><tr><td>031-L135</td><td><u>18,461 SF</u></td></tr><tr><td>Total in NMUOZ =</td><td>32,142.5 SF</td></tr></table> • Project Description (Highest & Best Use) -Retail at 1st Floor/ Office Above (5,175 SF x 4 Floors of New Building) 20,700 SF Estimated Project Cost: Retail & Office Building, Total Project Cost = <u>\$4,906,657</u>	031-K103	11,403.5 SF	031-L038	2,278 SF	031-L135	<u>18,461 SF</u>	Total in NMUOZ =	32,142.5 SF	Reduction of 72% of “NMUOZ” Zone Lot Area
031-K103	11,786 SF	114,850 SF																																																			
031-L038	2,278 SF	Lot Area																																																			
031-L135	26,336 SF																																																				
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<i>Current Disposition Continued:</i>	<i>Development Potential Based on Current Zoning and Allowable Uses Continued:</i>	<i>Development Potential Based on Proposed Zoning Amendment Continued:</i>	<i>Net Difference / Lost Tax Revenue if the Current “NMUOZ” Zone is Reduced as Proposed by the Current Zoning Amendment Continued:</i>																														
Current Real Estate Tax <table><tr><td>031-K103</td><td>\$ 5,374.52</td></tr><tr><td>031-L038</td><td>45,130.00</td></tr><tr><td>031-L135</td><td>30,372.73</td></tr><tr><td>031-L035*</td><td>67,725.18</td></tr><tr><td>*Portion of Total Lot</td><td></td></tr><tr><td>031-K003</td><td><u>19,069.78</u></td></tr><tr><td>Total =</td><td>\$167,672.21</td></tr></table>	031-K103	\$ 5,374.52	031-L038	45,130.00	031-L135	30,372.73	031-L035*	67,725.18	*Portion of Total Lot		031-K003	<u>19,069.78</u>	Total =	\$167,672.21	Estimated Real Estate Tax <table><tr><td>-Current Tax =</td><td>\$167,672.21</td></tr><tr><td>-Additional Tax Generated =</td><td>148,199.40</td></tr><tr><td>(43,950 New SF x \$150/SF \$6,592,500 Valuation @ \$22.48 Mil Rate)</td><td></td></tr><tr><td>Total</td><td><u>\$315,871.61</u></td></tr></table>	-Current Tax =	\$167,672.21	-Additional Tax Generated =	148,199.40	(43,950 New SF x \$150/SF \$6,592,500 Valuation @ \$22.48 Mil Rate)		Total	<u>\$315,871.61</u>	Estimated Real Estate Tax <table><tr><td>-Current Tax =</td><td>\$167,672.21</td></tr><tr><td>-Additional Tax Generated =</td><td>69,800.40</td></tr><tr><td>(20,700 SF x \$150/SF \$3,105,000 Valuation @ \$22.48 Mil Rate)</td><td></td></tr><tr><td>Total</td><td><u>\$237,472.61</u></td></tr></table>	-Current Tax =	\$167,672.21	-Additional Tax Generated =	69,800.40	(20,700 SF x \$150/SF \$3,105,000 Valuation @ \$22.48 Mil Rate)		Total	<u>\$237,472.61</u>	Real Estate Tax <i>Reduction of \$78,399 of Annual Tax Revenue or 52.9% Less/YR</i> <i>\$148,199 < 69,800> \$ 78,399</i> <i>\$78,399 ÷ \$148,199 = 52.9%</i>
031-K103	\$ 5,374.52																																
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Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$0	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$148,199	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) \$69,800	Amount Available to Fund Waterfront Capital Improvement Zone (T.I.F. District) <i>\$78,399 Less/YR</i>																														
	Required Marine Infrastructure Investment Project Cost = \$10,887,657 x .05 = \$544,383	Required Marine Infrastructure Investment Project Cost @ \$4,906,657 x .05 = \$245,333	Required Marine Infrastructure Investment <i>\$299,050 Less Available for Marine Infrastructure Improvements</i>																														



WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

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PETER L. EDMANDS
(Retired)

May 10, 2019

Via Email

Portland Planning Board
Sean Dundan, Chair
City of Portland
Planning Division
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone
Ordinance Amendments/Public Hearing May 14, 2019

Dear Mr. Dundan and Planning Board Members:

This letter is submitted to the Planning Board on behalf of the Portland Working Waterfront Group (PWWG) for the Board's consideration prior to its scheduled May 14, 2019 public hearing on the proposed Waterfront Central Zone (WCZ) ordinance amendments.

The purpose of this letter is to: (a) respond to questions put forth by the Planning Board at its April 23, 2019 workshop meeting regarding negative impacts to the water-dependent uses and Portland fishery since the 2010 (WCZ) zoning amendments which amendments created the Non-Marine Use Overlay Zone (NUMOZ) and extended the setback for non-marine uses from 100 feet from Commercial to 150 feet, with 300 feet on Union Wharf and 500 feet on Long Wharf; (b) respond to and support the proposed zoning amendments that have resulted, with the City's assistance, from negotiation between members of the stakeholder task force group; and (c) to briefly comment on a recent letter addressed to the Planning Board by two pier owners and Mr. Bateman.

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A. Impacts to the WCZ Since 2010

Please see the attached chart. Note that of the eight marine-related businesses that have left the WCZ since 2010 (highlighted), five were evicted by pier owners. The bottom of the chart lists some of the additional impacts to remaining commercial fisheries users.

The Portland commercial marine industry, including the fishery, is more than berthing space. In order for this historical industry to survive and grow, it must be able to maintain its complex mixture of access, vessels, bait providers, marine-related services and other related uses. Portland's working waterfront is small and any non-marine expansion negatively impacts water dependent users. While the PWWG realizes that some non-marine use is inevitable, in addition to those items listed on the chart, significant negative impacts since 2010 include:

- Increase in pedestrian and vehicular traffic which creates conflicts and hazard on the wharves and in timely movement of perishable product on Commercial Street.
- Increase in non-marine use parking on some of the wharves that has impacted access to fishing vessels as well as access to historical loading and unloading areas along the edges of the wharves.
- Increase in non-marine uses that displace water dependent uses which are an integral part of the Portland marine industry.

The WCZ ordinance has been amended many times since its original enactment in 1987, each time making changes that benefitted wharf owners and at the same time negatively impacting the working waterfront and water dependent uses. Unlike non-marine uses which can be located anywhere, these working waterfront and water dependent uses must be located on the piers themselves. Surely this basic reality comes with the very ownership of a pier in a working waterfront community. The 2010 WCZ amendments, which significantly expanded the permitted non-marine usage of the wharves, were drafted at a time that development in Portland, and particularly on the working waterfront side of the peninsula was not as intensive as it is today.

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The City's 2017 Comprehensive Plan recognizes and prioritizes the crucial importance of protecting, maintaining and allowing for future growth of the fishing and marine related industry on the Portland waterfront as expressed by the hierarchy of uses in the Plan, with water-dependent uses at the top, marine related uses just below that, and with compatible non-marine uses at the bottom. The 2010 compromise amendments however have not worked to meet the City's goals and have failed to protect the working waterfront. To reverse this downward trend and to protect the City's fishing heritage action must be taken now, through passage of the negotiated amendments provided by City staff for Planning Board review and City Council action.

B. The Proposed 2019 WCZ Amendments

Like any negotiated agreement, the proposed amendments do not include all protections that the PWWG would have wanted. For example, the PWWG had asked for a zero to 75-foot NUMOZ; the proposal (which would also change the name to the Commercial Street Overlay Zone, or CSOZ) is for 125 feet in most locations, with 300 feet at Long Wharf. Bear in mind that the NUMOZ does not prevent non-marine related development; the first floor can be 45% non-marine and the top two floors can be 100% non-marine. The greater the area that is used for non-marine, the less area that will be available for integral marine-related uses; the more non-marine related uses, the greater the conflict between those users and the fishermen and other marine dependent uses – non-marine users complain about noise, smells, the movement of trucks and equipment on the piers, they park other vehicles and place items in the way of vessel access, trucks and equipment.

Despite what the PWWG perceives as its remaining shortcomings, members of the PWWG have agreed to support the proposed NUMOZ changes in the spirit of compromise with the wharf owners and other stakeholders. It was therefore upsetting to the PWWG, after having undergone 11 task force meetings (it was the PWWG who suggested going from every other Thursday to every Thursday in an effort to get the amendments completed within the moratorium period) and separate weekly meetings with other stakeholders, including many of the wharf owners and City staff, to see two of the wharf owners and one wharf lease holder, by letter dated just yesterday, no longer willing to compromise. Despite this, the PWWG is hopeful that the Planning Board will support the significant work that has been done by the stake-holder task force, City staff, and interested citizens and support this important WCZ amendment.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

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In addition to a greater reduction in the 2010 NUMOZ, there are other more restrictive protections that the PWWG would have like to have seen in the amendments, including more restriction on (or greater elimination of) non-marine related and water dependent uses. Notwithstanding this, the PWWG does support some of the other important changes in the amendment including:

- Deletion of the ability to use contract or conditional rezoning anywhere in the WCZ.
- Geographic restriction of most high-traffic and high-congestion non-marine uses to only that part of the zone within 125 feet of Commercial Street (except 300 feet on Long Wharf), keeping new retail, restaurant, personal service, etc. non-marine establishments from locating further out on the piers. (Most non-marine offices would still be allowed out on the piers, would still be limited to 45% of ground floor space, but, as now, could occupy 100% of upper story space).
- Enhancement of zoning enforcement by requiring pier owners to submit an accurate scale plan and a written narrative detailing how the pier's functional utility for marine uses will be protected, with the plan to be updated and reviewed by the City whenever there is a proposed new development, a change of use or an expansion of a use.
- An increase from 5 feet to 10 feet of the area along the pier edge that is to be reserved exclusively for marine uses.
- An increase from 60 days to 180 days in the length of time a pier owner needs to advertise and offer a vacancy to marine uses, after which time if there is still no marine tenant, it can be rented to a non-marine use (still subject to the absolute 45% non-marine cap).
- A series of tweaks to parking regulations, the net effect of which should be to increase parking availability for water-dependent uses (at least from 2:00 am to 5:00 pm), to clarify that parking for non-marine uses is limited to only those non-marine uses on the same pier (and then only if there is sufficient parking for marine uses), and to clearly prohibit new

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parking creation on the water side of Commercial Street for uses, like hotels, which are not located on that pier.

Once again, in the spirit of cooperation with all parties who have an interest in Portland's working waterfront and in appreciation of the continuing effort on the part of the City and those who have been involved in the ongoing stakeholder process to protect the Portland fishery and marine-related industry, the PWWG supports the proposed WCZ ordinance amendments.

C. Comments on May 9, 2016 Submission of Owners and Representatives of Long Wharf, Fisherman's Wharf, and Union Wharf.

The time and effort that has gone into negotiating an agreement on the WCZ amendments by the many people who have been involved has been remarkable. As this Board is well aware, the PWWG had successfully collected signatures for a referendum that would have impacted all three waterfront zones which the PWWG agreed not to submit in light of the City moving forward with a six-month moratorium and the establishment by the City Manager of a waterfront task group. In addition, the PWWG met several times with wharf owners who also expressed their sincere interest in preservation of the working aspect of the Portland waterfront. Most of these wharf owners also expressed their acknowledgment of the negative impacts that were occurring to the Portland waterfront marine industry and a desire to compromise to reach a reasonable solution.

It was therefore with some surprise that the PWWG received a copy of the May 9, 2019 letter in which the two wharf owners and Mr. Bateman appear to ask this Board to recommend no change to the existing status quo.

One of the very first things to come out of the task force, again at the request of the PWWG, was an exploration of how TIF dollars could be used to assist the wharf owners. It was discussed that TIF owners could avail themselves of a credit enhancement TIF for any significant improvements to the wharves and in addition, TIF money from other projects within the waterfront TIF zone could be used to assist the wharf owners with certain infrastructure costs, including dredging. Wharf owners have also complained of rising taxes, but taxes have risen on the wharves in direct relation to the non-marine development that has occurred on the wharves over the past several years. The wharf owners have benefited from this development, at the expense of the existing and

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historical commercial marine industry. Due to the efforts of the PWWG and the task force, the pier owners have gotten financial support that they did not have before. It seems however that these two pier owners and Mr. Bateman want it all - no matter the impact on the fishing and marine industry community.

With respect specifically to the analysis used in the May 9 letter:

By measuring only the change in the square footage in the overlay zone, rather than the impact on full buildout metrics, the letter appears to suggest that zero development will be allowed in the area being rezoned from NUMOZ to non-overlay zone. In fact, the land that the overlay zone is removed from still has the capacity to be developed at 45% non-marine on the ground floor and 100% non-marine on the upper stories. The required 5% marine infrastructure investment can be reinvested by wharf owners in their own waterfront infrastructure. Furthermore, real estate taxes that would be generated from a full buildout of the area removed from the overlay zone are not \$0; it might be slightly less than if it were left in the overlay zone but would still generate significant real estate taxes.

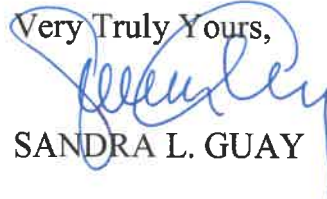
Furthermore, the analysis in the letter does not account for what will become less ability to use the working waterfront as a successful and growing commercial fishery – one of the few left in the northeast, anecdotally perhaps the most valuable with its deep, safe port and one that brings in over \$240,000,00 in product over a single year to be distributed throughout Maine and the world. The analysis also does not consider the loss in tourist revenue that will result from a diminished fishing industry and less visual contact with the working waterfront. Visitors do not crowd the Portland waterfront to see buildings – they come to see the working fisheries that they cannot see anywhere else.

In summary, the PWWG is greatly appreciative of the commitment of time and resources devoted to the redrafting of the WCZ amendments by all members of the task force, City staff and concerned citizens. The end result is not all that the PWWG would have asked for, but the PWWG believes that the process and the compromise has been both fair and effective.

As such, the PWWG respectfully requests that the Planning Board support the proposed amendments at its May 14, 2019 meeting, by giving a positive recommendation to the City Council.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

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Very Truly Yours,

SANDRA L. GUAY

Copy to:

Willis Spear, PWWG
Bill Coppersmith, PWWG
William B. Needelman, Waterfront Coordinator
Jon Jennings, City Manager

Local Marine Businesses on Portland, ME Working Waterfront Wharves that Moved or Evicted Since 1980's

#	Year Moved	Wharf	Company Moved	Business Type	Marine Related?	Comment
1	Mid 1980's	Portland Pier	Harbor Supply	Marine fuel and engine repair supply	Y	
2	Mid 1980's	Portland Pier	Harris Electronic	Fishing vessel electronics supply	Y	
3	Late 1990's	Portland Pier	Marine Metals	Marine salvage yard	Y	
4	Late 1980's	Portland Pier	Car Ferry	Ferry	Y	Connected to Casco Bay Lines
5	Late 1980's	Portland Pier	Ferry	Ferry	Y	Serviced Cushing's Island
6	Mid 1980's	Merrill's Wharf	Marine Cold Storage	Fish cold storage	Y	
7	Mid 1980's	Portland Fish Pier	Seabco Ice	Fuel depot and ice for fish preservation	Y	Merchant's wharf torn down to create Portland Fish Pier.
8	Mid 1980's	Portland Fish Pier	Vinny Cavanaugh	Boat builder	Y	Merchant's wharf torn down to create Portland Fish Pier. Boat builder and had 5-8 fishing vessels.
9	Mid 1980's	Portland Fish Pier	Peacock Canning	Sardine canning	Y	Brown's Wharf torn down to create Portland Fish Pier. These fishing companies had 4-6 fishing vessels
10	Mid 1980's	Portland Fish Pier	Trident Packing	Sardine canning	Y	Brown's Wharf torn down to create Portland Fish Pier. These fishing companies had 4-6 fishing vessels
11	Mid 1980's	Portland Fish Pier	Fish processing company		Y	
12	Mid 1980's	Chandlers Wharf	Willard & Dagget	fish processing and lobster pound	Y	Central Wharf was torn down to create Chandlers Wharf
13	Mid 1980's	Chandlers Wharf	Stuart Tuttle Engine Repair	engine repair shop	Y	Central Wharf was torn down to create Chandlers Wharf
14	Mid 1980's	Chandlers Wharf	Gundry Fisherman Supply	commercial fishing supply shop	Y	Central Wharf was torn down to create Chandlers Wharf
15	Mid 1980's	Chandlers Wharf	Harris Oil	fuel for fishing vessel	Y	Central Wharf was torn down to create Chandlers Wharf
16	Mid 1980's	Chandlers Wharf	Ocean Canyon	Groundfish buyer/processor	Y	Central Wharf was torn down to create Chandlers Wharf
17	Mid 1980's	Chandlers Wharf	Harris Company	Distributor of fishing supplies	Y	Central Wharf was torn down to create Chandlers Wharf
18	Mid 1980's	Chandlers Wharf	LaRocheville	Fishermen supply house for clothing	Y	Central Wharf was torn down to create Chandlers Wharf
19	Mid 1980's	Chandlers Wharf	Quality Seafood	crab shop- picking crabs	Y	Central Wharf was torn down to create Chandlers Wharf
20	Mid 1980's	Chandlers Wharf	Fulham Brothers	commercial fishing supply shop	Y	offshore draggers and fish handling company
21	Mid 1980's	Chandlers Wharf	Various companies	lobster dealer with bait	Y	
22	Mid 1980's	Chandlers Wharf	Unknown	scallop shucking	Y	
23	Mid 1980's	Chandlers Wharf	Fishermen	lobsters, groundfish draggers, gillnetters	Y	
24	Mid 1980's	Custom House Wharf	R&S Seafood	Fish processing plants	Y	
25	Mid 1980's	Custom House Wharf	Portland Fish	Fish processing plants	Y	
26	Mid 1980's	Custom House Wharf	MidCentral Fish	Fish processing plants	Y	
27	1988	Maine Wharf	Williams Brother's Machine Shop	engine repair shop	Y	
28	1988	Maine Wharf	Central Wharf Tow Boats	towing	Y	
29	By 1980	Long Wharf	Boat building operation		Y	
30	By 1980	Long Wharf	Tide Blocks	Fishing vessel repair area	Y	east side of wharf
31	By 1980	Long Wharf	Fishermen	gill netters and lobstermen	Y	removed from the west side of wharf.
44	Mid 1990's	International Marine Terminal	Fishing Vessels		Y	Richardson Dana Wharf now International Marine Terminal. 2-4 Fishing vessels.
32	Before 2010	Merrill's Wharf	Dropping Springs	Bait company	Y	
33	Before 2011	Merrill's Wharf	Parking	no overnight parking for boat crews	Y	
34	2011	Maine Wharf	Three Sore Lobster & Fish	Bait company	Y	Evicted by new owner Great Maine Wharf LLC, Stephen Goodrich
35	Mid 1980's	Maine Wharf	Holden Seafood	Lobster pound	Y	
36	2012	Maine Wharf	3 Brothers	Lobster pound	Y	
37	2011	Maine Wharf	Chase Leavitt & Co.	Shipping agents, engine supply and repair, and marine safety equipment	Y	Evicted by new owner Great Maine Wharf LLC, Stephen Goodrich
38	2011	Maine Wharf	Fresh Atlantic	fish processing plant	Y	Evicted by new owner Great Maine Wharf LLC, Stephen Goodrich
39	By 1990's	Maine Wharf	Business and Office and tie up	Large draggers		
40	2012	Union Wharf	Portland Trap	gear shop	Y	Moved to Riverside St.
41	2016	Union Wharf	Maine Life Raft	Marine safety equipment	Y	
42	2018	Fore Street	Hamilton Marine	Marine supply house and ship chandlery	Y	Evicted by 100 Fore St. new owner David Bateman and moved to Presu
43	2018	Fore Street	Xpress Copy	Copying shop	N	Evicted by 100 Fore St. new owner David Bateman and moved to West

Conclusion: During the 1980's, much of the marine infrastructure disappeared on the North side and South side of Commercial street boosted by the redevelopment of the Old Port Area and later in 2010 by the NUMOZ.

#	More Apparent after 2010 NUMOZ	Location	Reduction in the Quality of the Working Environment for Fishermen - Accelerated Since 2010 NUMOZ
1		Back Bay	Fishing areas blocked off by pleasure boats mooring between bridges
2		Portland Wharves	Boat berthing of lobster boats and ground fish.
3		Portland Wharves	No overnight parking for boat crews (Merrill's Wharf Only for now)
4		Portland Wharves	Easy access to boats and traps on wharves
5		Portland Wharves	Gear loss due to high volume of cruise ships coming and going in Portland Harbor
6		Portland Wharves	The ability to fish anytime of the year, anytime of the day, any day, any week to traffic congestion and parking.
7		Portland Wharves	The ability of the fishing fleet to expand.
8		Portland Wharves	The ability of the commercial fishing infrastructure to expand. (eg. Supplies, boat and engine repair shops, welders, small shops, etc.)
9		Portland Wharves	Larger boats are coming with no room for expansion in the present berths.
10		Portland Wharves	Loss of income due to having to travel longer distances from wharves for service fishing vessels or buy commercial fishing equipment and supply.

Conclusion: There is a lack of encouragement for commercial fishing and uses by City and wharf owners. The NUMOZ overlay zone is a deterrent to marine use.

Source: Invented by Portland, ME Working Waterfront Fishermen: Bill Coppersmith, Keith Lane, and Willis Spears between January and March 2019

Fwd: comments to PB on WWF zoning amendments

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:54 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **Judith Allen** <judithallenefs@yahoo.com>
Date: Sun, May 12, 2019 at 1:34 AM
Subject: comments to PB on WWF zoning amendments
To: cdg@portlandmaine.gov <cdg@portlandmaine.gov>

Judith Allen Portland resident and registered voter in District 1

Comments to the Planning Board in support of amendments to protect the Working Waterfront May 14, 2019

I urge the Planning Board to pass the entire package of zoning amendments to protect our working waterfront. Especially important is the **Deletion** of the ability to use contract or conditional rezoning anywhere in the Waterfront Central Zone (WCZ).

Judith Allen



commentsWWF May 14 PB meeting.docx

42K

Judith Allen Portland resident and registered voter in District 1
Comments to the Planning Board in support of amendments to protect the
Working Waterfront May 14, 2019

I urge the Planning Board to pass the entire package of zoning amendments to protect our working waterfront. Especially important is the **Deletion** of the ability to use contract or conditional rezoning anywhere in the Waterfront Central Zone (WCZ).

Fwd: I support the proposed Working Waterfront zoning amendments

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:49 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **Dave Wade** <davewade1@gmail.com>
Date: Mon, May 13, 2019 at 10:18 AM
Subject: I support the proposed Working Waterfront zoning amendments
To: <cdg@portlandmaine.gov>

to City Planning Director Christine Grimando:

Dear Christine,

I am writing you in support of the proposed Working Waterfront zoning amendments. The City of Portland is enjoying a boom in new developments and I think it would be prudent to protect the calling card and main attraction of Portland, its Working Waterfront, and to protect the local fishermen's ability to supply residents and our famed restaurants with the freshest seafood, by adopting the proposed zoning amendments to preserve and protect the fishing community and the working waterfront for future generations.

I am glad the city convened its Working Waterfront Task Force to sit down with fishermen, pier owners, and concerned citizens to talk over this complex issue in order to act in the best interests of the City of Portland and its residents. The 3 months of meetings have been informative, respectful, and productive, and I think we owe the city our thanks for hosting them.

Massive new developments on the east end at the site of the former Portland Company, in the central Zone in the site of the former Rufus Deering lumberyard, and in two newly reported hotel/office/retail complexes slated for construction in the open parking lot areas between Free St., Cotton St, Middle St. and Commercial St. will change the skyline and concentration of activity in downtown Portland immensely. In another two years, you may not be able to recognize our city by the sea. Therefore, I think it is critical that we step back and slow down the development of the Central Waterfront Zone before we lose all sense of the city's charm, marine character, and authenticity, and protect what it is that makes Portland such an attractive place to live and visit. I strongly support the proposed amendments to the city zoning by City Manager Jon Jennings, the Waterfront Coordinator Bill Needelman, and the Planning Department, and believe they represent the best way to keep Portland a livable city for present and future generations.

Sincerely,

David Wade
[17 Frances St.](#)
Portland

Fwd: Letter of support for waterfront zoning revisions

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:54 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **Peter Haller** <pdhaller1953@gmail.com>
Date: Mon, May 13, 2019 at 6:16 AM
Subject: Letter of support for waterfront zoning revisions
To: Christine Grimando <cdg@portlandmaine.gov>

To the Planning Board, City of Portland:

I am writing today to urge your passage of the waterfront zoning regulations, without any revisions or amendments and as they are recommended by the City Manager and city staff.

They are to be commended for their diligence, hard work and creativity on these new regulations.

Sincerely yours,
Peter Haller
51 High Street
--

Peter D. Haller, Artist
Studio: [22 Pearl Street](#), Lower Level
Biddeford, Maine
203-530-7829

Fwd: Protect the Working Waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:54 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **Berry Manter** <berrymanter@yahoo.com>
Date: Sun, May 12, 2019 at 6:57 PM
Subject: Protect the Working Waterfront
To: <cdg@portlandmaine.gov>

Dear Christine,

Please support the current package of zoning amendments being proposed by the City as a result of the work of the Working Waterfront Task Force.

A hotel, restaurant, parking garage, other non-marine use structures can find an equivalent "inland" option to operate an effective business.

A working waterfront has but one possible option.

The working waterfront will continue to evolve as Portland's *most* valuable and distinctive asset.

Please, do not allow a small group of self-interests undermine protective zoning amendments.

Sincerely,

Berry Manter
[46 Eastern Prom](#)
[Portland](#)

Fwd: working waterfront

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Mon, May 13, 2019 at 10:49 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **joanne arnold** <joannemaryarnold@gmail.com>
Date: Mon, May 13, 2019 at 10:32 AM
Subject: working waterfront
To: <cdg@portlandmaine.gov>

Dear Ms. Grimando,

I am writing as I am unable to attend Tuesday evenings Planning Board Meeting. This is, however, in no way a reflection on my interest and staunch support for the working waterfront. I am writing as a citizen of Maine and a resident of Falmouth to urge the City of Portland to do all it can to support our working waterfront. I am urging you to consider the recommendations and amendments made by the Working Waterfront Group and the Waterfront Task Force. Please, please consider taking the measures, extraordinary if necessary, to maintain our link to the working waterfront, our cultural link to the sea and preventing our vital working waterfront from becoming another mall. We have to do better than this.

Please take the suggestions and recommendations from the Waterfront Task Force, who have worked with due diligence across disparate but involved parties to find a way.

Letting Portland's Working Waterfront be deconstructed by the presence of hotels, restaurants and shops is not only a damn shame but is short sighted and ruinous of the unique quality that makes people WANT to visit and live in Portland, Maine

Thank you for your consideration,

Joanne Arnold
10 Old Mill Road
Falmouth Maine 04105
207-232-2176

Re: Time to reel in the histrionics

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: jmy <jmy@portlandmaine.gov>
Cc: "Barhydt, Barbara" <bab@portlandmaine.gov>

Mon, May 13, 2019 at 10:52 AM

Yes, include it please. Thanks for checking.

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **jmy** <jmy@portlandmaine.gov>
Date: Mon, May 13, 2019 at 10:13 AM
Subject: Fwd: Time to reel in the histrionics
To: Barhydt, Barbara <bab@portlandmaine.gov>, Grimando, Christine <cdg@portlandmaine.gov>

Should this be included as WCZ public comment?

On Sunday, May 12, 2019 at 11:47:12 PM UTC-4, Catherine Bremer wrote:

Dear Mayor Strimling, City Councilors, Planning Board Members and Manager Jennings:

This attorney is the driving force behind the current effort to throw cold water on Portland's economic success. As glib as he is, he knows NOTHING about fishing.

<https://youtu.be/56BplBFALvA>

Have we all forgotten? THIS is what has almost killed the fishing industry:

<https://youtu.be/M6CwKVdKzHg>

Yes, fishing is in trouble, and has been for a long, long time. Climate change promises to compound the troubles. But tourists spending money in downtown Portland (and buying tons of lobsters and seafood) is NOT the problem. Accepting that allegation at face value and rushing to change zoning laws, without investigation and documentation, is the wrong way to proceed.

Right now the fishermen's lobbyists and their lawyers have a gun to your head. That's clear. Hopefully, despite their intimidation, logic will prevail and you will make the correct decisions for the entire city. Please deliberate wisely. Thank you for your time and consideration.

Cathy

Fwd: Protecting the waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Mon, May 13, 2019 at 11:24 AM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **Stephanie Morris** <islandsammie17@gmail.com>
Date: Mon, May 13, 2019 at 11:09 AM
Subject: Protecting the waterfront
To: <cdg@portlandmaine.gov>

Please support the efforts to maintain Portland's unique personality and stand by our marine industry by respecting the suggestions of the working waterfront group in tonight's meeting.

I cannot be there to lend my presence in support of all the proposals as I am emailing from Portugal but I am hoping the city acts with wisdom and long term vision . There are plenty of opportunities for development of all kinds in and around Portland. Let's please not turn Portland into a mini-Boston!

Thank you
Stephanie Morris
5 Spiro Ave
Gray
And
[75 Leavitt St](#)
[Long Island, ME](#)

Fwd: Working water front

1 message

Christine Grimando <cdg@portlandmaine.gov>

Mon, May 13, 2019 at 1:03 PM

To: Jennifer Munson <jmy@portlandmaine.gov>, Matthew Grooms <mgrooms@portlandmaine.gov>

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **joyce blossom** <joyceblossom@gmail.com>
Date: Mon, May 13, 2019 at 12:59 PM
Subject: Working water front
To: <cdg@portlandmaine.gov>

I am a resident of Munjoy Hill and a summer home owner on Peaks Island, and I am in favor of maintaining the working water front. I want the amendments to be accepted.
Joyce Blossom
[59 Kellogg St](#)
[Portland, ME 04101](#)

Fwd: zoning amendments

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Tue, May 14, 2019 at 1:11 PM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **Sally Barrows** <galeyrie@me.com>
Date: Tue, May 14, 2019 at 1:10 PM
Subject: zoning amendments
To: <cdg@portlandmaine.gov>

Dear Christine,

I am in favor of the zoning amendments package being presented at the Planning Board meeting tonight. I believe it is essential to keep and reinforce the boundaries that support the fishermen's right to the shorefront, as has been guaranteed since the beginning of settlement by Europeans in Maine.

I was a "summer complaint" on Chebeague since 1954, (and have been a resident of Falmouth for over 40 years. I consider Portland to be my community.) I grew up with the fishermen using the Stone Wharf and Chandler's Wharf for landing, hauling traps and gear, joking with each other and us kids. I was aware from an early age of the right of the fishermen to have access to the waterfront, often passing over rights of way on other people's property, and it was explained to me that that right is more or less sacrosanct (and has been since Colonial days) because it is essential to their livelihood.

This principle must remain the first priority in zoning decisions. It is part of who we are as a community.

Thank you for your attention.
Sally Barrows
[53 Underwood Rd.](#)
[Falmouth, ME 04105](#)
207-747-9385

Fwd: Working waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Tue, May 14, 2019 at 1:11 PM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
[Portland, Maine 04101](#)
cdg@portlandmaine.gov
Ph: (207) 874-8608

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

From: **caron chess** <caronchess2327@gmail.com>
Date: Tue, May 14, 2019 at 1:02 PM
Subject: Working waterfront
To: <cdg@portlandmaine.gov>

I support the current proposal for the working waterfront. Very important to favor them over developers.

Caron Chess
Peaks Island

Fwd: I support the working waterfront

1 message

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>
Cc: Matthew Grooms <mgrooms@portlandmaine.gov>

Tue, May 14, 2019 at 2:09 PM

Christine Grimando, AICP
City Planning Director
Planning & Urban Development Department
[389 Congress Street](#)
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----
From: **Leah Flumerfelt** <leahflumerfelt@gmail.com>
Date: Tue, May 14, 2019 at 1:50 PM
Subject: I support the working waterfront
To: <cdg@portlandmaine.gov>

Hi, Christine!

I'm a resident of Portland and an employee of Portland Public Schools, and I would like to express my strong support for the zoning amendments that came out of the Working Waterfront Task Force. I want to preserve and even further restore the ecological and cultural diversity of Portland, which includes the community of the working waterfront. A rejection of these amendments, to me, would signify a terrible loss of the qualities that impart Portland residents with a good quality of life.

Thank you!

Sincerely,
Leah Flumerfelt



CITY OF PORTLAND
Planning & Urban Development
Jeff Levine, AICP, Director

To: Portland Planning Board

From: Jeff Levine, AICP, Planning & Urban Development Director

Date: May 9, 2019

RE: Financial Impact Memo from Owners and Representatives of Three Wharves

This morning we received a memorandum from the owners and representatives of three wharves in the Waterfront Central Zone (WCZ) regarding their analysis of the fiscal impact of the currently proposed amendments. Their analysis outlines what they see as the direct fiscal impact to the City if these amendments were to pass.

I appreciate their effort to quantify these impacts and have found some very interesting data in their memorandum. However, I have significant questions about how their analysis would relate to the true impacts of the proposed amendment:

1. Their analysis is based on a full buildout of the Non Marine Use Overlay Zone (NMUOZ) under current zoning¹. There have been no massing or circulation studies submitted with their analysis to show that these developments would meet site plan standards or would even be buildable. In my experience here in Portland and in other cities, the full buildout allowed under zoning is often not feasible due to other standards, including site plan requirements, circulation needs, design standards, and other requirements coming out of the entitlement process;
2. Their analysis only examines the positive fiscal impacts of development in the NMUOZ. A net analysis that factored in the costs to the city of servicing new development would be more useful in determining these impacts;
3. Their analysis does not factor in any positive fiscal impact of development in the WCZ outside the NMUOZ. While it is fair to assume a lower positive fiscal impact for development outside the NMUOZ, there is no attempt to quantify that amount. Clearly taking property out of the NMUOZ does not eliminate all positive fiscal impacts to the City. In the recent past, we have seen non-marine uses proposed outside the NMUOZ and successfully built, providing positive fiscal impacts to the City. These include the office on Union Wharf (one of the three wharves in this analysis), the restaurant and building on Maine Wharf, and the Pierce Atwood adaptive reuse on Merrill's Wharf;

¹ See page 2 of the cover memo: "The underlying assumptions utilized for this analysis are as follows... Development potential based on the highest and best use allowed *under current zoning* [emphasis added]"

4. This analysis assumes that all current uses on these sites will be removed and replaced with non-marine uses. In reality, developments would be constructed around those existing uses and only incrementally be redeveloped, if at all;
5. This analysis assumes that the only funding required for marine investment comes from the financial contributions required in the Waterfront Central Zone code. As shown by the proposal recently outlined for the hotel on Fisherman's Wharf, other investments in the marine economy are expected and provided in any feasible project in the WCZ;
6. In the past history of Portland's waterfront, it is exactly the sort of buildout proposed in this analysis that has caused concern over the future of the Portland waterfront and, therefore, such buildout has rarely been allowed to go forward. The Chandler's Wharf project was the last major buildout effort of non-marine uses on the waterfront, and it resulted in a major change to waterfront zoning via a referendum.

Again, I appreciate the wharf owners' efforts to quantify this impact. In reality, the fiscal impact of these changes is virtually impossible to quantify accurately. The future of the Portland waterfront should be guided by public policy goals, as outlined in Portland's Plan and the work of the Working Waterfront Group over the past several months. The ordinance amendments under discussion are thoughtful and balanced, and will help preserve the balance of uses on the City's waterfront. In the long run, that balance is essential to Portland's fiscal health and vibrancy.

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 14
RE: DIVISION 18, WATERFRONT CENTRAL ZONE**

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

1. That Chapter 14, Division 18 is hereby amended to read as follows:

Sec. 14-305. Purpose.

The ~~W~~aterfront ~~C~~entral ~~Z~~one was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose. The following priority of uses is recognized:

- (a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability;
- (b) The second priority is to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure;
- (c) Non-marine uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are beneficial to the waterfront economy because they provide the financial return to property owners necessary for the maintenance and improvement of the marine infrastructure.

Water-dependent and marine-related support uses by their nature have activities and operational needs that are unique to this area and are not shared by other commercial and industrial uses in the city. These first

and second priority uses and related activities may result in noise, odor, dust, hours of operation, parking and traffic patterns and traffic control needs that are necessary for the convenient and successful conduct of such uses. Other uses may not be compatible with these types of effects. Other specified uses are permitted in the waterfront central zone, provided that they do not significantly interfere with the activities and operation of water-dependent and marine-related support uses. Such uses must be, and are assumed to be, aware of the impacts associated with marine uses and therefore must accept and be tolerant of them. Other specified uses in the zone shall accommodate to those patterns and needs of the higher priority uses so long as those higher priority uses are not detrimental to public health and safety and the higher priority activities are conducted in accordance with sound practices or practices customary in the trade.

Commercial Street is recognized as an important economic center for the city and region. Marine compatible uses are encouraged to locate and grow along Commercial Street while higher priority marine uses are protected on the waterfront.

Sec. 14-306. Definitions.

For the purposes of the ~~W~~aterfront ~~C~~entral ~~Z~~one only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

~~Commercial Street Non-Marine-Use O~~verlay ~~Z~~one (~~CSOZ NMUOZ~~): The ~~Commercial Street non-marine O~~verlay ~~Z~~one (~~CSOZ NMUOZ~~) is a portion of the ~~W~~aterfront ~~C~~entral ~~Z~~one, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the CSOZ ~~NMUOZ~~ are defined by parcels of land and piers within the Wwaterfront Central Zzone located on the landward side of a line established one hundred fifty (150) feet southerly of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ ~~NMUOZ~~ extends to a line 500 feet southerly of from the southerly sideline of Commercial Street in the area between the easterly sideline of Long Wharf to the westerly sideline of Union Wharf. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal wetlands. All offset distances are measured horizontally.

All applicants for development within the CSOZ ~~NMUOZ~~ are responsible for demonstrating their location within the CSOZ ~~NMUOZ~~ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the CSOZ ~~NMUOZ~~ shall be shown on all site plans and subdivision plats for proposed development within the CSOZ ~~NMUOZ~~. ~~A map showing the presumed boundaries of the NMUOZ is on file with the Department of Planning and Urban Development. Said map is for illustrative purposes only and shall not be relied upon in determining whether a proposed development is located within the NMUOZ.~~

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.

Sec. 14-307. Permitted uses.

Subject to a determination that the proposed use meets the standards of section 14-311, as applicable, the following uses are permitted in the Wwaterfront Central Zzone:

(a) Marine:

1. Marine products wholesaling, distribution and retailing;
2. Marine repair services and machine shops;
3. Tugboat, fireboat, pilot boat and similar services;
4. Harbor and marine supplies and services,

chandleries, and ship supply such as fueling and bunkering of vessels;

5. Marine industrial welding and fabricating;
6. Shipbuilding and facilities for construction, maintenance and repair of vessels;
7. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis;
8. Cargo handling facilities, including docking, loading and related storage;
9. Boat repair yards;
10. Boat storage facilities, excluding rack storage facilities; (Boat rack storage facilities are included in conditional use, section 14-308(b)(3) below);
11. Seafood processing and retailing;
12. Seafood packing and packaging;
13. Seafood loading and seafood distribution;
14. Fabrication, storage and repair of fishing equipment;
15. Ice-making services;
16. Facilities for marine construction and salvage;
17. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices;
18. Fabrication of marine-related goods;
19. Fishing and commercial vessel berthing;
20. Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth.

Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8.

21. Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers;
22. Public landings;
23. Marine research, education, and laboratory facilities;
24. Bait sales and processing;
25. Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard.

26. Commercial parking for water-dependent uses.

- (b) Non-marine commercial and industrial uses: Non-marine uses permitted by this section are subject to the standards listed in section 14-311.

1. Professional, business, government, and general offices;
2. ~~Retail and service establishments, including craft and specialty shops. Convenience stores with gas pumps shall not be permitted under this section~~ Cabinet and carpentry shops, studios for artists and crafts people;
3. ~~Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing~~ Intermodal transportation facilities;
4. ~~Banking services without drive-up services~~ Cold storage facilities;
5. ~~Laundry and dry cleaning services~~ Commercial kitchens; and
6. ~~Cabinet and carpentry shops, studios for artists and crafts people;~~ Outside accessory activities.

~~7. Intermodal transportation facilities;~~

~~8. Cold storage facilities;~~

~~9. Museums and art galleries; and~~

~~10. Outside accessory activities.~~

(c) Public:

1. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails;

(d) Other:

1. Accessory uses:

- a. Interior accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses. Food service establishments, newsstands and other similar retail and service support uses shall only be permitted as accessory uses if they are part of and located within the lot lines of a use set forth in section 14-307(a)(1), (a)(7), (a)(11), or (a)(22); that such uses do not exceed two-thousand (2,000) square feet in total floor area of the building, or twenty-five percent (25%) of the total floor area of the building, whichever is less, and that each individual accessory use does not exceed one-thousand (1,000) square feet in total floor area of the building; and further provided that such accessory uses provide goods or services that are supportive of the principal use and its clientele. Exterior accessory uses shall be otherwise subject to the provision of 14-311(a); and
- b. Interior meeting or classroom space accessory to uses permitted in section 14-307(a)(23) (marine research, education, and laboratory facilities) may be rented out for meeting use by marine-related or non-marine related groups

or organizations, or the general public, and such accessory uses shall not be subject to the limitations contained in paragraph b, but shall only be permitted as accessory uses if the total of all support uses, including interior meeting or classroom space, does not exceed three-thousand (3,000) square feet in total floor area per building, or fifteen percent (15%) of the total floor area per building, whichever is less.

2. ~~Street vendors licensed pursuant to Chapter 19.~~
3. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(e) Uses permitted only within the Commercial Street Overlay Zone. Uses permitted by this section are subject to the standards listed in section 14-311(b).

1. Retail and service establishments, including craft and specialty shops;
2. Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing;
3. Banking services without drive-up services;
4. Museums and art galleries;
5. Street vendors licensed pursuant to chapter 19.
6. Offices of health care practitioners or health care clinics.
7. Personal service establishments.

Sec. 14-308. Conditional use.

The uses listed herein shall be permitted as conditional uses in the waterfront central zone, provided that, notwithstanding section 14-471 and section 14-474(a), or any other provision of this code, the planning board shall be substituted for the board of appeals as the reviewing authority, and further provided that

in addition to the provisions of section 14-474(c)(2), they shall also meet the applicable ~~W~~waterfront ~~C~~entral ~~Z~~zone development standards in section 14-311:

(a) Commercial marine conditional uses:

1. Fish by-products processing, provided that:

- a. Any fish by-products processing facility has a valid rendering facility license under chapter 12;
- b. Any existing fish by-products facility shall employ current and appropriate odor control technology (and any new fish by-product use shall employ current, available odor control technology) to eliminate or minimize detectable odors from such a process, and in no case shall odors exceed the odor limitation performance standards of the I-M zone; and
- c. The processing of other material wastes or by-products shall not be deemed a lawful accessory use under any other provision of this article.

2. Boat rack storage facilities, provided that:

- a. Parking shall be provided for one-hundred percent (100%) of the demand generated by the use (notwithstanding 14-311(d)7, performance standard for parking), and such parking shall be provided off-site, in another zone permitting such use.
- b. Boat rack structures shall not exceed ten thousand (10,000) square feet of building footprint.

~~(b) Residential: The primary owner of a marine business listed under section 14-307(a) located on the same site may occupy upper floor space with a residential use, provided the following conditions are met:~~

- ~~1. The applicant demonstrates a compelling business related need for living on-site that cannot~~

~~otherwise be accomplished;~~

- ~~2. The residential living space shall not exceed one thousand (1,000) square feet, inclusive of all exterior porches and decks;~~
- ~~3. The occupancy of said space shall be limited to the primary owner of the marine related business. The residential use is not transferable to friends, family or anyone other than the primary business owner. No such residential space shall be leased out by or allowed to be used for occupancy by other than the primary owner of the marine related business;~~
- ~~4. The residential use shall be limited to one unit per wharf;~~
- ~~5. The residential use shall be year round use only, and shall not be used on a seasonal basis; and~~
- ~~6. Upon the vacancy in excess of three (3) months of the residential living space by the primary owner of the marine related business, the residential use shall automatically terminate and shall not be continued without new conditional use approval under this subsection.~~

~~For purposes of this subsection, "primary owner of the marine related business" shall mean a person who legally owns fifty percent (50%) or more of the marine business listed under section 14-307(a), permitted marine uses.~~

Utility substations: Public utility substations, including but not limited to electrical transformers, sewage and stormwater pumps, and telecommunication switching stations, are permitted under the following conditions:

1. The facility is located more than one-hundred (100) feet from the water's edge;

2. The facility occupies no more than fifty (50) square feet of structure above ground;
3. The facility provides no dedicated on-site parking and all subsurface elements of the facility are installed and operated such that land occupied by the facility is otherwise usable and made available for marine uses, including but not limited to parking, travel ways, and/or storage; and
4. The facility shall be sized, sited and screened to minimize visual impact and prominence from public ways.

(c) Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:

1. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
2. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
3. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
4. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
5. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the

temporary wind anemometer tower; and

6. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
7. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
8. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

(d) Wind energy systems, as defined and allowed in Article X, Alternative Energy.

Section 14-309. Prohibited uses.

Uses which are not enumerated in either section 14-307 or 14-308 as permitted or conditional uses are prohibited. Uses enumerated in section 14-307(e) shall be considered prohibited uses outside of the CSOZ. Those uses that are prohibited shall include, without limitation:

- (a) Residential Uses Except as provided in section 14-308, residential uses (not in existence on May 5, 1987);
- (b) Hotels, motels, hostels, bed and breakfasts, inns, lodging houses, tourist homes, short-term rentals or boatels;
- (c) Auditoriums, civic centers, convention centers, or other meeting facilities not accessory to an otherwise permitted use;
- (d) Drinking establishments, private clubs, or non-profit social and recreational facilities;

- (e) Ground mounted telecommunication towers, antennas, and/or disks; and
- (f) Drive-up services for any use other than a permitted use listed under 14-307(a) or 14-308(a) (1).
- (g) Major and minor auto service stations.
- (h) Laundry and dry-cleaning services.
- (i) Convenience stores with gas pumps.
- (j) Commercial parking for non-marine uses.

Sec. 14-310. Dimensional requirements.

In addition to the provisions of division 25 of this article, lots in the Wwaterfront Central Zzone shall be subject to the following requirements:

- (a) Minimum lot size: None.
- (b) Minimum frontage along Commercial Street: Seventy-five (75) feet.
- (c) Minimum lot width within the CSOZ ~~NMUOZ~~: Fifty (50) feet measured parallel with Commercial Street and such lot width shall be continuous for the full depth of the lot located within the CSOZ ~~NUMUOZ~~.
- (d) Minimum yard dimensions:
 - 1. Front setback: None.
 - 2. Side setback: None
 - 3. Rear setback: None.
 - 4. Setback from pier edge: Notwithstanding the above requirements, a minimum first-floor setback of ten five ~~(105)~~ feet from the edge of any pier, wharf or bulkhead shall be required for any structure, (exclusive of structurally necessary posts supporting upper floors, and deck mounted equipment for loading and unloading vessels). The edge of any pier, wharf or bulkhead shall include any attached

apron(s). Floats, rafts, and or barges not structurally integral to the pier, wharf or bulkhead may not be used to satisfy this requirement. Parking for non-marine uses shall not occupy the 10-foot setback.

- (e) Maximum lot coverage: One-hundred (100) percent.
- (f) Maximum building height: Fifty (50) feet. Except as provided in (h) below, a structure in the Wwaterfront Central Zone shall provide no more than three habitable floors; however, typical rooftop appurtenances and/or enclosed or open mechanical installations shall be allowed over the third floor.
- (g) Minimum ground floor clearance: Any new building proposed to be larger than three-hundred (300) square feet, and located more than 35 feet from the southerly sideline of Commercial Street, shall provide no less than fifteen (15) feet of first floor to ceiling vertical clearance to promote marine industrial use potential. New buildings less than three-hundred (300) square feet or additions to existing multistory buildings are exempt from this provision but shall provide the maximum ground floor clearance practicable.
- (h) New non-marine use building exception for usable floors and minimum ground floor clearance: Notwithstanding provisions (f) and (g) above, for new non-marine use buildings permitted within the CSOZ NMUOZ, four (4) usable floors are allowed and ground floor clearance minimums do not apply.

Sec. 14-311. Development standards.

- (a) Standards for non-marine uses located outside of the CSOZ NMUOZ: Non-marine uses listed above in Sec. 14-307(b) and 14-308(b) that are located outside of the CSOZ NMUOZ shall be subject to the performance standards listed in 14-311(d) as well as the following standards:
 - 1. 55% marine use required on ground floors: At least 55% of the ground floor of all of the buildings on the lot (defined in 14-306 above), when calculated using the aggregate of all the leaseable area of such ground floors, shall be occupied by marine uses, as listed under 14-307(a) or 14-308(a) (1).

2. 55% marine use required for all open areas: After subtracting areas used for common circulation drives (defined in 14-306 above), at least 55% of un-built area (meaning area not occupied by a building) on the lot, when calculated using the aggregate of all such un-built areas, shall be occupied by marine uses, as listed under 14-307(a) or 14-308 (a)1.
3. Ground floor vacancies and change of occupancy offered to water dependent/marine uses: Ground floor vacant space and areas proposed for a change of occupant outside of the CSOZ NMUOZ shall not be filled with any non-marine use without adequate opportunity for marine uses to occupy the space.
 - a. *Ground floor vacancy and change of occupant outside of the CSOZ NMUOZ advertised to marine users:* In any lot or portion of lot outside of the CSOZ NMUOZ, each time a ground floor occupant departs or gives notice to depart from the lot, the space, along with any associated parking spaces to be vacated, must be made available to new marine occupants.

Prior to renting to a non-marine user the property owner shall advertise for a new marine occupant for not less than a one hundred eighty(180~~60~~) day period in targeted media and by other means reasonably calculated to reach marine users (e.g. local marine trade publications, marine trade websites, waterfront bulletins .) Should one or more marine users apply, the property owner shall make the space available to a marine occupant, in accordance with terms and rates generally consistent with comparable space in the 55% marine use portion of the zone (outside of the CSOZ NMUOZ.) The property owner may stop advertising sooner than the end of the 180~~60~~ - day period if a lease is signed with a marine user. Should no marine user apply by the end of the 180~~60~~-day period, the owner may fill the space with a non-marine user provided that the new non-marine occupant will not cause the lot to exceed the non-marine use occupancy maximum

of 45% of the ground floor area or open area.

b. Uses inventoried: To demonstrate adherence to the 55% marine use requirement, the applicant shall submit to the planning authority, upon request, an inventory which lists each occupant (tenant or otherwise), as well as a map which depicts the location of each occupant. The map shall show all ground level space, including buildings, parking, open areas and submerged lands associated with the subject lot. For each occupant, the property owner must indicate the square footage of area occupied and whether the occupant is a marine use as defined herein. For vacant space, the last previous occupant shall be listed, along with the date of departure.

c. ~~Prior to changes of occupancy and/or as part of applications for new development Applicants for site plan review or a change of use permit~~ outside of the CSOZ NMUOZ, ~~the property owner or applicant~~ shall provide ~~the planning authority with~~ proof of compliance with the requirements of this section as a condition of approval.

d. ~~The city planning authority shall compile and report inventories of ground level uses, as reported under (b) above, into an annual report of ground level uses and investment in the Central Waterfront. The report shall include an aggregated assessment of ground floor marine and non-marine use occupancy and a catalogue of marine infrastructure investment for the reporting period. The report shall be submitted to the City Council as a communication not less than once every calendar year.~~

~~e.~~

4. Pier or bulkhead edge reserved for marine uses: Notwithstanding ~~anything contained in 14-311(c) Contract or conditional rezoning, or any other~~ any provision of this ordinance to the contrary, excepting only the portion of any pier which might be used for non-commercial berthing pursuant to 14-307(a)(20), all berthing and/or dockage space and associated floats plus the entire linear edge of

that portion of every pier or bulkhead which is adjacent to greater than zero feet of water depth at mean low water, to a minimum setback line of at least ~~tenfive~~ (10) feet from the edge of the pier, bulkhead, or engineered shoreline may only be used or occupied by one or more marine uses as defined in 14-307(a)) or 14-308(~~ab~~). Said edge shall be the seaward extent of any engineered shoreline or working deck of any pier or wharf.

- (b) ~~CSOZ NMUOZ~~ standards: Non-marine uses listed under 14-307(b), 14-307(e) and 14-308 located within the ~~CSOZ NMUOZ~~, as defined in 14-306, shall be subject to the performance standards listed in 14-311(d) as well as the following standards:

1. Vessel access: Non-marine uses allowed under this provision shall not disrupt or block access to vessel berthing and shall otherwise adhere to the performance standards of this zone described in Sec. 14-311(d).
2. *Maximum setback for new development on lots with seventy-five (75) or more feet of Commercial Street frontage:* Any new non-marine development constructed subject to this provision which is located on a lot with seventy-five (75) or more feet of frontage along the Commercial Street right of way shall be located with its front façade no further than thirty-five feet (35) from the southerly sideline of the Commercial Street right of way. Furthermore, any such development shall orient its front façade and its primary pedestrian entrance toward Commercial Street and no vehicular circulation or parking may occupy the land or pier area between the front façade of the building and Commercial Street.

Non-marine development subject to this provision on lots with fewer than seventy-five (75) feet of frontage along the Commercial Street right-of-way, changes of use within existing buildings, and/or building additions of less than 5,000 square feet of new development to existing buildings are exempt from the maximum setback provisions established herein.

3. *Investment in marine infrastructure:* All applicants for site plan review or a change of use permit for non-marine development in the CSOZ ~~NMUOZ~~ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the CSOZ ~~NMUOZ~~.

Required investment may occur by one or both the following methods:

- a. *Direct investment in marine infrastructure located on the same lot:* Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging, pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.
- b. *Financial contribution:* If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.

(c) No Contract or Conditional Rezoning Permitted

1. Purpose: This section is intended to accomplish

goals from Portland's Plan 2030. Specifically, these changes will:

- a. Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses;
- b. Recognize and reinforce the respective roles of the Eastern, Central and Western Waterfronts; and
- c. Celebrate, promote and protect Portland's lobster and fishing industry as a foundation of the region's economy and a feature of civic pride.

2. In light of this purpose and the significance of the central waterfront to the City's future, no contract or conditional rezoning applications may be approved in the Waterfront Central Zone.

~~(b) Contract or conditional rezoning standards: Applications for proposals deviating from any dimensional requirements under section 14-310 and/or including uses not listed under sections 14-307 and 14-308 may only be considered if the reviewing body finds the applicant has met the performance standards listed under 14-311(d) and the following standards:~~

- ~~1. Conditional or contract rezoning located outside of the NMUOZ: The ground level floor area of any building, existing or proposed, on the subject lot and the un-built area of the subject lot and the un-built area of the subject lot shall be subject to and meet the requirements of section 14-311(a) of this code.~~
- ~~2. Conditional or contract rezoning located within the NMUOZ: Conditional or contract rezoning applications located within the NMUOZ are subject to the provisions of 14-311(b) (3) (Investment in marine infrastructure).~~
- ~~3. Residential dwellings are prohibited.~~

- ~~4. The development is consistent with the comprehensive plan and without the development the site could not otherwise support an economically viable water-dependent use.~~
- ~~5. Any physical or legal impediments which preclude or impede functional access from the site of the development to any portion of the water's edge are not the result of action taken by the current owner, the applicant for rezoning, or any prior owner after January 4, 1993.~~
- ~~6. The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.~~
- ~~7. The development responds to any unique physical conditions and development opportunities along the shoreline in a manner that is consistent with section 14-305 (purpose).~~
- ~~8. The non-marine portion of the proposed development will not adversely affect the efficient operation of marine uses, such as producing less efficient traffic, parking or circulation patterns. Parking for the non-marine portion of the proposed development shall be subject to review under section 14-311(d) (8).~~
- ~~9. The rezoning contains adequate provisions and/or conditions to ensure that any associated water-dependent infrastructure remains occupied by any commercial marine use as listed in 14-307(a) and that said use is not abandoned after the project is developed.~~

(c) Performance standards: All uses in the waterfront central zone shall comply with the following standards. The Operations and Access Management Plan (standard 13) Standards 8, 10, 13, 14, 15, 16, and 17 below shall be

reviewed by the planning authority:

1. Outdoor storage of materials: Outdoor storage of commodities and materials accessory to normal conduct of business, except pilings and/or cranes, shall be permitted to a maximum height of forty-five (45) feet, and such materials shall be entirely contained, including runoff contaminants and residual material, within a designated area within the lot boundaries.
2. Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1).
3. Vibration: Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries. This shall not apply to vibration resulting from activities aboard a vessel or from railroad vehicle activities, or from activities on a pile supported pier.
4. ~~Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air, except where provisions of this Code are more stringent.~~ Discharges into harbor areas: No discharge into harbor water areas

shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.

5. ~~Discharges into harbor areas: No discharge into harbor water areas shall be permitted, unless permitted by the Maine Department of Environmental Protection under a waste discharge license and as approved by the department of public works in accordance with chapter 24, article III of this code. All private sewage disposal or private wastewater treatment facilities shall comply with the provisions of chapter 24, article II of this code and federal and state environmental statutes and regulations regarding wastewater discharges.~~ Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.
6. ~~Storage of vehicles: Storage of any unregistered automotive vehicle on the premises for more than sixty (60) days shall not be permitted.~~ Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters.
7. ~~Landfill of docking and berthing areas: Landfill of docking and berthing areas shall be governed by 38 M.R.S.A. sections 480-A through 480-HH, and~~

~~permitted only if the landfill does not reduce the amount of linear berthing areas or space, or berthing capacity. If approved, construction shall be undertaken using methods approved by the department of public works and shall be accomplished in accordance with the provisions of division 25 of this article and in a manner so as to ensure that a stable and impermeable wall of acceptable materials will completely contain the fill material and will not permit any fill material to leach into docking areas or navigable waters. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply.~~

8. ~~Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones~~

~~The planning authority shall review applications for non-marine use parking against the following standards:~~

- ~~a. Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.~~
- ~~b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").~~
- ~~c. Non-marine use parking shall only be located on a lot where, based on the parking and~~

~~traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.~~

- ~~d. Water-dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.~~

9. ~~Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5 of this article. Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.~~
10. ~~Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.~~
11. ~~Signs: Signs shall be permitted as set forth in division 22 of this article. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route~~

ferry service and emergency vessel operations.

12. ~~Storage of pollutants and oily wastes: On-premises storage of pollutants and oily wastes shall not be permitted for more than forty-five (45) days.~~ Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.

The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.

13. ~~Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.~~ Operations and Access Management Plan: Any new development, including changes of use or expansion of uses in the Waterfront Central Zone shall submit a scaled plan and accompanying narrative that demonstrates adequate waterfront access and logistical accommodation for water-dependent users. In accordance with Portland's

Plan 2030, the plan shall demonstrate consistency with the hierarchy of waterfront uses pyramid, as further detailed in Sec. 14-305 (Purpose), with non-marine and marine-related uses being subordinate in placement and disposition to water-dependent uses, and designed so as not to impede access to the pier edge and vessel berthing nor interfere with marine operations.

a. Submission Requirements. The plan shall, at a minimum, illustrate the following information:

- i. Location of all existing and proposed structures, rights-of-way, common circulation drives as defined in Sec. 14-306, access-ways, sidewalks, pier edges, floats and docks, showing the entire lot in the context of its respective pier.
- ii. Proposed off-street parking, labeled with associated uses.
- iii. Facilities for the loading and unloading of goods and materials.
- iv. Regularly occurring exterior activities including but not limited to the storage of material, equipment and vehicles, yard area, outdoor seating and on-site waste management.

b. Review Standards. In addition to the information above, the plan shall demonstrate compliance with the following standards:

- i. Off-street parking is subject to the limitations described in Sec. 14-311(a) ("55% Rule"). Off-street parking spaces intended for use by water-dependent uses shall be sited as close as reasonably possible to associated vessels and/or ground-floor lease area.
- ii. Proposals for new non-marine parking shall submit a parking analysis for all uses on the subject lot, justifying the number of non-marine spaces based upon the proposed use and demonstrating sufficient parking

supply for marine uses. If sufficient parking is not available to marine uses, off-street parking for non-marine uses shall not be permitted.

- iii. Off-street parking, loading facilities and access ways designated for water-dependent uses shall be exclusive to such uses, except that, if not being occupied by water-dependent tenants, such parking may be made available to non-marine uses between the hours of 5:00 p.m. and 2:00 a.m.
- iv. All properties providing commercial berthing shall demonstrate reasonable opportunities to load and unload vessels from the subject lot.
- v. Facilities for the loading and unloading of goods shall account for the frequency of use and vehicle type and, to the extent possible, minimize impacts to pedestrian and vehicle circulation patterns.
- vi. Provisions for the storage and movement of goods and materials shall be designed into all pier edge development. Circulation routes must be maintained or otherwise provided as an element of all development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.
- vii. Non-marine uses shall provide a dedicated pedestrian route between the proposed use and Commercial Street, and shall seek to minimize conflict with vehicle traffic.

~~14. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the~~

~~waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.~~

~~15. Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.~~

~~16. Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:~~

~~a. Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.~~

~~b. Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.~~

- ~~e. With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.~~
- ~~d. Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.~~

~~17. Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement.~~

~~The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.~~

...

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

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 ORDER 249-18/19
RE: WATERFRONT CENTRAL ZONE
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR BELINDA RAY**

Sec. 14-305. Purpose.

The Waterfront Central Zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose. The following priority of uses is recognized:

...

Sec. 14-306. Definitions.

For the purposes of the Waterfront Central Zone only the following terms shall have the following definitions:

Common circulation drives: private driveways, roadways and circulation areas accessible to all on-site tenants and/or occupants of a lot within the waterfront central zone providing access from/to the public street network.

Lot: any abutting property under common ownership.

Commercial Street Overlay Zone (CSOZ): The Commercial Street Overlay Zone (CSOZ) is a portion of the Waterfront Central Zone, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).

The geographic limits of the CSOZ are defined by parcels of land and piers within the Waterfront Central Zone located on the landward side of a line established one hundred ~~twenty-five~~ fifty (125~~50~~) feet southerly of the southerly sideline of Commercial Street and modified as follows: the seaward limit of the CSOZ extends to a line three hundred (3~~500~~) feet southerly of ~~from~~ the southerly sideline of Commercial Street in the area

between the easterly and westerly sideline of Long Wharf ~~to the westerly sideline of Union Wharf~~. Additionally, all areas subject to this provision are set back landward at least twenty-five (25) feet from the average high tide line of Portland Harbor and associated coastal 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 leaves 75% or more of the building within the CSOZ, the entire building shall be considered included in the CSOZ. All offset distances are measured horizontally.

All applicants for development within the CSOZ are responsible for demonstrating their location within the CSOZ according to the findings of a site-specific land survey conducted by a professional land surveyor licensed by the State of Maine. The limits of the CSOZ shall be shown on all site plans and subdivision plats for proposed development within the CSOZ.

On-Site shall mean that portion of any lot included within or directly impacted by a proposed development.

Sec. 14-307. Permitted uses.

...

Waterfront Central Zone – Summary of Proposed Text Amendments	
Zoning Ordinance Sec.	Changes drafted for 2019 City Council Hearing
<i>Purpose (14-305)</i>	• Purpose statement expanded so as to account for future functionality of working waterfront.
<i>Definitions (14-306)</i>	• Change ‘Non-Marine Use Overlay Zone’ to ‘Commercial Street Overlay Zone’.
<i>Permitted Uses (14-307)</i>	• Create new sub-category of uses permitted only within Commercial Street Overlay District (restaurants, retail, museums, galleries, banking, street vendors, street vendors, medical offices and personal services) • Add new uses, “Commercial Parking for Water Dependent Uses” (defined under 14-47), commercial kitchen and seafood retailing (in conjunction with seafood processing) • Eliminate laundry as permitted use.
<i>Conditional Uses (14-308)</i>	• Eliminate residential use for Marine Business Owner
<i>Prohibited Uses (14-309)</i>	• Prohibit following uses; laundry and dry-cleaning, service stations, convenience stores, commercial parking for non-marine uses. • Expand hotel prohibition to include additional forms and short-term rentals • Expand drinking establishment prohibition to include private/social clubs and recreational facilities.
<i>Dimensional Standards (14-310)</i>	• Prohibit non-marine off-street parking within pier setback requirement and better define pier edge. • Permit structural posts and deck/building mounted equipment for vessel loading and unloading. • Increase pier setback requirement from 5 feet to 10 feet at first floor level
<i>Standards for Non-Marine Uses Outside Commercial St. Overlay (14-311(a))</i>	• Marketing Requirement – Change from 60 days to 180 days similar to PAD requirements and strengthen language for ‘targeted media’. • Remove inventory requirement from zoning, with goal of having Council mandate through Council Order “State of the Marine Economy” Report and annual report of significant waterfront development.
<i>Commercial Street Overlay Standards (14-311(b))</i>	No changes proposed
<i>Contract and Conditional Rezoning (14-311(c))</i>	• Prohibit contract and conditional rezoning.
<i>Performance Standards (14-311(d))</i>	• Condense Parking, non-marine compatibility and functional utility of piers performance standards into new ‘Operations and Access Management Plan’ standard, with specific parameters for locating parking, structures, equipment, access-ways and sidewalks, so that access to berthed vessels and marine uses is accounted for. • Remove unnecessary standards: Shoreland Zone, Signs, State and Federal Environmental Regs.

WOODMAN EDMANDS DANYLIK AUSTIN
SMITH & JACQUES, P.A.

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PETER L. EDMANDS
(Retired)

May 29, 2019

Via Email

Mayor Ethan K. Strimling
City Council
City of Portland
389 Congress Street
Portland, ME 04101

Re: Waterfront Central Zone Amendments

Dear Mayor Strimling and Council Members:

This letter is submitted on behalf of a large group of Portland fishermen and merchants who are collectively known as the Portland Working Waterfront Group (PWWG). As you are aware, after agreeing to forgo the submission of a waterfront zoning referendum, members of the PWWG have participated over the past several months in the City's Working Waterfront Task Force.

The purpose of this letter is to respond to the recommendation made to the Council by the Planning Board at its May 14, 2019 meeting regarding the proposed amendments to the Waterfront Central Zone (WCZ). Specifically, this letter addresses the Planning Board's vote to recommend the amendments as drafted by City staff, with the exception of a reduction to the existing 150/500 foot Non-Marine Overlay Zone (NUMOZ).¹ It is PWWG's contention that the Planning Board misunderstood the implications of the

¹ The proposed zoning amendments rename this zone the "Commercial Street Overlay Zone" (CSOZ). The existing label NUMOZ is used in this letter.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Mayor Ethan K. Strimling
City Council
City of Portland
May 29, 2019
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NUMOZ and also the compelling reasons for reducing the width of that NUMOZ as recommended by City staff, to 125 feet with 300 feet at the DiMillos Pier.

It is first important to emphasize the negative impacts to water-dependent uses and to the Portland fishery since the 2010 WCZ zoning amendments, which amendments created the Non-Marine Use Overlay Zone (NUMOZ) and extended the areas in which non-marine uses could be located (in buildings located in whole or in part within 35 feet for Commercial Street) from 100 feet from Commercial to 150 feet, with a depth of 500 feet extending between DiMillo's Pier and Union Wharf. It is the PWWG's understanding that these 2010 NUMOZ lines were arbitrarily set, based on little more than a request from the wharf owners.

In fact, the WCZ ordinance has been amended many times since its original enactment in 1987, each time making changes that benefitted wharf owners and at the same time negatively impacting the working waterfront and water dependent uses. Unlike non-marine uses which can be located anywhere and that have multiplied on the wharves since 2010, working waterfront and water dependent uses must be located on the piers themselves.

Post-2010 negative impacts include a loss of marine industries from the wharves, including those that were evicted to make way for redevelopment. For those that are left, including the fishing industry, the negative changes have, in part, included:

- Increase in pedestrian and vehicular traffic which creates conflicts and hazard on the wharves and in timely movement of perishable product on Commercial Street.
- Increase in non-marine use parking on some of the wharves that has impacted access to fishing vessels as well as access to historical loading and unloading areas along the edges of the wharves.
- Increase in non-marine uses that displace water dependent uses which are an integral part of the Portland marine industry.

WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.

Mayor Ethan K. Strimling
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City of Portland
May 29, 2019
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At its May 14, 2019 meeting, the Planning Board appeared to be confused about the negative impacts of the 2010 extended NUMOZ area, about what the NUMOZ was and about how the NUMOZ area was different from the non-NUMOZ area. The Board stated its belief that performance standards in the amendments would protect the entirety of the wharf, NUMOZ and non-NUMOZ alike – the Board is however very much mistaken.

The area within the NUMOZ allows intensive uses such as retail and service establishments, full service restaurants, banks, health care services and clinics, and personal service establishments. These are all high traffic businesses that are meant to face and to remain close to the already pedestrian and auto congested Commercial Street. These uses are specifically not permitted in the non-NUMOZ areas of the wharves as they are clearly not compatible with ongoing commercial marine uses which by their very nature include loud noise and odor and require the daily movement of trucks, cranes and fishing and lobster gear. The NUMOZ permitted uses also bring heavy foot traffic which not only interferes with the historic commercial use of the wharves but which creates a public safety hazard as well. Once again, while any of these high traffic uses can be located anywhere in Portland, the commercial fishery and the marine industry that co-supports that industry must be located on the wharves in order to survive.

In addition, requirements for the first floor of new structures in the non-NUMOZ area increase the possibility for converting non-marine uses to marine uses in the future by requiring the ground floor be constructed with a 15-foot floor to ceiling height so as to accommodate marine uses. Limiting the NUMOZ area to 125 feet also prevents the development of overly large structures that would otherwise increase non-marine use of the wharves now and into the future thereby further negatively impacting the waterfront dependent and marine-related hierarchy of uses recognized under the City's Comprehensive Plan.

The non-NUMOZ areas are hardly non-developable however. While ground floor space must first be advertised for a marine-use, only 55% of the first floor and 55% of the net outdoor area must be reserved for marine uses.² The upper two levels of structures

² Staff has suggested adding the word "leasable" to Section 14-311(a)(1) so that instead of the 55% requirement being based on the total "ground floor" (as it is now written), areas such as lobbies, stairwells, storage rooms, etc. would not be included in the calculation. The PWWG objects to this added language as it provides an opportunity for a developer to extend the size of the lobby and other "common" ground floor areas in order to reduce the amount of first floor space that would otherwise have to be set aside for marine use. The PWWG therefore asks the Council to consider amending the proposed language of Section 14-311(a)(1) to exclude the term "leasable".

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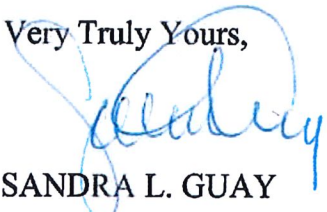
Mayor Ethan K. Strimling
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outside of the NUMOZ can be constructed and used for marine or non-marine related uses, such as professional, business and governmental business offices.

In summary, performance standards do not control incompatible uses. In order to allow for a wide variety of intensive uses close to Commercial Street, the remainder of the wharves must be protected by reducing prohibitive and potentially dangerous incompatible uses. As such, the PWWG respectfully requests the Council vote to enact the proposed WCZ zoning amendments as put forward by City staff, with the one exception noted in the footnote on page three of this letter.

In closing, the PWWG appreciates the efforts of this Council, the Mayor, the City Manager, City Staff and members of the Task Force in moving forward quickly with the establishment of the moratorium and task force and in proposing meaningful amendments to the Waterfront Central Zone.

Very Truly Yours,



SANDRA L. GUAY

Copy to: Jon Jennings, City Manager
William B. Needelman, Waterfront Coordinator
Portland Working Waterfront Group



CITY OF PORTLAND
Economic Development Gregory A.
Mitchell, Director

MEMORANDUM

TO: Mayor Strimling and Members of the City Council
FROM: Bill Needelman, Waterfront Coordinator
DATE: June 3, 2019
SUBJECT: Review of Zoning Amendments to the Waterfront Central Zone

Why is the Proposed Commercial Street Overlay Zone line different for Long Wharf?

CC: Jon P. Jennings, City Manager
Greg Mitchell, Economic Development Director
Jeff Levine, Planning and Urban Development Director
Christine Grimando, Planning Director
Matt Grooms, Planner
John Peverada, Parking Manager
Jennifer Thompson, Associate Corporation Counsel

Background:

Since 2010, the Waterfront Central Zone (WCZ) has included a sub-portion of the zone where marine use is not required. Within the WCZ amendments currently before the City Council, the *Commercial Street Overlay Zone* (CSOZ) would replace the current *Non-Marine Use Overlay Zone* (NMUOZ.) The current extent of the NMUOZ is 150 feet south of Commercial Street except for Long Wharf, Fisherman's Wharf, and Union Wharf, where the southerly offset is 500 feet.

In the Planning Board's recommendation, the geographic extent will stay the same.

As recommended by Staff and included in a proposed amendment by Councilor Ray, the CSOZ offset would contract to 125 feet for all properties except for Long Wharf, where the overlay would contract from 500 feet to 300 feet.

The rationale for treating Long Wharf differently from other properties within the WCZ is summarized in the following points:

- **Long Wharf has a unique development history.** When developed in the 1980's Long Wharf was derelict and not supporting significant commercial marine use. Long Wharf's development into the restaurant and marina complex we see today **resulted in a dramatic expansion of marine**

use – both commercial marine use and recreational access. In addition to the large marina, the Dimillo's complex includes nearly 600 feet of commercial berthing, fueling for commercial and recreational vessels, and winter berthing options for fishing vessels in the marina.

- Similarly timed 1980's developments on nearby **Chandler's/Fisherman's Wharf**, previously named Central Wharf, **resulted in a significant reduction of commercial marine activity**. Industrial buildings and fishing berthing were displaced by residential development, recreational berthing, and commercial parking.
- As part of its reconstruction in the 1980's, **Long Wharf provided extensive public access** along the 600 foot westerly edge of their wharf.
- **Long Wharf is separated from other working properties** geographically and functionally. Larger scale development on Long Wharf will have traffic impacts to Commercial Street at the wharf entrance, but will not directly impact other properties. Fisherman's Wharf shares an access drive with adjacent Widgery Wharf. Larger scale non-marine development on Fisherman's Wharf would provide potential to negatively impact adjacent marine uses both on Commercial Street and on the wharfs themselves.
- **Union Wharf is largely developed already**. If the current or future owners of Union Wharf were to fully take advantage of the development potential of the CSOZ, active marine use buildings would likely be removed and marine use displaced. No such displacement would result from development of Long Wharf within the proposed 300' CSOZ.
- **Long Wharf** has extensive marine infrastructure and would be well positioned to use the required %5 project cost **marine infrastructure investment toward expansion of commercial marine activity**. Union Wharf, which also has extensive marine infrastructure, as noted above would need to displace active marine use fully take advantage of the overlay. **Fisherman's wharf has comparatively limited commercial marine infrastructure**, +/-200 feet of berthing with expansion potential of less than 50 or 60 feet if dredged.

Conclusion:

As described in the Planning Board's memo to the City Council, Portland's Plan 2030 recognizes the unique challenges faced within the Central Waterfront. The recalibration of the NMUOZ into a smaller CSOZ is consistent with comprehensive plan guidance to work toward *"mitigation of market trends that could compromise the **balance** between marine industries and competing development."* (Portland's Plan 2030, page 34, emphasis added.)

As noted in the Comprehensive Plan section specific to the Central Waterfront: *"The goal for the Central Waterfront is to achieve a balance where non-marine economic development benefits the piers, Commercial Street, waterfront uses, and the City by sustaining marine infrastructure, protecting opportunity for commercial marine activity, and promoting appropriate access by the public to views and activities in Portland Harbor. ."* (Portland's Plan 2030, page 37)

After facilitating extensive, informative, and collegial conversations between varying interests in the City Manager's Waterfront Working Group, City staff believes that the year 2010 NMUOZ went too far to achieve the appropriate balance promoted in the Comprehensive Plan. A 500-foot overlay promotes

non-marine development that is out of scale with the Central Waterfront's marine industrial context and the City policies that protect that context.

However, Long Wharf is unique for the above described reasons in its potential to develop larger non-marine structures and uses in a manner consistent with the policies of the Comprehensive Plan. These unique features include: potential to expand marine infrastructure, existing public access, and the best opportunities within the zone to protect marine access on and off site due to its size and geographic isolation.

The Comprehensive Plan encourages the City to *"Collaborate with private pier and waterfront property owners to implement waterfront policies that promote and protect the marine economy."* (Portland's Plan 2030, page 38.) The Waterfront Working Group process and Staff's support for the Amendment proposed by Councilor Ray has been an earnest and good faith effort to follow this guidance.

Shelter on Riverside Street

1 message

Coyne, John <John.Coyne@maine.gov>

Mon, Jun 3, 2019 at 3:42 PM

To: "cityclerk@portlandmaine.gov" <cityclerk@portlandmaine.gov>, "citymanager@portlandmaine.gov" <citymanager@portlandmaine.gov>

I am writing this email to you both today since I am not able to attend the City Council Meeting this evening.

I understand that there may not be a vote on this item since Councilor Thibodeau may not be in attendance and I appreciate that with all of the energy that has gone into this particular item.

Homelessness is a very personal experience that people have had to endure during their lifetimes. For some it may be a chronic lifestyle and others just went through a bad spell in their lives and unfortunately found themselves without the appropriate supports that are needed. I applaud the City of Portland for the work that they do, daily, with the homeless population. I wish I could say that it is Portland's Homeless, that we are helping however that is not true. Many of us know that the population that is at our shelters is broken into thirds. A third from here, a third with ties here and the other third from away. We treat the homeless so well that they are coming faster than we can handle.

More to my point of the letter today. I do not support the Riverside site for a variety of reasons, most of which you have heard from my great neighbors and friends that have frequented many meetings and many of your emailboxes and phone lines.

Their safety around this facility is questionable at best. Traffic flowing regularly during the day and this would cause many upgrades to streets and sidewalks that all taxpayers would want to see in their neighborhoods.

The trail system is very prosperous in its current state and I would wonder how people from Portland and away that use the trails and Presumpscot River for recreation are feeling with the thought that this new facility would abut their space.

I have heard about the transportation that would be provided to the consumers of the facility, but for only one year. If I was homeless and realized I could get a ride back into town for the day and then back to the facility at night, why wouldn't you.

Let's take care of the home owners that have to consistently bear the burden of all the Social Services that the City of Portland is providing..

Let's talk about the deal with the property on County Way and that this particular property was taken off the list due to community distaste for the project. I don't think that you can use this as a rationale for removal when there hasn't been a single neighborhood willing to take this project on.

The Homeless Community, the ones that you are building a new facility for , are even against this move. They have the most risk in this new facility.

I know the process is long and others have suggested a new process and more inclusive. Maybe that is the best that can be done.

John Coyne

Regional Correctional Administrator

Region I Juvenile Field Services

[135 Presumpscot Street](#)

[Portland, ME 04103](#)

(207) 822-0091 Office

(207) 557-4051 Cell

John.Coyne@Maine.Gov

"Everyone you meet is fighting a battle that you know nothing about, Be Kind Always !!"

MEMORANDUM
City Council Agenda Item

FROM: John Peverada

DATE: May 23, 2019

SUBJECT: **Order 260-18/19 Approving Residential Parking Permit Extension -
Sponsored by Councilor Belinda Ray.**

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

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading **Final Action 6/3/2019**

Can action be taken at a later date: No Staff is requesting that this order be passed as an emergency in order to allow the extension to begin immediately once last year's approval has expired on June 30, 2019.

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

This order would extend the approval to maintain 10 spaces on Hancock Street and 12 spaces on Thames Street, four less on Thames Street than last year, as signed one hour parking for another year until June 30, 2020.

It would also approve 42 parking spaces on the north side of Marginal Way from the Park & Ride Lot to Cove Street to be included in the Island Residential Zone for one year, from the effective date of this order and expiring on June 30, 2020.

Staff is requesting that this order be passed as an emergency, in order to allow the order to be effective immediately. Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

June of 2008, the City Council approved a new residential parking zone, IR (Island Resident). A total of twenty nine (29) two hour parking spaces on both sides of Thames St. easterly of Hancock Street were signed accordingly. Vehicles displaying a IR (island resident) permit are exempt from the time limit parking regulation and can be left there all day; however the vehicles must be moved in accordance with the standard posted street maintenance signs, snow bans and posted emergency no parking. Additionally, in June of 2017 the Council approved approximately twenty five (25) one hour parking spaces on the north side of Fore St. between Mountfort and Waterville Streets to allow the use of Island Residential Parking Permits along this section of Fore Street in a previously no parking zone.

In 2008 since the development at the corner of Thames and Hancock Streets was on hold, 10 on street spaces on the westerly side of Hancock St between Fore & Thames and the 16 on street parking spaces on the north side of Thames St. between India and Hancock St. were signed 2 hour parking (rather than metered), so that people with a IR permit could use them on a temporary year to year basis until the Council should decide to regulate the spaces differently. This gave the islanders an additional 26 on street parking spaces convenient to Casco Bay Lines, that would cause minimal interference with area businesses and residents. The AC Hotel is now built on a portion of that lot, along with a 28 unit residential condominium with retail space on the ground floor, and plans to build two other buildings on the remaining lots on the block.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Extend the approval to maintain the ten (10) spaces on Hancock Street, and twelve (12) spaces on Thames St signed one-hour parking for another year, until June 30, 2020.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

The Parking Division and Island and Neighborhood Administrator recommend passage

VIII. LIST ATTACHMENTS

1. Islander parking 6.3.2019

Prepared by:

John Peverada

Date: 5/23/2019

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 APPROVING RESIDENTIAL PARKING PERMIT EXTENSION

ORDERED, that Traffic Schedule XXVIII, Residential Parking Permit Area, District IR established pursuant to Order 306-07/08 passed on June 16, 2008 and amended by Order 278-08/09 on June 1, 2009, Order 246-09/10 on June 7, 2010, Order 270-10/11 on June 20, 2011, Order 217-11/12 on June 18, 2012, Order 235-12/13 on June 3, 2013, Order 265-13/14 on June 16, 2014, Order 289-14/15 on June 15, 2015, Order 262-16/17 on May 16, 2016, Order 254-16/17 on June 19, 2017 and Order 230-17/18 on June 4, 2018, is hereby amended, as follows:

By extending the one-year period that will expire on June 30, 2019 to June 30, 2020 and by extending the Schedule XXVIII, Residential Parking Permit Area, District IR to include forty-two (42) parking spaces on the north side of Marginal Way between the Park & Ride Lot and Cove Street, 10 parking spaces on the westerly side of Hancock Street between Fore and Thames streets and 12 on-street parking spaces on the north side of Thames St. between India and Hancock Street.

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: May 17, 2019

SUBJECT: **Order 261-18/19 Approving Portland International Jetport Rental Car Concessionaire Agreement - Sponsored by Jon P. Jennings, City Manager.**

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/3/2019

Final Action 6/3/2019

Can action be taken at a later date: Yes , but agreements must be executed prior to July 1, 2019 so the June 17, 2019 Council meeting would be the latest date for action.

PRESENTATION: Paul Bradbury, Airport Director, will introduce as needed, and answer any Council questions on this item.

I. SUMMARY

Portland International Jetport requests approval of the standard form of its Non-exclusive Agreement for On-Airport Automobile Rental Car Operations.

II. AGENDA DESCRIPTION

The Portland International Jetport is requesting approval of the standard agreement between the City of Portland and its four On-Airport Automobile Rental Concessionaires. The current agreements expire on June 30, 2019 and the new agreements will be for a five year term ending on June 30, 2024. In anticipation of the expiration of the current agreement the City issued competitive Bid #19076 for automobile rental concessionaires. Only the current rental car concessionaires attended the mandatory pre-bid meeting. These are: Avis Budget Car Rental, LLC; Hertz Corporation d/b/a Hertz and Dollar; Enterprise Rent-A-Car Company of Boston, LLC d/b/a Enterprise Rent-A-Car; and Enterprise Rent-A-Car of Boston, LLC d/b/a Alamo Car Rental & National Rent A Car.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The proposed rental car concessionaire agreement is based upon the existing agreement with the following changes:

1. The proposed contract payment to the Jetport remains 10% of gross annual sales, but incorporates new Minimum Annual Guarantees (MAGs) for each concessionaire in the following amounts:

Avis Budget - \$1,290,871/year totaling \$6.45 million over the five year contract.

Enterprise - \$762,106/year totaling \$3.81 million over the five year contract.

Hertz (d/b/a Hertz & Dollar) - \$957,987/year totaling \$4.79 million over the five year contract.

Enterprise (d/b/a Alamo & National) - \$926,547/year totaling \$4.63 million over five year contract.

2. The proposed contract continues to include a Customer Facility Charge (CFC) that will be increased from \$1/day to \$2/day with a maximum charge of \$10 per rental contract. The CFC covers the debt service on the rental car portion of the parking garage, rental car infrastructure improvements, and rental car facility maintenance and operating expenses.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The approval of this contract will allow the Jetport to issue new contracts for on-airport automobile rental concessionaires. The revenues from concessions at the Portland International Jetport allow it to be a self-sustaining enterprise fund of the City of Portland with no reliance on local taxes. The Portland Jetport provides a robust connection to the national air transportation system which helps support the City Council's economic development goals.

V. FINANCIAL IMPACT

The Portland International Jetport received \$4.6 million from rental car concessions in FY 2018. This accounted for 20.9% of the Jetport's FY 2018 annual operating revenues. Approval of the rental car concession agreement is critical to maintaining a fiscally strong and self-sustaining airport.

Approval of this agreement will require concessionaires pay automobile excise tax to the City of Portland for their on-airport rental car fleets. It requires that rental car concessionaires must register any vehicles "principally used in connection with rentals to and from the Airport" and the number "shall not be less than the minimum number of 250 vehicles annually" in the City of Portland. This generates approximately \$1.5 million in annual revenue to the City.

VI. STAFF ANALYSIS AND BACKGROUND

Rental car concession revenues are a critically important part of the Jetport's business model. The proposed agreement meets or exceeds my expectations for the terms of renewal. It provides a payment of 10% of gross revenues, a CFC of approximately \$1.2 million annually, with a minimum guarantee of \$19.69 million in revenue over the next five years.

VII. RECOMMENDATION

Jetport staff recommends the Council's approval of the On-Airport Automobile Rental Concessionaire agreement.

VIII. LIST ATTACHMENTS

1. Order: Rental Car Concessionaire Agreement 6.3.2019
2. Proposed_Car Rental Concession Agreement_Final 052819

Prepared by:

Paul Bradbury, Jetport Director

Date: 5/17/2019

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 APPROVING PORTLAND INTERNATIONAL JETPORT
RENTAL CAR CONCESSIONAIRE AGREEMENT**

ORDERED, that rental car concessionaire agreement with the following rental car companies is hereby approved, in substantially the form attached hereto:

Hertz d/b/a/Hertz and Dollar
Avis Budget
Enterprise d/b/a Alamo & National
Enterprise; and

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

CITY OF PORTLAND, MAINE



CONTRACT FOR:

RENTAL CAR CONCESSIONS
AT THE
PORTLAND INTERNATIONAL JETPORT



July 1, 2019

**NON-EXCLUSIVE CONCESSION AGREEMENT
FOR ON-AIRPORT AUTOMOBILE RENTAL OPERATIONS
BETWEEN
CITY OF PORTLAND
AND
(CONCESSIONAIRE)**

This Concession Agreement (“Agreement”) is made and entered into as of this 1st day of July, 2019, by and between the City of Portland (“CITY”), a public body corporate and politic of the State of Maine and _____ (“CONCESSIONAIRE”) doing business as the following brand(s):_____, a_____ corporation with a principal office at _____, and authorized to do business in the State of Maine.

WITNESSETH:

WHEREAS, the CITY owns and operates the Portland International Jetport (the “Airport”), located in the CITY of Portland, Cumberland County, Maine; and

WHEREAS, on-airport automobile rental services at the Airport are necessary for the proper accommodation of passengers arriving at and departing from the main terminal building at the Airport (hereinafter the “Terminal”); and

WHEREAS, the CITY requested bids for on-airport automobile rental services by Bid No. 19076, dated April 8, 2019, including any addenda;

WHEREAS, on May 10, 2019, the CITY issued notification that Bid #19076 for Rental Car Concession at the Portland International Jetport was suspended. The City chose to pursue direct negotiations with the incumbent rental car concessionaires given that all incumbents attended the mandatory May 9, 2019 pre-bid meeting.

WHEREAS, CONCESSIONAIRE desires to make on-airport automobile rental services available at the Airport, and CONCESSIONAIRE is qualified, ready and able to perform said services, and to furnish proper facilities in connection therewith;

NOW, THEREFORE, in recognition and reliance upon the foregoing recitals, and in consideration of the mutual covenants and promises hereinafter set forth, and in exchange for other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged by the parties hereto, CITY and CONCESSIONAIRE agree as follows:

ARTICLE I.

DEFINITIONS

Section 1.1 Definitions. For the purpose of this Agreement, the following terms shall, unless the context requires otherwise, have the following meanings (terms defined in the singular shall have the same meaning when used in the plural and vice versa):

Agreement shall mean this Concession Agreement, those documents and agreements referenced in Section 2.1, and all amendments, modifications and supplements hereto and thereto.

Airport shall mean the Portland International Airport located in the City of Portland, Cumberland County, Maine.

Airport Facility Charge shall mean, collectively, the fees and rentals in Section 5.4.

Car Rental Facility shall mean the facility adjacent to the parking garage specifically designed to accommodate car rental services, including both the Car Rental Facility Premises and the Ready Return spaces, which may also be referred to herein as the “Facility” or “Facilities”.

Car Rental Facility Premises shall mean the counter space leased to CONCESSIONAIRE to conduct its rental car operations, as provided in Section 5.1 below, which may also be referred to herein as the “Premises”.

CONCESSIONAIRE shall mean “named concessionaire”, a corporation, its officers, agents and employees.

DBE/WBE DBE shall mean Disadvantaged Business Enterprise as defined in 49 CFR Part 23, and shall include Small Business Concerns which are owned and controlled by Socially and Economically Disadvantaged Individuals; WBE shall mean Women Business Enterprises and shall include Small Business Concerns which are owned and controlled by women, who are presumed to be Socially and Economically Disadvantaged Individuals under Section 8(a) of the Small Business Act (15 U.S.C. section 637) and relevant regulations promulgated pursuant thereto.

DBE/WBE Participation Goals shall mean CITY’s goals for participation by DBE/WBEs under the Airport’s Federal Aviation Administration program. CITY’s goal for combined

DBE/WBE participation is given in the City of Portland Airport Concession Disadvantaged Business Program.

Director shall mean the Director of the Portland International Airport, and his or her authorized designee, also referred to herein as “Airport Director”.

Dual Branding shall mean owning or operating two brand names from the same car rental facility.

FAA shall mean the Federal Aviation Administration, an agency of the United States Government, and any successor thereto.

Gross Revenues shall mean any and all time and mileage charges, excluding CONCESSIONAIRE authorized discounts, whether for cash, credit, exchange or otherwise, for the rental of automobiles and rental transactions of every kind by CONCESSIONAIRE within the legal boundaries of the Airport and shall also include all sums received by CONCESSIONAIRE from customers by reason of their acceptance of personal accident insurance or other insurance coverage. Gross revenue further includes all additional driver and youthful driver charges, child restraint seat, ski and luggage rack charges and any equipment rental charge retained by CONCESSIONAIRE, any allowance for bad debts and inter-city revenues. Revenues from rental transactions may be considered received on the date the rental transaction is closed.

The term Gross Revenues shall not mean or include: (i) any sums received from customers for gasoline or refueling service; (ii) the amount of federal, state, county or municipal sales or other similar taxes separately stated and collected and/or reimbursed from customers of CONCESSIONAIRE now or hereafter levied or imposed; (iii) any sums received as insurance or otherwise for damage to automobiles or other property of CONCESSIONAIRE, or for the loss, conversion, or abandonment of such automobiles, or any charges collected from a customer for damages to the automobile rented; (iv) any sums received for waiver by CONCESSIONAIRE of its right to recover from customers for damages to any automobile rented, (v) any sums received by reason of the CONCESSIONAIRE’s disposal of operating facilities or personal property (capital assets), including vehicle sales, manufacturer rebates, and franchise rebates, (vi) any sums recovered from customers for the payment of traffic tickets, parking tickets, tolls, towing fees, impound fees, red light tickets and other governmental fines, which are incurred as a result of customers’

actions, along with the administrative fee charged for the processing of such payment and recovery, OR (vii) carbon offsets based entirely upon proven amount paid on behalf of a car rental customer to 3rd party carbon offset provider.

Minimum Annual Guarantee (MAG) shall mean the minimum amount of concession fees paid on Gross Revenues as provided in Section 5.4.1 (exclusive of any other charges or rentals for Terminal or other space leased to CONCESSIONAIRE under this or other agreements) due to CITY annually from CONCESSIONAIRE in consideration of the concession rights herein granted to CONCESSIONAIRE.

Ready/Return Premises shall mean the parking space areas to be used by CONCESSIONAIRE as a ready/return area for its automobile rental fleet, all as more specifically set forth in Section 5.2.

Service Facility shall mean a facility that will enable car rental agencies to service their vehicles in close proximity to the passenger terminal.

Small Business Concern shall have the meaning such term has under Section 3 of the Small Business Act (15 U.S.C. section 632) or such other laws or regulations as may be applicable, from time to time, to this transaction.

Socially and Economically Disadvantaged Individuals shall have the meaning such term has under Section 8(a) of the Small Business Act (15 U.S.C. section 637) and relevant regulations promulgated pursuant thereto.

Terminal shall mean the main terminal building at the Airport.

Section 1.2. References. For the purposes of this Agreement, the following references shall, unless the context requires otherwise, have the following meanings:

- (a) The words “hereof,” “herein,” “herewith,” “hereunder” and words of similar meaning shall refer to this Agreement as a whole and not to any particular provision of the Agreement, unless otherwise specified.
- (b) Where the context requires, the use of singular numbers or pronouns shall include the plural and vice versa, and the use of pronouns of any gender shall include any other gender.

ARTICLE II

AGREEMENT

Section 2.1. Documents. The Agreement between the parties shall consist of this instrument and the following documents, which are incorporated herein as if copied at length:

- (a) All insurance certificates and performance and payment bonds or letters of credit required by the terms of this Agreement; and
- (b) All exhibits to this Agreement..

Section 2.2. Conflict in Terms. In the event of any conflict between the terms or provisions of this Agreement and the terms or provisions of any of the documents referenced in Section 2.1, the more restrictive on CONCESSIONAIRE shall control.

ARTICLE III

TERM

Section 3.1. The term of this Agreement shall be for sixty (60) months beginning on July 1, 2019 and terminating at 11:59 p.m. on June 30, 2024.

ARTICLE IV

RIGHTS AND PRIVILEGES

CONCESSIONAIRE shall have the following rights and privileges during the term of this Agreement:

Section 4.1. Automobile Rentals. CONCESSIONAIRE shall have the non-exclusive right and privilege to conduct an on-airport automobile rental concession at the Airport from the Car Rental Facilities for the convenience of passengers utilizing the Airport, and patrons and tenants of the Airport. Such right includes the right to rent automobiles to the general public at or on the Airport; provided, however, that said rentals of automobiles shall be consistent with all applicable standards and policies of Airport as such standards and policies may be developed and amended. Such right shall not include the right to sell gasoline or to offer maintenance and/or repair service for automobiles to the general public, to other concessionaires at the Airport, or to any other firm, or individual, except as required to maintain automobiles used by the CONCESSIONAIRES's automobile rental customers.

Section 4.2 Counter Space Area. All counter and office space will remain as allocated in the 2014 Concession Agreement. CONCESSIONAIRE shall have the right to the use and

occupancy of the Car Rental Facilities together with the right to construct and install any improvements in and upon the Car Rental Facilities Premises as may be reasonably necessary for the customary operation of an on-airport automobile rental service operation at the Airport, subject to the following conditions:

- (a) Any construction or installation in the Car Rental Facilities Premises shall be in accordance with CITY regulations and rules and CONCESSIONAIRE shall obtain, at its own cost and expense, all required CITY permits and approvals therefore, including without limitation a building permit;
- (b) CONCESSIONAIRE shall submit to the Airport Director for prior written approval, which approval shall not be unreasonably withheld, detailed plans, drawings and specifications for any construction and installation of improvements, or alternations thereto, in and upon the Car Rental Facilities Premises;
- (c) All structural improvements, equipment and interior design and décor constructed or installed in the Car Rental Facility Premises shall be in accord with the approved design of the Car Rental Facility and shall be harmonious with the décor of the parts of the Car Rental Facility of which the Car Rental Facility Premises are a part and shall meet or exceed the quality of such Car Rental Facility;
- (d) CONCESSIONAIRE shall submit to the Airport Director for prior written approval, which approval shall not be unreasonably withheld, a copy of any proposed written construction agreement with respect to construction or installation of any improvements, or alterations thereto, on the Car Rental Facility Premises;
- (e) CONCESSIONAIRE shall commence construction on the Car Rental Facility Premises within a period of ten (10) days from and after the approval of the plans and specifications therefore by or on behalf of CITY, and shall prosecute such construction to completion with all due diligence;
- (f) CONCESSIONAIRE shall construct, install and make alterations to the Car Rental Facility Premises at CONCESSIONAIRE's sole cost and expense;

- (g) All improvements made by CONCESSIONAIRE to the Car Rental Facility Premises shall be of high quality, safe, fire resistant and attractive in appearance;
- (h) At all times during the construction or installation of any improvements in or upon the Car Rental Facility Premises, CONCESSIONAIRE shall cooperate with and coordinate activities and work with CITY and other Concessionaires at or near the Car Rental Facility Premises;
- (i) CONCESSIONAIRE shall assume full responsibility for any and all damages, injuries and claims which may result to any person or persons or to their property by reason of the construction or installation of any improvements by Concessionaire on or in the Car Rental Facility Premises, and, in addition to any other indemnities provided hereunder, CONCESSIONAIRE shall defend, indemnify and hold the CITY, its officers, agents and employees, harmless from any such claim or claims, judgments or decrees resulting there from, and the expenses related thereto, including without limitation costs and reasonable attorneys' fees; CONCESSIONAIRE shall further defend and hold the CITY harmless from any liens by any person by reason of such construction or installation of improvements;
- (j) The Car Rental Facility Premises shall be used by CONCESSIONAIRE only to conduct its on-airport automobile rental operations at the Airport and for such other purposes as may be reasonably ancillary in connection with such services; the use of such Premises by others or for other purposes is expressly prohibited; and
- (k) All improvements made to the Car Rental Facility Premises and additions and alterations thereto shall be the property of CITY; provided, however, that any trade fixtures, signs and other personal property, including electronic equipment and rental car fleet, of CONCESSIONAIRE not permanently affixed to the Car Rental Facility Premises shall remain the property of CONCESSIONAIRE and shall so remain unless CONCESSIONAIRE shall fail within the (10) days following the expiration or earlier termination of this Agreement to remove such trade fixtures, signs and other personal property not permanently affixed to the

Car Rental Facility Premises, in which event, at the option of CITY, title to same shall vest in CITY, at no cost to CITY. In the event CITY does not choose to take title, CITY shall have the right to remove and dispose of all such trade fixtures, signs and other personal property and the costs of such removal shall be the responsibility of CONCESSIONAIRE, less any amounts obtained by CITY from sale or disposal of said property; and

- (l) All contractors and subcontractors of CONCESSIONAIRE doing work on the Airport shall name the CITY as an additional insured on its commercial general liability insurance in the amount required hereunder and shall provide evidence to CITY of Automobile liability insurance in said minimum amount and workers compensation insurance in the statutory amount; and
- (m) CONCESSIONAIRE shall not place any advertising, including pricing information and credit card applications, pamphlets, temporary signs or other materials on the Car Rental Facilities counter space. Drop off boxes and items necessary for the services of customers are allowable subject to prior approval of the Airport Director or his/her designee.

Section 4.3. No Service Facility. Service Facility Premises are not covered by this Agreement. Each CONCESSIONAIRE must operate, maintain, or share a service area facility.

Section 4.4. Ready/Return Parking Areas. CONCESSIONAIRE shall have the right to the exclusive use of a proportionate share of parking spaces to be used for automobile rental parking as provided in Section 5.2 below.

Section 4.5. Signs. CONCESSIONAIRE shall have the right to install and maintain standard corporate identifying signs and graphics in areas designated by the Airport Director. All other signs and graphics in the Car Rental Facilities Premises and the Ready/Return Premises designated for use by CONCESSIONAIRE shall be subject to the prior written approval of the Airport Director. All signage shall conform to any applicable state, CITY, or Airport ordinance or rules.

Section 4.6. Ingress/Egress. CONCESSIONAIRE shall have the non-exclusive right of ingress to and egress from the Car Rental Facility Premises and the Ready/Return Premises over Airport roadways, including common-use roadways, subject to any rules or regulations

which may have been established, or may be established in the future, by the CITY, the United States (including, without limitation, the FAA), the County of Cumberland and/or the State of Maine. Such right of ingress and egress shall apply to CONCESSIONAIRE'S employees, guests, patrons, invitees, suppliers and other authorized individuals. Such right of ingress and egress shall likewise apply to the transport of equipment, material, machinery and other property of CONCESSIONAIRE.

ARTICLE V.
CAR RENTAL FACILITY PREMISES,
RENTAL FEES, AND OTHER CHARGES

Section 5.1. Car Rental Facility Premises. CITY hereby leases, lets, and demises unto CONCESSIONAIRE, and CONCESSIONAIRE hereby leases from CITY, _____ (___) square feet in the Car Rental Facility Premises, all as more specifically indicated on Exhibit A attached hereto and made a part hereof, to be used by CONCESSIONAIRE for its counter space to conduct its on-airport rental operations at the Airport.

Section 5.2. Ready/Return Premises. CITY hereby grants CONCESSIONAIRE the exclusive use of _____ (___) ready car parking spaces near the Car Rental Facility Premises, all as more fully set forth on Exhibit A attached hereto and made a part hereof, to be used by CONCESSIONAIRE as ready/return area for its automobile rental fleet. There are currently a total of Two Hundred forty (240) parking spaces. Each on-Airport concessionaire's proportionate share of the ready car parking area, for the first year of the term of the Agreement, shall be in direct proportion to the percentage that the CONCESSIONAIRES' Gross Revenues during the period from June 1, 2018 – May 31, 2019 were to the total Gross Revenues of All on Airport concessionaire's for the same period., The number and locations of the parking spaces allocable to each of the on-Airport concessionaires shall be re-determined, while maintaining the east/west alignment, effective November 1 of each year following the first full year during the term of the concession Agreement ("Adjustment Date"). As of each Adjustment Date, the number of parking spaces allocable to each of the on-airport concessionaires shall be re-determined such that each concessionaire will be entitled to a portion of the total parking spaces

which bears the same ratio as the concessionaire's Gross Revenues during the preceding 12 month period ending June 30 of each year bears to the total Gross Revenue of all on Airport concessionaires during such period. The precise location of each concessionaire's parking spaces shall be determined first, by agreement of all on-Airport concessionaires, but if no such agreement, then they will be assigned to each concessionaire by the Airport Director.

Section 5.3. Premises "As Is." CONCESSIONAIRE understands and agrees that it has had the full opportunity to inspect all premises conveyed hereunder and it is explicitly understood and agreed that the Car Rental Facilities Premises and the Ready Return Premises are taken "as is" with no warranty of any type whatsoever from CITY.

Section 5.4. Fees and Rentals. For the privilege of operating its on-airport automobile rental services at the Airport and for the use of the premises hereinabove described, CONCESSIONAIRE agrees to pay to CITY concession fees and rentals as follows:

- 5.4.1. (a) *Concession Fees.*** CONCESSIONAIRE shall pay monthly to CITY, in addition to any other fees or rentals due hereunder, a monthly fee equal to Ten Percent (10%) of CONCESSIONAIRE'S prior monthly Gross Revenues ("Monthly Fee:"). Said payments on an annual basis shall not be less than the Minimum Annual Guarantee as provided herein.

CITY FISCAL YEAR	MINIMUM ANNUAL GUARANTEE
7/1/19 – 6/30/20*	\$000,000
7/1/20 – 6/30/21	\$000,000
7/1/21 – 6/30/22	\$000,000
7/1/22 – 6/30/23	\$000,000
7/1/23 – 6/30/24	\$000,000

* The 10% payment will be paid on each month of the term of the Agreement beginning as of July 1, 2019, but the MAG will be based on the City's fiscal year.

- (b) *Payment.*** CONCESSIONAIRE shall absolutely and unconditionally pay the Monthly Fee to CITY, in lawful money of the United States, on or before the twentieth (20th) business day of each calendar month of the term of this Agreement, beginning on August 20, 2019. Along with the payment, CONCESSIONAIRE shall furnish CITY a written statement

certifying the Gross Revenues derived from CONCESSIONAIRE'S Airport operations, accompanied by a full payment of the percentage fee due CITY for the preceding month. If CONCESSIONAIRE is operating two brands, it shall report the revenue of each brand separately. Said payment shall be made without need for invoice and shall be delivered to the Office of the Airport Director at the address in Article XIX below. A detailed monthly gross revenues statement of all gross revenues received by CONCESSIONAIRE shall be kept on file for three (3) years at the Airport office of CONCESSIONAIRE for review by the Airport Director or his or her designee during regular business hours.

- (c) *Annual Reconciliation.* CONCESSIONAIRE shall furnish CITY a sworn statement certified by a public accountant showing all Gross Revenues derived from CONCESSIONAIRE'S operation of the automobile rental concession at the Airport for said contract year. Said financial statement shall be accompanied by a certification of the statements from an authorized officer of the corporation or a certified public accountant's report expressing his/her opinion as to the fairness of presentation of the Gross Revenues on the basis specified in this Agreement. Within ninety (90) days after the close of each fiscal year, the CITY will reconcile the annual payments. If the aggregate payments made for the fiscal year are less than the MAG, then the CONCESSIONAIRE shall pay the CITY the difference between the amounts previously paid for the prior year and the MAG.
- (d) *CITY right to audit.* CITY and/or its designated representatives reserve the right to review and/or audit CONCESSIONAIRE'S books and records at any time during regular business hours for the purpose of verifying the Gross Revenues hereunder, upon reasonable notice. CITY and/or its designated representatives further reserve the right to review the work papers and files of the certified public accountant which were generated or relied upon in expressing his/her opinion, or all similar information used

by the authorized officer of the corporation certifying the statements as required by this Agreement. If, as a result of such an audit, it is established by CITY that CONCESSIONAIRE has understated the Gross Revenues received by it by four percent (4%) or more (after the deductions and exclusions provided for herein), the entire expense of said audit shall be borne by CONCESSIONAIRE. Any additional percentage payments due shall forthwith be paid by CONCESSIONAIRE to CITY with interest thereon at the rate of one and one-half percent (1 ½%) per month from the date such additional percentage fee originally was due.

5.4.2. Car Rental Facility Premises rental. For use and occupancy of the Car Rental Facility Premises and for the rights and privileges herein granted, CONCESSIONAIRE absolutely and unconditionally agrees to pay, in lawful money of the United States of America, rent to CITY at the rate of Forty-four Dollars and Eighty Three Cents (\$44.83) per square foot per annum, which totals

(_____) for the Car Rental Facilities Premises per annum. Such annual rent shall be paid in equal monthly installments of _____
 _____ (_____) and shall be due and payable on the twentieth (20th) business day of each calendar month of the term of this Agreement.

5.4.3. Customer Facility Charge. A Customer Facility Charge (CFC) will be assessed at two dollars (\$2.00) for each twenty-four (24) hour period, or portion thereof for which a full day's rental rate is assessed for each car rental, up to five days commencing on July 1, 2019. In the event Concessionaire offers a Grace Period for the vehicle rental returns (up to two (2) hours), such Grace Period will be considered the same twenty-four (24) hour period.

- a) *Payment.* CONCESSIONAIRE shall collect the CFC from each customer in the amount mandated by CITY, and shall remit all CFCs collected each month to the CITY, on or before the twentieth (20th) business day of each subsequent calendar month of the term of this Agreement. Along with the

payment, CONCESSIONAIRE shall furnish CITY a written statement certifying the amount of CFCs collected from customers accompanied by a full payment of the CFCs collected in the preceding calendar month. CONCESSIONAIRE shall provide disclosure of the CFC on its reservation systems at commencement of this agreement, and shall collect the CFC on all rentals resulting from reservations made on or after that date, which rentals commence on July 1 2019 or thereafter. The CFCs collected and remitted shall not be considered income, revenue or any other asset to CONCESSIONAIRE, and CONCESSIONAIRE shall have no ownership or property interest in such CFCs. However, the CITY will provide, from time to time, information to CONCESSIONAIRE regarding the CFC collections, accumulation of CFC funds, CFC expenditures, and the outstanding debt owed on the bonds covering the car rental portion of the garage.

- b) *Annual Adjustment.* The amount collected shall be used exclusively to fund the car rental portion of the parking garage bonds, other car rental facility related improvements, and rental car facility operating and maintenance costs. Annually, on November 1, the CFC will be adjusted, either upward or downward, to account for the previous year shortfall or overage in covering these expenses.
- c) *Ready Space Charge.* There will be no additional ready space charge for the term of this agreement.

Section 5.5. Abatement of Minimum Annual Guarantee. In the event that one of the following conditions exists during the term hereof, the Minimum Annual Guarantee shall be reduced as follows:

5.5.1. Passenger Reduction. If the total scheduled passengers at the Airport during any contract year during the term of this Agreement is less than ninety percent (90%) of the average total passengers at the Airport during calendar years 2016 (1,786,942 passengers), 2017 (1,862,413 passengers), and 2018 (2,134,430 passengers) (the “Base Years”), 90% of 1,927,928 passengers or 1,735,136

passengers the Minimum Annual Guarantee for such contract year of reduced passenger traffic shall be abated in its entirety during such period of reduced passengers. All other fees due to the Airport shall apply, including but not limited to the 10% of Gross Revenues concession fee.

5.5.2 Shortage or Disruptions. If the operation of CONCESSIONAIRE'S automobile rental business at the Airport becomes impractical or impossible because of shortages or other interruptions in the supply of automobiles, gasoline, or other goods necessary for the operation thereof, which persist for at least thirty (30) consecutive days and which are not attributable to conditions within CONCESSIONAIRE'S control or caused by the actions or inactions of CONCESSIONAIRE, the Minimum Annual Guarantee may be equitably adjusted accordingly; provided, however, that CONCESSIONAIRE shall submit to CITY proof and substantiation of such shortages or disruptions and the causes thereof and CITY determines such reduction is necessary and the causes claimed are not attributable to conditions within CONCESSIONAIRE'S control.

Section 5.6. Payment. CONCESSIONAIRE shall pay the fees and charges and shall submit all reports and statements mandated in Section 5.4 above, without notice or demand, within the time limitations set forth in Section 5.4 above, at the place designated by CITY pursuant to Article XIX below.

Section 5.7. Cancellation or Termination of Agreement. In the event of a cancellation or termination of this Agreement based upon circumstances described in Section 13.1, the CONCESSIONAIRE shall be refunded any credit due at the time of such termination or cancellation.

Section 5.8. Delinquency Charge. In the event any payment due the CITY under this Agreement is late and Concessionaire knows or has reason to know of such late payment, CONCESSIONAIRE shall pay a late charge of one and one-half percent (1 and ½ %) per month on all sums due and unpaid.

ARTICLE VI. CITY'S COVENANTS

CITY covenants, warrants and agrees that:

- (a) CITY has lawful possession of the Car Rental Facilities Premises and the Ready/Return Premises and is authorized to execute this Agreement;
- (b) CITY shall maintain all public and common or joint use areas of the Airport in good repair, and shall make such repairs, replacements or additions thereto as it considers, in its sole discretion, necessary for the safe and efficient operation of the Airport;
- (c) CITY shall provide for, install and construct, and, throughout the term of this Agreement, maintain and keep in repair, and open to traffic, a road or roads suitable for vehicular traffic connecting the Ready/Return Premises with the Car Rental Facility, which road or roads CONCESSIONAIRE is hereby given the right to use, in common with others, for movement of its vehicles throughout the term of this Agreement; and
- (d) Throughout the term hereof, CONCESSIONAIRE may have, hold and enjoy peaceful and uninterrupted possession of the Car Rental Facilities Premises and the rights herein leased and granted, subject to performance by CONCESSIONAIRE of its obligations herein.

ARTICLE VII.

CONCESSIONAIRE'S COVENANTS

CONCESSIONAIRE covenants, warrants and agrees that:

- (a) CONCESSIONAIRE is a corporation duly organized and validly existing, authorized to do and doing business in the State of Maine;
- (b) CONCESSIONAIRE is authorized by its directors and shareholders, as appropriate, to enter into this Agreement and consummate the transactions contemplated hereby;
- (c) CONCESSIONAIRE shall pay the rents, fees and other charges herein provided, and submit all documentation required hereunder, at such times and places as the same are due;

- (d) CONCESSIONAIRE shall comply with the provisions of Sections 4.2 and 4.5 and 8.13 when making any alterations or additions to the Car Rental Facility Premises;
- (e) CONCESSIONAIRE shall keep and maintain the Car Rental Facilities Premises in good condition, order and repair during the term of this Agreement and shall surrender the same upon the expiration or earlier termination thereof in the condition in which they are required to be kept, reasonable wear and tear excepted;
- (f) CONCESSIONAIRE shall observe and comply with all present and future laws, ordinances, orders, directives, rules and regulations of CITY of Portland, Maine, and the respective agencies, departments, authorities or commissions of each which may either directly or indirectly affect CONCESSIONAIRE or its operations on, or in connection with, the Airport and any other rights and privileges herein granted, including but not limited to all federal, state and local environmental protection laws regulations, rules and ordinances;
- (g) CONCESSIONAIRE shall furnish good, prompt and efficient service, adequate to meet all reasonable demands for car rental service at the Airport on a competitive basis; and all rental automobiles made available hereunder shall be maintained at CONCESSIONAIRE'S sole cost and expense, in good operative order, free from known mechanical defects, and in clean, neat and attractive condition, inside and outside;
- (h) All personnel of CONCESSIONAIRE shall be neat, clean and courteous and shall not conduct business in a loud, noisy, offensive or objectionable manner, nor solicit business outside the space assigned in any manner whatsoever;
- (i) CONCESSIONAIRE agrees that the maintenance of good business ethics and public relations in the conduct of a satisfactory automobile rental service are of utmost importance and shall so conduct the services authorized hereunder;
- (j) CONCESSIONAIRE shall timely pay for all licenses and permits necessary for, and promptly satisfy all costs and expenses associated with, CONCESSIONAIRE'S operations at the Airport and shall timely pay all fees,

taxes and charges assessed or imposed by any governmental authority, insofar as they are applicable to CONCESSIONAIRE'S business, property and/or operations;

- (k) CONCESSIONAIRE shall at all times keep three years of accurate and complete records of CONCESSIONAIRE'S operations at the Airport, which records shall show, in addition to other things, Gross Revenues and services rendered for cash and/or credit by CONCESSIONAIRE at the Airport. CITY, or any of its agents, upon reasonable notice, shall have the right to inspect, audit, check and make extracts from any of the books, records, journals, orders, correspondence, and other data relating to CONCESSIONAIRE'S operations at the Airport, without interference or delay and at CITY cost at reasonable intervals determined by CITY and during regular business hours. CONCESSIONAIRE shall, and upon execution of this Agreement has, notified CITY of the place or places of CONCESSIONAIRE'S records. CITY shall have the right to discuss such records and matters of CONCESSIONAIRE'S business with CONCESSIONAIRE'S officers and accountants at all times. CONCESSIONAIRE shall promptly furnish CITY such information and reports regarding CONCESSIONAIRE'S business at the Airport as CITY shall from time to time reasonably request;
- (l) CONCESSIONAIRE shall undertake an affirmative action program as may be required by Title 14, Code of Federal Regulations, Part 152, Sub-part E, to insure that no person shall, on the grounds of race, creed, color, national origin or sex, be excluded from participation in any employment activities covered in Title 14, Code of Federal Regulations, Part 152, Sub-part E, or from participation in or receiving the services or benefits of any program or activity covered by said Sub-part E;
- (m) No person on the grounds of race, color or national origin, religion, disability or sexual orientation shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the use of the Car Rental Facilities Premises or the Ready/Return Premises or in the provision of CONCESSIONAIRE'S services; no person on the grounds of race, color or

national origin, religion, disability or sexual orientation shall be excluded from participation in, denied the benefits of or otherwise be subjected to discrimination in the construction of any improvements on, over or under the Car Rental Facility Premises the Ready/Return Premises or the furnishing of services thereon; and CONCESSIONAIRE shall use the Car Rental Facilities and the Ready/Return Premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21, Non-discrimination in Federally Assisted Programs of the Department of Transportation, as amended, and the State of Maine's Human Rights Act;

- (n) CONCESSIONAIRE shall exercise all reasonable and necessary steps to meet the CITY'S Participation Goals for the Concession are met through partnership or joint venture with, subcontracting to, procuring materials, equipment or supplies from or other reasonable means of ensuring DBE/WBE participation; and
- (o) CONCESSIONAIRE shall include the provisions of the above clauses related to nondiscrimination in all contracts or other agreements related to or connected with this Agreement and shall cause all contractors to include such provisions in any future contracts or other such agreements.

ARTICLE VIII. OPERATING STANDARDS

Section 8.1. Rental Services. CONCESSIONAIRE shall furnish automobile rental services on a fair, reasonable and non-discriminatory basis to all users and patrons of the Airport seven (7) days per week with its customer service counter in the Car Rental Facilities Premises being open and operated at all times required to meet scheduled flights at the Airport. CONCESSIONAIRE shall provide prompt, clean, courteous and efficient services adequate to meet all the reasonable demands for its services at the Airport. CONCESSIONAIRE shall maintain and operate its automobile operations in a first-class manner and shall keep the Car Rental Facilities Premises in a safe, clean, orderly and inviting condition at all times satisfactory to CITY.

Section 8.2. Operations. CONCESSIONAIRE shall conduct its operations in an orderly and proper manner so as not to annoy, disturb or be offensive to customers, patrons and

other tenants at the Airport.

Section 8.3. Manager. CONCESSIONAIRE shall select and appoint a full-time manager of its automobile rental operations herein authorized. Such person shall be qualified and experienced, vested with full power and authority to act in the name of CONCESSIONAIRE with respect to the method, manner and conduct of the operation of CONCESSIONAIRE's automobile rental operations at the Airport. Such manager or supervisor shall be available at the Airport during regular business hours, and during such manager's absence, a duly authorized subordinate shall be in charge and be available at the Airport.

Section 8.4. Conduct. CONCESSIONAIRE shall control the conduct, demeanor and appearance of its officers, agents, employees and representatives. All such officers, agents and employees and representatives, while on duty, shall wear uniforms or identification badges clearly identifying themselves as working for CONCESSIONAIRE, which uniforms shall at all times be maintained in a neat, orderly and clean condition and shall be subject to the prior written approval of the CITY. CONCESSIONAIRE shall train its officers, agents, employees and representatives to render a high degree of courteous and efficient service, and it shall be the responsibility of CONCESSIONAIRE to maintain close supervision over such persons to assure the rendering of a high standard of service to the public and the patrons of CONCESSIONAIRE'S automobile rental operations. Upon objection from CITY concerning the conduct, demeanor or appearance of such persons, CONCESSIONAIRE shall forthwith take all steps necessary to remove the cause of the objection.

Section 8.5. Rental Fleet. CONCESSIONAIRE shall at all times maintain on the Airport, at CONCESSIONAIRE's cost and expense, an adequate supply of automobiles to meet the reasonable public demand therefore. Such automobiles shall at all times be maintained by CONCESSIONAIRE, at its own cost and expense, in good operating order and free from known mechanical defects and shall be kept in a clean, neat and attractive condition, inside and out. CONCESSIONAIRE agrees that it will at no time use automobiles whose year model is more than three (3) years older than the current year model; except that CONCESSIONAIRE shall have until March 31 of each year to eliminate from inventory and use those automobiles whose year model is more than two (2) years older than the current year model. CONCESSIONAIRE agrees that it shall register a minimum of two hundred and fifty (250) passenger motor vehicles

as provided in Section 8.6 below.

Section 8.6. Licensing and Taxation. CONCESSIONAIRE shall strictly comply with the licensing and taxation laws of the State of Maine with respect to businesses engaged in the rental of motor vehicles. Any vehicles principally used in connection with rentals to and from the Airport shall be registered in the CITY of Portland and the excise tax paid thereto; provided, however, that such registration and excise tax paid to the CITY of Portland shall not be less than the minimum number of 250 vehicles annually. Nothing herein shall prevent the temporary use of its vehicles which have been registered elsewhere and left at the Airport as a direct result of a contract for hire.

Section 8.7. Solicitation. CONCESSIONAIRE shall not permit its officers, agents, employees or representatives to engage in the solicitation of the services offered by CONCESSIONAIRE at the Airport outside of the Car Rental Facilities Premises. CITY shall be the sole judge on the question as to whether the conduct of CONCESSIONAIRE in the solicitation of business constitutes a violation of this Section, and, upon notice from CITY, CONCESSIONAIRE shall forthwith take all lawful steps necessary to promptly eliminate the condition giving rise to the complaint.

Section 8.8. Relationships With Others. CONCESSIONAIRE shall so conduct and carry on its automobile rental operations at the Airport as to maintain a friendly, cooperative, though competitive, relationship with its competitors, if any, engaged in like business at the Airport and shall not engage in open, notorious or public disputes, disagreements or conflicts tending to deteriorate the quality of the service of CONCESSIONAIRE or its competitors or be incompatible to the best interest of the public at the Airport. CITY shall have the right, but not the obligation, to resolve all such disputes, disagreements or conflicts, and its determination thereof, or the manner in which CONCESSIONAIRE shall thereafter operate, shall be binding on CONCESSIONAIRE.

Section 8.9. Invoices. CONCESSIONAIRE shall operate its business so that a duplicate rental agreement invoice shall be issued with each automobile rental transaction, whether for cash or credit, separately showing CONCESSIONAIRE's receipts or extensions of credit. Any deviation of this requirement shall require the prior written approval of CITY, whose decision in that regard shall be final and absolute.

Section 8.10. Credit Card Payments. CONCESSIONAIRE, if compliance with the requirements applicable to the Payment Card Industry Data Security Standard, shall not be required to use any network other than its own private network, to ensure that customer credit card information is not compromised.

Section 8.11. Janitorial and Cleaning Services. CONCESSIONAIRE shall provide at its own expense such janitorial and cleaning services and supplies as may be necessary or required for the operation and maintenance of the Car Rental Facilities Premises and the Ready/Return Spaces. CONCESSIONAIRE shall keep and maintain the Car Rental Facilities Premises in a clean, neat and sanitary condition, and attractive in appearance. Notwithstanding the above, CITY may require CONCESSIONAIRE to participate in any recycling program which CITY may adopt for all Airport tenants or as required by law.

Section 8.12. Garbage. CONCESSIONAIRE shall provide and use suitable covered or sealed receptacles for all garbage, trash and other refuse in the Car Rental Facilities Premises. Piling of boxes, cartons, barrels and similar items shall not be permitted.

Section 8.13. Repairs. Any repairs performed at the Car Rental Facilities Premises by CONCESSIONAIRE, or on its behalf, shall be of the highest quality in both materials and workmanship. All repairs shall be made in conformity with all laws, rules, regulations and ordinances prescribed from time to time by federal, state or local authorities having jurisdiction over Car Rental Facilities Premises, and shall be subject to prior written approval of the Airport Manager.

ARTICLE IX.

INSPECTION

Section 9.1. Right to Inspect. CITY and its authorized officers, employees, agents, contractors, sub-contractors and other representatives shall have the right to enter upon the Car Rental Facilities Premises for the following purposes:

- (a). To inspect the Car Rental Facilities Premises at reasonable intervals during regular business hours upon 24 hours advance notice (or at any time in case of emergency) to determine whether CONCESSIONAIRE has complied and is complying with the terms and conditions of this Agreement; and

(b). To perform essential maintenance, repair, relocation or removal of existing underground or overhead wires, pipes, drains, cables, conduits and other facilities now or hereafter located on or across the Car Rental Facilities Premises, and to construct, maintain, repair, relocate and remove such facilities in the future if necessary to carry out the master plan of development of the Airport; provided, however, that said work shall in no event unduly disrupt or interfere with the operations of CONCESSIONAIRE, and provided further, that the entire cost of such work, including but not limited to the cost of rebuilding, removing, relocating, protecting or otherwise modifying any improvement at any time erected or installed in or upon the Car Rental Facilities Premises as a result of the exercise by CITY of its right hereunder, and the repair of all damage due to such improvement caused thereby, shall be borne solely by CITY. Notwithstanding the foregoing, CONCESSIONAIRE shall be responsible for the cost of any repairs required as a result of the act or omission of CONCESSIONAIRE.

ARTICLE X

ASSIGNMENT AND SUB-LEASING

Section 10.1. Assignment. CONCESSIONAIRE shall not assign or sublet this agreement or allow the same to be assigned by operation of law or otherwise, or sublet the Car Rental Facilities Premises, the Ready/Return spaces or any portions thereof without the prior written consent of CITY. CITY reserves the right to deny any assignment or subletting by CONCESSIONAIRE for any reason it deems in the best interest of the CITY. Subletting will not be allowed under any circumstances to an entity that is not a current on-airport Concessionaire. Assignment of this Agreement will be allowed within the sole discretion of the Airport Director. Any purported assignment or sublease in violation hereof shall be void.

Section 10.2. Continued Obligations. In the event CITY consents to any assignment or subletting on the part of CONCESSIONAIRE of any rights or privileges granted in this Agreement, CONCESSIONAIRE shall continue to remain responsible for any and all payments due CITY as a result of operations following the assignment or

subletting.

Section 10.3. Default. In no case may the activities, uses, privileges and obligations authorized herein on the Airport, the Car Rental Facilities Premises, the Ready/Return Spaces or any portions thereof be assigned for any period or periods after a default by CONCESSIONAIRE of any of the terms, covenants and conditions of this Agreement.

ARTICLE XI

INDEMNIFICATION

Section 11.1 CONCESSIONAIRE shall protect, defend, indemnify and hold CITY, its officers, agents and employees, completely harmless from and against any and all liabilities, demands, suits, claims, losses, damages, fines, penalties, costs and judgments arising by reason of the injury or death of any person or damage to any property of any nature, including but not limited to injury or damage to CITY employees or property, (including but not limited to those relating to or arising out of the violation of any federal, state, or local environmental protection, health or safety law, regulation, rule or ordinance), including all reasonable costs of investigation and defense thereof (including but not limited to attorneys' fees and court costs), arising out of or incidental to any acts, omissions of CONCESSIONAIRE, its officers, employees, agents, representatives, contractors, sub-contractors, licensees or invitees related to (i) this agreement, (ii) CONCESSIONAIRE's use or occupancy of, or operations on or in connection with, the Airport, the Car Rental Facilities Premises, the Ready/Return Spaces, or any portions thereof, or (iii) CONCESSIONAIRE's rights, responsibilities or duties under this Agreement; except to the extent such injury, death or damage is caused by the gross negligence or willful misconduct of CITY, its officers, agents or employees. CITY shall give CONCESSIONAIRE reasonable notice of any such claims or actions. CONCESSIONAIRE, in carrying out its obligations hereunder, shall use counsel reasonably acceptable to, and cooperative with, CITY. The provisions of this Article XI shall survive the expiration or earlier termination of this Agreement.

Section 11.2. CONCESSIONAIRE agrees to procure and maintain throughout the term of this Lease Agreement, an endorsement to its Workers Compensation coverage

waiving any and all rights of subrogation against the CITY. CONCESSIONAIRE hereby, expressly and without reservation, waives any defense or immunity to which it might otherwise be entitled under Workers' Compensation laws, the general statutes of Maine or judicial decisions, disallowing or limiting such indemnification, and consents to a cause of action for indemnity. In the event such waiver is not reasonably commercially available, CONCESSIONAIRE shall defend, indemnify and hold the CITY harmless from any such subrogated claims.

ARTICLE XII

INSURANCE AND PERFORMANCE BOND

Section 12.1. Insurance:

12.1.1. *Required Insurance.* CONCESSIONAIRE shall obtain and maintain continuously in effect at all times during the term of this Agreement, and for a period of not less than two (2) years thereafter if written on a claims-made basis, at CONCESSIONAIRE's sole cost and expense, the following insurance:

- (a) Comprehensive general liability insurance protecting CITY against any and all liability (whether due to an injury or death to any person or damage to any property of any nature) arising out of or incidental to any acts or omissions of CONCESSIONAIRE, its officers, employees, agents, representatives, contractors, sub-contractors, licensees or invitees related to this Agreement; CONCESSIONAIRE's use or occupancy of, or operations on or in connection with, the Airport, the Car Rental Facilities Premises, the Ready/Return Spaces or any portions thereof; and CONCESSIONAIRE's rights, responsibilities or duties under this Agreement, in the minimum amount of Two Million Dollars (\$2,000,000.00);
- (b) Workers Compensation insurance and employer's liability insurance insuring against accidental death and disease with limits of not less than Five Hundred Thousand (\$500,000.00) each accident and Five Hundred

Thousand Dollars (\$500,000.00) per disease (per employee and aggregate) or such greater amount as may be required by the laws of the State of Maine;

- (c) Fire and extended coverage, with special cause of loss form, insurance on all improvements erected by CONCESSIONAIRE on or about the Car Rental Facilities Premises including the contents thereof, in an amount not less than the then-current appraised value thereof determined on an annual basis; and
- (d) Contractual liability insurance to insure CONCESSIONAIRE's obligation to defend, indemnify, and hold CITY harmless in accordance with the indemnification provisions of this agreement, in the minimum amount of One Million Dollars (\$1,000,000.00);
- (e) Comprehensive automobile liability insurance, including hired and non-owned vehicles, in an amount not less than One Million Dollars (\$1,000,000.00), covering death, bodily injury and property damage.

12.1.2. Insurance Certificate Requirements. All insurance certificates required herein shall be issued by a solvent insurance company or companies licensed or admitted to write such insurance in the State of Maine; all liability certificates shall name CITY as an additional insured; and shall be conditioned upon thirty (30) days prior to written notice to CITY before such policies may be altered or canceled. CONCESSIONAIRE shall provide to CITY certificates of insurance evidencing CONCESSIONAIRE's compliance with the provisions of Agreement. All certificates of insurance provided hereunder shall contain the following endorsement:

It is hereby agreed and understood that the CITY of Portland is named as an additional insured, and that the coverage afforded to CITY of Portland under this certificate shall be primary insurance. If CITY of Portland has other insurance which is applicable to the loss, such other insurance shall be on an excess or contingent basis. The amount of the insurer's liability

under this certificate shall not be reduced by the existence of such other insurance.

12.1.3. *Self-insurance; Deductibles.* CONCESSIONAIRE may meet its insurance requirement hereunder in whole or in part through an authorized self-insurance program to the extent that CONCESSIONAIRE provides all such coverage through self-insurance and not solely for this Agreement. All conditions herein shall apply to such self-insurance program, including without limitation adding the City as an additional insured to such program. All insurance certificates may include a reasonable deductible.

12.1.4. *Effects of Noncompliance.* Failure to keep the insurance required pursuant to this Agreement in force or to provide CITY with evidence of such insurance shall constitute a default under the terms of this Agreement entitling CITY, in addition to all other remedies available hereunder, the right to immediately suspend CONCESSIONAIRE's right to access and use of the Car Rental Facilities Premises and the Ready/Return Spaces. In addition, if CONCESSIONAIRE shall at any time fail to insure or to keep insured as aforesaid, CITY may, but shall not be required to, do all things necessary to effect or maintain such insurance and all monies expended by it for that purpose shall be repaid to CITY by CONCESSIONAIRE as additional rentals in the month or months the premium or premiums are paid by the CITY.

12.1.5. *Modifications.* CITY shall have the right to change the insurance coverage and the insurance limits required of CONCESSIONAIRE, without any cost to the CITY, if such changes are reasonable and are recommended or imposed by CITY's insurers.

12.1.6. *Notice.* CITY agrees to notify CONCESSIONAIRE in writing as soon as possible of any claim, demand or action arising out of any occurrence covered hereunder of which CITY has knowledge, and to cooperate with CONCESSIONAIRE in the investigation and defense thereof. CONCESSIONAIRE agrees to notify CITY in writing as soon as possible of any

claim, demand or action arising out of any occurrence covered hereunder of which CONCESSIONAIRE has knowledge, and to cooperate with CITY in the investigation and defense thereof.

Section 12.2. Performance and Payment Bond. CONCESSIONAIRE shall deliver to CITY, and maintain throughout the term hereof, a performance and payment bond in the amount of three (3) months of the MAG. Said performance and payment bond shall insure the full and faithful performance of CONCESSIONAIRE of all the covenants, terms and conditions of this Agreement and stand as security for payment by CONCESSIONAIRE of all valid claims by the CITY.

Section 12.3. Letter of Credit. In lieu of a performance and payment bond and at CITY's sole option, CONCESSIONAIRE may establish and maintain, throughout the term hereof, an irrevocable letter of credit payable to CITY, in the amount of One Hundred Twenty-Five Thousand Dollars and No Cents (\$125,000.00), with a local banking institution and in a form acceptable to CITY, subject to the conditions stated above in Section 12.2.

Section 12.4. Successors. CITY reserves the right to require any permitted successor, assignee, subtenant or other transferee of CONCESSIONAIRE as tenant under this Lease, as a condition of CITY consent to such succession, assignment, sublease or transfer, to provide CITY with a Surety as provided in Subsections 12.2 and 12.3 above.

Section 12.5. No Waiver of Rights. Notwithstanding the reimbursement of any amounts owed through the bond or letter of credit, CITY reserves the right to declare CONCESSIONAIRE in default under the Lease for the underlying failure of CONCESSIONAIRE to pay any amounts or undertake any obligation required herein, which failure resulted in CITY drawing upon the letter of credit.

ARTICLE XIII

CANCELLATION BY CONCESSIONAIRE

Section 13.1. Events. CONCESSIONAIRE shall have the right upon thirty (30) days prior written notice to CITY to cancel and terminate this Agreement upon the happening of one

or more of the following events if said event or events shall then be continuing:

(a) Any court of competent jurisdiction shall issue an injunction, order or decree preventing or restraining the use by CONCESSIONAIRE of all or any substantial part of the Airport, or preventing or restraining the use of the Airport for usual airport purposes, or the use of any portion thereof which may be used by CONCESSIONAIRE and which is necessary for CONCESSIONAIRE's operations at the Airport, which remains in force for a period of at least ninety (90) consecutive days; provided, however, that any such injunction, order or decree shall not have resulted from any wrongful action or any fault of CONCESSIONAIRE;

(b) CITY shall default in fulfilling any of the terms, covenants or conditions to be fulfilled by it under this Agreement and shall fail to cure said default within fifteen (15) days following receipt of written demand from CONCESSIONAIRE to do so, except that if the default cannot be cured within said fifteen (15) days by reason of the nature of such default, CONCESSIONAIRE shall then have the right to cancel this Agreement only if CITY shall have failed to commence to remedy such default within said fifteen (15) days following receipt of such written demand, or having so commenced, shall fail thereafter to continue with diligence the curing thereof;

(c) All or a material part of the Airport shall be destroyed by fire, explosion, earthquake, other casualty, acts of God or the public enemy; or

(d) The United States Government or any agency, department or bureau thereof shall occupy the Airport or any substantial part thereof to such an extent as to materially interfere with CONCESSIONAIRE's operations for a period of ninety (90) consecutive days or more.

Section 13.2. Payments. In the event of a cancellation or termination of the Agreement, as described in 13.1., the CONCESSIONAIRE's rents and MAGs will be equitably abated

retroactively back to the original commencement of the event leading to the cancellation circumstances.

Section 13.3. Litigation. In the event of any litigation to determine if a condition of default has occurred, CONCESSIONAIRE shall pay the rentals, fees and charges due hereunder into the court having jurisdiction over such litigation, or to CITY, but shall not be relieved from such obligation unless and until a final determination on such litigation is made in CONCESSIONAIRE's favor. Upon final determination, the court having control of such rentals, fees and charges shall pay monies as it deems appropriate, without interest. In the event CITY has received such rentals, fees and charges, CITY shall forthwith return such disputed monies, without interest, to CONCESSIONAIRE to the extent ordered by the court.

ARTICLE XIV
CANCELLATION BY CITY

Section 14.1. Events. CITY shall have the right to immediately cancel and terminate this Agreement in its entirety, upon or after the happening of one or more of the following events, if such event or events is then continuing:

- (a) CONCESSIONAIRE shall make a general assignment for the benefit of creditors;
- (b) To the extent permitted by law, CONCESSIONAIRE shall file a voluntary petition in bankruptcy or a petition seeking its reorganization or the readjustment of its indebtedness under the Bankruptcy Code (Title 11 of the United States Code) as now in effect or hereafter amended;
- (c) An involuntary petition in bankruptcy shall be filed against CONCESSIONAIRE and CONCESSIONAIRE is thereafter adjudicated bankrupt hereunder;
- (d) CONCESSIONAIRE shall consent to the appointment of a receiver, trustee or liquidator of all or substantially all of the property of CONCESSIONAIRE;
- (e) CONCESSIONAIRE shall default in fulfilling any of the terms, covenants or conditions required of it under this Agreement, or any other agreement executed between CITY and CONCESSIONAIRE and CONCESSIONAIRE shall fail to remedy the default within fifteen (15) days following receipt by CONCESSIONAIRE of written demand from CITY to do so, except that if the default cannot be cured within said fifteen (15) days by reason of the nature of such default, CITY shall then have the right to cancel this Agreement only if CONCESSIONAIRE shall have failed to commence to remedy such default within fifteen (15) days following receipt of such written demand, or having so commenced, shall fail hereafter to continue with diligence the curing thereof. Notwithstanding the foregoing, CONCESSIONAIRE shall cure any failure to pay any rent, fee or charge due hereunder within fifteen (15) days of notice of such default.
- (f) Without limiting 14.1.(e), CONCESSIONAIRE shall fail to comply in any material respect with the operating standards set forth in Article VIII;

(g) CONCESSIONAIRE shall abandon all or any part of the Car Rental Facilities Premises or shall discontinue the conduct of its operations in all or any part of the Car Rental Facilities Premises for a period in excess of forty eight (48) consecutive hours, except where such abandonment is due to events which are beyond the reasonable control of CONCESSIONAIRE.

Section 14.2. Repossession. In the event any condition of default shall occur (notwithstanding any waiver, license or indulgence granted by CITY), then, while such condition is continuing, CITY shall have the right, at its election, either to terminate this Agreement as aforesaid or to enter upon and take possession of the Car Rental Facilities Premises and the Ready/Return Spaces or any part thereof, without demand or notice, and repossess the same, expelling CONCESSIONAIRE and those claiming under CONCESSIONAIRE, without prejudice to any remedy for arrears of rent or preceding breach of covenant and without any liability to CONCESSIONAIRE or those claiming under CONCESSIONAIRE for such repossession.

Section 14.3. No Forfeiture. CITY's repossession of the Car Rental Facilities Premises and/or the Ready/Return Spaces shall not be construed as an election to terminate this Agreement nor shall it cause a forfeiture of rents or other charges remaining to be paid during the balance of the term thereof unless a written notice of such intention is given to, or unless such termination is decreed by a court of competent jurisdiction. Notwithstanding any reletting without termination by CITY because of any default by CONCESSIONAIRE, CITY may at any time after such reletting elect to terminate this Agreement for any such default.

Section 14.4. Reletting. Upon repossession, CITY shall in good faith attempt to relet the Car Rental Facilities Premises and/or the Ready/Return Spaces, or any part thereof, for such period or periods (which may extend beyond the term of this Agreement) at such rentals or rents and upon such other terms and conditions as CITY may, in good faith, deem advisable. CITY shall in no event be liable and CONCESSIONAIRE's liability shall not be affected or diminished in any way whatsoever for failure to relet the Car Rental Facilities Spaces, or in the event same are relet, for failure to collect any rental or other sums due under such reletting.

Section 14.5. Application of Rents. In the event that CITY shall elect to relet, then rentals received by CITY from such reletting shall be applied: first, to the payment of any

indebtedness other than rent due hereunder from CONCESSIONAIRE to CITY; second to the payment of any cost of reletting; third, to the payment of rent due and unpaid hereunder; and the residue, if any, shall be held by CITY and applied in payment of rent as the same may become due and payable hereunder. Should that portion of such rentals received from such reletting during any month, which is applied to the payment of rent hereunder, be less than the rent payable during that month by CONCESSIONAIRE hereunder, CONCESSIONAIRE shall forthwith pay such deficiency to CITY. Such deficiency shall be calculated and paid monthly. CONCESSIONAIRE shall also pay to CITY, as soon as ascertained, any cost and expenses incurred by CITY in such reletting not covered by the rentals received from such reletting of the Car Rental Facilities Premises and/or the Ready/Return Spaces.

Section 14.6. Removal of Personal Property. If CITY shall terminate this Agreement or take possession of the Car Rental Facilities Premises and/or the Ready/Return Spaces by reason of a condition of Default, CONCESSIONAIRE, and those holding under CONCESSIONAIRE, shall forthwith remove their personal property from the Car Rental Facilities Premises and/or the Ready/Return Spaces, as the case may be. If CONCESSIONAIRE or any such claimant shall fail to effect such removal within the applicable time limitations set forth in Section 4.2 (k), CITY may, at its option, remove such goods and effects and may (a) store the same for the account of CONCESSIONAIRE or of the owner thereof at any place selected by the CITY, (b) retain such goods as the property of CITY free and clear of any claims thereto from or by CONCESSIONAIRE, provided, however, that CITY shall not retain CONCESSIONAIRE's personal electronic equipment unless CONCESSIONAIRE has failed to remove such equipment from the Airport within 30 days after this Agreement has terminated, or (c) upon giving fifteen (15) days written notice to CONCESSIONAIRE of the date, time, and location of sale, sell such goods at public auction or private sale on such terms and conditions as to price, payment and otherwise as CITY may in good faith deem advisable. If, in CITY's judgment, the cost of removing and selling any such goods and effects exceeds the value thereof or the probable sales price thereof, as the case may be, CITY shall have the right, without liability for doing so, to dispose of such goods in any manner CITY may deem advisable.

Section 14.7. Costs. CONCESSIONAIRE shall be responsible for all costs of removal, sales, storage and sale and CITY will have the right to reimburse itself from the CITY proceeds

of any sale for all such costs paid or incurred by the CITY. If any surplus sale proceeds shall remain after such reimbursement, CITY may deduct from each surplus any other sum due to CITY hereunder and shall pay over to CONCESSIONAIRE any remaining balance of such surplus sale proceeds.

Section 14.8. Waiver. If CITY shall enter into and repossess the Car Rental Facilities Premises and/or the Ready/Return Spaces for reason of default of CONCESSIONAIRE in the performance of any of the terms, covenants or conditions herein contained, then and in that event, CONCESSIONAIRE hereby covenants and agrees that CONCESSIONAIRE will not claim the right to redeem or re-enter the repossessed areas to restore its operations hereunder and CONCESSIONAIRE hereby waives the right to such redemption and re-entrance under any present or future law and hereby further, for any party claiming through or under CONCESSIONAIRE, expressly waives its right, if any, to make payment of any sum or sums of rent, or otherwise, of which CONCESSIONAIRE shall have made default under any of the covenants thereof by reason of such payment.

Section 14.9. Remedies Cumulative. Any and all remedies of CITY herein created or otherwise existing at law are cumulative and the exercise of one or more rights or remedies shall not be taken to exclude or waive the right to the exercise of any other. All such rights and remedies may be exercised and enforced concurrently and whenever and as often as deemed advisable.

Section 14.10. Settlement. If proceedings shall at any time be commenced for recovery of possession as aforesaid and compromise or settlement shall be effected either before or after judgment whereby CONCESSIONAIRE shall be permitted to retain possession of the Car Rental Facilities Premises and/or the Ready/Return spaces, as the case may be, then such proceeding shall not constitute a waiver of any condition or agreement contained herein or of any subsequent breach thereof.

Section 14.11. Additional Rent. Any amount paid or expense or liability incurred by CITY for the account of CONCESSIONAIRE may be deemed to be additional rental and the same may, at the option of CITY, be adding to any rent then due or thereafter due hereunder.

Section 14.12. Cooperation. Upon the termination of this Agreement, through passage of time or otherwise, CONCESSIONAIRE shall aid CITY in all reasonable ways possible in

continuing the business of operating an on-airport automobile rental concession at the Airport uninterruptedly.

ARTICLE XV

SECURITY

Section 15.1. Federal Regulations. CONCESSIONAIRE agrees to observe all security requirements of Federal Aviation Regulations, amended hereafter, as approved by the FAA, and to take such steps as may be necessary or directed by CITY to ensure that all officers, employees, representatives, invitees, and guests observe such requirements.

Section 15.2. Fines/Penalties. If CITY incurs any fines and/or penalties imposed by the Federal Aviation Administration or any expense in enforcing the regulations of Federal Aviation Regulations, Part 107, and/or the Airport security program, as a result of the acts or omissions of CONCESSIONAIRE, CONCESSIONAIRE agrees to pay and/or reimburse all such costs and expenses. CONCESSIONAIRE further agrees to rectify any security deficiency as may be determined as such by CITY or the FAA. CITY reserves the right to take whatever action necessary to rectify any security deficiency, at CONCESSIONAIRE'S cost and expense.

ARTICLE XVI

HOLDING OVER

Section 16.1. No Extension. Any holding over by CONCESSIONAIRE after the expiration or earlier termination of this Agreement, without the written consent of CITY, except for the period provided for herein for removal of property, shall not be deemed to operate as an extension or renewal of this Agreement. In the event of such holding over, CONCESSIONAIRE shall be subject to all of the terms of this Agreement, other than term, during such period.

Section 16.2. Rentals. In the event CITY approves holding over by CONCESSIONAIRE, CONCESSIONAIRE shall continue to pay CITY in accordance with the terms and conditions applicable herein to the final year of this Agreement until such time as a new agreement is negotiated or until such time as the month-to-month tenancy is terminated by CITY.

ARTICLE XVII

CASUALTY

If the Car Rental Facility or any part thereof shall be destroyed or damaged by fire or

other unavoidable casualty, so that the same shall be thereby rendered unfit for use by CONCESSIONAIRE, then, and in such case, the Rent hereinabove stated or a just and proportional part thereof, according to the nature and extent of injuries sustained, shall be suspended or abated, until the Facility shall have been put in proper condition for use by CONCESSIONAIRE; provided, however, in the event of such destruction or damage as to render such Facility unusable for a period of ninety (90) days or more, either CITY or CONCESSIONAIRE shall have the right to terminate this Lease by giving the other party written notice of such termination, and upon the giving of such notice, the term of this Agreement shall cease and come to an end as of the date of such damage or destruction and any unearned rent shall be returned to CONCESSIONAIRE.

The parties hereby waive any and all rights of action for negligence against the other which may hereafter arise on account of damage to the premises or to property, resulting from any fire, or other casualty of the kind to the extent they are covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the parties, or either of them.

ARTICLE XVIII

TAXES

Section 18.1. Payments. CONCESSIONAIRE shall pay, on or before their respective due dates, to the appropriate collecting authority, all federal, state and local taxes and fees, which are now or may hereafter be levied upon CONCESSIONAIRE, upon CONCESSIONAIRE'S operations conducted at the Airport, or upon any of CONCESSIONAIRE'S property used in connection therewith; and shall maintain in current status all federal, state, and local licenses and permits required for the operation of the business conducted by CONCESSIONAIRE.

Section 18.2. Documentation. CONCESSIONAIRE shall furnish to CITY promptly upon request, proof of the payment of any tax, assessment, and other governmental or similar charge, which is payable by CONCESSIONAIRE as provided herein.

ARTICLE XIX

NOTICES: PAYMENT ADDRESS

Section 19.1. Notices. Any notice given hereunder shall be given in writing, signed by the party giving such notice, and shall be sent by facsimile, overnight courier (courier prepaid), or United States certified mail, return receipt requested, with proper postage and registration fees prepaid, addressed to the party for whom intended at the following address:

CITY OF PORTLAND

CONCESSIONAIRE

Airport Director
Portland International Jetport
1001 Westbrook Street
Portland, Maine 04101
(207) 756-8029 (Tel)
(207) 774-7740 (Fax)
With a copy to:
City Manager
389 Congress Street
Portland, Maine 04101

or such other address as the party being given such notice shall from time to time designate to the other by notice given in accordance herewith. Notices sent by facsimile shall be deemed received at the time and date shown on the sender's facsimile machine-generated confirmation report, unless such date is not a business day, in which event the notice shall be deemed received on the next following business day. Notices sent via overnight courier shall be deemed received on the following business day. Notices sent by United States certified mail shall be deemed received on the fifth (5th) day following deposit in the United States mail, correctly addressed to the party for whom intended with all postage and registration fees paid.

Section 19.2. Payments. All payments required hereunder shall be made out to the CITY of Portland and shall be mailed or hand-delivered to the Airport Director, Portland International Jetport, 1001 Westbrook Street, Portland, Maine 04102.

ARTICLE XX

GENERAL PROVISIONS

Section 20.1. Independent Contractor. CONCESSIONAIRE shall, at all times, be

regarded as an independent contractor and shall at no time act as agent for CITY. Nothing contained herein shall be deemed or construed by the parties hereto, or by any third party, as creating the relationship of principal and agent, partners, joint ventures or any other similar such relationship between the parties hereto. The parties understand and agree that neither the method of computation of fees or rentals, nor any other provision contained herein, nor any acts of the parties hereto creates a relationship other than the independent relationship of CITY and CONCESSIONAIRE.

Session 20.2. Approvals. Where this Agreement calls for approval by CITY, such approval shall be evidenced by the written approval of the Airport Director or his/her designee.

Section 20.3. Non-Exclusive Right. It is not the intent of this Agreement to grant to CONCESSIONAIRE the exclusive right to provide car rental services at the Airport at any time during the term of this Agreement. CITY reserves the right, at its sole discretion, to grant certain rights and privileges upon the Airport to others which are identical in part or in whole to those granted to CONCESSIONAIRE.

Section 20.4. United States Requirements. This Agreement is subject and subordinate to the provisions of any agreement hereof or hereafter made between CITY and the United States Government relative to the operation or maintenance of the Airport, the execution of which has been required or is required as a condition precedent to the transfer of federal rights or property to CITY for Airport purposes, or the expenditure of federal funds for the improvement or development of the Airport.

Section 20.5. No Waiver. No delay or omission by CITY in exercising any right, power or remedy hereunder or otherwise afforded by contract, at law, in equity or by statute, shall constitute an acquiescence therein, impair any other right, power or remedy hereunder, or otherwise afforded by contract, at law, in equity or by statute, or operate as a waiver of such right, power or remedy. No waiver by CITY of any default by CONCESSIONAIRE hereunder shall operate as a waiver or any other default or the same default on a future occasion.

Section 20.6. Headings. The article and section headings contained in this Agreement are inserted for convenience of reference only, and shall not be construed as defining, limiting, extending or describing the scope of this Agreement, any article or section hereof, or the intent of any provision hereof.

Section 20.7. Severability. If any provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable under any applicable law, such invalidity or unenforceability shall not affect any other provision of this Agreement that can be given effect without the invalid or unenforceable provision, or the application of such provision to other persons or circumstances, and, to this end, the provisions hereof are severable.

Section 20.8. Aerial Approaches. CITY reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction or interference, together with the right to prevent CONCESSIONAIRE from erecting, or permitting to be erected, any building or other structure on or adjacent to the Airport, the Car Rental Facilities Premises or the Ready/Return Spaces, which in the opinion of CITY, would limit the usefulness of the Airport or constitute a hazard to aircraft.

Section 20.9. Waiver of Claims. CONCESSIONAIRE hereby waives any claim against CITY and its officers, directors, agents, servants, or employees for loss of anticipated profits caused by any suit or proceedings directly or indirectly attacking the validity of this Agreement or any part thereof, or by any judgment or award in any suit or proceeding declaring this Agreement null, void, voidable, or delaying the same or any part thereof, from being carried out. Without limiting the foregoing, in no case shall the CITY be liable to CONCESSIONAIRE or to any third party for any incidental, indirect, consequential, special or punitive damages, including without limitation lost profits, arising out of or relating to this Agreement or compliance with its terms.

Section 20.10. Incorporation of Exhibits. All exhibits referred to in this Agreement are intended to be and hereby are specifically made a part of this Agreement.

Section 20.11. Binding Effect. All terms, covenants, and conditions of this Agreement shall be binding upon and inure to the respective benefit of CITY and CONCESSIONAIRE, their respective officers, employees, agents and representatives, all as the case may be.

Section 20.12. Right to Amend. In the event that the FAA or any other federal or state agency, department or bureau having jurisdiction over CITY or the Airport requires modifications or changes in this Agreement as a condition precedent to the granting of funds for the improvement of the Airport, or otherwise, CONCESSIONAIRE shall make such

amendments, modifications, revisions, supplements or deletions of any other the terms, conditions or requirements of this Agreement as may be reasonably required and any expenses resulting from such amendments, modifications, revisions, supplements or deletions shall be borne solely by the CONCESSIONAIRE.

Section 20.13. Time. Time is of the essence with regard to each and every provision of this Agreement.

Section 20.14. Force majeure. Neither CITY nor CONCESSIONAIRE shall be deemed in violation of this Agreement if prevented from performing any of the obligations hereunder by reason of strikes, boycotts, labor disputes, embargoes, shortages of material, acts of the public enemy, acts of superior governmental authority, weather conditions, riots, rebellion, sabotage or any other circumstances for which it is not responsible or which are not within its control. The party claiming “force majeure” shall provide prompt written notice to the other party of such claim and the reason(s) therefore.

Section 20.15. Employee Parking. CITY may provide parking facilities to CONCESSIONAIRE’S employees in common with employees of other concessionaires and users of the Airport and retains the right to institute a nondiscriminatory charge for the privilege of utilizing such parking facilities.

Section 20.16. Additional Space. If space is available, and at the sole option of CITY, CONCESSIONAIRE may lease from CITY additional storage, office, and other space identified by CITY as available for such purposes, on terms to be negotiated by CITY and CONCESSIONAIRE.

Section 20.18. Revenue Diversion Prohibited. CONCESSIONAIRE shall not cause or allow to be diverted from the Airport any of its automobile rental business in any manner to avoid or reduce its Gross Revenues upon which its financial obligations owed to CITY are calculated. In the event CONCESSIONAIRE establishes, owns, operates or manages during the term hereof any automobile rental business within three (3) miles of the Airport, it agrees to make all books, records and other pertinent documents of such automobile rental business available for audit by CITY and/or its designated representative to ensure compliance with this provision.

Section 20.19. Governing Law. This Agreement and the rights and obligations of the

parties hereunder shall be constructed in accordance with and governed by the laws of the State of Maine without regard to the principles of conflict of law, and CONCESSIONAIRE hereby agrees and submits to the personal jurisdiction of the state and federal courts within the state of Maine for the purpose of enforcing or construing this Agreement.

Section 20.20. Understanding. The parties hereto acknowledge that they have thoroughly read this Agreement, all exhibits or attachments hereto, and have sought and received competent advice and counsel necessary for them to form a full and complete understanding of all rights and obligations herein.

Section 20.21. Other Use. CONCESSIONAIRE shall not use or permit the use of the Car Rental Facilities Premises or the Ready/Return Premises, or any part thereof, for any purpose or use other than as authorized by this Agreement.

Section 20.22. Liens. Throughout the term of this Lease, CONCESSIONAIRE shall not cause nor permit any lien against the Premises, any portion thereof or any CITY property wherever located, or any improvements thereto, to arise out of or accrue from any action, omission or use thereof by CONCESSIONAIRE. CONCESSIONAIRE may in good faith, however, contest the validity of any alleged lien. CONCESSIONAIRE shall defend and indemnify and hold the CITY harmless from any cost, expense, attorney's fees or other liability arising out of or resulting from any such lien or liens, and shall promptly discharge such lien or stay or prevent its foreclosure by bond or other appropriate legal procedure which is acceptable to the CITY. So long as CONCESSIONAIRE defends CITY in any action concerning any such lien, CONCESSIONAIRE shall not be required to post a bond with respect to such lien prior to the commencement of a foreclosure action against the CITY. This provision shall survive termination or expiration of this Lease Agreement. CITY may, at its sole discretion, pay any amounts secured by any such lien and in such case, CONCESSIONAIRE shall repay all such payments to CITY immediately upon CITY's demand therefore.

Section 20.23. Entire Agreement. This Agreement contains the entire agreement between the parties relating to the subject matter hereof and supersedes all oral statements and prior writings with respect thereto and may be altered, amended, or modified only by written document executed by CITY and CONCESSIONAIRE.

Section 20.24. Attorney's Fees. If an action shall be brought to recover any sum due

under this Agreement, or an account of any breach of or to enforce or interpret any of the terms, covenants, or conditions of this Agreement, CITY shall be entitled to recover from CONCESSIONAIRE, as part of CITY's cost, reasonable attorney's fee.

Section 20.25. Interpretation. This Agreement shall not be construed or interpreted in favor of or against either party on the basis of draftsmanship or preparation of the Agreement.

Section 20.26. Approval of Plans and Specifications. No approval by CITY of any plans and specifications required herein shall refer to or be implied to include the approval of architectural or engineering design or compliance with applicable laws or codes. CITY, by approving such plans and specifications, assumes no liability or responsibility therefore or for any defect in any structure or improvement constructed according to such plans and specifications.

Section 20.27. Bankruptcy. If at any time proceeding in bankruptcy or under the Bankruptcy Code (Title 11 of the United States Code) as now in effect or as hereafter amended shall be instituted by CONCESSIONAIRE, or if a petition for relief is granted against CONCESSIONAIRE in any involuntary bankruptcy proceeding, CONCESSIONAIRE shall pay in adequate protection payments the rentals and fees due under this Agreement until such time CONCESSIONAIRE elects to assume or reject this Agreement. If CONCESSIONAIRE defaults thereunder and fails to make any such payment due hereunder, (i) this Agreement shall be deemed to be rejected so that the Agreement will be terminated and CITY shall have a claim against CONCESSIONAIRE for the rentals, fees, and other sums then due CITY under this Agreement, and (ii) CITY shall be entitled to relief from the automatic stay to enforce its rights under the terms of this Agreement.

Section 20.28. "Most Favored Nations". CITY agrees that if it contracts with any car rental CONCESSIONAIRE operating at the Airport for any more favorable term in regard to permitted and required uses, or in regard to the fixed and percentage rents payable hereunder (other than the MAG), then CITY agrees, upon CONCESSIONAIRE'S request, to offer such term or terms to CONCESSIONAIRE as an amendment to this Agreement. No more than four (4) car rental CONCESSIONAIRES, plus dual branding as permitted herein, shall be allowed "on-airport" during the term of this Agreement.

Section 20.29. War. During any time of war or national emergency, CITY shall have the right to lease the Airport or any part thereof to the United States Government for military use, and if any such lease or agreement is executed, the provisions of this Lease Agreement insofar as they are inconsistent with the lease or agreement with the Government shall be suspended, and in that event, a just and proportionate part of the rent hereunder shall be abated.

IN WITNESS WHEREOF, the parties hereto have executed this Concession Agreement on the day and year first written above.

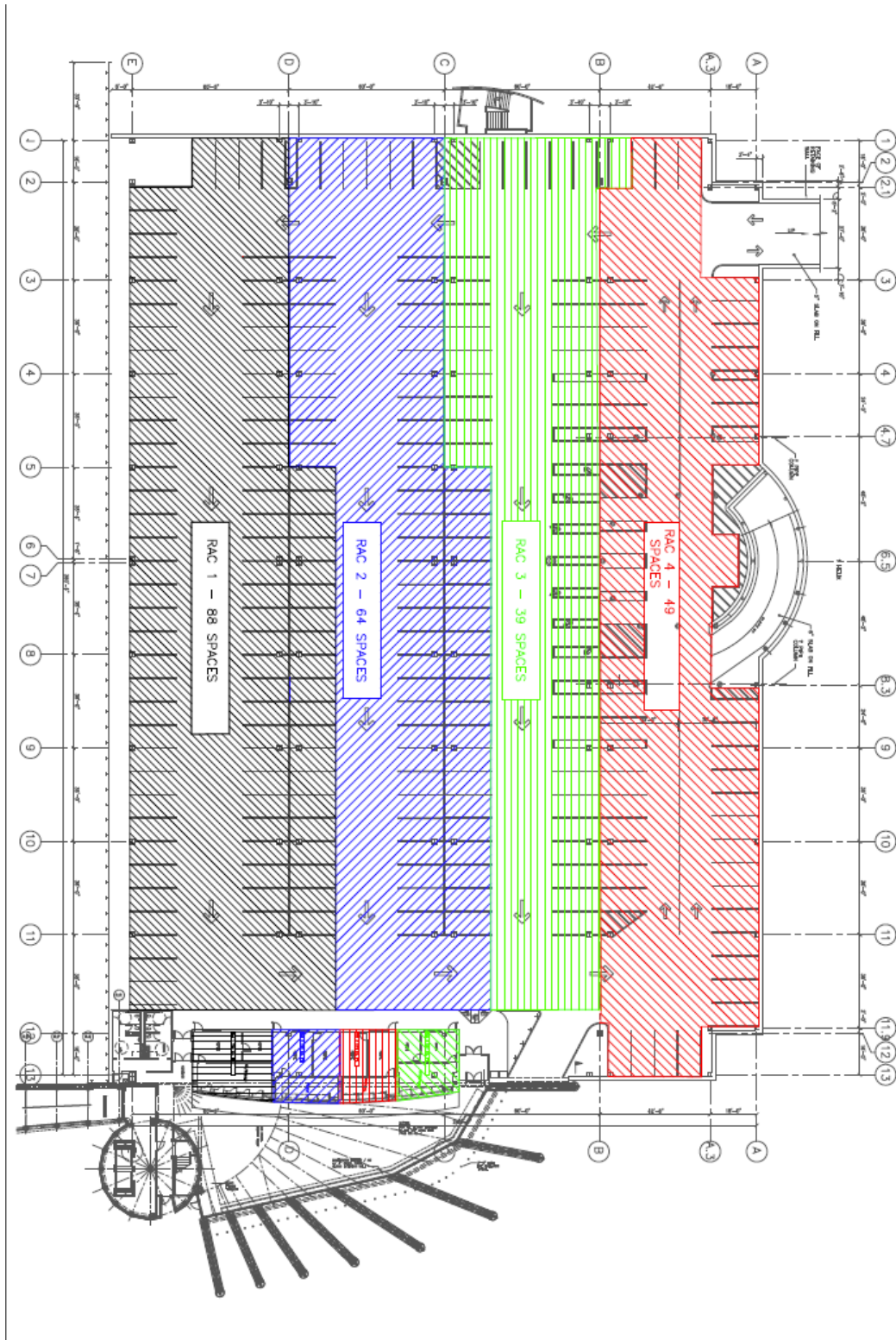
WITNESS

CITY OF PORTLAND

Jon P. Jennings, City Manager

CONCESSIONAIRE

EXHIBIT A
Ready Spaces (240)



MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: May 21, 2019

SUBJECT: **Order 262-18/19 Accepting and Appropriating the Donation of \$8,934.50 from Eyecare Medical Group - Sponsored by Jon P. Jennings, City Manager.**

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action 6/3/2019**

Can action be taken at a later date: No (If no why not?) Street paving is scheduled to occur in June.

PRESENTATION: Christopher Branch will be present to answer any questions.

I. SUMMARY

Hooper Street (a dead-end public street) which primarily serves as access to the Eyecare Medical Group (EMG) needs to be repaved, and EMG has agreed to provide a donation, in the amount of \$8,934.50, to the City to cover one-half of the expense.

II. AGENDA DESCRIPTION

Hooper Street (a dead-end public street) which primarily serves as access to the Eyecare Medical Group (EMG) needs to be repaved and EMG has agreed to provide a donation, in the amount of \$8,934.50, to the City to cover one-half of the expense. See attached aerial map.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

A lot of underground water utility work has been done recently in Hooper Street and surrounding streets to upgrade area-wide water service. The underground waterline work, in addition to a deteriorated Hooper Street, requires that it be repaved. EMG has agreed to cover one-half of the pavement expense for this street.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

City Council acceptance of the Eyecare Medical Group donation.

V. FINANCIAL IMPACT

Eyecare Medical Group has agreed to cover one-half of the cost of repaving Hooper Street in the amount of \$8,934.50. See attached EMG letter enclosing their check for the donation. The remainder of the expense will be paid for from the City paving account.

VI. STAFF ANALYSIS AND BACKGROUND

Staff recommends that the City Council accept this donation to cover one-half of the cost of paving Hooper Street.

VII. RECOMMENDATION

Staff recommends that the City Council accept this donation to cover one-half of the cost of paving Hooper Street.

VIII. LIST ATTACHMENTS

1. Order Accepting Eyecare Donation to Repave Hooper St. 6.3.2019
2. 5-14-2019 Ltr from EMG nc
3. Sewall St and Hooper St Street Status Map 1 09 2017 wbc

Prepared by:

Greg Mitchell, Director

Date: 5/21/2019

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 APPROPRIATING THE DONATION
OF \$8,934.50 FROM EYECARE MEDICAL GROUP**

WHEREAS, Hooper Street on outer Congress Street is a public street which offers public parking options that are critical to area businesses, including Eyecare Medical Group (“EMG”), which owns property directly abutting Hooper Street; and

WHEREAS, Hooper Street is in need of maintenance and repair in order to improve vehicle accessibility; and

WHEREAS, although the City intends to undertake necessary maintenance and repair to Hooper Street in the amount of \$17,869, EMG wants that work to take place in the immediate future in order to improve public access to its business; and

WHEREAS, in order to facilitate maintenance and repair of Hooper Street during the 2019 construction season, EMG seeks to make a financial donation to help pay for grading and paving of Hooper Street;

WHEREAS, the City seeks to accept the donation from EMG and to dedicate such funds to grading, paving, and otherwise improving Hooper Street;

NOW THEREFORE, BE IT ORDERED, that the Finance Director is hereby authorized to accept a donation from EMG in the amount of \$8,934.50, and that such funds are hereby appropriated for the City to use solely for grading, paving, and otherwise improving Hooper Street during the spring of 2019 or as soon as the Director of the Department of Public Works deems practicable.

Robert W. Daly, M.D.

207-874-6754

Samuel P. Solish, M.D.

207-773-4723

Scott M. Steidl, M.D.

207-828-1479

Jordan E. Sterrer, M.D.

207-773-4607

Jackie K. Nguyen, M.D.

207-791-8298

Aaron J. Parnes, M.D.

207-791-8297



Adam B. Sise, M.D.

207-773-0432

Richard M. France, M.D.

207-773-6058

Katherine R. Hill, O.D.

207-773-0545

William S. Holt, M.D.

Emeritus

Elizabeth G. Serrage, M.D.

Emeritus

Bruce R. Cassidy, M.D.

Emeritus

May 14, 2019

Mr. Christopher Branch
Director of Public Works
212 Canco Road
Portland, Maine 04101

Subject: EYECARE MEDICAL GROUP DONATION TO HOOPER STREET
IMPROVEMENTS

Dear Chris,

As a follow up to our meeting, EYECARE MEDICAL GROUP (EMG) will donate \$8,934.50 to the city of Portland to support the repaving of Hooper Street during the 2019 construction season. EMG donation represents one-half the cost of this work.

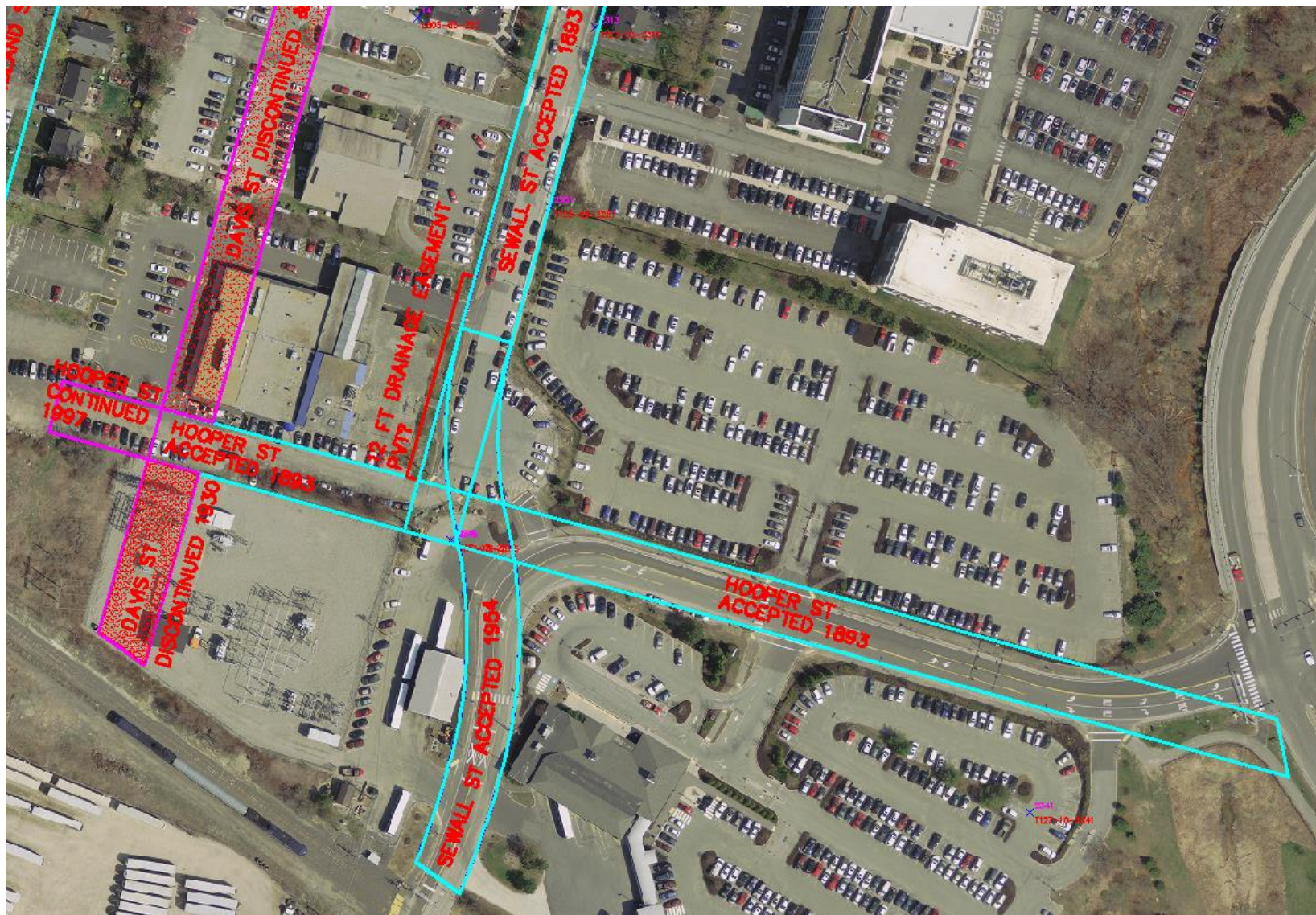
Please notify EMG of the scheduled dates for this work and thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Wipfler', is written over a blue line.

John Wipfler, JD, MBA
Chief Executive Officer

Sewall St and Hooper St Street Status Map 1 09 2017 wbc



MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: May 20, 2019

SUBJECT: **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.**

SPONSOR: The EDC reviewed this item at its May 21, 2019 and voted 3-0 to forward this to the City Council with a recommendation for passage.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/3/2019

Final Action 6/17/2019

Can action be taken at a later date: No (If no why not?) This item has been advertised in the *Press Herald* for public hearing and final action on June 17, 2019.

PRESENTATION: Casey Gilbert, Portland Downtown Executive Director/5 Minutse

I. SUMMARY

Annually each June, the City Council authorizes the City Manager to execute documents necessary for the continued operation of Portland Downtown (formerly known as Portland's Downtown District).

II. AGENDA DESCRIPTION

The Economic Development Committee reviewed this item at its May 21, 2019 meeting and voted 3-0 to forward this to the City Council with a recommendation for passage.

City Council authorization of Portland Downtown annual documents for Fiscal Year 2020 is needed for the continued operation of Portland Downtown (PD). This includes: (1) Adopting Development Program for the PD; (2) Assessing Maintenance and Implementation Assessment in the PD District; and (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

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

III. BACKGROUND

The PD District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year (FY) starting July 1, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2020, City Council authorization is needed for the continued operation of PD, which documents include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessment in the PD District; and (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

For the FY2020 Agreement, City Departments and PD worked to combine the historical Master Agreement and Supplemental Services Agreements into one Agreement to clarify the work to be done by PD and the work

to be done by City staff, with PD reimbursing the City the costs of staff doing work.

The budget for PD is funded from special assessments on all real estate in the current District to fund the PD development program expenses for FY2020. The proposed mill rate to raise this assessment is \$1.09 cents per \$1,000 of property value for the current district, or a total FY2020 budget of \$1,017,339.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is for the City Council to accept the FY2020 Development Plan, authorize the annual special assessment levied to property owners in the District in order for the PD to continue its program of services to support downtown cleanliness, safety, and events, and to formalize the Agreement between the PD and the City for services.

V. FINANCIAL IMPACT

This year's assessment will be funded from special assessments on all real estate in the current district for a total of \$1,017,339 for the period July 1, 2019 to June 30, 2020. *The proposed mill rate to raise this assessment is \$1.09 cents per \$1,000 of property value in the district; last year, FY2019, the mil rate was \$1.03 cents per \$1,000 of property value in the expanded district. It is noted that for the prior nine (9) years before FY2019, the PD mill rate had been the same rate of \$.92 center per \$1,000 of property value in the geographic area before the approved FY2019 geographic expansion of the district.*

VI. STAFF ANALYSIS AND BACKGROUND

City staff have reviewed the documents and recommends the City Council vote to forward this to the City Council with a recommendation of approval.

VII. RECOMMENDATION

The Portland Downtown Board of Directors voted to recommend approval of the FY2020 Budget, Development Plan, and Agreement at its May 16, 2019 meeting.

The EDC reviewed this item at its May 21, 2019 and voted 3-0 to forward this to the City Council with a recommendation of approval.

VIII. LIST ATTACHMENTS

1. Adopting Development Program for Portland Downtown 2019-2020 6.3.2019
2. PD Development Plan dated 5-15-2019
3. PD Budget Memo to PD Board with FY2020 Budget for CC
4. Portland Downtown Agreement for CC 6-3-19-2
5. FY20 DID Parcels for CC on 6-3-2019

Prepared by:

Greg Mitchell, Director

Date: 5/20/2019

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 ADOPTING DEVELOPMENT PROGRAM FOR
PORTLAND DOWNTOWN
FOR FISCAL YEAR 2019-2020**

ORDERED, pursuant to 30-A M.R.S. Section 5224, after public hearing, the City Council of the City of Portland hereby adopts the Development Program submitted by the City Manager, a copy of which is attached hereto, for the Downtown Improvement District, Inc. doing business as Portland Downtown for fiscal year 2019-2020.



May 15, 2019

Portland Downtown, a 501c4 nonprofit development district, has been serving the Portland community since 1992. Dedicated to economic revitalization and the provision of a clean, safe, and vibrant downtown, we are proud to work alongside the City of Portland and other nonprofit partners as we deliver a supplemental level of programs and services to our downtown stakeholders. As a 501c4 nonprofit, the impact of our programs and reach of our mission goes beyond the direct benefit of our constituents to ensure that the entire community is bolstered by our good work. Whether it is our Cadet Program in partnership with the Portland Police Department, our Peer Outreach Worker Program in partnership in with Amistad, or our Graffiti Busters program in Partnership with LearningWorks, we aim to enhance our community through strategic collaborations that contribute positively to the greater good.

Portland Downtown's Board of Directors is comprised of nearly twenty volunteers who provide oversight, transparency, and direction to our dedicated staff. The Portland City Council reviews our budget and development plan on an annual basis, as well as the Master and Supplemental Services Contracts that provide a framework for our continued partnership with the municipality. For more than 25 years, Portland Downtown has responded to the needs of the community, invested at every level, and has been a cheerleader – helping the downtown transform into thriving economic engine and global destination.

Fiscal year 2019 was a year of dramatic growth and progress. As of July 1st, our district is larger than it has ever been – now totaling 938 properties, which includes residential, commercial, nonprofit, and governmental uses. With the expansion came a heightened level of awareness of how we can increase our visibility and value to our stakeholders. We added a new Winter Lights display in Pleasant Street Park and in

summer of 2019, you'll see our logo proudly displayed on the vests worn by the downtown public works crew. We also looked very closely at all of our events this year to see how we could make improvements for our sponsors, attendees, and participating businesses. As a result, Merry Madness was sold out and we raised more than \$13,000 for local nonprofits through our two Shop For A Cause events. In an effort to streamline our Board elections process, our Marketing Director, Adam MacDonald developed an on-line nominations form, which has improved our elections process and resulted in a robust board slate for our upcoming FY20 elections.

In an effort to respond nimbly to the challenges our community faces, we hosted Cultivating Compassion, a series of conversations about homelessness in Portland, in partnership with Homeless Voices for Justice. Amy Geren, our Program Manager, used the results of our annual Cadet Program evaluations to identify a need for outreach as an additional service in downtown. We partnered with Amistad to develop a Peer Outreach Worker (POW) program and were awarded a CDBG grant to help kick-start our efforts. We look forward to continuing to do all we can to leverage our collective assets to help the most vulnerable members of our community, while also recognizing the importance of safety for all who live, work, and visit downtown.

With a new fiscal year right around the corner, our board of directors is eager to turn their attention to our future vision as we embark on a new 5-year strategic planning process. We will be utilizing surveys, focus groups, and personal interviews to gather data, which will be essential to ensure we are delivering programs and services that are of benefit to our stakeholders and community. We will also focus on beautification and transportation, with the hope of adding new flower planters, updated pedestrian wayfinding and additional bicycle parking in downtown – as well as launching a multi-modal transportation campaign this fall. Partnering with the City of Portland on these efforts will help us amplify the outcomes and ensure a transparent and cooperative process.

We come into this new fiscal year with a refreshed and updated contract with the City of Portland. At last year's City Council meeting where our contracts were up for approval, Councilor Duson suggested that we do a deep-dive and review our Master

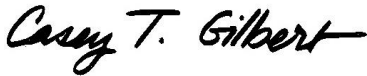
and Supplemental Services Contracts. Through an ad-hoc committee of Portland Downtown and via months of conversations and collaborations with the City of Portland, we are delighted to present the Council with a streamlined contract that has been unanimously approved by our Board of Directors and given the thumbs up by the City's Finance Department, Economic Development Department, Public Works, Parks Recreations and Facilities, Corporation Counsel – among others. It was a mighty effort with an outstanding outcome.

Though we have come a long way in 25 years – our work is not done. It is never done. While the issues of 10 years ago may be in our rearview mirror, there are still pressing problems to solve today – and we stand ready to work alongside the City of Portland as a partner to help address those challenges. Thank you for your continued partnership – we look forward to all we can accomplish together in the years to come.

Respectfully,

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

Kim Volk, Board Chair

A handwritten signature in black ink, reading 'Casey T. Gilbert', in a cursive script.

Casey Gilbert, Executive Director

May 15, 2019



To: Portland Downtown Board of Directors
From: Denine Leeman, Board Treasurer
Casey Gilbert, Executive Director
Re: FY20 Budget

For fiscal year 2020 (July 1, 2019 – June 30, 2020), assessment revenue represents a 6.4% increase (\$61,130) over FY19, while overall expenses remain flat. Several factors contributed to the increase in assessment revenue:

Clean Initiatives

- Supplemental Services Contract = 5% increase (\$19,000)

Employee Costs

- Payroll = 7% increase (\$18,500)

Programs & Partnerships

- Pandora's Winter Lights and Learning Works Graffiti Busters = 5% (\$5,500)

Operations

- An increase to the Reserve and Contingency Funds = 21% (\$10,074)

Organizational Activities

- Professional Development and Meetings = 19% (\$2,000)

The Growth Committee had forwarded a recommendation to the Finance Committee to review the organization's reserves in accordance with its founding documents. With only \$45,000 set aside in a CD, the Finance Committee has committed to establishing a reserve policy to ensure fiscal sustainability. The first step in this process is to establish a sufficient reserve and contingency fund. In FY20, the committee will develop a reserve policy based on best practices in the nonprofit sector. Increases to Supplemental Services and Employee Costs represent cost of living adjustments and contract fulfillment.

The Finance Committee forwards the FY20 budget to the Board with the recommendation of adoption and believes that the budget fully supports the organizational mission to work in tandem with the City of Portland to provide a supplemental level of programs, services, and events to downtown property owners.

Casey T. Gilbert

Casey T. Gilbert

Denine Leeman

Denine Leeman

PORTLAND DOWNTOWN DRAFT BUDGET FY20

Estimated valuation \$933,979,390

FY20 Proposed FY19 Budget

INCOME

ASSESSMENT INCOME	\$	1,017,339	\$	956,209
EVENT INCOME				
LIGHT UP YOUR HOLIDAYS				
TREE LIGHTING SPONSORSHIPS	\$	10,000	\$	10,500
WINDOW DISPLAY CONTEST SPONSOR	\$	1,000	\$	500
HORSE + WAGON RIDE SPONSORSHIPS	\$	5,000	\$	6,000
SHOP FOR A CAUSE SPONSORSHIP	\$	2,500	\$	2,500
MERRY MADNESS TICKET SALES	\$	19,000	\$	19,000
MERRY MADNESS SPONSORSHIP	\$	7,500	\$	5,000
Total Light Up Your Holidays	\$	45,000	\$	43,500
POLICE AWARDS BREAKFAST	\$	5,000	\$	5,000
DOWNTOWN WORKER APPRECIATION DAY	\$	3,000	\$	3,000
SUMMER KICK OFF WEEKEND				
SQUARE HOP SPONSORSHIP	\$	2,000	\$	2,000
OPF SPONSORSHIPS	\$	-	\$	2,500
OPF INCOME	\$	-	\$	47,500
Total Summer Kick Off Weekend	\$	2,000	\$	52,000
Total EVENT INCOME	\$	55,000	\$	103,500
DIRECTORY PARTNERSHIP/CONTRIBUTION	\$	5,000	\$	5,000
GRANT INCOME	\$	2,500	\$	5,000
CONTRIBUTIONS INCOME	\$	750	\$	1,000
PARK & WORK INCOME	\$	750	\$	1,000
Total Income	\$	1,081,339	\$	1,071,709

Expense

CLEAN INITIATIVES				
SUPPLEMENTAL SERVICES CONTRACT	\$	399,000	\$	380,000
FIXED FEE FOR DID ADMIN	\$	9,650		
ESTIMATED NONCOLLECTION	\$	10,173	\$	18,583
REPAIRS & IMPROVEMENTS	\$	5,000	\$	5,000
Total Clean Initiatives	\$	423,823	\$	403,583

EMPLOYEE COSTS

PAYROLL	\$	268,500	\$	250,000
HEALTH & DENTAL	\$	30,000	\$	30,000
LIFE & DISABILITY INSURANCE	\$	3,500	\$	3,500
PAYROLL PROCESSING FEE	\$	1,200	\$	1,200
PAYROLL TAX EXPENSE	\$	18,796	\$	17,500
EMPLOYEE PARKING & BUS	\$	3,500	\$	5,000
UBIT (Federal Transportation Tax)	\$	800		
SIMPLE IRA MATCH	\$	4,000	\$	4,000
Total Employee Costs	\$	330,296	\$	311,200

PROGRAMS & PARTNERSHIPS

WINTER LIGHTS/PANDORA LACASSE	\$	62,000	\$	57,500
VISITOR INFORMATION BOOTH/VISIT PORTAND	\$	10,000	\$	10,000
POLICE CADET PROGRAM EXPENSE	\$	31,000	\$	32,500
LEARNING WORKS	\$	16,500	\$	14,000
MILESTONE HOMETEAM	\$	6,500	\$	6,500
Total Programs & Partnerships	\$	126,000	\$	120,500

RENT & UTILITIES

RENT	\$	20,000	\$	20,000
CAM CHARGES	\$	9,720	\$	10,200
TAXES- PERSONAL PROPERTY	\$	400	\$	900
ELECTRIC	\$	1,700	\$	1,700
GAS	\$	1,500	\$	1,500
TELEPHONE & INTERNET	\$	3,800	\$	4,000
Total Rent & Utilities	\$	37,120	\$	38,300

OPERATIONS

BANK SERVICE CHARGES	\$	100	\$	100
CLEANING	\$	4,200	\$	4,000
COPIER	\$	3,500	\$	3,000
IT SUPPORT	\$	1,250	\$	1,250
MEMBERSHIPS, DUES & SUBSCRIPTIONS	\$	4,000	\$	4,000
EQUIPMENT EXPENSE	\$	2,000	\$	2,000
POSTAGE	\$	4,500	\$	4,500
SUPPLIES	\$	4,000	\$	3,000
WEBSITE HOSTING + DEVELOPMENT	\$	1,250	\$	1,250
SUBCONTRACTORS	\$	4,000	\$	3,500
CONTINGENCY FUND	\$	10,000	\$	2,000
RESERVE FUND	\$	20,000	\$	20,126
Total Operations	\$	58,800	\$	48,726

MARKETING

GENERAL MARKETING	\$	15,000	\$	21,000
DIRECTORY DISTRIBUTION	\$	5,000	\$	5,000
SPONSORSHIPS/PARTNERSHIPS	\$	3,000	\$	3,000
Total Marketing	\$	23,000	\$	29,000

INSURANCE

DIRECTORS & OFFICERS	\$	650	\$	650
GENERAL/EVENTS/LIQUOR	\$	6,000	\$	6,000
WORKERS COMPENSATION	\$	1,100	\$	1,100
Total Insurance	\$	7,750	\$	7,750

PROFESSIONAL FEES

ACCOUNTING	\$	3,500	\$	3,500
ANNUAL ELECTIONS	\$	2,500	\$	2,500
LEGAL	\$	4,000	\$	4,000
Total Professional Fees	\$	10,000	\$	10,000

ORGANIZATIONAL ACTIVITIES

STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,500	\$	2,000
MEETINGS	\$	2,500	\$	2,000
PROFESSIONAL DEVELOPMENT	\$	7,500	\$	6,500
Total Organizational Activities	\$	12,500	\$	10,500

EVENTS**LIGHT UP YOUR HOLIDAYS**

LUYH GENERAL MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: PERFORMERS & SOUND	\$	1,500	\$	4,000
TREE LIGHTING: SECURITY	\$	1,000	\$	1,500
TREE LIGHTING: STAGE	\$	1,000	\$	2,000
TREE LIGHTING EVENT MANAGEMENT	\$	500	\$	1,000
RETAIL EVENTS	\$	4,500	\$	1,500
WAGON RIDES	\$	6,800	\$	7,500
MERRY MADNESS: MARKETING	\$	2,000	\$	2,000
MERRY MADNESS: EVENT	\$	9,500	\$	9,500
MERRY MADNESS EVENTBRITE FEES	\$	3,000	\$	2,000
MERRY MADNESS: EVENT MANAGEMENT	\$	1,500	\$	1,200
TOY FUND DONATION	\$	-	\$	1,200
Total Light Up Your Holidays	\$	40,300	\$	43,400

POLICE AWARDS BREAKFAST	\$	4,500	\$	4,250
DOWNTOWN WORKER APPRECIATION DAY	\$	3,500	\$	2,500

SUMMER KICK OFF WEEKEND

SQUARE HOP ENTERTAINMENT	\$	2,000	\$	2,000
SQUARE HOP MARKETING	\$	1,000	\$	1,000
OPF MARKETING	\$	-	\$	5,000
OPF PERMITS	\$	-	\$	10,000
OPF SECURITY	\$	-	\$	3,000
OPF ELECTRICIAN	\$	-	\$	7,000
OPF EVENTBRITE FEES	\$	-	\$	3,500
OPF EVENTS MANAGER	\$	-	\$	6,000
OPF MISC (golf carts, etc)	\$	-	\$	3,500
Total Summer Kick Off Weekend	\$	3,000	\$	41,000
TOTAL EVENTS	\$	51,300	\$	91,150
PARK AND WORK	\$	750	\$	1,000
TOTAL EXPENSE	\$	1,081,339	\$	1,071,709
NET INCOME (LOSS)	\$	(0)	\$	-

**AGREEMENT BETWEEN
THE CITY OF PORTLAND
AND
DOWNTOWN IMPROVEMENT DISTRICT, INC.
d/b/a PORTLAND DOWNTOWN**

AGREEMENT made this ____ day of June, 2019, by and between the **CITY OF PORTLAND**, a municipal corporation of the State of Maine, (the "**City**") and **DOWNTOWN IMPROVEMENT DISTRICT, INC., d/b/a PORTLAND DOWNTOWN**, a Maine non-profit corporation, having its office and place of business at Portland, Maine ("**Portland Downtown**" or "**PD**").

WHEREAS, by Council Orders 306-91/92 dated March 16, 1992, 185-94/95 dated February 22, 1995, 158-03/04 dated March 1, 2004, and 242-18/19 dated June 18, 2018, the City has approved an economic development district designated as the "Downtown Improvement District" (hereinafter, the "District"), a description and map of which are attached hereto as Exhibits A and B respectively and incorporated herein; and

WHEREAS, in 1992 the private sector formed an independent, non-profit corporation that has since managed Portland Downtown in fulfilling its mission, which includes, in part, the administration of the provision of supplemental services to the District, as described herein; and

WHEREAS, Portland Downtown is in need of services within the District which supplement the baseline services provided by the City ("Supplemental Services") and the City is willing to provide Supplemental Services pursuant to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the covenants herein contained, the parties hereto mutually agree as follows:

ARTICLE I. Term

- a. The term of this Agreement shall commence on July 1, 2019 and expire on June 30, 2020 (the "Term").

ARTICLE II. Financial Considerations

- a. The City will levy development district assessments ("Development District Assessments") on property in the District as authorized by the City Council and permitted by law. City-owned property, as well as property which is tax exempt under Maine law, shall not be assessed by the City.

- b. For the period commencing July 1, 2019 and ending June 30, 2020 the City will pay Portland Downtown in monthly installments, to reflect the Development District Assessments collected by the City net of the all-inclusive administrative fee defined below. Installment payments will be made on the 1st of each month beginning July 2019 through and including June 1, 2020. Portland Downtown agrees to an all-inclusive administrative fee, defined as direct and indirect costs, of Nine Thousand Six Hundred Fifty Dollars (\$9,650.00). In addition, the City is entitled to withhold an estimate of uncollected development district assessments from payment to Portland Downtown. The estimate will be provided to Portland Downtown by _____(month/day). Any difference between estimated and actual uncollected Development District Assessments will be trued up in the next fiscal year pursuant to subsection c below.
- c. In addition to the foregoing, the City will pay in a lump sum, within thirty (30) days from the close of the fiscal year, any amount assessed in a prior year, but collected in a subsequent year. Said payment by City shall be in the amount of the net assessment collected as provided herein, less any amounts remaining to be reimbursed under a prior year Agreement with the City, and considering any prior payments made as per Section b. City will provide Portland Downtown with written detail as to any deductions taken from payments under this paragraph.
- d. Notwithstanding the foregoing, Portland Downtown agrees that it will neither encumber funds which it anticipates receiving from development district assessments nor incur expenditures in anticipation of receipt of such funds except in accord with the line items in the budget attached hereto as Exhibit C, or any subsequent amendments thereto approved by the City.
- e. Portland Downtown has approved Portland Downtown's budget and Development Program in Exhibit C, covering the period beginning on July 1, 2019, and ending on June 30, 2020, and the City Council has approved the special assessment mil rate that provides funding to support the Portland Downtown's budget and Development Program.
- f. Portland Downtown will provide the Director of Finance with an annual certified financial statement, including, but not limited to, a statement of its cash position. At a minimum, the statement shall list all income and expenses, and shall be provided to the Finance Director within six (6) months after the fiscal year ends.
- g. Portland Downtown shall have reasonable access to the City's assessment collection records, and the City shall have reasonable access to the Portland Downtown's books and records.

Article III. Baseline Services To be Provided By City

- a. The City will provide, at no expense to Portland Downtown, all of the services included on the list entitled Baseline City Services that is attached hereto as Exhibit D and made a part hereof (the “Baseline City Services”). The specific nature and amount of such Baseline City Services shall be determined in the City’s reasonable discretion.
- b. The City may reduce the Baseline City Services in its discretion at any time, but only as part of a City-wide reduction in such services.

Article IV. Supplemental Downtown District Services To Be Provided By City For A Fee

- a. The City will provide all of the services included on the list entitled Supplemental Downtown District Services that is attached hereto as Exhibit E and made a part hereof. In consideration of the City’s provision of the Supplemental Downtown District Services, Portland Downtown shall pay the City the total amount set forth in Exhibit F, Public Works Budget, in 12 equal monthly installments during the term of this Agreement.
- b. The City shall endeavor to assign the following City staff (the “City Downtown Staff”) to perform the Supplemental Downtown District Services:

- 1 Public Works Supervisor – Daytime, 52 Weeks.
 - 1 Portland Downtown Steward – Daytime, 52 Weeks
 - 3 Maintenance Workers – 2 Daytime and 1 Overnight, 52 Weeks
 - 3 Seasonal Laborers, 2 in Summer and 1 in the Winter – Days

The City Downtown Staff shall either be employees of or contractors for the City and shall not be considered to be employees of Portland Downtown. The City reserves the right to increase or decrease the number of City Downtown Staff and to change their hours and schedules if it determines that such increase or decrease is in the City’s best interests, provided that any decrease in such staff shall not result in a material decrease in the Supplemental Downtown District Services.

- c. The City’s Public Works Director and/or designee (the “City Director”) and Portland Downtown’s Executive Director and/or designee (the “PD Director”) agree to meet and communicate on a monthly basis with meeting agendas to ensure quality control in service delivery is meeting expectations and to share updated information on service activities, programs and projects.
 - d. Portland Downtown and City Manager will meet annually to discuss prioritization of larger projects within the District generally included in baseline services or CIP and managed by other City teams or departments. These include, but are not limited to, major sidewalk repairs, tree well rehabilitation, landscape installations and other reconstruction projects.
 - e. In the event Portland Downtown requests services from City in addition to those included herein, City shall have the option, in its sole discretion, to provide such services

with payment to be made by Portland Downtown for any such services on a time and materials basis, or such other basis as the parties may agree in writing. The budget for additional services must be agreed to in advance by the parties. "Time" as used herein shall mean all of the City's employee costs, i.e. hourly wages or salary, and "materials" as used herein shall mean the actual cost to the City of equipment, materials and/or supplies provided or used in connection with such services, with no additional markup. In such cases the City shall provide a detailed and itemized invoice of the individuals providing the service, the time spent by the individuals and the volume and unit cost of materials expended.

- f. It is understood and agreed by the parties that City will adopt an expenditure budget, Exhibit F, which shall be provided to Portland Downtown for preliminary review no later than March 15, 2020, and which will include the cost of the Supplemental Downtown District Services, and that the City will adopt a revenue budget that will provide for the reimbursement of such costs by Portland Downtown as provided hereunder. In the event that either Portland Downtown or the City anticipates that there will be insufficient revenues to pay for such Supplemental Downtown District Services, said party will notify the other party of the anticipated shortfall, and the parties agree to meet promptly and confer to modify the level of Supplemental Downtown District Services that the City is able to provide. It shall be the responsibility of PD to notify City as soon as reasonably possible if such Supplemental Downtown District Services need to be modified or adjusted for anticipated revenue shortfalls or modifications. In the event of a revenue shortfall, the City will have no obligation to provide Supplemental Downtown District Services in excess of PD funds available to reimburse City. The City will have the right, but not the obligation, to continue to provide such Supplemental Downtown District Services to the extent provided in the City budget even in the event of a revenue shortfall. The parties agree to memorialize in writing any changes in the monthly payments due under this Agreement.
- g. In addition to any required City work uniforms, City Downtown Staff will wear vests already purchased by the City, which include the Portland Downtown logo.
- h. Prior to any discussion of modifying, adjusting or terminating this Agreement, Portland Downtown shall invite the City Manager or his designee to a meeting of the Board to discuss such contemplated modification, adjustment or termination.

Article V. Services To Be Provided By Portland Downtown.

- a. Except for the Supplemental Services, which shall be provided by the City and paid for by Portland Downtown in accordance with Article IV, Portland Downtown, shall provide the services described in Exhibit C, Portland Downtown's Budget and Development Plan.
- b. In addition to the services described in Exhibit C, Portland Downtown may, at its own expense:
 - i. Provide staff and administrative services for supervision of the daily activities and public space management of the District.

- ii. Establish positions for administration and management of its programs; recruit, hire, and pay and otherwise supervise its work force necessary to implement this charge.
- iii. Establish a corporate Board of Directors whose members fairly represent a cross section of taxpayers in the District.
- iv. Establish a mechanism for resolving any dispute to the kind and level of services which may arise between Portland Downtown and persons subject to development district assessments regarding the kind and level of services provided by Portland Downtown. As such time, a dispute cannot be resolved the City Manager will be notified.
- v. Provide liaison between the City, the District, property owners, civic groups, interested persons, and other groups and individuals, as necessary to carry out the mission of the Portland Downtown.
- vi. Maintain all minutes and records of Portland Downtown proceedings as may be required.
- vii. Participate in decoration and beautification of public places in the District.
- viii. Sponsor and promote public events to take place on or in public places in the District, subject to the provisions in Exhibit E.
- ix. Provide advice or feedback to City staff about proposed events in public spaces within the District.
- x. Advertise and promote non-profit, cultural, educational and commercial business activities in the District.
- xi. Maintain existing pedestrian way finding signage for the District in accordance with applicable City codes and ordinances.
- xii. Conduct public relations, generating favorable publicity for, and enhancing economic growth in, the District.
- xiii. Manage Visitor Information Booth in Tommy's Park.
- xiv. Wash, maintain and relocate street furniture, trash cans, street lanterns, and undertake minor repairs to street furniture.
- xv. Engage in partnerships with other organizations to provide programs and services.
- xvi. Install pole banners in the District, provided that Portland Downtown shall obtain the consent of the City's Director of Parks, Recreation and Facilities, or his or her designee, prior to the installation of any banners.
- xvii. Monitor performance of City Downtown Staff through specific PD access to "See, Click, Fix" software. PD may also track and evaluate outcomes to ensure alignment with this Agreement. Data will be reported to the City's Director of Public Works by PD's staff during the monthly meeting as designated in Article IV, Section c.

Nothing in this Agreement is intended to or shall be construed to limit Portland Downtown's general powers, as set forth in the Maine Nonprofit Corporation Act, Title 13-B of the Maine Revised Statutes Annotated.

ARTICLE VI. Termination.

- a. This Agreement may be terminated by either party for good cause. Good cause shall be deemed to be found by the City at such time as Portland Downtown's performance under this Agreement has been determined in the exclusive judgment of the City Manager to be unsatisfactory, which determination shall not be unreasonable.
- b. If Portland Downtown should fail to perform any material covenant, obligation or agreement hereunder for a period of thirty (30) days after written notice from the City Manager specifying such failure, then, upon expiration of the thirty (30) day period, the City Manager may provide Portland Downtown with notice of his intention to terminate the Agreement as provided herein. Portland Downtown shall have a ninety (90) day period, computed from the date of receipt of the notice of intent to terminate, within which to provide satisfactory service. In the event the City Manager should determine, at the expiration of the ninety (90) day period, that Portland Downtown's performance is still unsatisfactory and declare that the Agreement is terminated, the City Manager shall provide Portland Downtown with a written notice of termination. Portland Downtown shall have the right to appeal his decision to the City Council. PD shall file such appeal with the City Manager within seven (7) business days from the date Portland Downtown receives the notice of termination. The terms and conditions of this Agreement shall remain in full force and effect and binding on both parties until the City Council has acted on the appeal.
- c. Portland Downtown shall be deemed to have good cause to terminate this Agreement if
 - (i) the City, pursuant to the provisions of Article II, should reduce its anticipated payments by more than 20% of the amount it would otherwise have paid during the periods from July 1, 2019 to December 31, 2019, and January 1, 2020 to June 30, 2020;
 - (ii) if the City should be more than 30 days in arrears in any payment due hereunder; or
 - (iii) the City should fail to provide the Supplemental Downtown District Services in a material and substantial way. In the event Portland Downtown should have "good cause" to terminate this Agreement, its relief shall be limited solely to termination of this Agreement, and it shall not be entitled to damages of any kind nor to equitable relief.
- d. Nothing herein shall be construed as giving Portland Downtown the right to perform the work contemplated under this Agreement beyond the time when Portland Downtown's services become unsatisfactory as determined by the City Manager, following the ninety (90) day notice period, or, in the event of an appeal, beyond the time the City Council has affirmed the City Manager's decision. In case Portland Downtown should be discharged before all the services contemplated hereunder have been completed, or the services for any reason should be stopped, either because of the expiration of the term hereof or because of the inability of Portland Downtown to fulfill its obligations under this Agreement, Portland Downtown shall be reimbursed for all services satisfactorily performed to the date of termination in accordance with Article II hereof. After notice of termination and completion of the appeal process, Portland Downtown shall:

1. With respect to existing activities, take only such actions as the City Manager shall direct;
 2. Upon City's request, assign to the City in the manner, at the times and only to the extent the City, acting by and through its City Manager, may direct it to do so, all the rights, title and interest of Portland Downtown in and to all existing orders and agreements.
 3. To the extent rights, title and interests of Portland Downtown in and to existing orders and agreements may be assigned to the City and accepted by it; obligations incurred on or after such assignment will be assumed by the City. Otherwise, Portland Downtown shall settle all outstanding liabilities and all claims arising out of any terminated orders or agreements.
 4. Deliver to the City, in the manner, at the times and to the extent directed by the City Manager, all documents and data produced by Portland Downtown as part of or in connection with the work.
- e. Either party may terminate or modify this Agreement in the event of a budget shortfall upon no less than Sixty (60) days prior written notice to the other party.
- f. In the event Supplemental Downtown District Services are terminated for any reason by either party, it shall be in City's discretion as to whether it will continue or resume providing such Supplemental Downtown District Services.

ARTICLE VII. Assignment

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

ARTICLE VIII. Performance of Services

All services performed under this Agreement shall be performed in a good, workmanlike fashion.

ARTICLE IX. Compliance with Law

Portland Downtown will comply with all applicable provisions of Federal, State, and local law, including, but not limited to, the Civil Rights Act of 1964, in its performance under this Agreement. Portland Downtown shall include a similar provision in each of its subcontracts.

ARTICLE X. Indemnification

- a. Portland Downtown shall, at its own cost and expense, defend, indemnify, and hold harmless the City, its officers, agents, and employees, from and against the following:

1. to the fullest extent permitted by law, Portland Downtown shall defend, indemnify and hold harmless the City, its officers and employees, from and against all claims, damages, losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees, arising out of or resulting from the performance of this Agreement, provided that any such claims, damage, loss or expense is (1) attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property, including the loss or use thereof; and (2) is caused in whole or in part by any negligent act or omission of Portland Downtown, anyone directly or indirectly employed by it, or anyone for whose act it may be liable;
2. all claims and liens of Portland Downtown's consultants, subcontractors, and their laborers, mechanics, materialmen, and/or suppliers. Such obligation shall not be construed either to negate or abridge any other obligation of indemnification, and shall not be limited by any provision for insurance contained in this Agreement.
3. Notwithstanding the foregoing, nothing herein shall be construed as waiving or otherwise voiding the City's right to all protections under the Maine Tort Claims Act, 14 M.R.S. §§ 8101 et. seq., as the same may be amended from time to time.

ARTICLE XI. Insurance

- a. Neither Portland Downtown nor any of its subcontractors shall commence work under this Agreement until they have provided the insurance coverage required by this Agreement and such coverage has been approved by the City.
- b. Prior to the execution of this Agreement, Portland Downtown will procure and maintain occurrence-based Automobile Liability Insurance and Commercial General Liability Insurance coverage in amounts of not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage, naming the City as an additional insured thereon, and also Workers' Compensation Insurance coverage to the extent required by law. With respect to the Automobile and Commercial General Liability Insurance, Portland Downtown shall name the City as an additional insured 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. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the City under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any other defenses, immunities or limitations of liability available to the City. Prior to execution of this Agreement, Portland Downtown shall furnish the City and thereafter maintain certificates evidencing all such coverages, which certificates shall guarantee thirty (30) days' notice to the City of termination of insurance from the insurance provider or agent. Portland Downtown shall also provide a copy of any endorsement naming the City as additional insured. A certificate that merely has a box checked under "Addl Insr," or the like, or that merely states the City of Portland is named as an Additional Insured, will not be acceptable. The Workers' Compensation insurance shall

include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees. Upon City's request, Portland Downtown shall provide City with a complete copy of any of the above-referenced policies. Portland Downtown shall be responsible for any and all deductibles and/or self-insured retentions.

Article XII. No Joint Venture; Independent Contractors

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

Signature page follows.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the _____ day of _____, 2019.

WITNESS

CITY OF PORTLAND

By: _____

Jon P. Jennings
Its City Manager

WITNESS

**DOWNTOWN IMPROVEMENT
DISTRICT, INC.
d/b/a PORTLAND DOWNTOWN**

By: _____

Kim Volk
Its Board Chair

Approved as to Form:

City Corporation Counsel

Approved as to Funds:

City Finance Department

EXHIBIT A

(Insert Map of District)



EXHIBIT A

Legend
Portland Downtown District also 7/1/2018



**Portland
Downtown District
Boundary Map**
June 18, 2018



EXHIBIT B

(Insert Legal Description of District)

The following is a description of the boundary of Portland Downtown as of July 1, 2018:

Beginning at the intersection of the easterly side of State Street and the northerly side of Congress Street;

Thence easterly along the northerly side of Congress Street to the southwesterly side of High Street;

Thence northwesterly along the southwesterly side of High Street to the southerly side of Deering Street;

Thence northeasterly perpendicular to and crossing High Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the southeasterly side of Cumberland Avenue;

Thence northeasterly along the southeasterly side of Cumberland Avenue to the southwesterly side of Franklin Street;

Thence southeasterly along the southwesterly side of Franklin Street to the northwesterly side of Commercial Street;

Thence easterly and diagonally across Commercial Street to the intersection of the southeasterly side of Commercial Street with the northeasterly boundary line of the Maine State Pier;

Thence southwesterly along the southeasterly side of Commercial Street to its intersection with the northeasterly side of the road to Wright's Wharf;

Thence northwesterly perpendicular to and crossing Commercial Street to the northwesterly side of Commercial Street;

Thence southwesterly along the northwesterly side of Commercial Street to the northeasterly side of High Street;

Thence northwesterly along the northeasterly side of High Street to the northwesterly side of Spring Street;

Thence southwesterly along the northwesterly side of Spring Street to the northeasterly side of Park Street;

Thence northwesterly along the northeasterly side of Park Street to the southerly side of Congress Street;

Thence westerly along the southerly side of Congress Street to the easterly side of State Street;

Thence northerly along the easterly side of State Street to the northerly side of Congress Street and the Point of Beginning.

Meaning and intending to include all parcels fronting on the streets and contained within the perimeter of the figure as described.

All as shown on a map dated 6/18/2018 entitled Portland Downtown District Boundary Map on file in the City of Portland's Assessor Office and the Economic Development Office. Any inconsistencies between this description and the boundary map shall be controlled by the boundary map.

EXHIBIT C

(Insert Portland Downtown Budget)

PORTLAND DOWNTOWN DRAFT BUDGET FY20

Estimated valuation \$933,979,390

FY20 Proposed FY19 Budget

INCOME

ASSESSMENT INCOME	\$	1,017,339	\$	956,209
EVENT INCOME				
LIGHT UP YOUR HOLIDAYS				
TREE LIGHTING SPONSORSHIPS	\$	10,000	\$	10,500
WINDOW DISPLAY CONTEST SPONSOR	\$	1,000	\$	500
HORSE + WAGON RIDE SPONSORSHIPS	\$	5,000	\$	6,000
SHOP FOR A CAUSE SPONSORSHIP	\$	2,500	\$	2,500
MERRY MADNESS TICKET SALES	\$	19,000	\$	19,000
MERRY MADNESS SPONSORSHIP	\$	7,500	\$	5,000
Total Light Up Your Holidays	\$	45,000	\$	43,500
POLICE AWARDS BREAKFAST	\$	5,000	\$	5,000
DOWNTOWN WORKER APPRECIATION DAY	\$	3,000	\$	3,000
SUMMER KICK OFF WEEKEND				
SQUARE HOP SPONSORSHIP	\$	2,000	\$	2,000
OPF SPONSORSHIPS	\$	-	\$	2,500
OPF INCOME	\$	-	\$	47,500
Total Summer Kick Off Weekend	\$	2,000	\$	52,000
Total EVENT INCOME	\$	55,000	\$	103,500
DIRECTORY PARTNERSHIP/CONTRIBUTION	\$	5,000	\$	5,000
GRANT INCOME	\$	2,500	\$	5,000
CONTRIBUTIONS INCOME	\$	750	\$	1,000
PARK & WORK INCOME	\$	750	\$	1,000
Total Income	\$	1,081,339	\$	1,071,709

Expense

CLEAN INITIATIVES				
SUPPLEMENTAL SERVICES CONTRACT	\$	399,000	\$	380,000
FIXED FEE FOR DID ADMIN	\$	9,650		
ESTIMATED NONCOLLECTION	\$	10,173	\$	18,583
REPAIRS & IMPROVEMENTS	\$	5,000	\$	5,000
Total Clean Initiatives	\$	423,823	\$	403,583

EMPLOYEE COSTS

PAYROLL	\$	268,500	\$	250,000
HEALTH & DENTAL	\$	30,000	\$	30,000
LIFE & DISABILITY INSURANCE	\$	3,500	\$	3,500
PAYROLL PROCESSING FEE	\$	1,200	\$	1,200
PAYROLL TAX EXPENSE	\$	18,796	\$	17,500
EMPLOYEE PARKING & BUS	\$	3,500	\$	5,000
UBIT (Federal Transportation Tax)	\$	800		
SIMPLE IRA MATCH	\$	4,000	\$	4,000
Total Employee Costs	\$	330,296	\$	311,200

PROGRAMS & PARTNERSHIPS

WINTER LIGHTS/PANDORA LACASSE	\$	62,000	\$	57,500
VISITOR INFORMATION BOOTH/VISIT PORTAND	\$	10,000	\$	10,000
POLICE CADET PROGRAM EXPENSE	\$	31,000	\$	32,500
LEARNING WORKS	\$	16,500	\$	14,000
MILESTONE HOMETEAM	\$	6,500	\$	6,500
Total Programs & Partnerships	\$	126,000	\$	120,500

RENT & UTILITIES

RENT	\$	20,000	\$	20,000
CAM CHARGES	\$	9,720	\$	10,200
TAXES- PERSONAL PROPERTY	\$	400	\$	900
ELECTRIC	\$	1,700	\$	1,700
GAS	\$	1,500	\$	1,500
TELEPHONE & INTERNET	\$	3,800	\$	4,000
Total Rent & Utilities	\$	37,120	\$	38,300

OPERATIONS

BANK SERVICE CHARGES	\$	100	\$	100
CLEANING	\$	4,200	\$	4,000
COPIER	\$	3,500	\$	3,000
IT SUPPORT	\$	1,250	\$	1,250
MEMBERSHIPS, DUES & SUBSCRIPTIONS	\$	4,000	\$	4,000
EQUIPMENT EXPENSE	\$	2,000	\$	2,000
POSTAGE	\$	4,500	\$	4,500
SUPPLIES	\$	4,000	\$	3,000
WEBSITE HOSTING + DEVELOPMENT	\$	1,250	\$	1,250
SUBCONTRACTORS	\$	4,000	\$	3,500
CONTINGENCY FUND	\$	10,000	\$	2,000
RESERVE FUND	\$	20,000	\$	20,126
Total Operations	\$	58,800	\$	48,726

MARKETING

GENERAL MARKETING	\$	15,000	\$	21,000
DIRECTORY DISTRIBUTION	\$	5,000	\$	5,000
SPONSORSHIPS/PARTNERSHIPS	\$	3,000	\$	3,000
Total Marketing	\$	23,000	\$	29,000

INSURANCE

DIRECTORS & OFFICERS	\$	650	\$	650
GENERAL/EVENTS/LIQUOR	\$	6,000	\$	6,000
WORKERS COMPENSATION	\$	1,100	\$	1,100
Total Insurance	\$	7,750	\$	7,750

PROFESSIONAL FEES

ACCOUNTING	\$	3,500	\$	3,500
ANNUAL ELECTIONS	\$	2,500	\$	2,500
LEGAL	\$	4,000	\$	4,000
Total Professional Fees	\$	10,000	\$	10,000

ORGANIZATIONAL ACTIVITIES

STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,500	\$	2,000
MEETINGS	\$	2,500	\$	2,000
PROFESSIONAL DEVELOPMENT	\$	7,500	\$	6,500
Total Organizational Activities	\$	12,500	\$	10,500

EVENTS**LIGHT UP YOUR HOLIDAYS**

LUYH GENERAL MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: MARKETING	\$	4,500	\$	5,000
TREE LIGHTING: PERFORMERS & SOUND	\$	1,500	\$	4,000
TREE LIGHTING: SECURITY	\$	1,000	\$	1,500
TREE LIGHTING: STAGE	\$	1,000	\$	2,000
TREE LIGHTING EVENT MANAGEMENT	\$	500	\$	1,000
RETAIL EVENTS	\$	4,500	\$	1,500
WAGON RIDES	\$	6,800	\$	7,500
MERRY MADNESS: MARKETING	\$	2,000	\$	2,000
MERRY MADNESS: EVENT	\$	9,500	\$	9,500
MERRY MADNESS EVENTBRITE FEES	\$	3,000	\$	2,000
MERRY MADNESS: EVENT MANAGEMENT	\$	1,500	\$	1,200
TOY FUND DONATION	\$	-	\$	1,200
Total Light Up Your Holidays	\$	40,300	\$	43,400

POLICE AWARDS BREAKFAST	\$	4,500	\$	4,250
DOWNTOWN WORKER APPRECIATION DAY	\$	3,500	\$	2,500

SUMMER KICK OFF WEEKEND

SQUARE HOP ENTERTAINMENT	\$	2,000	\$	2,000
SQUARE HOP MARKETING	\$	1,000	\$	1,000
OPF MARKETING	\$	-	\$	5,000
OPF PERMITS	\$	-	\$	10,000
OPF SECURITY	\$	-	\$	3,000
OPF ELECTRICIAN	\$	-	\$	7,000
OPF EVENTBRITE FEES	\$	-	\$	3,500
OPF EVENTS MANAGER	\$	-	\$	6,000
OPF MISC (golf carts, etc)	\$	-	\$	3,500
Total Summer Kick Off Weekend	\$	3,000	\$	41,000
TOTAL EVENTS	\$	51,300	\$	91,150
PARK AND WORK	\$	750	\$	1,000
TOTAL EXPENSE	\$	1,081,339	\$	1,071,709
NET INCOME (LOSS)	\$	(0)	\$	-

EXHIBIT D

BASELINE CITY SERVICES

(To be provided City-wide by the City at no cost to Portland Downtown)

Capital Improvements and Maintenance

- Streetscape Amenity Maintenance - The City will repair and correct any defects, deficiencies or problems in the district as necessary. Items of focus include light and utility poles, sidewalks, curbstones, trash cans, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. All repairs, etc., will take place within a reasonable time after notice of need.
- Sidewalks - To the extent it is funded, the City will undertake an on-going sidewalk maintenance program to repair existing sidewalks and replace bituminous repairs with permanent repairs.
- Lighting, maintenance, and replacement of all street lights and traffic signals and payment for necessary electrical energy.
- Parks, playgrounds, and trails.

Beautification

- Horticulture and tree care in parks, squares and streets.
 - In all public areas, the City will maintain and improve the condition of flowerbeds, trees, tree wells, bushes, plantings and other like horticultural amenities. Such activities shall include the initial planting, timely and appropriate maintenance, preventative and otherwise, and expeditious replacement of any damaged, destroyed or diseased horticultural products, including grass, flowers, and trees.
- Green space maintenance.
 - The City shall maintain and mow all public grassed areas.
- Holiday Decorations. The City will install and remove downtown Holiday decorations throughout the District to include Christmas trees at Monument Square and City Hall Plaza, string lights on light poles, and common area trees such as Tommy's Park, and provide for electrical energy related costs. This paragraph does not include installation or removal of, or any costs associated with, any of Pandora Lacasse's Winter Lights, which shall be installed and removed at Portland Downtown's sole expense.

Cleanliness

- Street sweeping - All streets or parts thereof included in the downtown improvement district zone will be swept from curb line to curb line on an as needed basis.
- Trash removal – Daily and when necessary emptying of all trash and recycling receptacles in the downtown improvement district zone and disposal of resulting waste.

- Street snow plowing and removal - The City will plow and remove snow as necessary from all streets and parts thereof in the downtown improvement district zone.
- Graffiti removal on public property.
- Downtown Blitz - This is a two-week program for time duration. Each year the City shall undertake a dedicated effort to repair, repaint, replace and correct any defects, deficiencies or problems in the district. Items of focus shall include light and utility poles, sidewalks, curbstones, trash cans, benches, signs, crosswalk markings, traffic signals, tree wells, planters, benches, trees, kiosks, shelters, bollards, and any other amenity that is now or at some point in the future may be installed. This program will be undertaken as early as possible each Spring and conclude as rapidly as possible. Performance of some activities, i.e. painting, will take place annually as conditions permit. Major capital activity or the reconstruction and/or repair of significant infrastructure (street paving, sewer work, etc.) would not be considered part of this blitz program.

Safety

- Police protection.
 - A minimum of 4 uniformed patrol officers will intersect all or part of the downtown improvement district area. The actual number of officers will vary depending upon time of day and day of week. During periods when calls for service are typically at their peak, the number of officers assigned will increase significantly, for example during weekend evenings and the summer months. This increase will include foot and bicycle patrols. Officers will be supported with additional personnel (supervisors, detectives, evidence technicians) as necessary.
 - As long as the Community Policing Officer Program is in effect, at least one Community Police Officer will be assigned to the Downtown Improvement District area.
 - Holiday Patrol—from the Friday following Thanksgiving to New Year's Day, patrol efforts will be supplemented by use of a foot patrol. The number of officers and hours of the assignment is dependent upon staffing levels.
- Fire protection.

EXHIBIT E

SUPPLEMENTAL DOWNTOWN DISTRICT SERVICES

(To be provided in the District by City at an annual fixed fee)

Cleanliness, Maintenance, Snow Removal

- Litter patrol, collection, and disposal on streets, sidewalks, tree wells and public areas within the District.
- Graffiti removal from City property within 5 days of notification.
- Removal of posters from PD poster boards.
- Check condition, catalogue, and if necessary paint or clean all public furniture and fixtures twice a year, at minimum. Furniture and fixtures shall include (but not be limited to) the following items:
 - Benches;
 - Trash/recycling receptacles;
 - Light pole bases; and,
 - Planters.
- Sidewalks will be cleaned on a daily basis, weather and season permitting.
- Sidewalk snow removal: All property owners in the District are responsible for maintaining their sidewalks and property in the winter pursuant to Portland City Code §§25-171 to 25-180. Following a snow storm, the City will provide a clear walkway no less than the width of a sidewalk tractor's capability. To the extent reasonable, the City will clear the sidewalk area, but it is not the intent of the parties that the City will clear the snow from the full width of the sidewalk area. The City will provide ice control to the extent possible. If weather conditions are so severe that the area cannot be plowed due to equipment capability, the City, in its discretion, may choose to delay clearing of the sidewalks but must complete the work within 24 hours of the storm being complete.
- Clean and maintain bathrooms located at Fore Street Parking Garage.
- Maintenance and cleaning of Visitor Information Booth in Tommy's Park at least once per month during season (May-October). "Quick response" repairs, such as missing bricks or landscaping damage shall be performed by City Downtown Staff as soon as possible.

Beautification

- In addition to horticultural obligations of the City under Exhibit D, the City shall plant flowers and other plants in all flower urns in the District, regularly remove weeds from tree wells, and improve and maintain the same. In performing such services, the City shall pay particular attention to Longfellow Square, Congress square, Monument Square, Tommy's Park, Post Office Park, Boothby Square, Lincoln Park, Pleasant Street Park, and Bell Buoy Park.

Events in the District

- Portland Downtown provides events as described in its Budget and Development Program attached as Exhibit C.
- In connection with these events, the City will provide, at no expense to Portland Downtown, the following:
 - Waived event permit fees.
 - “No Parking” signs, wooden barricades, recycling services.
 - Access to City electricity service in public spaces.
 - Police and Fire Department services for Portland Downtown’s annual Tree Lighting event.
- Notwithstanding the above, Portland Downtown shall be required to comply with all Public Assembly Facilities Division permit requirements and shall be responsible for the City’s costs of the following services at the City’s standard rates:
 - Street closure expenses, including threat prevention;
 - Event personnel, including staff and managers;
 - Police and Fire personnel directly related to an event.
- The City will invoice Portland Downtown for all such services at its then current rates, and Portland Downtown shall pay the City all amounts due within 30 days after receipt of such invoices. Portland Downtown shall also be responsible for paying the City’s Permitting and Inspections Department for any applicable fees associated with licenses required for its events, including, without limitation, licenses for temporary food service, street goods, and liquor.

Exhibit F
Public Works Budget

**CITY OF PORTLAND, ME
FY20 ORG LINE DETAIL EXPENDITURE REPORT**

Exhibit F

ACCOUNT DESCRIPTION	FY19 REVISED APPRO (01/31/19)	FY19 TOTAL PROJECTION	FY20 DEPT REQUEST	FY20 MGR RECOMM	INCR / (DECR) FY20 / FY19	APPRO % CHG FY20 / FY19
Portland Downtown District 10031205						
10031205 400110 Salaries & Wages	\$237,167	\$230,000	\$247,523	\$247,523	\$10,356	4.37%
10031205 400130 Temporary Help	\$28,080	\$28,080	\$48,000	\$48,000	\$19,920	70.94%
10031205 400140 Overtime Payments	\$54,556	\$54,556	\$58,384	\$58,384	\$3,828	7.02%
* Payroll	\$319,803	\$312,636	\$353,907	\$353,907	\$34,104	10.66%
10031205 400260 Workers' Compensation	\$0	\$0	\$0	\$0	\$0	---
10031205 400271 Wearing Apparel	\$3,275	\$2,000	\$3,275	\$3,275	\$0	0.00%
10031205 400274 Cellular Phones	\$360	\$636	\$600	\$600	\$240	66.67%
* Benefits	\$3,635	\$2,636	\$3,875	\$3,875	\$240	6.60%
10031205 403500 Contractual Services	\$9,450	\$10,000	\$9,450	\$9,450	\$0	0.00%
10031205 403560 Printing	\$50	\$0	\$50	\$50	\$0	0.00%
* Contractual Services	\$9,500	\$10,000	\$9,500	\$9,500	\$0	0.00%
10031205 404010 M&R Buildings	\$200	\$125	\$200	\$200	\$0	0.00%
10031205 404030 M&R Vehicles	\$300	\$300	\$300	\$300	\$0	0.00%
* Maintenance & Repair	\$500	\$425	\$500	\$500	\$0	0.00%
31205 404530 Office Equipment Rental	\$300	\$400	\$360	\$360	\$60	20.00%
* Rentals	\$300	\$400	\$360	\$360	\$60	20.00%
10031205 405510 Agricultural Supplies	\$600	\$350	\$400	\$400	(\$200)	-33.33%
10031205 405520 Supplies - All Other	\$16,500	\$16,500	\$23,200	\$23,200	\$6,700	40.61%
10031205 405530 Construction Supplies	\$1,000	\$750	\$1,000	\$1,000	\$0	0.00%
10031205 405535 Cleaning Supplies	\$3,000	\$3,000	\$3,000	\$3,000	\$0	0.00%
10031205 405550 Medical Supplies	\$200	\$150	\$200	\$200	\$0	0.00%
10031205 405560 Minor Equipment	\$3,180	\$3,000	\$2,260	\$2,260	(\$920)	-28.93%
10031205 405565 Computers & Technology	\$0	\$0	\$0	\$0	\$0	---
10031205 405570 Office Supplies	\$500	\$500	\$500	\$500	\$0	0.00%
* Supplies	\$24,980	\$24,250	\$30,560	\$30,560	\$5,580	22.34%
10031205 406310 Gas Service	\$0	\$1,500	\$1,500	\$1,500	\$1,500	---
10031205 406320 Electricity	\$4,274	\$4,000	\$4,000	\$4,000	(\$274)	-6.41%
10031205 406340 Telephone	\$636	\$660	\$660	\$660	\$24	3.77%
* Utilities	\$4,910	\$6,160	\$6,160	\$6,160	\$1,250	25.46%
** Portland Downtown District	\$363,628	\$356,507	\$404,862	\$404,862	\$41,234	11.34%

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
021 A001001	25:PARKING LOTS	119	PEARL ST	PEARL CUMBERLAND LLC	\$ 4,265,900	\$ 4,649.83
021 A012001	56:GOVERNMENTAL	214	CUMBERLAND AVE	CITY OF PORTLAND	\$ -	\$ -
027 A001001	22:OFFICE BUSINESS	320	CUMBERLAND AVE	25 PREBLE STREET LLC	\$ 6,259,500	\$ 6,822.86
027 A012001	56:GOVERNMENTAL	5	MONUMENT SQ	CITY OF PORTLAND	\$ -	\$ -
027 A014001	25:PARKING LOTS	7	PREBLE ST	5 MONUMENT SQUARE LLC	\$ 57,050	\$ 62.18
027 A015001	22:OFFICE BUSINESS	465	CONGRESS ST	5 MONUMENT SQUARE LLC	\$ 3,866,300	\$ 4,214.27
027 A016001	25:PARKING LOTS	465	CONGRESS ST	5 MONUMENT SQUARE LLC	\$ 217,080	\$ 236.62
027 B001001	56:GOVERNMENTAL	284	CUMBERLAND AVE	CITY OF PORTLAND	\$ -	\$ -
027 B002001	22:OFFICE BUSINESS	443	CONGRESS ST	JJR 443 CONGRESS LLC	\$ 3,796,600	\$ 4,138.29
027 B003001	56:GOVERNMENTAL	9	ELM ST	CITY OF PORTLAND	\$ -	\$ -
027 B004001	27:MULTI-USE COMMERCIAL	439	CONGRESS ST	METROPOLITAN APARTMENTS LLC	\$ 3,734,300	\$ 4,070.39
027 B005001	53:RELIGIOUS	425	CONGRESS ST	FIRST PARISH IN PORTLAND	\$ -	\$ -
027 B007001	22:OFFICE BUSINESS	415	CONGRESS ST	ASHBY TEAM LLC	\$ 1,769,100	\$ 1,928.32
027 B008001	56:GOVERNMENTAL	21	ELM ST	CITY OF PORTLAND	\$ -	\$ -
027 B009001	57:OTHERS EXEMPT BY LAW	8	CHESTNUT ST	MASONIC TRUSTEES OF PORTLAND	\$ -	\$ -
027 C002001	27:MULTI-USE COMMERCIAL	17	CHESTNUT ST	17 CHESTNUT STREET LLC	\$ 226,400	\$ 246.78
027 C010001	20:COMMERCIAL CONDOS	21	CHESTNUT ST	HAIR ETC LLC	\$ 163,800	\$ 178.54
027 C010002	20:COMMERCIAL CONDOS	21	CHESTNUT ST	CHESTNUT STREET LOFTS LLC	\$ 199,000	\$ 216.91
027 C01002E	10:CONDOMINIUMS	21	CHESTNUT ST	JORDAN CARA A	\$ 144,300	\$ 157.29
027 C01002N	10:CONDOMINIUMS	21	CHESTNUT ST	SMITH DOUGLAS A &	\$ 169,500	\$ 184.76
027 C01002S	10:CONDOMINIUMS	21	CHESTNUT ST	MORREL VICTOR &	\$ 161,100	\$ 175.60
027 C01002W	10:CONDOMINIUMS	21	CHESTNUT ST	TISZENKEL KEITH	\$ 169,500	\$ 184.76
027 C01003E	10:CONDOMINIUMS	21	CHESTNUT ST	CASTANEA PRIME LLC	\$ 164,400	\$ 179.20
027 C01003N	10:CONDOMINIUMS	21	CHESTNUT ST	TILTON GARRETT K &	\$ 168,700	\$ 183.88
027 C01003S	10:CONDOMINIUMS	21	CHESTNUT ST	VELJI REALTY LLC	\$ 147,600	\$ 160.88
027 C01003W	10:CONDOMINIUMS	21	CHESTNUT ST	VANHOEWYK JOHN VN VET &	\$ 163,660	\$ 178.39
027 C01004E	10:CONDOMINIUMS	21	CHESTNUT ST	SMITH MICHAEL SARGENT	\$ 180,500	\$ 196.75
027 C01004N	10:CONDOMINIUMS	21	CHESTNUT ST	SEARS STEPHEN D &	\$ 201,600	\$ 219.74
027 C01004S	10:CONDOMINIUMS	21	CHESTNUT ST	KAUFMANN CHARLES L	\$ 180,500	\$ 196.75
027 C01004W	10:CONDOMINIUMS	21	CHESTNUT ST	NYGAARD DANTON D &	\$ 184,800	\$ 201.43
027 C01005E	10:CONDOMINIUMS	21	CHESTNUT ST	GRAF JENNIFER	\$ 193,400	\$ 210.81
027 C01005N	10:CONDOMINIUMS	21	CHESTNUT ST	YINDRA SARA R	\$ 206,200	\$ 224.76
027 C01005S	10:CONDOMINIUMS	21	CHESTNUT ST	NAQUI MUNIRA Z	\$ 193,400	\$ 210.81
027 C01005W	10:CONDOMINIUMS	21	CHESTNUT ST	CURTIN TERESA ANN &	\$ 223,000	\$ 243.07
027 C01006E	10:CONDOMINIUMS	21	CHESTNUT ST	HAMM LARRY F &	\$ 206,300	\$ 224.87
027 C01006N	10:CONDOMINIUMS	21	CHESTNUT ST	KRUG ROBERT E WWII VET BLIND &	\$ 201,400	\$ 219.53
027 C01006S	10:CONDOMINIUMS	21	CHESTNUT ST	SCHWELLENBACH JAMES C &	\$ 189,500	\$ 206.56
027 C01006W	10:CONDOMINIUMS	21	CHESTNUT ST	BARRY PRUDENCE B	\$ 209,800	\$ 228.68
027 C01007E	10:CONDOMINIUMS	21	CHESTNUT ST	HARDING ALICIA &	\$ 251,400	\$ 274.03
027 C01007N	10:CONDOMINIUMS	21	CHESTNUT ST	GREENLEAF NANCY P	\$ 209,700	\$ 228.57
027 C01007S	10:CONDOMINIUMS	21	CHESTNUT ST	KELLY MARILYN E TRUSTEE	\$ 246,300	\$ 268.47
027 C01007W	10:CONDOMINIUMS	21	CHESTNUT ST	MOORE TERRANCE O &	\$ 249,800	\$ 272.28
027 C01008N	10:CONDOMINIUMS	21	CHESTNUT ST	COTSIRILOS STEPHANIE G	\$ 318,300	\$ 346.95
027 C01008S	10:CONDOMINIUMS	21	CHESTNUT ST	WILLIAMS JAN &	\$ 325,000	\$ 354.25
027 C01008W	10:CONDOMINIUMS	21	CHESTNUT ST	BUSQUE PETER J	\$ 312,900	\$ 341.06
027 C0102NW	10:CONDOMINIUMS	21	CHESTNUT ST	DUNDAR ERGUN	\$ 164,300	\$ 179.09

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027 C0102SE	10:CONDOMINIUMS	21	CHESTNUT ST	DEVAN WILLIAM JOSEPH	\$ 140,000	\$ 152.60
027 C0103NW	10:CONDOMINIUMS	21	CHESTNUT ST	MCCALLY MICHAEL &	\$ 181,400	\$ 197.73
027 C0103SE	10:CONDOMINIUMS	21	CHESTNUT ST	CASTANEA PRIME LLC	\$ 164,500	\$ 179.31
027 C0104NW	10:CONDOMINIUMS	21	CHESTNUT ST	FRAZER LORINDA JANE TRUSTEE	\$ 196,800	\$ 214.51
027 C0104SE	10:CONDOMINIUMS	21	CHESTNUT ST	MCEACHERN LAURIE A	\$ 169,300	\$ 184.54
027 C0105NW	10:CONDOMINIUMS	21	CHESTNUT ST	MACAVOY FRANCIS E &	\$ 219,000	\$ 238.71
027 C0105SE	10:CONDOMINIUMS	21	CHESTNUT ST	MASON PHILIP C JR &	\$ 181,800	\$ 198.16
027 C0106NW	10:CONDOMINIUMS	21	CHESTNUT ST	141 PLEASANT STREET LLC	\$ 222,400	\$ 242.42
027 C0106SE	10:CONDOMINIUMS	21	CHESTNUT ST	EISENBERG AVNER &	\$ 189,600	\$ 206.66
027 C011001	27:MULTI-USE COMMERCIAL	15	CHESTNUT ST	BOODILLY LLC	\$ 1,809,800	\$ 1,972.68
027 C012001	56:GOVERNMENTAL	389	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
027 D001001	32:WAREHOUSE & STORAGE	385	CONGRESS ST	385 CONGRESS LLC	\$ 2,349,540	\$ 2,561.00
027 F001001	22:OFFICE BUSINESS	50	MONUMENT SQ	THE LANCASTER GROUP LLC	\$ 3,166,400	\$ 3,451.38
027 F002001	10:CONDOMINIUMS	28	MONUMENT SQ	BUDDE SCOTT &	\$ 754,100	\$ 821.97
027 F002002	10:CONDOMINIUMS	28	MONUMENT SQ	STODDARD ROBERT B &	\$ 549,800	\$ 599.28
027 F002003	20:COMMERCIAL CONDOS	28	MONUMENT SQ	28 MSQ LLC	\$ 232,300	\$ 253.21
027 F002004	20:COMMERCIAL CONDOS	28	MONUMENT SQ	28 MSQ LLC	\$ 246,300	\$ 268.47
027 F002005	20:COMMERCIAL CONDOS	28	MONUMENT SQ	28 MSQ LLC	\$ 116,300	\$ 126.77
027 F003001	21:RETAIL SERVICES	22	MONUMENT SQ	STORREY INDUSTRIES LLC	\$ 1,679,700	\$ 1,830.87
027 F004001	25:PARKING LOTS	6	MONUMENT SQ	PARCHEGGIO LLC	\$ 187,000	\$ 203.83
027 F005001	27:MULTI-USE COMMERCIAL	18	MONUMENT SQ	18 MONUMENT PLACE LLC	\$ 574,700	\$ 626.42
027 F006001	21:RETAIL SERVICES	16	MONUMENT SQ	MCCURTAIN BRADLEY C	\$ 706,700	\$ 770.30
027 F009001	21:RETAIL SERVICES	121	CENTER ST	TEDLUM ASSOCIATES LLC	\$ 3,820,000	\$ 4,163.80
027 F011001	21:RETAIL SERVICES	1	MONUMENT WAY	EAST END CORP	\$ 3,465,500	\$ 3,777.40
027 F014001	19:AUXILIARY BUILDINGS	0	MONUMENT SQ	TWO MONUMENT WAY ASSOCIATES	\$ 31,700	\$ 34.55
027 F023001	27:MULTI-USE COMMERCIAL	30	CITY CTR	RODWAY PETER E &	\$ 329,900	\$ 359.59
027 F024001	21:RETAIL SERVICES	28	CITY CTR	BROWN J B & SONS	\$ 323,600	\$ 352.72
027 F026001	21:RETAIL SERVICES	26	CITY CTR	BROWN J B & SONS	\$ 627,700	\$ 684.19
027 F027001	22:OFFICE BUSINESS	24	CITY CTR	BROWN J B & SONS	\$ 906,800	\$ 988.41
027 F028001	25:PARKING LOTS	41	FREE ST	TEDLUM ASSOCIATES LLC	\$ 117,920	\$ 128.53
027 F029001	25:PARKING LOTS	23	FREE ST	ONE CITY CENTER ASSOCIATES LLC	\$ 6,584,700	\$ 7,177.32
027 G001001	58:LAND BANKS	456	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
028 A001001	56:GOVERNMENTAL	380	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
028 B001001	58:LAND BANKS	350	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
028 E001001	56:GOVERNMENTAL	168	FEDERAL ST	UNITED STATES	\$ -	\$ -
028 F001001	56:GOVERNMENTAL	142	FEDERAL ST	CUMBERLAND COUNTY OF	\$ -	\$ -
028 K001001	21:RETAIL SERVICES	77	MARKET ST	85 MARKET STREET LLC	\$ 1,647,500	\$ 1,795.78
028 K002001	22:OFFICE BUSINESS	66	PEARL ST	LEADER PROPERTIES LLC	\$ 4,394,900	\$ 4,790.44
028 K003001	22:OFFICE BUSINESS	75	MARKET ST	WHOLLY COW LLC	\$ 3,643,900	\$ 3,971.85
028 L002001	56:GOVERNMENTAL	0	NEWBURY ST	CUMBERLAND COUNTY INHABITANTS	\$ -	\$ -
028 L005001	20:COMMERCIAL CONDOS	75	PEARL ST	WBFM LLC	\$ 1,020,700	\$ 1,112.56
028 L00502A	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 571,300	\$ 622.72
028 L00502B	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 449,000	\$ 489.41

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028 L00503A	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 352,000	\$ 383.68
028 L00503B	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 461,900	\$ 503.47
028 L00504A	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 352,000	\$ 383.68
028 L00504B	20:COMMERCIAL CONDOS	75	PEARL ST	WOODMAN BUILDING	\$ 571,300	\$ 622.72
028 L007001	24:WHOLESALE	131	MIDDLE ST	RACLEFF BLOCK LLC	\$ 2,168,800	\$ 2,363.99
028 M001001	56:GOVERNMENTAL	192	NEWBURY ST	CUMBERLAND COUNTY OF	\$ -	\$ -
028 M005001	21:RETAIL SERVICES	121	MIDDLE ST	123 LLC	\$ 2,738,300	\$ 2,984.75
028 N001001	56:GOVERNMENTAL	109	MIDDLE ST	CITY OF PORTLAND	\$ -	\$ -
028 N009001	21:RETAIL SERVICES	115	MIDDLE ST	BROTHERS THREE LLC	\$ 648,300	\$ 706.65
028 N010001	21:RETAIL SERVICES	111	MIDDLE ST	VENTURE III HOLDINGS LLC	\$ 200,100	\$ 218.11
029 A00101A	20:COMMERCIAL CONDOS	150	MIDDLE ST	PROSPERITA LLC	\$ 433,000	\$ 471.97
029 A00101B	20:COMMERCIAL CONDOS	150	MIDDLE ST	PEG REALTY LLC	\$ 329,700	\$ 359.37
029 A00101C	20:COMMERCIAL CONDOS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 290,700	\$ 316.86
029 A00101D	20:COMMERCIAL CONDOS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 290,700	\$ 316.86
029 A00102A	10:CONDOMINIUMS	150	MIDDLE ST	FRANK PATRICK J JR	\$ 161,600	\$ 176.14
029 A00102B	10:CONDOMINIUMS	150	MIDDLE ST	SAVATTERI SALVATORE JR &	\$ 150,800	\$ 164.37
029 A00102C	10:CONDOMINIUMS	150	MIDDLE ST	MEIL JOAN F &	\$ 158,900	\$ 173.20
029 A00102D	10:CONDOMINIUMS	150	MIDDLE ST	TREGONING DAVID C TRUSTEE	\$ 153,400	\$ 167.21
029 A00102E	10:CONDOMINIUMS	150	MIDDLE ST	ERNEST PAUL W &	\$ 167,400	\$ 182.47
029 A00102F	10:CONDOMINIUMS	150	MIDDLE ST	BOEPPLE ELIZABETH ANN	\$ 158,400	\$ 172.66
029 A00102G	10:CONDOMINIUMS	150	MIDDLE ST	KIRK CHARLES M	\$ 126,500	\$ 137.89
029 A00102H	10:CONDOMINIUMS	150	MIDDLE ST	JOHNS F ARTHUR T	\$ 161,600	\$ 176.14
029 A00102I	10:CONDOMINIUMS	150	MIDDLE ST	MAVROUDIS DEBORAH A	\$ 149,600	\$ 163.06
029 A00102J	10:CONDOMINIUMS	150	MIDDLE ST	MILLS S PETER	\$ 137,100	\$ 149.44
029 A00102K	10:CONDOMINIUMS	150	MIDDLE ST	MILLS S PETER	\$ 160,900	\$ 175.38
029 A00103A	10:CONDOMINIUMS	150	MIDDLE ST	WEINBERG DIANE L TRUSTEE	\$ 178,400	\$ 194.46
029 A00103B	10:CONDOMINIUMS	150	MIDDLE ST	ROBERTS MATTHEW	\$ 150,800	\$ 164.37
029 A00103C	10:CONDOMINIUMS	150	MIDDLE ST	BELL KEVIN P &	\$ 158,900	\$ 173.20
029 A00103D	10:CONDOMINIUMS	150	MIDDLE ST	AHP CAMDEN LLC	\$ 153,400	\$ 167.21
029 A00103E	10:CONDOMINIUMS	150	MIDDLE ST	ROBERTS MATTHEW	\$ 200,900	\$ 218.98
029 A00103F	10:CONDOMINIUMS	150	MIDDLE ST	M & B 101 INC	\$ 166,800	\$ 181.81
029 A00103G	10:CONDOMINIUMS	150	MIDDLE ST	M & B 101 INC	\$ 143,300	\$ 156.20
029 A00103H	10:CONDOMINIUMS	150	MIDDLE ST	HENDERSON HAROLD L &	\$ 139,000	\$ 151.51
029 A00103I	10:CONDOMINIUMS	150	MIDDLE ST	HARDING WILLIAM TRUSTEE	\$ 149,600	\$ 163.06
029 A00103J	10:CONDOMINIUMS	150	MIDDLE ST	WALTER MARIA L TRUSTEE	\$ 137,100	\$ 149.44
029 A00103K	10:CONDOMINIUMS	150	MIDDLE ST	MACBRIDE JENNIFER L	\$ 160,900	\$ 175.38
029 A00104A	10:CONDOMINIUMS	150	MIDDLE ST	BIXBY DOUGLAS B &	\$ 161,600	\$ 176.14
029 A00104B	10:CONDOMINIUMS	150	MIDDLE ST	TURNER SCOTT H &	\$ 150,800	\$ 164.37
029 A00104C	10:CONDOMINIUMS	150	MIDDLE ST	CAMP PETER S	\$ 158,900	\$ 173.20
029 A00104D	10:CONDOMINIUMS	150	MIDDLE ST	GUTWIN JOHN D &	\$ 136,600	\$ 148.89
029 A00104E	10:CONDOMINIUMS	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE	\$ 167,400	\$ 182.47
029 A00104F	10:CONDOMINIUMS	150	MIDDLE ST	WINSLOW DARREN R &	\$ 166,800	\$ 181.81
029 A00104G	10:CONDOMINIUMS	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	\$ 143,300	\$ 156.20

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029 A00104H	10:CONDOMINIUMS	150	MIDDLE ST	150 MIDDLE LLC	\$ 155,800	\$ 169.82
029 A00104I	10:CONDOMINIUMS	150	MIDDLE ST	KOSTA KATHERINE C	\$ 149,600	\$ 163.06
029 A00104J	10:CONDOMINIUMS	150	MIDDLE ST	GREENZWEIG NEIL TRUSTEE	\$ 137,100	\$ 149.44
029 A00104K	10:CONDOMINIUMS	150	MIDDLE ST	ZANARDI MARIAGRAZIA	\$ 160,900	\$ 175.38
029 A00105A	20:COMMERCIAL CONDOS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 799,300	\$ 871.24
029 A00105B	10:CONDOMINIUMS	150	MIDDLE ST	DUNKERLY ALLAN S TRUSTEE	\$ 402,900	\$ 439.16
029 A0010BA	20:COMMERCIAL CONDOS	150	MIDDLE ST	242 NEWRY PARTNERS	\$ 188,500	\$ 205.47
029 A0010BB	20:COMMERCIAL CONDOS	150	MIDDLE ST	242 NEWRY PARTNERS	\$ 188,500	\$ 205.47
029 A001P01	10:CONDOMINIUMS	150	MIDDLE ST	DUNKERLY MARY V	\$ 10,100	\$ 11.01
029 A001P02	10:CONDOMINIUMS	150	MIDDLE ST	GIUSTRA BETSY M TRUSTEE	\$ 5,100	\$ 5.56
029 A001P03	10:CONDOMINIUMS	150	MIDDLE ST	ROBERTS MATTHEW	\$ 10,400	\$ 11.34
029 A001P04	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P05	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P06	10:CONDOMINIUMS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 10,100	\$ 11.01
029 A001P07	10:CONDOMINIUMS	150	MIDDLE ST	IN FIRM GROUP THE	\$ 10,100	\$ 11.01
029 A001P08	10:CONDOMINIUMS	150	MIDDLE ST	GIARRAPUTO CYNTHIA R &	\$ 10,100	\$ 11.01
029 A001P09	10:CONDOMINIUMS	150	MIDDLE ST	MCGOLDRICK RICHARD J	\$ 10,100	\$ 11.01
029 A001P10	10:CONDOMINIUMS	150	MIDDLE ST	FRANK PATRICK J JR	\$ 10,100	\$ 11.01
029 A001P11	10:CONDOMINIUMS	150	MIDDLE ST	FRANK PATRICK J JR	\$ 10,100	\$ 11.01
029 A001P12	10:CONDOMINIUMS	150	MIDDLE ST	INFIRM GROUP	\$ 10,100	\$ 11.01
029 A001P13	10:CONDOMINIUMS	150	MIDDLE ST	MILLS S PETER	\$ 10,100	\$ 11.01
029 A001P14	10:CONDOMINIUMS	150	MIDDLE ST	ERNEST PAUL W &	\$ 10,100	\$ 11.01
029 A001P15	10:CONDOMINIUMS	150	MIDDLE ST	BIXBY DOUGLAS B &	\$ 10,100	\$ 11.01
029 A001P16	10:CONDOMINIUMS	150	MIDDLE ST	MACBRIDE JENNIFER L	\$ 10,100	\$ 11.01
029 A001P17	10:CONDOMINIUMS	150	MIDDLE ST	CAMP PETER S	\$ 10,100	\$ 11.01
029 A001P18	10:CONDOMINIUMS	150	MIDDLE ST	CEDRONE RONALD M	\$ 10,100	\$ 11.01
029 A001P19	10:CONDOMINIUMS	150	MIDDLE ST	CEDRONE RONALD M	\$ 10,100	\$ 11.01
029 A001P20	10:CONDOMINIUMS	150	MIDDLE ST	AHP CAMDEN LLC	\$ 10,100	\$ 11.01
029 A001P21	10:CONDOMINIUMS	150	MIDDLE ST	DUNKERLY ALLAN S &	\$ 10,100	\$ 11.01
029 A001P22	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P23	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P24	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P25	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P26	10:CONDOMINIUMS	150	MIDDLE ST	MIRS PROPERTIES LLC	\$ 10,100	\$ 11.01
029 A001P27	10:CONDOMINIUMS	150	MIDDLE ST	HARDING WILLIAM TRUSTEE	\$ 10,100	\$ 11.01
029 A001P28	10:CONDOMINIUMS	150	MIDDLE ST	SHIPYARD INC	\$ 10,100	\$ 11.01
029 A001P29	10:CONDOMINIUMS	150	MIDDLE ST	SHIPYARD INC	\$ 10,100	\$ 11.01
029 A003001	22:OFFICE BUSINESS	5	MILK ST	5 MILK STREET LLC	\$ 2,561,900	\$ 2,792.47
029 B001001	21:RETAIL SERVICES	37	SILVER ST	WITT-T LLC	\$ 520,400	\$ 567.24
029 B002001	22:OFFICE BUSINESS	4	MILK ST	4 MILK MHR LLC	\$ 1,502,300	\$ 1,637.51
029 B003001	25:PARKING LOTS	25	SILVER ST	PORTLAND REGENCY INC	\$ 600,550	\$ 654.60
029 B004001	10:CONDOMINIUMS	341	FORE ST	JACKSON MICHAEL	\$ 140,700	\$ 153.36
029 B004002	10:CONDOMINIUMS	341	FORE ST	O'CONNOR DENNIS R III &	\$ 127,400	\$ 138.87
029 B004003	10:CONDOMINIUMS	341	FORE ST	ROSE JOHN &	\$ 146,800	\$ 160.01
029 B004004	10:CONDOMINIUMS	341	FORE ST	CHILDS DONNA W	\$ 140,700	\$ 153.36
029 B004005	10:CONDOMINIUMS	341	FORE ST	PENDERS JOHN F IV	\$ 128,600	\$ 140.17
029 B004006	10:CONDOMINIUMS	341	FORE ST	KELLER BENJAMIN R	\$ 132,300	\$ 144.21
029 B004007	10:CONDOMINIUMS	341	FORE ST	ALAGIC SUAD	\$ 123,900	\$ 135.05
029 B004008	10:CONDOMINIUMS	341	FORE ST	DALTON JENNIFER L	\$ 129,900	\$ 141.59
029 B004009	10:CONDOMINIUMS	341	FORE ST	HAAPALA BRIAN R &	\$ 397,500	\$ 433.28

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029 B004010	20:COMMERCIAL CONDOS	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC	\$ 180,000	\$ 196.20
029 B004011	20:COMMERCIAL CONDOS	341	FORE ST	BOOTHBY SQUARE PROPERTIES LLC	\$ 118,100	\$ 128.73
029 C001001	10:CONDOMINIUMS	340	FORE ST	ADB REATLY LLC	\$ 120,000	\$ 130.80
029 C001002	10:CONDOMINIUMS	340	FORE ST	HAYEK LEE-ANN COLLINS TRUSTEE	\$ 128,000	\$ 139.52
029 C001003	10:CONDOMINIUMS	340	FORE ST	207 INVESTS LLC	\$ 220,000	\$ 239.80
029 C001004	20:COMMERCIAL CONDOS	340	FORE ST	ABD REALTY LLC	\$ 141,500	\$ 154.24
029 C001005	20:COMMERCIAL CONDOS	340	FORE ST	ADB REALTY LLC	\$ 65,900	\$ 71.83
029 C002001	21:RETAIL SERVICES	336	FORE ST	DOCK FORE INC	\$ 348,000	\$ 379.32
029 C003001	21:RETAIL SERVICES	334	FORE ST	PORT CITY APARTMENTS	\$ 401,100	\$ 437.20
029 C005001	21:RETAIL SERVICES	330	FORE ST	J & R VENTURES LLC	\$ 445,700	\$ 485.81
029 C006001	20:COMMERCIAL CONDOS	3	GOLD ST	GOLD STREET PROPERTIES LLC	\$ 157,000	\$ 171.13
029 C006002	20:COMMERCIAL CONDOS	1	GOLD ST	ADNERB PROPERTIES LLC	\$ 154,800	\$ 168.73
029 C006003	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 162,100	\$ 176.69
029 C006004	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 167,700	\$ 182.79
029 C006005	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 122,100	\$ 133.09
029 C006006	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 138,200	\$ 150.64
029 C006007	20:COMMERCIAL CONDOS	320	FORE ST	FORE STREET INVESTMENTS LLC	\$ 392,100	\$ 427.39
029 D001001	21:RETAIL SERVICES	129	COMMERCIAL ST	RSB LIMITED LIABILITY COMPANY	\$ 781,200	\$ 851.51
029 D002001	22:OFFICE BUSINESS	121	COMMERCIAL ST	MAD COW LLC	\$ 401,200	\$ 437.31
029 D003001	22:OFFICE BUSINESS	111	COMMERCIAL ST	BLANCHARD BLOCK LLC	\$ 1,773,500	\$ 1,933.12
029 E001001	22:OFFICE BUSINESS	130	MIDDLE ST	ELC LIMITED LIABILITY COMPANY	\$ 5,763,200	\$ 6,281.89
029 E006001	22:OFFICE BUSINESS	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC	\$ 17,438,600	\$ 19,008.07
029 E007001	21:RETAIL SERVICES	291	FORE ST	291 FORE STREET LLC	\$ 812,000	\$ 885.08
029 E009001	27:MULTI-USE COMMERCIAL	25	PEARL ST	25 PEARL MHR LLC	\$ 14,588,600	\$ 15,901.57
029 E012001	25:PARKING LOTS	277	FORE ST	287 FORE STREET LLC	\$ 321,580	\$ 350.52
029 E016001	22:OFFICE BUSINESS	31	PEARL ST	130 LIMITED LIABILITY COMPANY	\$ 4,790,700	\$ 5,221.86
029 E019001	56:GOVERNMENTAL	0	FRANKLIN ST	CITY OF PORTLAND	\$ -	\$ -
029 E026001	22:OFFICE BUSINESS	100	MIDDLE ST	ALBANY ROAD-PORTLAND LLC	\$ 16,469,500	\$ 17,951.76
029 G001001	56:GOVERNMENTAL	99	COMMERCIAL ST	UNITED STATES	\$ -	\$ -
029 K001001	22:OFFICE BUSINESS	7	CUSTOM HOUSE ST	OLYMPIA EQUITY	\$ 5,902,300	\$ 6,433.51
029 K002001	21:RETAIL SERVICES	288	FORE ST	EAST BROWN COW LIMITED	\$ 1,103,000	\$ 1,202.27
029 K003001	23:HOTEL & MOTEL	57	COMMERCIAL ST	OLYMPIA EQUITY INVESTORS V LLC	\$ 10,717,000	\$ 11,681.53
029 K005001	22:OFFICE BUSINESS	280	FORE ST	BANGOR SAVINGS BANK	\$ 13,235,600	\$ 14,426.80
029 K006001	40:VACANT LAND	300	FORE ST	OLYMPIA EQUITY	\$ 497,800	\$ 542.60
029 K006002	55:LITERARY & SCIENTIFIC	300	FORE ST	COUNCIL INTERNATIONAL STUDY	\$ -	\$ -
029 K00601A	55:LITERARY & SCIENTIFIC	300	FORE ST	COUNCIL INTERNATIONAL STUDY	\$ -	\$ -

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029 K00601B	55:LITERARY & SCIENTIFIC	300	FORE ST	CIEE INC	\$ -	\$ -
029 K0060B2	20:COMMERCIAL CONDOS	300	FORE ST	OLYMPIA EQUITY	\$ 98,000	\$ 106.82
029 K0060B3	20:COMMERCIAL CONDOS	300	FORE ST	OLYMPIA EQUITY	\$ 70,000	\$ 76.30
029 O001011	10:CONDOMINIUMS	99	SILVER ST	ARENSBERG LEE C TRUSTEE	\$ 120,400	\$ 131.24
029 O001012	10:CONDOMINIUMS	99	SILVER ST	TOZESKI DAVID P	\$ 113,800	\$ 124.04
029 O001013	10:CONDOMINIUMS	99	SILVER ST	HOLSTEIN ERIC B &	\$ 121,100	\$ 132.00
029 O001021	10:CONDOMINIUMS	99	SILVER ST	THOMS DEBORAH L	\$ 111,300	\$ 121.32
029 O001023	10:CONDOMINIUMS	99	SILVER ST	ANYA ROSE LLC	\$ 140,200	\$ 152.82
029 O001024	10:CONDOMINIUMS	99	SILVER ST	ARNDT CHANNING P	\$ 114,700	\$ 125.02
029 O001025	10:CONDOMINIUMS	99	SILVER ST	LINCOLN STREET PROERTIES LLC	\$ 106,800	\$ 116.41
029 O001026	10:CONDOMINIUMS	99	SILVER ST	FISCHER CHRISTOPHER E	\$ 110,000	\$ 119.90
029 O001028	10:CONDOMINIUMS	99	SILVER ST	GOODMAN ISAAC D &	\$ 130,500	\$ 142.25
029 O001029	10:CONDOMINIUMS	99	SILVER ST	COUSINS DAVID A	\$ 127,900	\$ 139.41
029 O001031	10:CONDOMINIUMS	99	SILVER ST	CAB HOLDINGS LLC	\$ 123,800	\$ 134.94
029 O001032	10:CONDOMINIUMS	99	SILVER ST	BOROWSKI ROBERT B	\$ 125,500	\$ 136.80
029 O001033	10:CONDOMINIUMS	99	SILVER ST	ARTISTWANNABE LLC	\$ 125,500	\$ 136.80
029 O001034	10:CONDOMINIUMS	99	SILVER ST	BERG HENRY T TRUSTEE	\$ 125,500	\$ 136.80
029 O001035	10:CONDOMINIUMS	99	SILVER ST	GADBOIS GEORGE A &	\$ 125,500	\$ 136.80
029 O001036	10:CONDOMINIUMS	99	SILVER ST	FINCH ANNIE &	\$ 117,900	\$ 128.51
029 O001037	10:CONDOMINIUMS	99	SILVER ST	KINSMAN JESSICA A	\$ 93,100	\$ 101.48
029 O001038	10:CONDOMINIUMS	99	SILVER ST	ZURKAN WILLIAM K	\$ 102,300	\$ 111.51
029 O001039	10:CONDOMINIUMS	99	SILVER ST	LEDUC SANDRA J & SOREL &	\$ 112,600	\$ 122.73
029 O001041	10:CONDOMINIUMS	99	SILVER ST	LINCOLN STREET PROPERTIES LLC	\$ 129,100	\$ 140.72
029 O001042	10:CONDOMINIUMS	99	SILVER ST	KINGRA MICHAEL R &	\$ 129,100	\$ 140.72
029 O001043	10:CONDOMINIUMS	99	SILVER ST	BHANDARI AMEESH M &	\$ 138,400	\$ 150.86
029 O001044	10:CONDOMINIUMS	99	SILVER ST	LITTLEJOHN CLIFTON T	\$ 126,900	\$ 138.32
029 O001045	10:CONDOMINIUMS	99	SILVER ST	DG CONDO 4 LLC	\$ 125,500	\$ 136.80
029 O001046	10:CONDOMINIUMS	99	SILVER ST	VAN PEURSEM CORINNE M	\$ 125,500	\$ 136.80
029 O001047	10:CONDOMINIUMS	99	SILVER ST	KASSEL GRANT D	\$ 91,900	\$ 100.17
029 O001048	10:CONDOMINIUMS	99	SILVER ST	PEEL BRUCE H	\$ 102,700	\$ 111.94
029 O001049	10:CONDOMINIUMS	99	SILVER ST	CHISHOLM ADAM C	\$ 97,500	\$ 106.28
029 O001210	10:CONDOMINIUMS	99	SILVER ST	LINCOLN STREET PROPERTIES LLC	\$ 105,500	\$ 115.00
029 O001211	10:CONDOMINIUMS	99	SILVER ST	GINTER DAVID R	\$ 101,600	\$ 110.74
029 O001212	10:CONDOMINIUMS	99	SILVER ST	SILVER VICTORIA J	\$ 96,100	\$ 104.75
029 O001213	10:CONDOMINIUMS	99	SILVER ST	PROSSER JAMES G	\$ 105,600	\$ 115.10
029 O001310	10:CONDOMINIUMS	99	SILVER ST	HEALY ROBERT E &	\$ 115,100	\$ 125.46
029 O001410	10:CONDOMINIUMS	99	SILVER ST	SMITH GARY R &	\$ 124,000	\$ 135.16
029 O001501	10:CONDOMINIUMS	99	SILVER ST	KATZ JAMES &	\$ 389,600	\$ 424.66
029 O001502	20:COMMERCIAL CONDOS	99	SILVER ST	PEAK 5 EQUITIES LLC	\$ 406,200	\$ 442.76
029 O001B01	10:CONDOMINIUMS	99	SILVER ST	CHANDLER BENJAMIN P	\$ 100,000	\$ 109.00
029 O001B02	10:CONDOMINIUMS	99	SILVER ST	JOHNSON BEN A	\$ 100,000	\$ 109.00
029 O002001	21:RETAIL SERVICES	164	MIDDLE ST	NDA 164 MIDDLE STREET LLC	\$ 1,535,100	\$ 1,673.26
029 O003001	25:PARKING LOTS	43	MARKET ST	PORTLAND REGENCY INC	\$ 285,520	\$ 311.22
029 O004001	25:PARKING LOTS	11	MILK ST	PORTLAND REGENCY INC	\$ 112,080	\$ 122.17
029 R001001	23:HOTEL & MOTEL	20	MILK ST	PORTLAND REGENCY INC	\$ 8,120,800	\$ 8,851.67
029 S001001	22:OFFICE BUSINESS	145	COMMERCIAL ST	FLEMING CREEK LLC ETALS	\$ 6,509,400	\$ 7,095.25
029 S002001	56:GOVERNMENTAL	145	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -

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PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
030 A005001	21:RETAIL SERVICES	94	COMMERCIAL ST	BMC INC	\$ 1,127,400	\$ 1,228.87
030 A101001	21:RETAIL SERVICES	90	COMMERCIAL ST	PROPRIETORS OF CUSTOM HOUSE	\$ 269,400	\$ 293.65
030 C001001	27:MULTI-USE COMMERCIAL	100	COMMERCIAL ST	SOLEY WHARF LLC	\$ 5,557,100	\$ 6,057.24
030 D001001	22:OFFICE BUSINESS	68	COMMERCIAL ST	MAINE WHARF LLC	\$ 4,041,100	\$ 4,404.80
030 D003001	22:OFFICE BUSINESS	70	COMMERCIAL ST	FLATBREAD WHARF LLC	\$ 1,857,800	\$ 2,025.00
030 D005001	21:RETAIL SERVICES	84	COMMERCIAL ST	84 COMMERCIAL STREET LLC	\$ 537,500	\$ 585.88
030 H001001	27:MULTI-USE COMMERCIAL	180	COMMERCIAL ST	DIMILLO ARLENE ETALS TRUSTEES	\$ 2,160,500	\$ 2,354.95
030 H004001	24:WHOLESALE	136	COMMERCIAL ST	CARROLL BLOCK LLC	\$ 2,345,100	\$ 2,556.16
030 H011001	25:PARKING LOTS	9	PORTLAND PIER	CARROLL BLOCK LLC	\$ 26,880	\$ 29.30
031 H001001	25:PARKING LOTS	158	COMMERCIAL ST	DIMILLO STEVEN ETALTRUSTEES	\$ 595,300	\$ 648.88
031 H003001	25:PARKING LOTS	144	COMMERCIAL ST	DIMILLO STEVEN ETAL TRUSTEES	\$ 567,800	\$ 618.90
031 H004001	27:MULTI-USE COMMERCIAL	164	COMMERCIAL ST	DIMILLO ARLENE ETALS TRUSTEES	\$ 1,014,800	\$ 1,106.13
031 J030001	21:RETAIL SERVICES	184	COMMERCIAL ST	GEF LLC	\$ 1,340,370	\$ 1,461.00
031 K103001	25:PARKING LOTS	218	COMMERCIAL ST	PROPRIETORS OF UNION WHARF	\$ 239,080	\$ 260.60
031 L034001	31:MANUFACTURING	250	COMMERCIAL ST	CM WATERFRONT PROPERTIES LLC	\$ 2,156,800	\$ 2,350.91
031 L038001	25:PARKING LOTS	230	COMMERCIAL ST	PROPRIETORS OF UNION WHARF	\$ 45,130	\$ 49.19
031 L135001	24:WHOLESALE	1	UNION WHARF	PROPRIETORS OF UNION WHARF	\$ 1,351,100	\$ 1,472.70
032 C001001	23:HOTEL & MOTEL	390	CONGRESS ST	PRESS HOTEL LLC	\$ 10,929,700	\$ 11,913.37
032 D001001	22:OFFICE BUSINESS	107	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 918,700	\$ 1,001.38
032 D002001	22:OFFICE BUSINESS	97	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 1,959,500	\$ 2,135.86
032 D003001	22:OFFICE BUSINESS	93	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 1,430,600	\$ 1,559.35
032 D004001	22:OFFICE BUSINESS	85	EXCHANGE ST	TOP OF EXCHANGE LLC	\$ 2,548,400	\$ 2,777.76
032 D005001	58:LAND BANKS	167	MIDDLE ST	CITY OF PORTLAND	\$ -	\$ -
032 E001001	22:OFFICE BUSINESS	57	EXCHANGE ST	57 EXCHANGE STREET LLC	\$ 2,906,700	\$ 3,168.30
032 E002001	21:RETAIL SERVICES	53	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 1,176,800	\$ 1,282.71
032 E004001	21:RETAIL SERVICES	49	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 567,400	\$ 618.47
032 E005001	22:OFFICE BUSINESS	45	EXCHANGE ST	45 EXCHANGE STREET LLC	\$ 2,130,900	\$ 2,322.68
032 E008001	22:OFFICE BUSINESS	39	EXCHANGE ST	PALACCI JOSEPH A TRUSTEE	\$ 949,600	\$ 1,035.06
032 E009001	21:RETAIL SERVICES	31	EXCHANGE ST	B & C LIMITED	\$ 1,027,000	\$ 1,119.43
032 E010001	21:RETAIL SERVICES	46	MARKET ST	MARKET MILK PARTNERS LLC	\$ 888,400	\$ 968.36
032 F001001	21:RETAIL SERVICES	42	MARKET ST	OCEAN BLOCK ASSOCIATES	\$ 809,900	\$ 882.79
032 F002001	24:WHOLESALE	36	MARKET ST	36 MARKET ST	\$ 661,600	\$ 721.14
032 F003001	21:RETAIL SERVICES	30	MARKET ST	E L C INC	\$ 511,600	\$ 557.64
032 F005001	22:OFFICE BUSINESS	363	FORE ST	ELEVEN EXCHANGE LLC	\$ 912,600	\$ 994.73
032 F007001	21:RETAIL SERVICES	375	FORE ST	ELEVEN EXCHANGE LLC	\$ 467,200	\$ 509.25
032 F008001	21:RETAIL SERVICES	375	FORE ST	ELEVEN EXCHANGE LLC	\$ 451,000	\$ 491.59
032 F009001	22:OFFICE BUSINESS	30	MILK ST	OCEAN BLOCK ASSOCIATES	\$ 1,313,700	\$ 1,431.93
032 F010001	21:RETAIL SERVICES	9	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 1,421,700	\$ 1,549.65
032 F012001	21:RETAIL SERVICES	5	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 619,500	\$ 675.26
032 F013001	22:OFFICE BUSINESS	379	FORE ST	ELEVEN EXCHANGE LLC	\$ 648,800	\$ 707.19
032 F014001	21:RETAIL SERVICES	1	EXCHANGE ST	ELEVEN EXCHANGE LLC	\$ 517,600	\$ 564.18

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032 G001001	22:OFFICE BUSINESS	396	CONGRESS ST	A & M PARTNERS INC	\$ 9,329,900	\$ 10,169.59
032 H001001	22:(NO DESCRIPTION)	110	EXCHANGE ST	ONETEN EXCHANGE LLC	\$ 1,216,300	\$ 1,325.77
032 H002001	21:RETAIL SERVICES	106	EXCHANGE ST	RICH BUILDING LLC	\$ 721,500	\$ 786.44
032 H003001	22:OFFICE BUSINESS	102	EXCHANGE ST	PALACCI JOSEPH	\$ 910,800	\$ 992.77
032 H004001	56:GOVERNMENTAL	15	TEMPLE ST	CITY OF PORTLAND	\$ -	\$ -
032 H005001	56:GOVERNMENTAL	1	TEMPLE ST	CITY OF PORTLAND	\$ -	\$ -
032 H005002	22:OFFICE BUSINESS	1	TEMPLE ST	11 TEMPLE MHR LLC	\$ 2,590,200	\$ 2,823.32
032 H006001	22:OFFICE BUSINESS	92	EXCHANGE ST	MAINESCAPE PROPERTIES LLC	\$ 568,300	\$ 619.45
032 H007001	27:MULTI-USE COMMERCIAL	88	EXCHANGE ST	RIVENDELL REAL ESTATE LLC	\$ 718,200	\$ 782.84
032 H008001	22:OFFICE BUSINESS	80	EXCHANGE ST	80 EXCHANGE LLC	\$ 1,992,100	\$ 2,171.39
032 H009001	58:LAND BANKS	70	EXCHANGE ST	CITY OF PORTLAND	\$ -	\$ -
032 H016001	20:COMMERCIAL CONDOS	183	MIDDLE ST	Q STREET REAL ESTATE	\$ 683,900	\$ 745.45
032 H016002	20:COMMERCIAL CONDOS	183	MIDDLE ST	Q STREET REAL ESTATE	\$ 549,700	\$ 599.17
032 H016003	20:COMMERCIAL CONDOS	183	MIDDLE ST	Q STREET REAL ESTATE THIRD	\$ 549,700	\$ 599.17
032 H016004	20:COMMERCIAL CONDOS	183	MIDDLE ST	SLEEPY HOLLOW DEVELOPMENT INC	\$ 258,360	\$ 281.61
032 H01604B	20:COMMERCIAL CONDOS	183	MIDDLE ST	ITM REALTY II LLC	\$ 291,340	\$ 317.56
032 H022001	22:OFFICE BUSINESS	193	MIDDLE ST	SAVI REALTY LLC	\$ 2,294,300	\$ 2,500.79
032 I001001	22:OFFICE BUSINESS	178	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 1,963,200	\$ 2,139.89
032 I002001	21:RETAIL SERVICES	52	EXCHANGE ST	OLD PORT ARMS	\$ 1,557,200	\$ 1,697.35
032 I006001	22:OFFICE BUSINESS	50	EXCHANGE ST	FITZGIBBONS VIRGINIA S &	\$ 593,000	\$ 646.37
032 I007001	27:MULTI-USE COMMERCIAL	0	CANAL PLAZA	COW PLAZA 1 LLC	\$ 381,300	\$ 415.62
032 I008001	21:RETAIL SERVICES	44	EXCHANGE ST	44 EXCHANGE STREET LLC	\$ 1,679,900	\$ 1,831.09
032 I010001	21:RETAIL SERVICES	34	EXCHANGE ST	PALACCI SION &	\$ 932,000	\$ 1,015.88
032 I011001	21:RETAIL SERVICES	30	EXCHANGE ST	MAINELAND REAL ESTATE	\$ 683,100	\$ 744.58
032 I012100	20:COMMERCIAL CONDOS	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC	\$ 1,323,700	\$ 1,442.83
032 I012200	20:COMMERCIAL CONDOS	10	EXCHANGE ST	10 EXCHANGE PROPERTIES LLC	\$ 903,500	\$ 984.82
032 I012301	10:CONDOMINIUMS	10	EXCHANGE ST	PADULA FRANCIS P	\$ 253,400	\$ 276.21
032 I012302	10:CONDOMINIUMS	10	EXCHANGE ST	CURRAN JENNIFER A	\$ 241,100	\$ 262.80
032 I012303	10:CONDOMINIUMS	10	EXCHANGE ST	CULPOVICH ANDREW J &	\$ 116,800	\$ 127.31
032 I012304	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 248,100	\$ 270.43
032 I012305	10:CONDOMINIUMS	10	EXCHANGE ST	DRISCOLL ROBERT &	\$ 170,600	\$ 185.95
032 I012306	10:CONDOMINIUMS	10	EXCHANGE ST	POMROY'S PORTLAND	\$ 262,900	\$ 286.56
032 I012307	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 219,000	\$ 238.71
032 I012308	10:CONDOMINIUMS	10	EXCHANGE ST	EVANS SHERI CHRISTIENNE	\$ 259,000	\$ 282.31
032 I012309	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 219,100	\$ 238.82
032 I012310	10:CONDOMINIUMS	10	EXCHANGE ST	SISU LLC	\$ 255,400	\$ 278.39
032 I012311	10:CONDOMINIUMS	10	EXCHANGE ST	SOLEY CORP LLC	\$ 116,800	\$ 127.31
032 I012312	10:CONDOMINIUMS	10	EXCHANGE ST	LOMAC SABIN	\$ 277,000	\$ 301.93
032 I012313	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 255,900	\$ 278.93
032 I012314	10:CONDOMINIUMS	10	EXCHANGE ST	GORDON ABIGAIL	\$ 240,800	\$ 262.47
032 I012401	10:CONDOMINIUMS	10	EXCHANGE ST	TEN EXCHANGE HOLDINGS LLC	\$ 292,100	\$ 318.39
032 I012402	10:CONDOMINIUMS	10	EXCHANGE ST	TEN EXCHANGE HOLDINGS LLC	\$ 306,100	\$ 333.65

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032 I012404	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 269,800	\$ 294.08
032 I012405	10:CONDOMINIUMS	10	EXCHANGE ST	DOYLE KEVIN F &	\$ 168,000	\$ 183.12
032 I012406	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 291,500	\$ 317.74
032 I012407	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 255,500	\$ 278.50
032 I012408	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 270,000	\$ 294.30
032 I012409	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 284,400	\$ 310.00
032 I012410	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 277,600	\$ 302.58
032 I012411	10:CONDOMINIUMS	10	EXCHANGE ST	10 EXCHANGE STREET LLC	\$ 240,800	\$ 262.47
032 I012412	10:CONDOMINIUMS	10	EXCHANGE ST	SCOTT STEVEN J	\$ 197,100	\$ 214.84
032 I012413	10:CONDOMINIUMS	10	EXCHANGE ST	WHEELWRIGHT HENRY J TRUSTEE	\$ 278,900	\$ 304.00
032 I012414	10:CONDOMINIUMS	10	EXCHANGE ST	HELL'S BELLS LLC	\$ 255,100	\$ 278.06
032 I018001	21:RETAIL SERVICES	395	FORE ST	395 FORE STREET LLC	\$ 912,300	\$ 994.41
032 I021001	21:RETAIL SERVICES	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 3,508,600	\$ 3,824.37
032 I023001	22:OFFICE BUSINESS	3	CANAL PLAZA	COW PLAZA 3 LLC	\$ 7,027,400	\$ 7,659.87
032 I033001	22:OFFICE BUSINESS	2	CANAL PLAZA	COW PLAZA 2 LLC	\$ 4,650,300	\$ 5,068.83
032 I036001	22:OFFICE BUSINESS	1	CANAL PLAZA	COW PLAZA 1 LLC	\$ 15,976,800	\$ 17,414.71
032 I038001	40:VACANT LAND	182	MIDDLE ST	MIDDLE STREET HOLDINGS LLC	\$ 53,700	\$ 58.53
032 I039001	33:TRANSPORTATIONA L	40	UNION ST	CENTRAL MAINE POWER CO	\$ 1,289,200	\$ 1,405.23
032 I040001	25:PARKING LOTS	44	EXCHANGE ST	COW PLAZA 1 LLC	\$ 247,500	\$ 269.78
032 I041001	27:MULTI-USE COMMERCIAL	425	FORE ST	COW PLAZA GARAGE LLC	\$ 6,348,800	\$ 6,920.19
032 I041002	27:MULTI-USE COMMERCIAL	401	FORE ST	BANGOR SAVINGS BANK	\$ 85,000	\$ 92.65
032 I042001	23:HOTEL & MOTEL	433	FORE ST	COW PLAZA HOTEL LLC	\$ 11,786,100	\$ 12,846.85
032 J001001	21:RETAIL SERVICES	386	FORE ST	386 FORE STREET LLC	\$ 1,197,900	\$ 1,305.71
032 J002001	21:RETAIL SERVICES	392	FORE ST	BEER GUYS LLC	\$ 864,600	\$ 942.41
032 J004001	20:COMMERCIAL CONDOS	396	FORE ST	BEER GUYS LLC	\$ 166,400	\$ 181.38
032 J004002	20:COMMERCIAL CONDOS	396	FORE ST	BEER GUYS LLC	\$ 180,300	\$ 196.53
032 J004003	10:CONDOMINIUMS	396	FORE ST	BEER GUYS LLC	\$ 228,300	\$ 248.85
032 J00400B	20:COMMERCIAL CONDOS	396	FORE ST	BEER GUYS LLC	\$ 151,600	\$ 165.24
032 J005001	20:COMMERCIAL CONDOS	398	FORE ST	FORE STREET PARTNERSHIP	\$ 375,100	\$ 408.86
032 J005002	20:COMMERCIAL CONDOS	398	FORE ST	FORE STREET PROPERTIES	\$ 300,000	\$ 327.00
032 J005003	20:COMMERCIAL CONDOS	398	FORE ST	INGALLS ROGER E	\$ 271,600	\$ 296.04
032 J005004	20:COMMERCIAL CONDOS	398	FORE ST	INGALLS ROGER E	\$ 271,600	\$ 296.04
032 K001001	22:OFFICE BUSINESS	2	MONUMENT SQ	800 NORTHERN CORP	\$ 15,107,800	\$ 16,467.50
032 K012001	22:OFFICE BUSINESS	1	MONUMENT SQ	FINARD MURRAY W TR	\$ 13,301,000	\$ 14,498.09
032 L001001	56:GOVERNMENTAL	234	FEDERAL ST W	CITY OF PORTLAND	\$ -	\$ -
032 L002001	22:OFFICE BUSINESS	1	CITY CTR	ONE CITY CENTER ASSOCIATES LLC	\$ 29,070,000	\$ 31,686.30
032 N009001	21:RETAIL SERVICES	414	FORE ST	GOULD COMPANY LLC	\$ 601,300	\$ 655.42
032 N010001	21:RETAIL SERVICES	416	FORE ST	416 FORE STREET LLC	\$ 845,300	\$ 921.38
032 N011001	21:RETAIL SERVICES	422	FORE ST	HARDING RICHARD B ETAL	\$ 450,400	\$ 490.94
032 N012001	21:RETAIL SERVICES	424	FORE ST	SOLETSKY LIMITED LIABILITY CO	\$ 828,700	\$ 903.28
032 P001001	22:OFFICE BUSINESS	2	CITY CTR	TWO CITY CENTER LLC	\$ 3,327,900	\$ 3,627.41
032 P003001	21:RETAIL SERVICES	4	CITY CTR	FOUR CITY CENTER	\$ 1,010,400	\$ 1,101.34

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032 P004001	20:COMMERCIAL CONDOS	6	CITY CTR	SIX CITY CENTER LLC	\$ 2,088,600	\$ 2,276.57
032 P004002	20:COMMERCIAL CONDOS	6	CITY CTR	H & A PROPERTY GROUP LLC	\$ 368,000	\$ 401.12
032 P005001	56:GOVERNMENTAL	0	SPRING ST ARTERIAL	CITY OF PORTLAND	\$ -	\$ -
032 P017001	22:OFFICE BUSINESS	10	CITY CTR	MINA BUILDING LLC	\$ 977,400	\$ 1,065.37
032 R001001	21:RETAIL SERVICES	428	FORE ST	428 FORE STREET LLC	\$ 756,200	\$ 824.26
032 R003001	21:RETAIL SERVICES	432	FORE ST	TERRAPIN PROPERTIES LLC	\$ 430,000	\$ 468.70
032 R004001	21:RETAIL SERVICES	434	FORE ST	TERRAPIN PROPERTIES LLC	\$ 493,300	\$ 537.70
032 R007001	21:RETAIL SERVICES	436	FORE ST	FORE STREET PARTNERS LLC	\$ 1,326,200	\$ 1,445.56
032 R008001	21:RETAIL SERVICES	446	FORE ST	446 FORE STREET LLC	\$ 1,000,500	\$ 1,090.55
032 S001001	21:RETAIL SERVICES	366	FORE ST	MCGEE CHARLES T &	\$ 2,321,400	\$ 2,530.33
032 S003001	21:RETAIL SERVICES	7	MOULTON ST	7-9 MOULTON LLC	\$ 283,300	\$ 308.80
032 S004001	21:RETAIL SERVICES	161	COMMERCIAL ST	ROB DOG REALTY LLC	\$ 1,265,900	\$ 1,379.83
032 S005001	22:OFFICE BUSINESS	5	MOULTON ST	MOULTON STREET REALTY LLC	\$ 1,924,200	\$ 2,097.38
032 T004001	21:RETAIL SERVICES	4	MOULTON ST	ADRIENNE-JANE INCORPORATED	\$ 3,521,700	\$ 3,838.65
032 U003001	25:PARKING LOTS	185	COMMERCIAL ST	COMPARK LLC	\$ 217,280	\$ 236.84
032 U004001	22:OFFICE BUSINESS	1	DANA ST	ONE DANA LLC	\$ 902,700	\$ 983.94
032 U005001	21:RETAIL SERVICES	7	DANA ST	TRANSMINE	\$ 665,700	\$ 725.61
032 V001001	21:RETAIL SERVICES	10	DANA ST	10 DANA STREET LLC	\$ 1,254,500	\$ 1,367.41
032 V002001	21:RETAIL SERVICES	205	COMMERCIAL ST	LANDFALL LLC	\$ 695,800	\$ 758.42
032 V004001	22:OFFICE BUSINESS	211	COMMERCIAL ST	GRANITE FACE LLC	\$ 2,205,900	\$ 2,404.43
032 V005001	22:OFFICE BUSINESS	217	COMMERCIAL ST	CHASE BLOCK LLC	\$ 2,637,500	\$ 2,874.88
032 V008001	24:WHOLESALE	225	COMMERCIAL ST	225 COMMERCIAL ST ASSOC INC	\$ 2,043,400	\$ 2,227.31
032 V012001	22:OFFICE BUSINESS	1	UNION ST	237 COMMERCIAL STREET LLC	\$ 1,717,000	\$ 1,871.53
032 V014001	21:RETAIL SERVICES	50	WHARF ST	DEERING AVE ASSOCIATES INC &	\$ 802,600	\$ 874.83
032 V015001	24:WHOLESALE	42	WHARF ST	DEERING AVE ASSOCIATES INC &	\$ 381,200	\$ 415.51
032 V016001	21:RETAIL SERVICES	34	WHARF ST	GVF PROPERTIES LLC	\$ 369,600	\$ 402.86
037 A001001	33:TRANSPORTATIONA L	45	FOREST AVE	NORTHERN NEW ENGLAND	\$ 10,420,800	\$ 11,358.67
037 A009001	17:21 PLUS FAMILY	104	OAK ST	PARK STREET PROPERTY LLC	\$ 1,346,600	\$ 1,467.79
037 A011001	22:OFFICE BUSINESS	92	OAK ST	84 OAK STREET LLC	\$ 367,000	\$ 400.03
037 A012001	22:OFFICE BUSINESS	39	FOREST AVE	39 LLC	\$ 2,957,100	\$ 3,223.24
037 A022001	21:RETAIL SERVICES	25	FOREST AVE	PORTLAND STAGE COMPANY	\$ 822,900	\$ 896.96
037 A023001	25:PARKING LOTS	84	OAK ST	84 OAK STREET LLC	\$ 341,500	\$ 372.24
037 A033001	25:PARKING LOTS	11	FOREST AVE	PACHIOS BROTHERS I LLC &	\$ 499,480	\$ 544.43
037 A035001	17:21 PLUS FAMILY	72	OAK ST	AVESTA OAK STREET LP	\$ 2,196,400	\$ 2,394.08
037 A038001	21:RETAIL SERVICES	565	CONGRESS ST	PACHIOS BROTHERS I LLC &	\$ 1,821,300	\$ 1,985.22
037 A042001	27:MULTI-USE COMMERCIAL	559	CONGRESS ST	HER LLC	\$ 287,700	\$ 313.59
037 A043001	21:RETAIL SERVICES	555	CONGRESS ST	CORRYMORE ZELLERTON LLC	\$ 355,600	\$ 387.60
037 A044001	21:RETAIL SERVICES	553	CONGRESS ST	ROCCO HOLDINGS LLC	\$ 325,100	\$ 354.36
037 A045001	21:RETAIL SERVICES	575	CONGRESS ST	571 ENTERPRISES LLC	\$ 402,200	\$ 438.40
037 A046001	22:OFFICE BUSINESS	7	FOREST AVE	D & D PARTNERS LLC	\$ 372,500	\$ 406.03

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PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 B001001	22:OFFICE BUSINESS	380	CUMBERLAND AVE	SWEETWATER PARTNERS LLC	\$ 1,807,000	\$ 1,969.63
037 B013001	25:PARKING LOTS	95	OAK ST	NORTHERN NEW ENGLAND	\$ 209,880	\$ 228.77
037 B014001	55:LITERARY & SCIENTIFIC	15	SHEPLEY ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 B015001	17:21 PLUS FAMILY	11	SHEPLEY ST	11 SHEPLEY STREET	\$ 1,855,300	\$ 2,022.28
037 C001001	25:PARKING LOTS	0	SHEPLEY ST	CITY OAK LLC	\$ 322,700	\$ 351.74
037 C004001	25:PARKING LOTS	0	SHEPLEY ST	CITY OAK LLC	\$ 204,630	\$ 223.05
037 C006001	17:21 PLUS FAMILY	18	CASCO ST	SHEPLEY LLC	\$ 2,629,600	\$ 2,866.26
037 C008001	25:PARKING LOTS	83	OAK ST	HEGA REALTY LLC	\$ 338,940	\$ 369.44
037 C010001	22:OFFICE BUSINESS	16	CASCO ST	SOMALUZO LLC	\$ 740,700	\$ 807.36
037 C014100	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 1,388,800	\$ 1,513.79
037 C014200	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 2,068,100	\$ 2,254.23
037 C014300	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 1,639,100	\$ 1,786.62
037 C014400	20:COMMERCIAL CONDOS	531	CONGRESS ST	HEGA REALTY LLC	\$ 1,753,700	\$ 1,911.53
037 C014501	10:CONDOMINIUMS	531	CONGRESS ST	WILLIAMS DEBORAH J &	\$ 433,300	\$ 472.30
037 C014502	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 336,500	\$ 366.79
037 C014503	10:CONDOMINIUMS	531	CONGRESS ST	SHOREY LINDA J &	\$ 491,400	\$ 535.63
037 C014504	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 806,600	\$ 879.19
037 C014505	10:CONDOMINIUMS	531	CONGRESS ST	WALBRIDGE HOYT &	\$ 601,500	\$ 655.64
037 C014506	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 396,800	\$ 432.51
037 C014507	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 397,600	\$ 433.38
037 C014508	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 539,500	\$ 588.06
037 C014509	10:CONDOMINIUMS	531	CONGRESS ST	HEGA REALTY LLC	\$ 310,900	\$ 338.88
037 C014510	10:CONDOMINIUMS	531	CONGRESS ST	SEASIDE PARTNERS LLC	\$ 439,600	\$ 479.16
037 C016001	21:RETAIL SERVICES	551	CONGRESS ST	BENTLEY BUILDING LLC	\$ 857,600	\$ 934.78
037 C017006	10:CONDOMINIUMS	547	CONGRESS ST	BLISSFUL BOUND LLC	\$ 638,000	\$ 695.42
037 C01701A	20:COMMERCIAL CONDOS	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 142,800	\$ 155.65
037 C01701B	20:COMMERCIAL CONDOS	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 150,900	\$ 164.48
037 C01701C	20:COMMERCIAL CONDOS	547	CONGRESS ST	R & J 545 PARTNERS LLC	\$ 161,700	\$ 176.25
037 C01702A	10:CONDOMINIUMS	547	CONGRESS ST	HENAULT DOUGLAS S &	\$ 132,100	\$ 143.99
037 C01702B	10:CONDOMINIUMS	547	CONGRESS ST	SCULLY JOHN M	\$ 123,900	\$ 135.05
037 C01702C	10:CONDOMINIUMS	547	CONGRESS ST	SARASON JULIE	\$ 155,500	\$ 169.50
037 C01702D	10:CONDOMINIUMS	547	CONGRESS ST	WHEELER-BERTA FRANCES H TRUSTEE	\$ 204,700	\$ 223.12
037 C01702E	10:CONDOMINIUMS	547	CONGRESS ST	MONTMINY SHANE A	\$ 126,700	\$ 138.10
037 C01703A	10:CONDOMINIUMS	547	CONGRESS ST	YANG DAVID I	\$ 184,900	\$ 201.54
037 C01703B	10:CONDOMINIUMS	547	CONGRESS ST	FOREMAN BROCK &	\$ 194,400	\$ 211.90
037 C01703C	10:CONDOMINIUMS	547	CONGRESS ST	PACKARD JEFFREY G &	\$ 250,000	\$ 272.50
037 C01704A	10:CONDOMINIUMS	547	CONGRESS ST	FITZPATRICK SUSAN E	\$ 191,100	\$ 208.30
037 C01704B	10:CONDOMINIUMS	547	CONGRESS ST	GRANO ROBERT C TRUSTEE	\$ 160,200	\$ 174.62
037 C01704C	10:CONDOMINIUMS	547	CONGRESS ST	TYSON BRUCE &	\$ 270,800	\$ 295.17
037 C01705A	10:CONDOMINIUMS	547	CONGRESS ST	HENRY MICHAEL T &	\$ 592,400	\$ 645.72
037 C01705B	10:CONDOMINIUMS	547	CONGRESS ST	BLISSFUL BOUND LLC	\$ 254,100	\$ 276.97
037 D001001	21:RETAIL SERVICES	45	CASCO ST	FORTY FIVE CASCO STREET LLC	\$ 730,100	\$ 795.81
037 D002001	22:OFFICE BUSINESS	511	CONGRESS ST	OCEAN GATE LLC	\$ 9,511,500	\$ 10,367.54
037 D003001	27:MULTI-USE COMMERCIAL	360	CUMBERLAND AVE	CLIFF'S EDGE LLC	\$ 465,800	\$ 507.72

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037 D004001	27:MULTI-USE COMMERCIAL	48	BROWN ST	OCEAN GATE LLC	\$ 2,990,700	\$ 3,259.86
037 D007001	17:21 PLUS FAMILY	37	CASCO ST	AMBASSADOR LLC	\$ 3,345,800	\$ 3,646.92
037 D023001	22:OFFICE BUSINESS	15	CASCO ST	15 CASCO STREET LLC	\$ 973,000	\$ 1,060.57
037 D024001	21:RETAIL SERVICES	519	CONGRESS ST	MAINE CHARITABLE MECHANIC	\$ 459,000	\$ 500.31
037 E001001	58:LAND BANKS	595	CONGRESS ST	CITY OF PORTLAND	\$ -	\$ -
037 E002001	20:COMMERCIAL CONDOS	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 60,900	\$ 66.38
037 E002002	20:COMMERCIAL CONDOS	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 132,100	\$ 143.99
037 E002003	20:COMMERCIAL CONDOS	585	CONGRESS ST	PAUL'S BOUTIQUE LLC	\$ 589,300	\$ 642.34
037 E002004	10:CONDOMINIUMS	585	CONGRESS ST	HAMMOND HEIRS LLC	\$ 768,100	\$ 837.23
037 E003001	27:MULTI-USE COMMERCIAL	10	CONGRESS SQ	PLAZA ASSOCIATES AT CONGRESS	\$ 10,029,900	\$ 10,932.59
037 E004001	25:PARKING LOTS	28	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	\$ 197,750	\$ 215.55
037 E005001	40:VACANT LAND	32	FOREST AVE	RB PORTLAND LLC	\$ 162,900	\$ 177.56
037 E005002	25:PARKING LOTS	32	FOREST AVE	PLAZA ASSOCIATES AT CONGRESS	\$ 175,560	\$ 191.36
037 E006001	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MMC REALTY CORP	\$ -	\$ -
037 E006002	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MMC REALTY CORP	\$ -	\$ -
037 E006003	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MMC REALTY CORP	\$ -	\$ -
037 E006004	20:COMMERCIAL CONDOS	173	HIGH ST	LUDWIG ROBERT C	\$ 992,600	\$ 1,081.93
037 E006005	20:COMMERCIAL CONDOS	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 375,100	\$ 408.86
037 E006006	20:COMMERCIAL CONDOS	173	HIGH ST	HOPE GATEWAY UNITED	\$ 385,000	\$ 419.65
037 E006007	20:COMMERCIAL CONDOS	173	HIGH ST	177 HIGH LLC	\$ 456,700	\$ 497.80
037 E006008	20:COMMERCIAL CONDOS	173	HIGH ST	6 EAST OXFORD ST LLC	\$ 208,100	\$ 226.83
037 E006009	20:COMMERCIAL CONDOS	173	HIGH ST	181 HIGH STREET LLC	\$ 8,309,400	\$ 9,057.25
037 E006010	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006011	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006012	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006013	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006014	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006015	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006016	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006017	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006018	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006019	10:CONDOMINIUMS	173	HIGH ST	CML LLC	\$ 9,900	\$ 10.79
037 E006020	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006021	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006022	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006023	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 E006024	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006025	10:CONDOMINIUMS	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 9,900	\$ 10.79
037 E006026	10:CONDOMINIUMS	173	HIGH ST	CAPITAL AREA PROPERTIES LLC	\$ 9,900	\$ 10.79
037 E006027	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006028	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006029	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006030	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006031	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006032	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006033	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006034	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006035	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006036	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C	\$ 9,900	\$ 10.79
037 E006037	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C	\$ 9,900	\$ 10.79
037 E006038	54:BENEVOLENT & CHARITABLE	173	HIGH ST	MAINE MEDICAL CENTER	\$ -	\$ -
037 E006039	10:CONDOMINIUMS	173	HIGH ST	177 HIGH LLC	\$ 9,900	\$ 10.79
037 E006040	10:CONDOMINIUMS	173	HIGH ST	177 HIGH LLC	\$ 9,900	\$ 10.79
037 E006041	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E006042	10:CONDOMINIUMS	173	HIGH ST	LUDWIG ROBERT C &	\$ 9,900	\$ 10.79
037 E007001	23:HOTEL & MOTEL	157	HIGH ST	RB PORTLAND LLC	\$ 30,607,400	\$ 33,362.07
037 F002001	27:MULTI-USE COMMERCIAL	477	CONGRESS ST	TT MAINE VENTURE LLC	\$ 8,497,600	\$ 9,262.38
037 F005001	27:MULTI-USE COMMERCIAL	28	PREBLE ST	EARL APARTMENTS LLC	\$ 2,442,400	\$ 2,662.22
037 F007001	22:OFFICE BUSINESS	24	PREBLE ST	24 PREBLE STREET PROPERTIES LLC	\$ 1,325,500	\$ 1,444.80
037 F009001	32:WAREHOUSE & STORAGE	338	CUMBERLAND AVE	SWEETWATER PARTNERS LLC	\$ 1,822,700	\$ 1,986.74
037 F012001	55:LITERARY & SCIENTIFIC	41	BROWN ST	MHS INC	\$ -	\$ -
037 F014001	54:BENEVOLENT & CHARITABLE	483	CONGRESS ST	MAINE HISTORICAL SOCIETY	\$ -	\$ -
037 F017001	55:LITERARY & SCIENTIFIC	489	CONGRESS ST	MHS INC	\$ -	\$ -
037 F020001	54:BENEVOLENT & CHARITABLE	38	PREBLE ST	PREBLE STREET	\$ -	\$ -
037 G001001	21:RETAIL SERVICES	594	CONGRESS ST	FITZGIBBONS VIRGINIA S &	\$ 802,600	\$ 874.83
037 G004001	21:RETAIL SERVICES	582	CONGRESS ST	CORNER FREAK LLC	\$ 298,500	\$ 325.37
037 G005001	21:RETAIL SERVICES	580	CONGRESS ST	BBB INC	\$ 653,900	\$ 712.75
037 G006001	27:MULTI-USE COMMERCIAL	578	CONGRESS ST	578 CONGRESS LLC	\$ 219,400	\$ 239.15
037 G007001	27:MULTI-USE COMMERCIAL	576	CONGRESS ST	576 CONGRESS LLC	\$ 185,800	\$ 202.52
037 G008001	27:MULTI-USE COMMERCIAL	574	CONGRESS ST	576 CONGRESS LLC	\$ 191,800	\$ 209.06
037 G009001	22:OFFICE BUSINESS	570	CONGRESS ST	PRIDE RALPH H TRUSTEE	\$ 542,700	\$ 591.54
037 G010001	27:MULTI-USE COMMERCIAL	133	FREE ST	HUBBARD'S APTS INC	\$ 532,700	\$ 580.64

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037 G012001	21:RETAIL SERVICES	584	CONGRESS ST	CORNER FREAK LLC	\$ 137,000	\$ 149.33
037 G014001	22:OFFICE BUSINESS	562	CONGRESS ST	TERBAX REALTY INC	\$ 5,095,800	\$ 5,554.42
037 H001001	27:MULTI-USE COMMERCIAL	550	CONGRESS ST	550 CONGRESS STREET LLC	\$ 480,400	\$ 523.64
037 H002001	55:LITERARY & SCIENTIFIC	540	CONGRESS ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H002002	20:COMMERCIAL CONDOS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 2,152,700	\$ 2,346.44
037 H002003	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 142,900	\$ 155.76
037 H002004	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 145,400	\$ 158.49
037 H002005	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 142,900	\$ 155.76
037 H002006	10:CONDOMINIUMS	540	CONGRESS ST	540 CONGRESS STREET LLC	\$ 160,700	\$ 175.16
037 H005001	54:BENEVOLENT & CHARITABLE	536	CONGRESS ST	SPACE GALLERY	\$ -	\$ -
037 H005003	20:COMMERCIAL CONDOS	536	CONGRESS ST	SPACE GALLERY	\$ 422,600	\$ 460.63
037 H006001	55:LITERARY & SCIENTIFIC	522	CONGRESS ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H009001	21:RETAIL SERVICES	516	CONGRESS ST	PACHIOS BROTHERS II LLC	\$ 834,200	\$ 909.28
037 H010001	21:RETAIL SERVICES	510	CONGRESS ST	CENTER CITY PLAZA ASSOC	\$ 3,762,600	\$ 4,101.23
037 H011001	20:COMMERCIAL CONDOS	500	CONGRESS ST	MATERIAL OBJECTS	\$ 177,800	\$ 193.80
037 H011002	20:COMMERCIAL CONDOS	500	CONGRESS ST	500 CONGRESS TOP FLOOR LLC	\$ 188,600	\$ 205.57
037 H013001	21:RETAIL SERVICES	504	CONGRESS ST	KAPLAN 504 LLC	\$ 1,176,200	\$ 1,282.06
037 H014001	20:COMMERCIAL CONDOS	51	OAK ST	MAINE COLLEGE OF ART	\$ 155,430	\$ 169.42
037 H014002	55:LITERARY & SCIENTIFIC	51	OAK ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H014003	20:COMMERCIAL CONDOS	51	OAK ST	MAINE COLLEGE OF ART	\$ 159,130	\$ 173.45
037 H014004	55:LITERARY & SCIENTIFIC	51	OAK ST	MAINE COLLEGE OF ART	\$ -	\$ -
037 H014005	20:COMMERCIAL CONDOS	51	OAK ST	MAINE COLLEGE OF ART	\$ 116,560	\$ 127.05
037 H025001	21:RETAIL SERVICES	57	OAK ST	NEKOIE BAHMAN &	\$ 77,300	\$ 84.26
037 I001001	21:RETAIL SERVICES	498	CONGRESS ST	BEAVER BLOCK LLC	\$ 648,500	\$ 706.87
037 I002101	20:COMMERCIAL CONDOS	490	CONGRESS ST	GRACE LLC	\$ 232,600	\$ 253.53
037 I002102	20:COMMERCIAL CONDOS	492	CONGRESS ST	MZ-KIMBALL COURT LLC	\$ 284,900	\$ 310.54
037 I002103	20:COMMERCIAL CONDOS	15	BROWN ST	THE DOROTHEA &	\$ 131,900	\$ 143.77
037 I002104	10:CONDOMINIUMS	15	BROWN ST	O'SULLIVAN MICHAEL &	\$ 242,400	\$ 264.22
037 I002105	10:CONDOMINIUMS	15	BROWN ST	ADLER JANICE B	\$ 218,400	\$ 238.06
037 I002201	10:CONDOMINIUMS	15	BROWN ST	HUNTER G SHAWN	\$ 201,800	\$ 219.96
037 I002202	10:CONDOMINIUMS	15	BROWN ST	SAUCEDO CHRISTIAN MANUEL	\$ 199,100	\$ 217.02
037 I002203	10:CONDOMINIUMS	15	BROWN ST	HAVEY BENJAMIN M	\$ 267,000	\$ 291.03
037 I002204	10:CONDOMINIUMS	15	BROWN ST	SINGER ROBERT B TRUSTEE	\$ 185,100	\$ 201.76
037 I002205	10:CONDOMINIUMS	15	BROWN ST	207 INVESTS I LLC	\$ 229,300	\$ 249.94
037 I002206	10:CONDOMINIUMS	15	BROWN ST	MCILVAIN JOHN &	\$ 153,600	\$ 167.42
037 I002207	10:CONDOMINIUMS	15	BROWN ST	DOULE GEORGE &	\$ 143,600	\$ 156.52
037 I002208	10:CONDOMINIUMS	15	BROWN ST	DOCTOROFF MARK G	\$ 311,800	\$ 339.86
037 I002301	10:CONDOMINIUMS	15	BROWN ST	BERZON TODD S	\$ 189,800	\$ 206.88
037 I002302	10:CONDOMINIUMS	15	BROWN ST	ANDREOLI HELEN L	\$ 209,300	\$ 228.14

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PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
037 I002303	10:CONDOMINIUMS	15	BROWN ST	BAUMAN PATRICIA J TRUSTEE	\$ 270,300	\$ 294.63
037 I002304	10:CONDOMINIUMS	15	BROWN ST	MOORE BRIAN D	\$ 224,100	\$ 244.27
037 I002305	10:CONDOMINIUMS	15	BROWN ST	COFFIN KATHLEEN M	\$ 205,900	\$ 224.43
037 I002306	10:CONDOMINIUMS	15	BROWN ST	HUNT RYAN ETAL	\$ 246,400	\$ 268.58
037 I002307	10:CONDOMINIUMS	15	BROWN ST	DOCTOROFF MARK G	\$ 283,100	\$ 308.58
037 I002401	10:CONDOMINIUMS	15	BROWN ST	KIM PAUL ETAL JTS	\$ 351,900	\$ 383.57
037 I002402	10:CONDOMINIUMS	15	BROWN ST	TIEMAN JAMES S	\$ 347,900	\$ 379.21
037 I002403	10:CONDOMINIUMS	15	BROWN ST	LANGDON DARBY TRUSTEE	\$ 398,300	\$ 434.15
037 I002404	10:CONDOMINIUMS	15	BROWN ST	ANDERHOLM JEFFREY &	\$ 351,500	\$ 383.14
037 I002405	10:CONDOMINIUMS	15	BROWN ST	BARKER KATHARINE M &	\$ 384,500	\$ 419.11
037 I002406	10:CONDOMINIUMS	15	BROWN ST	SANTORO DAVID M	\$ 437,500	\$ 476.88
037 I003001	21:RETAIL SERVICES	482	CONGRESS ST	CENTER CONGRESS LLC	\$ 3,125,600	\$ 3,406.90
037 I004001	22:OFFICE BUSINESS	480	CONGRESS ST	ASHBY TEAM LLC	\$ 983,700	\$ 1,072.23
037 I005001	27:MULTI-USE COMMERCIAL	486	CONGRESS ST	BARTHE DONNA	\$ 316,000	\$ 344.44
037 I00701A	20:COMMERCIAL CONDOS	11	BROWN ST	PHELPS CRAIG REAL	\$ 441,300	\$ 481.02
037 I00702A	10:CONDOMINIUMS	11	BROWN ST	HARRISON SYDNEY	\$ 262,300	\$ 285.91
037 I00702B	10:CONDOMINIUMS	11	BROWN ST	MB REAL ESTATE HOLDINGS LLC	\$ 303,500	\$ 330.82
037 I00703A	10:CONDOMINIUMS	11	BROWN ST	ZELENER YAN &	\$ 446,300	\$ 486.47
037 I00704A	10:CONDOMINIUMS	11	BROWN ST	THORNDIKE WILLIAM N JR &	\$ 554,100	\$ 603.97
037 I009001	25:PARKING LOTS	59	FREE ST	JBG & H ASSOCIATES	\$ 448,260	\$ 488.60
037 I012001	25:PARKING LOTS	104	CENTER ST	CENTER CONGRESS LLC	\$ 372,360	\$ 405.87
038 A001001	20:COMMERCIAL CONDOS	10	FREE ST	JBG&H ASSOCIATES	\$ 2,933,800	\$ 3,197.84
038 A001002	20:COMMERCIAL CONDOS	10	FREE ST	BROWN J B & SONS	\$ 833,100	\$ 908.08
038 A005001	22:OFFICE BUSINESS	22	FREE ST	BROWN J B & SONS	\$ 2,614,600	\$ 2,849.91
038 A014001	25:PARKING LOTS	28	FREE ST	BROWN J B & SONS	\$ 1,148,600	\$ 1,251.97
038 B001001	20:COMMERCIAL CONDOS	1	PORTLAND SQ	NORTH RIVER IV LLC	\$ 15,876,300	\$ 17,305.17
038 B001007	20:COMMERCIAL CONDOS	1	PORTLAND SQ	PS ONE REALTY LLC	\$ 13,309,300	\$ 14,507.14
038 B002001	22:OFFICE BUSINESS	2	PORTLAND SQ	NORTH RIVER IV LLC	\$ 26,677,900	\$ 29,078.91
038 B003001	25:PARKING LOTS	481	FORE ST	NORTH RIVER IV LLC	\$ 3,634,900	\$ 3,962.04
038 C008001	56:GOVERNMENTAL	28	COTTON ST	CITY OF PORTLAND	\$ -	\$ -
038 C009001	25:PARKING LOTS	24	COTTON ST	CASCO VIEW HOLDINGS III LLC	\$ 729,500	\$ 795.16
038 C012001	27:MULTI-USE COMMERCIAL	8	COTTON ST	CASCO VIEW HOLDINGS III LLC	\$ 1,862,500	\$ 2,030.13
038 C030001	21:RETAIL SERVICES	59	CENTER ST	B & B REAL ESTATE LLC	\$ 333,600	\$ 363.62
038 D015001	56:GOVERNMENTAL	82	FREE ST	CUMBERLAND COUNTY MAINE	\$ -	\$ -
038 E009105	20:COMMERCIAL CONDOS	70	CENTER ST	MITCHELL JOHN D	\$ 196,000	\$ 213.64
038 E009106	20:COMMERCIAL CONDOS	70	CENTER ST	APPLE REAL ESTATE	\$ 179,300	\$ 195.44
038 E009204	20:COMMERCIAL CONDOS	70	CENTER ST	F & H REALTY PARTNERSHIP	\$ 194,600	\$ 212.11
038 E009205	20:COMMERCIAL CONDOS	70	CENTER ST	F & H REALTY PARTNERSHIP	\$ 202,300	\$ 220.51
038 E009304	20:COMMERCIAL CONDOS	70	CENTER ST	EAST COAST CONSTRUCTION AND	\$ 203,900	\$ 222.25

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PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
038 E009305	20:COMMERCIAL CONDOS	70	CENTER ST	MCKERSIE FAMILY LLC	\$ 202,900	\$ 221.16
038 E009401	20:COMMERCIAL CONDOS	70	CENTER ST	ALDER RUN DEVELOPMENT	\$ 352,300	\$ 384.01
038 E009G07	20:COMMERCIAL CONDOS	70	CENTER ST	70 CENTER STREET BASEMENT LLC	\$ 184,900	\$ 201.54
038 E009G08	20:COMMERCIAL CONDOS	70	CENTER ST	MAINE BUSINESS SERVICES INC	\$ 181,700	\$ 198.05
038 E010001	20:COMMERCIAL CONDOS	17	SOUTH ST	LEVINE ROBERT A &	\$ 144,200	\$ 157.18
038 E010002	20:COMMERCIAL CONDOS	17	SOUTH ST	SOUTH STREET PARTNERS 2 LLC	\$ 144,200	\$ 157.18
038 E010003	20:COMMERCIAL CONDOS	17	SOUTH ST	PRESTIGE WORLD-WIDE	\$ 233,800	\$ 254.84
038 E012001	21:RETAIL SERVICES	52	CENTER ST	PICTURE ISLAND INC	\$ 413,000	\$ 450.17
038 E019001	21:RETAIL SERVICES	1	PLEASANT ST	MH & RB LLC	\$ 696,700	\$ 759.40
038 E020001	27:MULTI-USE COMMERCIAL	7	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 392,200	\$ 427.50
038 E021001	25:PARKING LOTS	9	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 79,990	\$ 87.19
038 E023001	27:MULTI-USE COMMERCIAL	15	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 811,000	\$ 883.99
038 E024001	27:MULTI-USE COMMERCIAL	21	PLEASANT ST	ANADILYA PROPERTIES LLC	\$ 431,300	\$ 470.12
038 E025001	13:THREE FAMILY	11	SOUTH ST	AMORY JONATHAN &	\$ 359,800	\$ 392.18
038 E026001	12:TWO FAMILY	9	SOUTH ST	HANSON ANJA-BRITT &	\$ 318,600	\$ 347.27
038 E027001	27:MULTI-USE COMMERCIAL	5	SOUTH ST	FIVE SOUTH STREET LLC	\$ 289,400	\$ 315.45
038 E029001	27:MULTI-USE COMMERCIAL	19	SOUTH ST	19 SOUTH STREET DEVELOPMENT LLC	\$ 724,200	\$ 789.38
038 E030001	25:PARKING LOTS	58	CENTER ST	STEELE DANIEL L	\$ 500,630	\$ 545.69
038 F004001	24:WHOLESALE	241	COMMERCIAL ST	SLM PROPERTIES INC	\$ 1,586,800	\$ 1,729.61
038 F006001	22:OFFICE BUSINESS	245	COMMERCIAL ST	CASCO VIEW HOLDINGS LLC	\$ 4,363,900	\$ 4,756.65
038 F008001	22:OFFICE BUSINESS	470	FORE ST	DICTAR ASSOCIATES II	\$ 2,148,000	\$ 2,341.32
038 F009001	23:HOTEL & MOTEL	468	FORE ST	HARBOR PLAZA ASSOCIATES II	\$ 7,658,200	\$ 8,347.44
038 F009002	22:OFFICE BUSINESS	468	FORE ST	DICTAR ASSOCIATES II	\$ 2,360,900	\$ 2,573.38
038 F019001	22:OFFICE BUSINESS	19	CROSS ST	CASCO VIEW HOLDINGS II LLC	\$ 7,127,700	\$ 7,769.19
038 G001001	25:PARKING LOTS	486	FORE ST	NORTH RIVER IV LLC	\$ 3,257,600	\$ 3,550.78
038 G00202A	10:CONDOMINIUMS	269	COMMERCIAL ST	GOSSELIN EUGENE D &	\$ 135,200	\$ 147.37
038 G00202B	10:CONDOMINIUMS	269	COMMERCIAL ST	POE MAXWELL	\$ 137,600	\$ 149.98
038 G00202C	10:CONDOMINIUMS	269	COMMERCIAL ST	SCHNEIDER PAUL	\$ 150,500	\$ 164.05
038 G00202D	10:CONDOMINIUMS	269	COMMERCIAL ST	CUMMING JEAN S &	\$ 199,900	\$ 217.89
038 G00202E	10:CONDOMINIUMS	269	COMMERCIAL ST	DEVILLIER JACQUES K	\$ 123,100	\$ 134.18
038 G00202F	10:CONDOMINIUMS	269	COMMERCIAL ST	MCKENZIE ANNE-MARIE &	\$ 147,600	\$ 160.88
038 G00203A	10:CONDOMINIUMS	269	COMMERCIAL ST	ALBEE PETER J	\$ 140,900	\$ 153.58
038 G00203B	10:CONDOMINIUMS	269	COMMERCIAL ST	RICE LEE P	\$ 133,900	\$ 145.95
038 G00203C	10:CONDOMINIUMS	269	COMMERCIAL ST	NORCHI CHARLES H	\$ 151,400	\$ 165.03
038 G00203D	10:CONDOMINIUMS	269	COMMERCIAL ST	HUDON WILFRED R	\$ 140,400	\$ 153.04
038 G00203E	10:CONDOMINIUMS	269	COMMERCIAL ST	CONKLIN HENRY C	\$ 170,000	\$ 185.30
038 G00203F	10:CONDOMINIUMS	269	COMMERCIAL ST	TUCKER HAROLD W III	\$ 143,900	\$ 156.85
038 G00204A	10:CONDOMINIUMS	269	COMMERCIAL ST	SERNOFFSKY SUSAN	\$ 107,200	\$ 116.85
038 G00204B	10:CONDOMINIUMS	269	COMMERCIAL ST	269 COMMERCIAL LLC	\$ 150,000	\$ 163.50
038 G00204C	10:CONDOMINIUMS	269	COMMERCIAL ST	VANTAGE RETIREMENT PLANS LLC	\$ 168,100	\$ 183.23
038 G00204D	10:CONDOMINIUMS	269	COMMERCIAL ST	KIMBLE ELLEN SUE	\$ 127,200	\$ 138.65

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038 G00204E	10:CONDOMINIUMS	269	COMMERCIAL ST	LOWRY KATE	\$ 141,900	\$ 154.67
038 G00204F	10:CONDOMINIUMS	269	COMMERCIAL ST	WONG ROCKET &	\$ 149,000	\$ 162.41
038 G00205A	10:CONDOMINIUMS	269	COMMERCIAL ST	BERG ERIC O JR TRUSTEE	\$ 160,100	\$ 174.51
038 G00205B	10:CONDOMINIUMS	269	COMMERCIAL ST	TARBOX JEFFERY H	\$ 174,500	\$ 190.21
038 G00205C	10:CONDOMINIUMS	269	COMMERCIAL ST	CALDWELL ROBERT A	\$ 155,000	\$ 168.95
038 G00205D	10:CONDOMINIUMS	269	COMMERCIAL ST	MUEHLE BRENNNA L	\$ 198,800	\$ 216.69
038 G00205E	10:CONDOMINIUMS	269	COMMERCIAL ST	FLAHERTY CHRISTOPHER F	\$ 173,800	\$ 189.44
038 G00205F	10:CONDOMINIUMS	269	COMMERCIAL ST	FOSTER ANTHONY W	\$ 150,500	\$ 164.05
038 G002267	20:COMMERCIAL CONDOS	269	COMMERCIAL ST	267 COMMERCIAL STREET LLC	\$ 280,300	\$ 305.53
038 G002271	20:COMMERCIAL CONDOS	269	COMMERCIAL ST	JKC LLC	\$ 257,100	\$ 280.24
038 G007001	25:PARKING LOTS	508	FORE ST	NORTH RIVER IV LLC	\$ 701,800	\$ 764.96
038 I018001	21:RETAIL SERVICES	46	FREE ST	BROWN J B & SONS	\$ 2,359,200	\$ 2,571.53
038 X001001	25:PARKING LOTS	9	PLEASANT ST	7-19 PLEASANT STREET LLC	\$ 11,760	\$ 12.82
039 A001001	21:RETAIL SERVICES	626	CONGRESS ST	PARK WONBAE &	\$ 810,700	\$ 883.66
039 A002001	21:RETAIL SERVICES	622	CONGRESS ST	WAYNE ENTERPISES LLC	\$ 1,030,000	\$ 1,122.70
039 A005001	21:RETAIL SERVICES	616	CONGRESS ST	614 CONGRESS STREET LLC	\$ 1,093,900	\$ 1,192.35
039 A006001	25:PARKING LOTS	143	PARK ST	614 CONGRESS STREET LLC	\$ 78,860	\$ 85.96
039 A007001	25:PARKING LOTS	612	CONGRESS ST	RICE GEOFFREY I	\$ 46,390	\$ 50.57
039 A008001	21:RETAIL SERVICES	610	CONGRESS ST	19 SOUTH STREET LLC	\$ 328,800	\$ 358.39
039 A009001	21:RETAIL SERVICES	608	CONGRESS ST	19 SOUTH STREET LLC	\$ 289,700	\$ 315.77
039 A010001	21:RETAIL SERVICES	606	CONGRESS ST	602 CONGRESS LLC	\$ 248,200	\$ 270.54
039 A011001	25:PARKING LOTS	141	PARK ST	WAYNE ENTERPRISES LLC	\$ 139,040	\$ 151.55
039 A013001	22:OFFICE BUSINESS	600	CONGRESS ST	602 CONGRESS LLC	\$ 1,176,700	\$ 1,282.60
039 A016001	40:VACANT LAND	122	HIGH ST	PACIFIC & SOUTHERN COMPANY INC	\$ 79,500	\$ 86.66
039 A016002	25:PARKING LOTS	122	HIGH ST	PACIFIC AND SOUTHERN LLC	\$ 813,050	\$ 886.22
039 A017001	22:OFFICE BUSINESS	128	HIGH ST	PACIFIC & SOUTHERN COMPANY INC	\$ 2,817,500	\$ 3,071.08
039 A027001	26:PRIVATE LOTS	116	HIGH ST	CUMBERLAND CLUB	\$ 1,317,200	\$ 1,435.75
039 A028001	04:BED & BREAKFAST	135	SPRING ST	MARCUM HOSPITALITY LLC	\$ 593,000	\$ 646.37
039 A029001	27:MULTI-USE COMMERCIAL	133	SPRING ST	STADLER CECILE	\$ 366,700	\$ 399.70
039 A030001	27:MULTI-USE COMMERCIAL	131	SPRING ST	TREE SCHOOL LLC	\$ 305,200	\$ 332.67
039 A031001	27:MULTI-USE COMMERCIAL	129	SPRING ST	129 SPRING STREET LLC	\$ 352,500	\$ 384.23
039 A032001	25:PARKING LOTS	127	SPRING ST	CUMBERLAND CLUB	\$ 167,120	\$ 182.16
039 A035001	27:MULTI-USE COMMERCIAL	110	HIGH ST	ONE HUNDRED AND TEN HIGH ST	\$ 382,800	\$ 417.25
039 A037001	21:RETAIL SERVICES	106	HIGH ST	M2BM LLC	\$ 548,100	\$ 597.43
039 A038001	21:RETAIL SERVICES	612	CONGRESS ST	BLUE BAY LLC	\$ 302,700	\$ 329.94
039 B001001	55:LITERARY & SCIENTIFIC	97	SPRING ST	PORTLAND MUSEUM OF ART	\$ -	\$ -
039 B003001	55:LITERARY & SCIENTIFIC	142	FREE ST	CHILDREN'S MUSEUM OF MAINE	\$ -	\$ -
039 B004001	25:PARKING LOTS	130	FREE ST	MAINEHEALTH	\$ 723,380	\$ 788.48
039 B007001	21:RETAIL SERVICES	128	FREE ST	MAINEHEALTH	\$ 305,000	\$ 332.45
039 B008001	25:PARKING LOTS	120	FREE ST	MAINEHEALTH	\$ 586,840	\$ 639.66
039 B011001	20:COMMERCIAL CONDOS	44	OAK ST	EVERYTHING LLC	\$ 484,900	\$ 528.54
039 B011002	20:COMMERCIAL CONDOS	44	OAK ST	EVERYTHING LLC	\$ 191,100	\$ 208.30

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039 B011003	20:COMMERCIAL CONDOS	44	OAK ST	CLOUD SKY LLC	\$ 195,500	\$ 213.10
039 B011004	10:CONDOMINIUMS	44	OAK ST	KEON MICHAEL P	\$ 702,900	\$ 766.16
039 B013001	55:LITERARY & SCIENTIFIC	148	FREE ST	PORTLAND MUSEUM OF ART	\$ -	\$ -
039 B015001	55:LITERARY & SCIENTIFIC	87	SPRING ST	PORTLAND MUSEUM OF ART	\$ -	\$ -
039 C001002	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C00101A	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C00101B	20:COMMERCIAL CONDOS	110	FREE ST	MAINEHEALTH	\$ 730,800	\$ 796.57
039 C00101C	20:COMMERCIAL CONDOS	110	FREE ST	MAINEHEALTH	\$ 1,032,900	\$ 1,125.86
039 C0010GB	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C0010GC	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001301	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001302	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001GA1	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C001GA2	54:BENEVOLENT & CHARITABLE	110	FREE ST	MAINEHEALTH	\$ -	\$ -
039 C002001	56:GOVERNMENTAL	0	FREE ST	CITY OF PORTLAND	\$ -	\$ -
039 D005001	56:GOVERNMENTAL	98	HIGH ST	CITY OF PORTLAND	\$ -	\$ -
039 E001001	56:GOVERNMENTAL	94	SPRING ST ARTERIAL	CITY OF PORTLAND	\$ -	\$ -
039 E008001	22:OFFICE BUSINESS	93	HIGH ST	GREATER PORTLAND	\$ 730,600	\$ 796.35
039 E009001	54:BENEVOLENT & CHARITABLE	87	HIGH ST	ST ELIZABETH'S ROMAN	\$ -	\$ -
039 E010001	23:HOTEL & MOTEL	88	SPRING ST	LAFAYETTE PORTLAND LLC	\$ 17,438,200	\$ 19,007.64
039 F001001	25:PARKING LOTS	40	SPRING ST ARTERIAL	LAFAYETTE PORTLAND LLC	\$ 2,648,700	\$ 2,887.08
039 F013001	32:WAREHOUSE & STORAGE	59	PLEASANT ST	BAKERY LIMITED LIABILITY CO	\$ 952,600	\$ 1,038.33
039 F017001	12:TWO FAMILY	22	SOUTH ST	LOMBARDI BRIAN D	\$ 262,800	\$ 286.45
039 F018001	12:TWO FAMILY	20	SOUTH ST	SCHMIDT REMINGTON O	\$ 264,700	\$ 288.52
039 F019001	12:TWO FAMILY	16	SOUTH ST	LEWIS CLARENCE MICHAEL &	\$ 217,100	\$ 236.64
039 F020001	12:TWO FAMILY	14	SOUTH ST	MCLAUGHLIN KATHERINE A TRUSTEE	\$ 254,900	\$ 277.84
039 F021001	25:PARKING LOTS	10	SOUTH ST	BROWN J B & SONS	\$ 9,600	\$ 10.46
039 F022001	10:CONDOMINIUMS	37	PLEASANT ST	SERAICHICK SUSAN &	\$ 179,800	\$ 195.98
039 F022002	10:CONDOMINIUMS	37	PLEASANT ST	WEATHERFORD CLAUDINE &	\$ 172,900	\$ 188.46
039 F022003	10:CONDOMINIUMS	37	PLEASANT ST	WATSON MICHAEL P &	\$ 179,800	\$ 195.98
039 F022004	10:CONDOMINIUMS	37	PLEASANT ST	FOLEY RONALD G VN VET	\$ 156,460	\$ 170.54
039 F022005	10:CONDOMINIUMS	37	PLEASANT ST	COMEAU PETER W &	\$ 194,000	\$ 211.46
039 F022006	10:CONDOMINIUMS	37	PLEASANT ST	HAAS JOHN E &	\$ 187,100	\$ 203.94
039 F023001	20:COMMERCIAL CONDOS	35	PLEASANT ST	35 PLEASANT ST LLC	\$ 167,800	\$ 182.90
039 F023002	10:CONDOMINIUMS	35	PLEASANT ST	REITER LAUREN J &	\$ 505,600	\$ 551.10
039 F025001	58:LAND BANKS	24	SOUTH ST	CITY OF PORTLAND	\$ -	\$ -
039 F026001	40:VACANT LAND	22	SOUTH ST	LOMBARDI DEBRA &	\$ 27,000	\$ 29.43
040 A001001	54:BENEVOLENT & CHARITABLE	71	HIGH ST	AVESTA INGRAHAM HOUSE LLC	\$ -	\$ -

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PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
040 A002001	14:FOUR FAMILY	98	PLEASANT ST	COSTIN MICHAEL N &	\$ 391,100	\$ 426.30
040 A003001	12:TWO FAMILY	92	PLEASANT ST	CROTEAU COLLEEN O &	\$ 317,800	\$ 346.40
040 A004001	15:5 TO 10 FAMILY	88	PLEASANT ST	C M SCRIBNER & CO LIMITED	\$ 594,400	\$ 647.90
040 A005001	25:PARKING LOTS	76	PLEASANT ST	LAFAYETTE PORTLAND LLC	\$ 219,690	\$ 239.46
040 A008001	25:PARKING LOTS	74	PLEASANT ST	BROWN J B & SONS	\$ 42,700	\$ 46.54
040 A009001	14:FOUR FAMILY	68	PLEASANT ST	SCHWARTZ DONNA L	\$ 386,900	\$ 421.72
040 A010001	27:MULTI-USE COMMERCIAL	54	MAPLE ST	AXE CAP LLC	\$ 394,300	\$ 429.79
040 A011001	11:SINGLE FAMILY	67	HIGH ST	FISHER ALEXANDER DYLAN	\$ 363,700	\$ 396.43
040 A013001	17:21 PLUS FAMILY	53	DANFORTH ST	53 DANFORTH STREET LP	\$ 2,711,900	\$ 2,955.97
040 A014001	11:SINGLE FAMILY	52	MAPLE ST	ADLER BRENT	\$ 227,100	\$ 247.54
040 A015001	15:5 TO 10 FAMILY	65	HIGH ST	BRICKLIGHT PROPERTIES LLC	\$ 505,500	\$ 551.00
040 A016001	17:21 PLUS FAMILY	81	DANFORTH ST	DANFORTH ON HIGH LP	\$ 2,013,200	\$ 2,194.39
040 A017001	15:5 TO 10 FAMILY	77	DANFORTH ST	EAST DANFORTH LLC	\$ 454,100	\$ 494.97
040 A018001	15:5 TO 10 FAMILY	75	DANFORTH ST	EAST DANFORTH LLC	\$ 322,100	\$ 351.09
040 A019001	15:5 TO 10 FAMILY	71	DANFORTH ST	EAST DANFORTH LLC	\$ 427,800	\$ 466.30
040 A022001	15:5 TO 10 FAMILY	67	DANFORTH ST	EAST DANFORTH LLC	\$ 311,300	\$ 339.32
040 A024001	15:5 TO 10 FAMILY	63	DANFORTH ST	EAST DANFORTH LLC	\$ 289,500	\$ 315.56
040 A027001	11:SINGLE FAMILY	50	MAPLE ST	ST PIERRE TRACY M &	\$ 229,100	\$ 249.72
040 A028001	40:VACANT LAND	46	MAPLE ST	BROWN J B & SONS	\$ 23,500	\$ 25.62
040 A030001	16:11 TO 20 FAMILY	69	HIGH ST	BRICKLIGHT PROPERTIES LLC	\$ 467,100	\$ 509.14
040 B001001	25:PARKING LOTS	55	MAPLE ST	BAKERY LIMITED LIABILITY CO	\$ 67,750	\$ 73.85
040 B002001	25:PARKING LOTS	58	PLEASANT ST	BROWN J B & SONS	\$ 45,150	\$ 49.21
040 B003001	13:THREE FAMILY	54	PLEASANT ST	JR SAPPERSTEIN HOLDINGS LLC	\$ 348,400	\$ 379.76
040 B004001	27:MULTI-USE COMMERCIAL	44	PLEASANT ST	44 PLEASANT STREET LLC	\$ 820,400	\$ 894.24
040 B006001	11:SINGLE FAMILY	40	PLEASANT ST	RUSSO J RICHARD &	\$ 493,300	\$ 537.70
040 B007001	27:MULTI-USE COMMERCIAL	23	DANFORTH ST	SCHWARTZ DONNA L	\$ 338,500	\$ 368.97
040 B008001	22:OFFICE BUSINESS	32	PLEASANT ST	32 PLEASANT STREET LLC	\$ 247,400	\$ 269.67
040 B009001	10:CONDOMINIUMS	30	PLEASANT ST	HARTE CHRISTOPHER M	\$ 149,600	\$ 163.06
040 B009002	10:CONDOMINIUMS	30	PLEASANT ST	HANSON JUNE ANDREA	\$ 139,600	\$ 152.16
040 B009003	10:CONDOMINIUMS	30	PLEASANT ST	HOULE RONALD J &	\$ 142,500	\$ 155.33
040 B010001	12:TWO FAMILY	20	PLEASANT ST	18 PLEASANT STREET ASSOCIATES	\$ 211,700	\$ 230.75
040 B012001	22:OFFICE BUSINESS	18	PLEASANT ST	18 PLEASANT ST ASSOC	\$ 190,400	\$ 207.54
040 B013001	12:TWO FAMILY	14	PLEASANT ST	GIOBBI CARLO A JR &	\$ 274,700	\$ 299.42
040 B015001	25:PARKING LOTS	10	PLEASANT ST	GIOBBI CARLO A JR &	\$ 15,100	\$ 16.46
040 B017001	21:RETAIL SERVICES	4	PLEASANT ST	GIOBBI ARCHIE S &	\$ 46,020	\$ 50.16
040 B018001	40:VACANT LAND	51	MAPLE ST	BROUCEK MARGARET A &	\$ 8,100	\$ 8.83
040 B020001	21:RETAIL SERVICES	35	DANFORTH ST	TOBEY LINDA W	\$ 371,000	\$ 404.39
040 B021001	13:THREE FAMILY	33	DANFORTH ST	FOX STEPHEN H	\$ 208,500	\$ 227.27
040 B022001	40:VACANT LAND	29	DANFORTH ST	SCHAIR-CARDONA ERICA &	\$ 119,900	\$ 130.69
040 B023001	25:PARKING LOTS	13	DANFORTH ST	WRIGHT-RYAN REAL ESTATE LLC	\$ 102,950	\$ 112.22
040 B028001	21:RETAIL SERVICES	1	DANFORTH ST	GIOBBI ARCHIE S &	\$ 394,000	\$ 429.46
040 B032001	21:RETAIL SERVICES	45	DANFORTH ST	CIGRI & DENG PROPERTIES LLC	\$ 305,700	\$ 333.21
040 B033001	10:CONDOMINIUMS	56	PLEASANT ST	SPRAGUE ERIC T	\$ 167,800	\$ 182.90
040 B033002	10:CONDOMINIUMS	56	PLEASANT ST	BARTHELMAN TIMOTHY S	\$ 154,700	\$ 168.62
040 B033003	10:CONDOMINIUMS	56	PLEASANT ST	RUNNING SALLY	\$ 158,700	\$ 172.98

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040 C001001	16:11 TO 20 FAMILY	51	HIGH ST	GILLIS PETER J	\$ 751,100	\$ 818.70
040 C002001	15:5 TO 10 FAMILY	78	DANFORTH ST	WEST COMPANY	\$ 412,800	\$ 449.95
040 C005001	20:COMMERCIAL CONDOS	101	YORK ST	BROWN J B & SONS	\$ 1,142,500	\$ 1,245.33
040 C005201	10:CONDOMINIUMS	25	HIGH ST	VEALE PATRICK J &	\$ 329,900	\$ 359.59
040 C005202	10:CONDOMINIUMS	25	HIGH ST	ESCHBACH KELLY S &	\$ 233,800	\$ 254.84
040 C005203	10:CONDOMINIUMS	25	HIGH ST	SHENKIN MICHAL F	\$ 291,900	\$ 318.17
040 C005204	10:CONDOMINIUMS	25	HIGH ST	PARK KYUNG SAM	\$ 232,400	\$ 253.32
040 C005206	10:CONDOMINIUMS	25	HIGH ST	BINNS PATRICIA	\$ 237,400	\$ 258.77
040 C005207	10:CONDOMINIUMS	25	HIGH ST	GORDON CLAYTON S &	\$ 204,500	\$ 222.91
040 C005208	10:CONDOMINIUMS	25	HIGH ST	LAGHAEI FARID &	\$ 292,300	\$ 318.61
040 C005209	10:CONDOMINIUMS	25	HIGH ST	GATOS PAMELA &	\$ 269,400	\$ 293.65
040 C005210	10:CONDOMINIUMS	25	HIGH ST	SMITH PAUL M &	\$ 296,000	\$ 322.64
040 C005211	10:CONDOMINIUMS	25	HIGH ST	JONES JONAH L	\$ 270,000	\$ 294.30
040 C005212	10:CONDOMINIUMS	25	HIGH ST	WEATHERILL CAROLINE AVERY	\$ 295,800	\$ 322.42
040 C005213	10:CONDOMINIUMS	25	HIGH ST	PRICE JASON LLOYD &	\$ 253,300	\$ 276.10
040 C005214	10:CONDOMINIUMS	25	HIGH ST	DIRECTOR STEVEN &	\$ 295,800	\$ 322.42
040 C005215	10:CONDOMINIUMS	25	HIGH ST	CUSHMAN ROBIN MARI	\$ 351,500	\$ 383.14
040 C005216	10:CONDOMINIUMS	25	HIGH ST	KAVANAUGH DEIRDRE FLYNN &	\$ 298,400	\$ 325.26
040 C005301	10:CONDOMINIUMS	25	HIGH ST	LYONS THOMAS W &	\$ 335,700	\$ 365.91
040 C005302	10:CONDOMINIUMS	25	HIGH ST	HARROW DAVID	\$ 244,400	\$ 266.40
040 C005303	10:CONDOMINIUMS	25	HIGH ST	SMITH TEALE &	\$ 289,600	\$ 315.66
040 C005304	10:CONDOMINIUMS	25	HIGH ST	WALLACE ROBERT C &	\$ 230,800	\$ 251.57
040 C005305	10:CONDOMINIUMS	25	HIGH ST	WRIGHT WILLIAM R &	\$ 310,600	\$ 338.55
040 C005306	10:CONDOMINIUMS	25	HIGH ST	CROTEAU JUSTIN PAUL &	\$ 247,900	\$ 270.21
040 C005307	10:CONDOMINIUMS	25	HIGH ST	GRIFFIN ALEXANDER &	\$ 211,000	\$ 229.99
040 C005308	10:CONDOMINIUMS	25	HIGH ST	MARTINEZ DANIEL M &	\$ 306,400	\$ 333.98
040 C005309	10:CONDOMINIUMS	25	HIGH ST	ADLER SUSAN	\$ 281,600	\$ 306.94
040 C005310	10:CONDOMINIUMS	25	HIGH ST	MORRIS AARON	\$ 297,100	\$ 323.84
040 C005311	10:CONDOMINIUMS	25	HIGH ST	LAMPNER GLENNA H &	\$ 285,100	\$ 310.76
040 C005312	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 313,600	\$ 341.82
040 C005313	10:CONDOMINIUMS	25	HIGH ST	GRIDLEY GUY G	\$ 285,100	\$ 310.76
040 C005314	10:CONDOMINIUMS	25	HIGH ST	MAHMOUD AMMAR	\$ 313,600	\$ 341.82
040 C005315	10:CONDOMINIUMS	25	HIGH ST	MARICHEL LLC	\$ 374,800	\$ 408.53
040 C005316	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 318,000	\$ 346.62
040 C005401	10:CONDOMINIUMS	25	HIGH ST	KEELING MATTHEW R &	\$ 348,100	\$ 379.43
040 C005402	10:CONDOMINIUMS	25	HIGH ST	TAMASHIRO KASEY-KALEI	\$ 254,900	\$ 277.84
040 C005403	10:CONDOMINIUMS	25	HIGH ST	WOON ASHLEY HARDI	\$ 328,400	\$ 357.96
040 C005404	10:CONDOMINIUMS	25	HIGH ST	FERNANDEZ AVILES PEDRO M &	\$ 245,900	\$ 268.03
040 C005405	10:CONDOMINIUMS	25	HIGH ST	CHEUNG PATRICIA K	\$ 321,100	\$ 350.00
040 C005406	10:CONDOMINIUMS	25	HIGH ST	OVESON JANELLE L	\$ 262,700	\$ 286.34
040 C005407	10:CONDOMINIUMS	25	HIGH ST	SHELLEY W KIRBY &	\$ 209,400	\$ 228.25
040 C005408	10:CONDOMINIUMS	25	HIGH ST	WELCH STANLEY E &	\$ 321,100	\$ 350.00
040 C005409	10:CONDOMINIUMS	25	HIGH ST	PIASIO GEOFF B	\$ 295,600	\$ 322.20
040 C005410	10:CONDOMINIUMS	25	HIGH ST	SADLER CLIFFORD H &	\$ 328,400	\$ 357.96
040 C005411	10:CONDOMINIUMS	25	HIGH ST	SCHAFER MORGAN &	\$ 295,600	\$ 322.20
040 C005412	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 328,400	\$ 357.96
040 C005413	10:CONDOMINIUMS	25	HIGH ST	DORNEMAN PENELOPE LEE &	\$ 295,600	\$ 322.20
040 C005414	10:CONDOMINIUMS	25	HIGH ST	YATES RUTH A TRUSTEE	\$ 328,400	\$ 357.96
040 C005415	10:CONDOMINIUMS	25	HIGH ST	MUNDHENK THOMAS &	\$ 370,000	\$ 403.30
040 C005416	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 332,100	\$ 361.99
040 C005501	10:CONDOMINIUMS	25	HIGH ST	CHANG BENNY &	\$ 401,400	\$ 437.53
040 C005502	10:CONDOMINIUMS	25	HIGH ST	JOHNSTON EDWARD R &	\$ 277,300	\$ 302.26
040 C005503	10:CONDOMINIUMS	25	HIGH ST	HARK ROBERT S &	\$ 337,300	\$ 367.66

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
040 C005504	10:CONDOMINIUMS	25	HIGH ST	FREEDMAN PAUL R TRUSTEE	\$ 284,600	\$ 310.21
040 C005505	10:CONDOMINIUMS	25	HIGH ST	JOHNSON THOMAS	\$ 350,300	\$ 381.83
040 C005506	10:CONDOMINIUMS	25	HIGH ST	MARSDEN DAVID &	\$ 277,300	\$ 302.26
040 C005507	10:CONDOMINIUMS	25	HIGH ST	LADAN LUKA	\$ 247,500	\$ 269.78
040 C005508	10:CONDOMINIUMS	25	HIGH ST	CARTER DONALD D JR &	\$ 333,500	\$ 363.52
040 C005509	10:CONDOMINIUMS	25	HIGH ST	GALLUZZO DONNA &	\$ 313,800	\$ 342.04
040 C005510	10:CONDOMINIUMS	25	HIGH ST	LARLEE BRENT A &	\$ 350,300	\$ 381.83
040 C005511	10:CONDOMINIUMS	25	HIGH ST	OSTERGAARD LLC	\$ 313,800	\$ 342.04
040 C005512	10:CONDOMINIUMS	25	HIGH ST	DANIELSEN KERRY E	\$ 350,300	\$ 381.83
040 C005513	10:CONDOMINIUMS	25	HIGH ST	CONRAD ERIC &	\$ 313,800	\$ 342.04
040 C005514	10:CONDOMINIUMS	25	HIGH ST	SHAW DAVID E &	\$ 350,300	\$ 381.83
040 C005515	10:CONDOMINIUMS	25	HIGH ST	PARK MIRI	\$ 423,300	\$ 461.40
040 C005516	10:CONDOMINIUMS	25	HIGH ST	101 YORK STREET LLC	\$ 354,100	\$ 385.97
040 C009001	31:MANUFACTURING	50	DANFORTH ST	BROWN J B & SONS	\$ 908,200	\$ 989.94
040 C014001	14:FOUR FAMILY	41	HIGH ST	SACRE LINDA &	\$ 332,600	\$ 362.53
040 C015001	10:CONDOMINIUMS	37	HIGH ST	CORRALES ANNAMARIE &	\$ 135,500	\$ 147.70
040 C015002	10:CONDOMINIUMS	37	HIGH ST	SOLSTICE INVESTMENTS LLC	\$ 108,400	\$ 118.16
040 C015003	10:CONDOMINIUMS	37	HIGH ST	BAILLARGEON CHARLES C	\$ 264,300	\$ 288.09
040 C015004	10:CONDOMINIUMS	37	HIGH ST	THIS THYME AROUND LLC	\$ 125,100	\$ 136.36
040 C016001	12:TWO FAMILY	31	HIGH ST	BERNOTAVICZ JARAD	\$ 277,600	\$ 302.58
040 C021001	06:MULTI-USE RESIDENTIAL	27	HIGH ST	BROWN J B & SONS	\$ 3,418,300	\$ 3,725.95
040 C026001	24:WHOLESALE	75	YORK ST	75 YORK STREET LLC	\$ 669,000	\$ 729.21
040 C030001	21:RETAIL SERVICES	53	YORK ST	CASTINE 53 LLC	\$ 926,800	\$ 1,010.21
040 D001001	22:OFFICE BUSINESS	20	DANFORTH ST	BROWN J B & SONS	\$ 2,818,400	\$ 3,072.06
040 D002001	22:OFFICE BUSINESS	10	DANFORTH ST	WRIGHT-RYAN REAL ESTATE LLC	\$ 1,003,100	\$ 1,093.38
040 E001001	25:PARKING LOTS	40	YORK ST	BROWN J B & SONS	\$ 667,900	\$ 728.01
040 E003001	10:CONDOMINIUMS	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 428,500	\$ 467.07
040 E003002	10:CONDOMINIUMS	311	COMMERCIAL ST	HIGONNET CAMILLE	\$ 286,800	\$ 312.61
040 E003003	10:CONDOMINIUMS	311	COMMERCIAL ST	WOODS MARY A &	\$ 266,800	\$ 290.81
040 E003004	10:CONDOMINIUMS	311	COMMERCIAL ST	LEVIN-MARTIN MINDY F &	\$ 412,900	\$ 450.06
040 E003005	10:CONDOMINIUMS	311	COMMERCIAL ST	TAYLOR-CHIARELLO ROBIN	\$ 495,600	\$ 540.20
040 E003006	10:CONDOMINIUMS	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 420,100	\$ 457.91
040 E003007	10:CONDOMINIUMS	311	COMMERCIAL ST	KRUITHOFF CATHERINE H &	\$ 274,600	\$ 299.31
040 E003008	10:CONDOMINIUMS	311	COMMERCIAL ST	JR SEELY COMPANY LLC	\$ 343,100	\$ 373.98
040 E003009	10:CONDOMINIUMS	311	COMMERCIAL ST	KROON THOMAS J &	\$ 377,500	\$ 411.48
040 E00300H	20:COMMERCIAL CONDOS	311	COMMERCIAL ST	JBB HOSPITALITY I LLC	\$ 12,301,600	\$ 13,408.74
040 E00300R	20:COMMERCIAL CONDOS	311	COMMERCIAL ST	TIQA LEGACY LLC	\$ 1,314,100	\$ 1,432.37
040 E003010	10:CONDOMINIUMS	311	COMMERCIAL ST	GRIMM KRISTY &	\$ 527,800	\$ 575.30
040 E003011	10:CONDOMINIUMS	311	COMMERCIAL ST	CLANCY PAUL	\$ 358,500	\$ 390.77
040 E003012	10:CONDOMINIUMS	311	COMMERCIAL ST	PIPER JOHN M &	\$ 395,000	\$ 430.55
040 E003013	10:CONDOMINIUMS	311	COMMERCIAL ST	DERMER HARRY &	\$ 350,100	\$ 381.61
040 E003014	10:CONDOMINIUMS	311	COMMERCIAL ST	SIMARK ACQUISITIONS LLC	\$ 397,900	\$ 433.71
040 F009001	27:MULTI-USE COMMERCIAL	305	COMMERCIAL ST	BAXTER PLACE LLC	\$ 6,327,600	\$ 6,897.08
040 F011001	22:OFFICE BUSINESS	14	YORK ST	BROWN J B & SONS	\$ 2,264,000	\$ 2,467.76
041 A015001	24:WHOLESALE	260	COMMERCIAL ST	WATERFRONT MAINE BT LLC	\$ 1,194,800	\$ 1,302.33
041 A016001	22:OFFICE BUSINESS	252	COMMERCIAL ST	WATERFRONT MAINE	\$ 15,187,300	\$ 16,554.16
042 A001001	40:VACANT LAND	0	COMMERCIAL ST	NPCC LLC	\$ 1,297,900	\$ 1,414.71

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
042 A002001	40:VACANT LAND	0	COMMERCIAL ST	DEERING PROPERTY	\$ 2,750,900	\$ 2,998.48
042 A003001	21:RETAIL SERVICES	383	COMMERCIAL ST	DPD LOT 3 LLC	\$ 1,577,200	\$ 1,719.15
042 A007001	55:LITERARY & SCIENTIFIC	54	YORK ST	UNITY COLLEGE	\$ -	\$ -
042 C001110	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001120	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001130	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 85,380	\$ 93.06
042 C00114A	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 59,880	\$ 65.27
042 C00114B	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 30,880	\$ 33.66
042 C00114C	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 14,630	\$ 15.95
042 C00114D	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 14,500	\$ 15.81
042 C001150	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001160	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 13,750	\$ 14.99
042 C001170	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 13,630	\$ 14.86
042 C00118A	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 21,630	\$ 23.58
042 C00118B	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 21,630	\$ 23.58
042 C001190	20:COMMERCIAL CONDOS	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ 21,000	\$ 22.89
042 C001210	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001310	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001320	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001330	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
042 C001CCL	55:LITERARY & SCIENTIFIC	344	COMMERCIAL ST	GULF OF MAINE PROPERTIES INC	\$ -	\$ -
045 A001001	27:MULTI-USE COMMERCIAL	660	CONGRESS ST	A K LONGFELLOW LLC	\$ 458,500	\$ 499.77
045 A002001	27:MULTI-USE COMMERCIAL	656	CONGRESS ST	RICE GEOFFREY I	\$ 867,800	\$ 945.90
045 A003001	27:MULTI-USE COMMERCIAL	638	CONGRESS ST	638 CONGRESS STREET	\$ 5,101,800	\$ 5,560.96
045 A033001	15:5 TO 10 FAMILY	177	STATE ST	RANS LLC	\$ 378,900	\$ 413.00
045 A034001	21:RETAIL SERVICES	664	CONGRESS ST	RANS LLC	\$ 464,900	\$ 506.74
045 A035001	21:RETAIL SERVICES	670	CONGRESS ST	LONGFELLOW SQUARE	\$ 611,700	\$ 666.75
046 C011001	27:MULTI-USE COMMERCIAL	675	CONGRESS ST	DOUKAS WILLIAM B	\$ 367,700	\$ 400.79
046 C012001	21:RETAIL SERVICES	673	CONGRESS ST	DOUKAS ANDREW J	\$ 140,900	\$ 153.58
046 C013001	21:RETAIL SERVICES	671	CONGRESS ST	DOUKAS ANDREW J &	\$ 169,900	\$ 185.19
046 C019001	27:MULTI-USE COMMERCIAL	667	CONGRESS ST	REDFERN LONGFELLOW LLC	\$ 14,580,600	\$ 15,892.85
046 D008001	11:SINGLE FAMILY	15	AVON ST	REDFERN LONGFELLOW LLC	\$ 245,300	\$ 267.38

FY2020 Portland Downtown Parcels

PARCEL ID	LAND USE CODE	NUM	STREET	OWNER	NET ASMT	FEE @ 1.09 RATE
046 D017001	53:RELIGIOUS	156	HIGH ST	WILLISTON-IMMANUEL UNITED CHURCH	\$ -	\$ -
046 D018001	21:RETAIL SERVICES	653	CONGRESS ST	RICE GEOFFREY TRUSTEE	\$ 235,600	\$ 256.80
046 D021001	27:MULTI-USE COMMERCIAL	655	CONGRESS ST	TRELAWNY 657 LLC	\$ 5,222,500	\$ 5,692.53
046 D022001	27:MULTI-USE COMMERCIAL	645	CONGRESS ST	BAYSIDE MAINE LLC	\$ 3,783,700	\$ 4,124.23
046 D026001	27:MULTI-USE COMMERCIAL	633	CONGRESS ST	BURNHAM ARMS LLC	\$ 2,218,100	\$ 2,417.73
046 D027001	40:VACANT LAND	629	CONGRESS ST	BURNHAM ARMS ANNEX LLC	\$ 160,400	\$ 174.84
046 D028001	21:RETAIL SERVICES	625	CONGRESS ST	BURNHAM ARMS ANNEX LLC	\$ 227,500	\$ 247.98
046 D029001	22:OFFICE BUSINESS	619	CONGRESS ST	BAXTER BUILDING LLC	\$ 2,502,600	\$ 2,727.83
046 D031001	22:OFFICE BUSINESS	142	HIGH ST	CROSTONE PORTLAND LLC	\$ 4,127,000	\$ 4,498.43
055 E037001	27:MULTI-USE COMMERCIAL	190	STATE ST	HUCKSTER'S ROW PROPERTIES LLC	\$ 676,800	\$ 737.71
055 E039001	27:MULTI-USE COMMERCIAL	188	STATE ST	LONGFELLOW SQUARE	\$ 1,165,700	\$ 1,270.61
444 A001001	56:GOVERNMENTAL	54	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -
444 A005001	56:GOVERNMENTAL	46	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -
444 A00500B	20:COMMERCIAL CONDOS	46	COMMERCIAL ST	CASCO BAY MHR LLC	\$ 2,782,100	\$ 3,032.49
444 A011001	58:LAND BANKS	54	COMMERCIAL ST	CITY OF PORTLAND	\$ -	\$ -
					\$ 933,979,390	\$1,018,037.54

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 21, 2019

SUBJECT: 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.

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This item is a companion order to Order 263 above.

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

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. Establishing FY2020 Portland Downtown Assessments 6.3.2019

Prepared by:

Date: 5/21/2019

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 ASSESSING MAINTENANCE AND IMPLEMENTATION
ASSESSMENTS FOR PORTLAND DOWNTOWN
FOR FISCAL YEAR 2019-2020**

ORDERED, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$1,017,339 be raised and appropriated from the special assessments on all real estate situated within the boundaries of the Downtown Improvement District, Inc. doing business as Portland Downtown to fund maintenance and implementation costs for such district for the period beginning July 1, 2019 and ending on June 30, 2020; and

BE IT FURTHER ORDERED, that the said sum be assessed on all real estate within the Downtown Improvement District in the amounts set forth on the “List of Maintenance and Implementation assessments” which is attached hereto; and

BE IT FURTHER ORDERED, that the said assessments shall be due July 1, 2019 and payable to the City of Portland at the same time that taxes on other real estate are due; and

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

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

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 21, 2019

SUBJECT: 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.

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

This is a companion to Orders 264 and 265 above.

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

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. Authorizing FY2020 Portland Downtown Agreement 6.3.2019

Prepared by:

Date: 5/21/2019

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 APPROVING THE AGREEMENT BETWEEN THE CITY OF PORTLAND
AND PORTLAND DOWNTOWN**

ORDERED, that the Agreement between the City of Portland and the Downtown Improvement District, Inc. doing business as Portland Downtown is hereby approved; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to enter into said Agreement in substantially in the form attached, and any other documents necessary to effect the intent of this order, to carry out the Development Plan for the Downtown Improvement District, Inc. for the period from and after July 1, 2019 and ending June 30, 2020.

MEMORANDUM
City Council Agenda Item

FROM: Greg Mitchell, Director

DATE: May 20, 2019

SUBJECT: **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.**

SPONSOR: Economic Development Committee, Councilor Justin Costa/Chair; meeting held May 7, 2019, with a unanimous vote (4-0) to forward to the City Council for approval.

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/3/2019

Final Action 6/17/2019

Can action be taken at a later date: No (If no why not?) This TIF Amendment has been advertised in the *Press Herald* for public hearing and final action on June 17, 2019.

PRESENTATION: Greg Mitchell/5 Minutes

I. SUMMARY

A public hearing will be held at the June 17, 2019 Council meeting for a vote to approve the Proposed Amendments to the Waterfront Tax Increment Financing (WTIF) District to add additional properties to the District; a companion order is one adjustment to the Waterfront Development Growth Area Ordinance (WGA) Map.

II. AGENDA DESCRIPTION

The Economic Development Committee met on May 7 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Amendments to the Waterfront Tax Increment Financing (TIF) District are proposed to maximize utilization of the TIF District revenue by adding four additional properties to expand the Waterfront TIF District, and propose one adjustment to the WGA Map.

City staff proposed amendments do not involve credit enhancement agreements.

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

III. BACKGROUND

Geography. 99.9 acres. It is proposed to add four additional properties to the City Council and MDECD approved WTIF District along with one WGA Map adjustment. See attached map for a listing of the four properties along with the location for the one adjustment to the WGA Map.

TIF Term. Fiscal Years 2003-2032.

Capture Rate. Up to 100%, no change is proposed.

Overview of TIF District Expenditures to Date:

Waterfront TIF Expenditures from FY2016 thru FY2018:

Uses/Revenue :

Public Infrastructure/\$46,100

Credit Enhancement Agreement/\$574,646

Debt Service/\$549,650

Staff/\$319,467

Total Invested: \$1,489,863

Proposed Amendments - New Geography. See attached map, as noted previously, to add four additional properties to expand the Waterfront TIF District, along with one WGA Map adjustment, to increase the amount of TIF funds to support waterfront public infrastructure needs.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

City Council approval of the proposed amendments to the Waterfront TIF District to support increased public and private sector investment and associated job creation, and WGA Ordinance map adjustment.

V. FINANCIAL IMPACT

TIF District Estimates. See attached spreadsheet for estimates of property tax revenue, funds available to the City General Fund, and one existing credit enhancement agreement included in the Waterfront TIF District.

Tax Shelter (Financial Benefits). Probably the most important, but least understood public benefit associated with TIF districts, is the tax shelter or local financial benefits.

Municipalities realize “savings” from the tax sheltering effect of TIF Districts. The following direct financial impacts occur when municipal valuation increases:

- A. State Education Aid is reduced,
- B. State Municipal Revenue Sharing is reduced, and
- C. A municipality pays a higher percentage of the County budget.

This amount of “savings” is significant and one of the most important benefits of establishing TIF Districts.

For Portland, tax shelter savings is conservatively estimated at 30%, meaning that for every new tax dollar, Portland saves 30 cents which would otherwise be lost for property tax value not included in a TIF District. The estimated tax shelter savings for the remainder of the Waterfront TIF District term – FY2020 through FY2032 - (including all additional properties to expand the Waterfront TIF District) is \$32.6 Million, or a yearly average of \$2.5 Million.

Net Impact to the General Fund

The savings referenced above is a direct benefit to the general fund – both to the City and the School Department via an increase in revenue from the State of Maine for education, increased revenues for the City

from municipal revenue sharing, and decreased expenses for county taxes. It is important to note that whenever the TIF capture rate is adjusted upward this will change how property tax revenue flows between the general fund and the area TIFs. Via careful TIF budgeting, subject to annual budget approval by City Council, certain types of approved expenditures can be moved from the general fund into area TIFs. If the impact of the revenue shift is able to be fully offset, the end result is the 30 cent savings on the dollar. A good example is what was done in the FY19 budget. TIF capture rates were adjusted upward by approximately 5% in the Waterfront and Bayside TIF Districts. Although this resulted in slightly less revenue to the general fund, expenses related to Economic Development Department staff, in an amount approximately equal to the revenue shift, were funded by TIF Districts. The net result was an increased capture rate in both TIF Districts, more sheltering savings (approximately 30% in benefits) and no other negative impact on the City or School budgets. It is this type of calculated TIF budgeting which is expected to continue to be utilized moving forward to increase capture rates, maximize sheltering, and ensure only positive impacts to the City and School budgets.

VI. STAFF ANALYSIS AND BACKGROUND

City staff recommends approval of the proposed amendments to the WTIF District.

VII. RECOMMENDATION

The Economic Development Committee reviewed these two items at its May 7, 2019, Committee meeting and voted unanimously (4-0) to forward both items to the City Council for approval.

VIII. LIST ATTACHMENTS

1. Amending Waterfront TIF to add four properties 6.3.2019
2. Map with Existing and Proposed WTIF&WGA Map Amdmt 5-7-2019 Updt
3. WGA Map As Revised for 6-3-2019 CC Packet-V2
4. Listing of Proposed Properties to be Added
5. SS for EDC and CC Memos of 5-2019
6. For CC Marked Revision and Clean Version of TIF Narrative

Prepared by:

Greg Mitchell, Director

Date: 5/20/2019

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

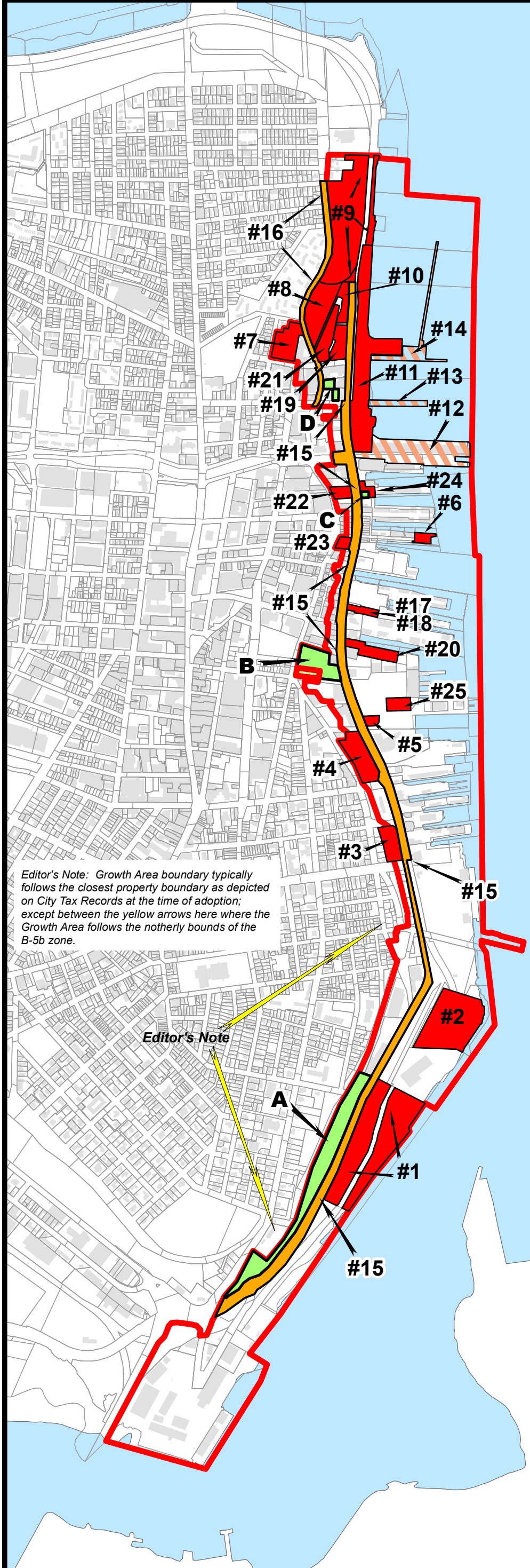
CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER AMENDING THE 2002 WATERFRONT TAX INCREMENT
FINANCING DISTRICT TO ADD FOUR PROPERTIES**

ORDERED, that the 2002 Waterfront Tax Increment Financing District as adopted by Order 185-01/02, and amended by Orders 173-02/03, 254-04/05, 238-05/06, 223-06/07; 241-07/08, 261-08/09, 216-09/10, 237-09/10, 222-10/11, 182-11/12, 161-17/18 and 79-18/19, is hereby further amended to add four properties in substantially the form attached hereto as Exhibit A; and

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



Editor's Note: Growth Area boundary typically follows the closest property boundary as depicted on City Tax Records at the time of adoption; except between the yellow arrows here where the Growth Area follows the notherly bounds of the B-5b zone.

Editor's Note

WATERFRONT TIF DISTRICT		
Map ID	Parcel Address - Common Name	CBL
Proposed AMD4-WTIF Parcels to be added (5/2019).		
A	JB Brown Site, West Commercial St	Add 060 A001
B	Portland Square Master Plan, Lower Lot and Center St Hotel	Add 038 G001, includes addition to Growth Area
C	Dry Dock Building at 84 Commercial St	Add 030 D005
D	Fore Street office block and India Street residential block	Add 019 B004 and 019 B022
AMD3-WTIF Parcels Added. Council Approved 10/15/2018. MDECD Approved 4/5/2019.		
1	400 West Commercial, PYS	060 F001
"	"	060 F003
2	IMT Cold Storage Site	Multiple, inclcuding: 059 A002 and 059 A005, and portions of 059 A007, 059 A008, 059 A009
3	431 Commercial St., "Angelo's Acre"	043 C009
4	383 Commercial St., Dasco Development, Rufus Deering Site	042 A001
5	Portland Fish Pier Lot #1	041 A013
6	60 Portland Pier	030 B004
7	127 Fore St., Shipyard Brewery	020 C009
8	100 Fore St., Hamilton Marine Site	019 A010
9	58 Fore St, Portland Foreside	018 A001, 018 A002, 019 A003
10	Thames St Lot, Phase II	019 A002
11	Ocean Gateway Land, Parking and Queuing	444 A003 and A004; 445 A001 and A002; 446 A001 and A002
12	Portland Ocean Terminal and the Maine State Pier	444 A001 and A002
13	New Pier	444 A004
14	Ocean Gateway Pier	445 A002
15	West Commercial St., Commercial St., Thames St Corridor	NA
16	Fore Street Corridor, India Street to Atlantic Street	NA
AMD 2: WTIF Parcels Added. Council Approved 3/16/2018. MDECD Approved 5/29/2018.		
17	5 Widgery Wharf, Union Wharf	031 K003
18	218 Commercial St., Union Wharf	031 K103
19	Hancock St., WEX Headquarters	019 A014
AMD 1: WTIF Sub-District Created. Council Approved 6/7/2010. MDECD Approved 6/28/2010.		
20	252 Commercial St., Pierce Atwood	041 A016
WTIF District Creation. Council Approved 6/7/2010. MDECD Approved 6/28/2010.		
21	144 Fore St./Warehouse & Storage	019 A008
22	7 Custom House St/Office & Business	029 K001
23	145 Commercial St/Office & Business	029 S001
24	68 Commercial St./Maine Wharf	030 D001
25	5 Portland Fish Pier/Bristol Seafood	041 A005

Map produced by the City of Portland Economic Development Department. Intended to document Growth Area and Waterfront TIF District boundaries as of October 15, 2018 as well as proposed expansions. TIF district boundaries are based on the underlying tax parcels where available. Actual parcel boundaries may change by sale or lease and TIF District boundaries may be amended from time to time. May 2019

Legend

- Growth Area Boundary as Recently Expanded
- Existing TIF parcel, as of April 2019
- Property for TIF District Inclusion
- Pier Infrastructure for In-district Capture and Use of TIF Funds
- Public Roadway for Use of TIF Funds
- Addition to Growth Area Boundaring and TIF District

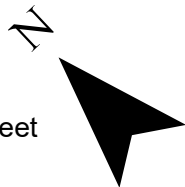


Portland Waterfront Development Growth Area
Waterfront TIF District Expansion

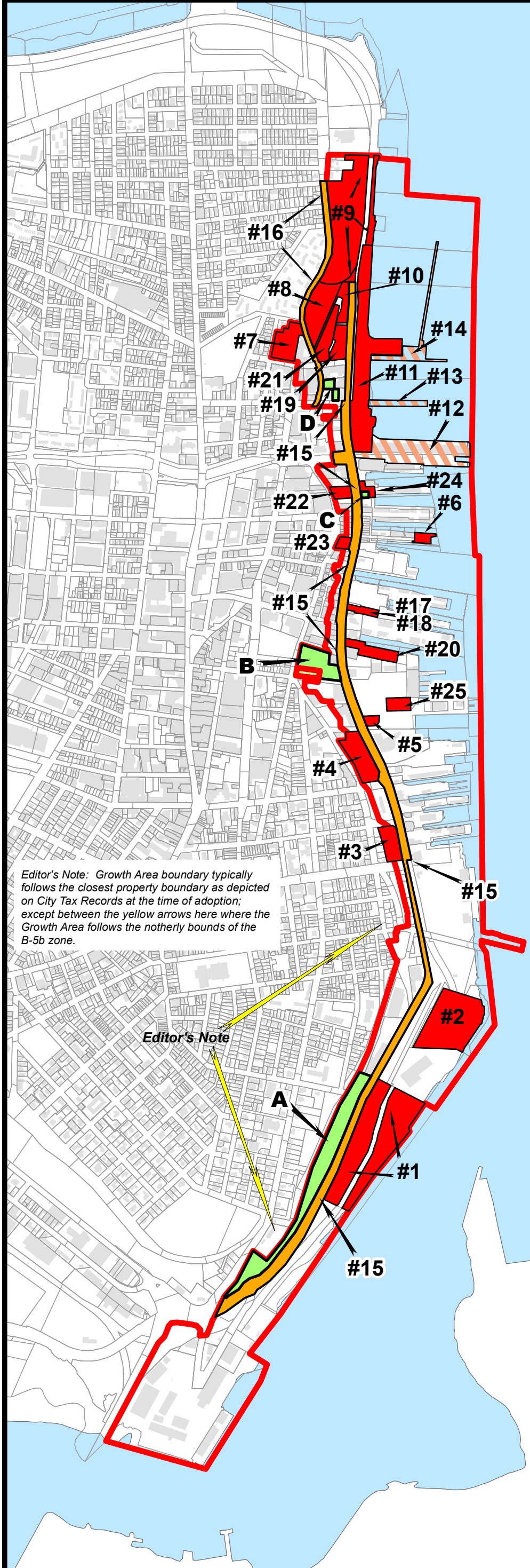
May 2019

Draft for Review by
City of Portland Economic Development Committee

2,000 1,000 0 2,000 Feet



Proposed Waterfront TIF District Expansion May 2019/Listing of Properties to be Added						
Map ID	Parcel Address Common Name	CBL	Ownership	Sq. ft.	OAV a/o 4/1/2018	
A	West Commercial Street	060 A001	JB Brown & Sons	457,380	\$898,000	
B	Commercial St. and Center St./Hotel	038 G001	North River IV LLC	104,074	\$3,959,400	
C	Dry Dock Building, 84 Commercial Street	030 D005	84 Commercial Street LLC	4,819	\$537,500	
D	Fore Street Office/Resid.	019 B022	Essexnorth 170 Fore LLC	11,226	\$318,900	
"	"	019 B004	Essexnorth Portland LLC	7,296	\$224,600	
Totals:				584,795	\$5,938,400	
			Acres:	13.43		



WATERFRONT TIF DISTRICT		
Map ID	Parcel Address - Common Name	CBL
Proposed AMD4-WTIF Parcels to be added (5/2019).		
A	JB Brown Site, West Commercial St	Add 060 A001
B	Portland Square Master Plan, Lower Lot and Center St Hotel	Add 038 G001, includes addition to Growth Area
C	Dry Dock Building at 84 Commercial St	Add 030 D005
D	Fore Street office block and India Street residential block	Add 019 B004 and 019 B022
AMD3-WTIF Parcels Added. Council Approved 10/15/2018. MDECD Approved 4/5/2019.		
1	400 West Commercial, PYS	060 F001
"	"	060 F003
2	IMT Cold Storage Site	Multiple, inclcuding: 059 A002 and 059 A005, and portions of 059 A007, 059 A008, 059 A009
3	431 Commercial St., "Angelo's Acre"	043 C009
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5	Portland Fish Pier Lot #1	041 A013
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13	New Pier	444 A004
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15	West Commercial St., Commercial St., Thames St Corridor	NA
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17	5 Widgery Wharf, Union Wharf	031 K003
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22	7 Custom House St/Office & Business	029 K001
23	145 Commercial St/Office & Business	029 S001
24	68 Commercial St./Maine Wharf	030 D001
25	5 Portland Fish Pier/Bristol Seafood	041 A005

Map produced by the City of Portland Economic Development Department. Intended to document Growth Area and Waterfront TIF District boundaries as of October 15, 2018 as well as proposed expansions. TIF district boundaries are based on the underlying tax parcels where available. Actual parcel boundaries may change by sale or lease and TIF District boundaries may be amended from time to time. May 2019

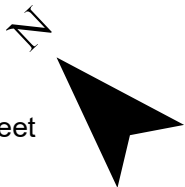
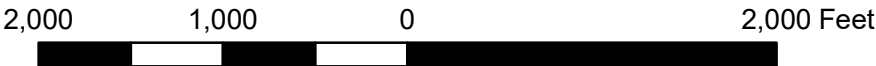
- Legend**
- Growth Area Boundary as Recently Expanded
 - TIF District Parcels**
 - Existing TIF parcel, as of April 2019
 - Property for TIF District Inclusion
 - Pier Infrastructure for In-district Capture and Use of TIF Funds
 - Public Roadway for Use of TIF Funds
 - Addition to Growth Area Boundaring and TIF District

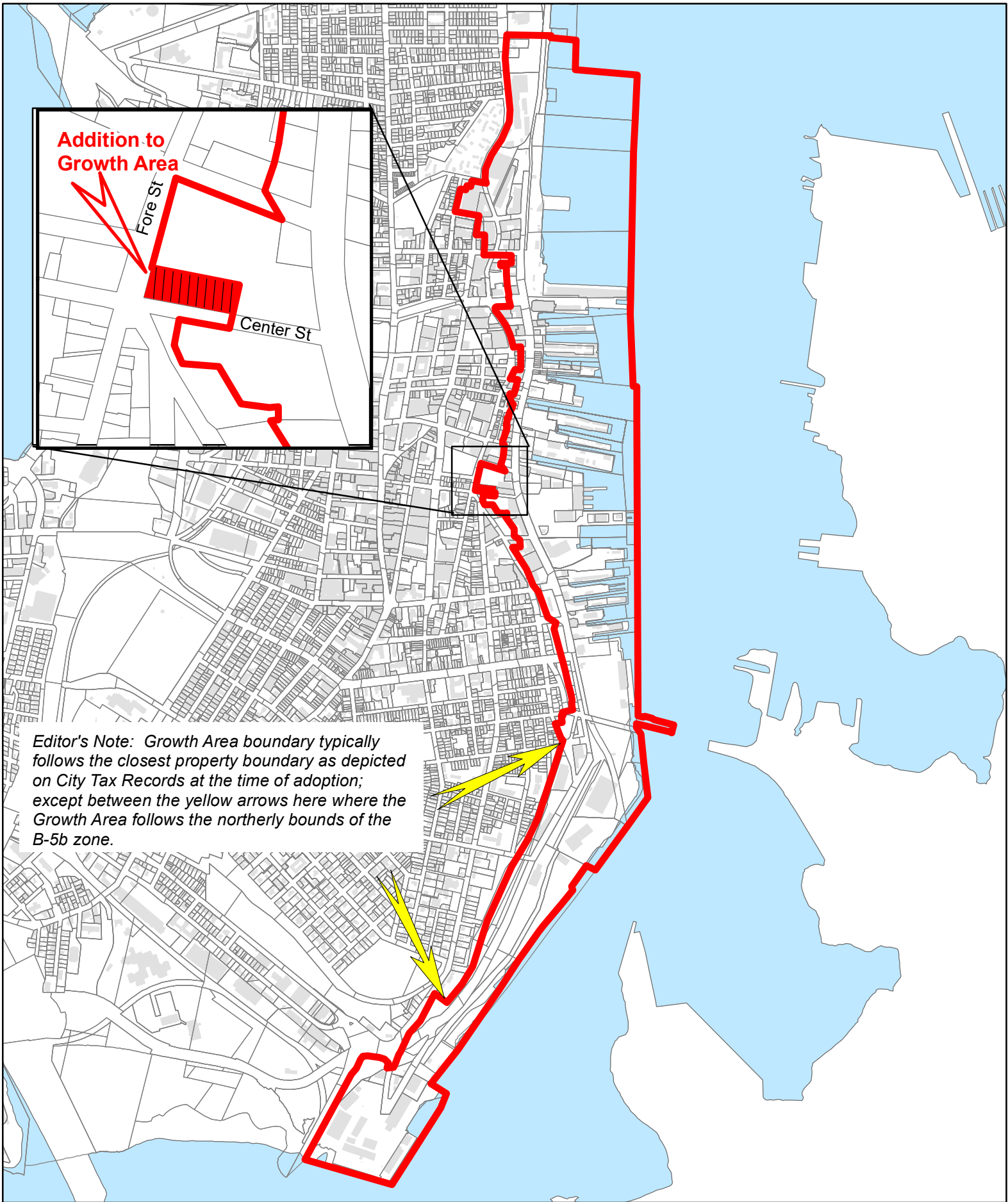


Portland Waterfront Development Growth Area
Waterfront TIF District Expansion

May 2019

Draft for Review by
City of Portland Economic Development Committee





**Addition to
Growth Area**

Fore St

Center St

Editor's Note: Growth Area boundary typically follows the closest property boundary as depicted on City Tax Records at the time of adoption; except between the yellow arrows here where the Growth Area follows the northerly bounds of the B-5b zone.



Portland Waterfront Development Growth Area

**Waterfront Development
Growth Area**

2,000 1,000 0 2,000 Feet

Map produced by the City of Portland Economic Development Department. Intended as an exhibit to the City ordinance expanding and replacing the Waterfront Redevelopment Economic Zone. October 2018, Amended June 2019

Proposed Waterfront TIF District Expansion May 2019/Listing of Properties to be Added						
Map ID	Parcel Address Common Name	CBL	Ownership	Sq. ft.	OAV a/o 4/1/2018	
A	West Commercial Street	060 A001	JB Brown & Sons	457,380	\$898,000	
B	Commercial St. and Center St./Hotel	038 G001	North River IV LLC	104,074	\$3,959,400	
C	Dry Dock Building, 84 Commercial Street	030 D005	84 Commercial Street LLC	4,819	\$537,500	
D	Fore Street Office/Resid.	019 B022	Essexnorth 170 Fore LLC	11,226	\$318,900	
"	"	019 B004	Essexnorth Portland LLC	7,296	\$224,600	
Totals:				584,795	\$5,938,400	
			Acres:	13.43		

City of Portland - Waterfront TIF Model
Actual FY03 thru FY19; Estimates FY20 thru FY32

WITH FALL 2018 and MAY 2019 PARCELS ADDED IN

OAV at Beginning ao 4/1/2001:	\$6,716,410	TIF Years 18 through 30 - Annual mil rate increase:	2%
OAV added FY11 for Subdistrict ao 4/1/2009:	\$950,900	TIF Years 18 through 30 - Annual valuation increase:	1%
OAV added FY19 for Wex/Union Wharf ao 4/1/2016:	\$616,430		
OAV added FY20 for Addl Fall 2018 Parcels ao 4/1/2017:	\$20,076,870		
OAV added FY20 for Addl May 2019 Parcels ao 4/1/2018:	\$5,938,400		
	\$34,299,010		

1/31/2019

Waterfront TIF											
TIF Years 1 (FY2003) through 17 (FY2019) Actual Numbers; Years 18 (FY2020) through 30 (FY2032) Estimates											
TIF Year	Tax Year- April 1	Increased Assessed Value Real Prop.	% of Value Captured	Captured Valuation	Projected Mill Rate	Total Projected New Taxes Captured	Captured Revenue to Municipal & Subdistrict* Project Account	City Non- Captured General Fund Revenues	OAV General Fund Revenue	Captured Revenue to Municipal Project Account	Captured Revenue to Subdistrict Project Account
1	2002	\$11,533,350	1.00%	\$115,334	25.72	\$2,966	\$2,966	\$293,671	\$172,746	\$2,966	
2	2003	\$8,966,860	1.00%	\$89,669	26.80	\$2,403	\$2,403	\$237,909	\$180,000	\$2,403	
3	2004	\$11,941,350	1.00%	\$119,414	26.53	\$3,168	\$3,168	\$313,636	\$178,186	\$3,168	
4	2005	\$14,041,400	35.38%	\$4,967,847	20.13	\$100,003	\$100,003	\$182,651	\$135,201	\$100,003	
5	2006	\$18,576,750	1.00%	\$185,768	16.31	\$3,030	\$3,030	\$299,957	\$109,545	\$3,030	
6	2007	\$20,681,160	100.00%	\$20,681,160	17.10	\$353,648	\$353,648	\$0	\$114,851	\$353,648	
7	2008	\$20,050,110	62.00%	\$12,431,068	17.74	\$220,527	\$220,527	\$135,162	\$119,149	\$220,527	
8	2009	\$20,010,560	79.00%	\$15,808,342	17.74	\$280,440	\$280,440	\$74,547	\$119,149	\$280,440	
9	2010	\$18,984,380	58.00%	\$11,010,940	17.92	\$197,316	\$197,316	\$142,884	\$137,398	\$197,316	
10	2011	\$24,027,840	74.00%	\$17,780,602	18.28	\$325,001	\$325,001	\$114,190	\$140,158	\$280,783	\$44,218
11	2012	\$30,830,290	74.00%	\$22,814,415	18.82	\$429,367	\$429,367	\$150,859	\$144,299	\$285,529	\$143,838
12	2013	\$30,953,560	91.00%	\$28,167,740	19.41	\$546,736	\$546,736	\$54,073	\$148,822	\$397,189	\$149,547
13	2014	\$32,962,770	73.00%	\$24,062,822	20.00	\$481,256	\$481,256	\$177,999	\$153,346	\$313,301	\$167,955
14	2015	\$33,758,700	69.00%	\$23,293,503	20.63	\$480,545	\$480,545	\$215,897	\$158,177	\$295,498	\$185,047
15	2016	\$33,959,530	66.00%	\$22,413,290	21.11	\$473,145	\$473,145	\$243,741	\$161,857	\$280,806	\$192,339
16	2017	\$34,620,350	66.00%	\$22,849,431	21.65	\$494,690	\$494,690	\$254,840	\$165,997	\$297,431	\$197,259
17	2018	\$39,176,240	71.48%	\$28,003,176	22.48	\$629,511	\$629,511	\$251,170	\$186,218	\$424,690	\$204,821
18	2019	\$64,293,550	100.00%	\$64,293,550	22.93	\$1,474,225	\$1,474,225	\$0	\$786,476	\$1,265,304	\$208,922
19	2020	\$85,279,476	100.00%	\$85,279,476	23.39	\$1,994,533	\$1,994,533	\$0	\$802,254	\$1,781,420	\$213,113
20	2021	\$153,475,260	100.00%	\$153,475,260	23.86	\$3,661,299	\$3,661,299	\$0	\$818,374	\$3,474,475	\$186,824
21	2022	\$264,853,003	100.00%	\$264,853,003	24.33	\$6,444,688	\$6,444,688	\$0	\$834,495	\$6,254,184	\$190,504
22	2023	\$267,844,523	100.00%	\$267,844,523	24.82	\$6,647,830	\$6,647,830	\$0	\$851,301	\$6,453,490	\$194,341
23	2024	\$288,865,959	100.00%	\$288,865,959	25.32	\$7,312,969	\$7,312,969	\$0	\$868,451	\$7,114,713	\$198,256
24	2025	\$292,097,608	100.00%	\$292,097,608	25.82	\$7,542,677	\$7,542,677	\$0	\$885,600	\$7,340,506	\$202,171
25	2026	\$295,361,574	100.00%	\$295,361,574	26.34	\$7,779,500	\$7,779,500	\$0	\$903,436	\$7,610,756	\$168,744
26	2027	\$298,658,180	100.00%	\$298,658,180	26.87	\$8,023,655	\$8,023,655	\$0	\$903,436	\$8,001,494	\$22,161
27	2028	\$301,987,752	100.00%	\$301,987,752	27.40	\$8,275,369	\$8,275,369	\$0	\$921,614	\$8,275,369	
28	2029	\$329,850,620	100.00%	\$329,850,620	27.95	\$9,219,673	\$9,219,673	\$0	\$958,657	\$9,219,673	
29	2030	\$333,492,116	100.00%	\$333,492,116	28.51	\$9,507,885	\$9,507,885	\$0	\$977,865	\$9,507,885	
30	2031	\$337,170,027	100.00%	\$337,170,027	29.08	\$9,804,998	\$9,804,998	\$0	\$997,415	\$9,804,998	
30 Year TIF Total		\$3,718,304,850		\$3,568,024,169		\$92,713,054	\$92,713,054	\$3,143,186	\$14,034,476	\$89,842,996	\$2,870,058
30 Year Average:		\$123,943,495		\$118,934,139		\$3,090,435	\$3,090,435	\$104,773	\$467,816	\$2,994,767	\$95,669

*Subdistrict is Waterfront Maine CEA with maximum cumulative TIF payments set at \$2,870,058.

City of Portland Waterfront TIF Model
1/31/2019

Tax Shifts-Avoided Formula Impacts from Sheltering of Valuation: City of Portland- TIF Model							
TIF Years 1 (FY2003) through 17 (FY2019) Actual Numbers w Varying Percentage Captures; Years 18 (FY2020) through 30 (FY2032) Estimates with 100% Capture Rates.							
TIF Year	Tax Year- April 1	Total Added Valuation	Sheltered Valuation	Avoided Formula Impacts from Sheltering of Valuation			
				Avoided Loss of State Aid to for Education	Avoided Loss of State Municipal Revenue Sharing	Avoided Increase in County Tax	Total Avoided Impacts
1	2002	\$11,533,350	\$115,334	\$0	\$67	\$64	\$131
2	2003	\$8,966,860	\$89,669	\$0	\$52	\$50	\$102
3	2004	\$11,941,350	\$119,414	\$0	\$70	\$66	\$136
4	2005	\$14,041,400	\$4,967,847	\$21,138	\$2,907	\$2,743	\$26,788
5	2006	\$18,576,750	\$185,768	\$1,581	\$109	\$103	\$1,792
6	2007	\$20,681,160	\$20,681,160	\$175,997	\$12,100	\$11,414	\$199,511
7	2008	\$20,050,110	\$12,431,068	\$105,788	\$7,273	\$6,862	\$119,924
8	2009	\$20,010,560	\$15,808,342	\$134,529	\$9,249	\$8,726	\$152,504
9	2010	\$18,984,380	\$11,010,923	\$93,703	\$6,442	\$6,078	\$106,224
10	2011	\$24,027,840	\$17,780,579	\$151,313	\$10,403	\$9,814	\$171,530
11	2012	\$30,830,290	\$22,814,392	\$194,150	\$13,348	\$12,591	\$220,089
12	2013	\$30,953,560	\$28,167,712	\$239,707	\$16,480	\$15,544	\$271,731
13	2014	\$32,962,770	\$24,062,800	\$204,774	\$14,078	\$13,280	\$232,132
14	2015	\$33,758,700	\$23,293,482	\$198,228	\$13,628	\$12,855	\$224,711
15	2016	\$33,959,530	\$22,413,270	\$190,737	\$13,113	\$12,370	\$216,220
16	2017	\$34,620,350	\$22,849,411	\$194,448	\$13,368	\$12,610	\$220,427
17	2018	\$39,176,240	\$28,003,155	\$238,307	\$16,384	\$15,453	\$270,143
18	2019	\$64,293,550	\$70,258,920	\$597,903	\$41,106	\$38,733	\$677,743
19	2020	\$85,279,476	\$91,244,846	\$776,494	\$41,106	\$50,279	\$867,879
20	2021	\$153,475,260	\$159,440,630	\$1,356,840	\$93,283	\$87,722	\$1,537,845
21	2022	\$264,853,003	\$270,818,373	\$2,304,664	\$158,447	\$148,625	\$2,611,737
22	2023	\$267,844,523	\$273,809,893	\$2,330,122	\$160,197	\$150,257	\$2,640,576
23	2024	\$288,865,959	\$294,831,329	\$2,509,015	\$172,496	\$161,716	\$2,843,227
24	2025	\$292,097,608	\$298,062,978	\$2,536,516	\$174,387	\$163,477	\$2,874,379
25	2026	\$295,361,574	\$301,326,944	\$2,564,292	\$176,296	\$165,255	\$2,905,843
26	2027	\$298,658,180	\$304,623,550	\$2,592,346	\$178,225	\$167,050	\$2,937,622
27	2028	\$301,987,752	\$307,953,122	\$2,620,681	\$180,173	\$168,864	\$2,969,718
28	2029	\$329,850,620	\$335,815,990	\$2,857,794	\$196,475	\$184,026	\$3,238,295
29	2030	\$333,492,116	\$339,457,486	\$2,888,783	\$198,605	\$186,007	\$3,273,395
30	2031	\$337,170,027	\$343,135,397	\$2,920,082	\$200,757	\$188,006	\$3,308,846
30 Year TIF Total		\$3,718,304,850	\$3,645,573,787	\$30,999,934	\$2,120,625	\$2,000,639	\$35,121,198
30 Year Average		\$123,943,495	\$121,519,126	\$1,033,331	\$70,687	\$66,688	\$1,170,707

City of Portland

Waterfront Economic Redevelopment Program

Application for FY02 and FY10 Amended Waterfront Tax Increment Financing Development

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL
ON JUNE 7, 2010**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
MARCH 6, 2018**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
OCTOBER 15, 2018.**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
_____, 2019**

Prepared by:

**The City of Portland Economic Development Department
March 13, 2002/Amended and Restated as of June 7, 2010; Amended and Restated March 6,
2018; Amended and Restated October 15, 2018; Amended and Restated _____, 2019**

I. Introduction

The Portland City Council on March 18, 2002, designated five properties as tax increment financing districts (the “Original TIF Districts”) as more specifically described below and adopted the Waterfront Tax Increment Financial Development District Program (the “Original Development Program”). The Original TIF District program was designed for the City to capture 100% of the tax increment for specified allowable uses.

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD”) on June 28, 2010, as follows:

- Extend the term by twenty (20) years;
- Reduce the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2: On March 6, 2018, the Portland City Council further amended the Original TIF Districts to add three properties with the following Chart, Lot, and Block (CBL) numbers (“Added TIF District Properties of 2018”):

- 019-A-014001;
- 031-K-003001; and,
- 031-K-103001.

The three additional properties include two projects under construction as follows:

WEX Headquarters (019-A-014001)

Union Wharf Mixed Use Development (031-K-003001 and 031-K103001)

± MDECD approved Amendment #2 on May 29, 2018.

Amendment #3 – Additional Parcels Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels include those listed in Section II(D)(4).

In addition, this Amendment increased City TIF revenue investment options, as well as increased the geographic area by amending and renaming the WREZ to the “Waterfront Development

Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

Amendment #4: Proposed Amendment 4 would add additional properties designated by the City Assessor as follows:

- 060 A001 on West Commercial Street;
- 038 G001 at Commercial and Center Streets;
- 030 D005 on Commercial Street;
- 019 B022 and 019 B004 on Fore and India Streets.

History:

The history of the City of Portland is inextricably tied to the waterfront. From tourism to shipbuilding to national defense, the waterfront has been a vital part of the social and economic fabric of Portland. Always, Portland has worked to recognize the unique needs of the harbor, to protect its authentic marine heritage and to provide public access. The product of this commitment comes from the work of a Mayoral Taskforce report entitled “Investing in Our Working Waterfront – Final Report of the Mayor’s Waterfront Task Force on Economic Development”, dated October 2000 (herein referred to as the “Task Force II Report”). An excerpt from its Executive Summary is included here, and the full Report is attached to this application labeled as Attachment #1.

“Portland is a waterfront city. Its harbor is one of the deepest on the East Coast and served as the staging area for the Atlantic Fleet during World War II. Today, it accommodates the largest petroleum trans-shipment operation on the East Coast. The inner harbor is very limited in geography; it is only about two miles in length from Bath Iron Works to Merrill’s Marine Terminal. The wharves that serve the needs of water-dependent businesses are both publicly and privately owned. Over the course of its long history, the Portland waterfront has served as a center of commerce, shipbuilding, cargo and passenger transport, fishing and defense. It has also supported a range of mixed uses, the character of which has changed over time as the City of Portland and its waterfront have evolved.

Portland has a 30-year history of commitment to its working waterfront. The City began planning the future of its waterfront in the early 1970’s, culminating in 1982 with multi-faceted development strategies, including zoning amendments, construction of public facilities, and policies to address berthing and public access. Despite these initiatives, the emergence of the Old Port as a vital retail center and tourist attraction threatened to drive traditional industries from their waterfront locations. A citizen-initiated referendum in 1987 passed by a 2-1 margin, clearly

demonstrating the public's commitment to a working waterfront, and significant limitations were placed on development of the water side of Commercial Street.

Before the development moratorium expired in 1992, the City asked waterfront interests to review the zoning and recommend any changes that might provide more flexibility in renting space, while protecting water-dependent and marine-related uses (The Waterfront Alliance Report, 1992). While some may argue otherwise, the existing zoning structure, based on the 1992 Report, strikes a reasonable balance between preserving the "working waterfront" and allowing property owners necessary flexibility in managing their assets. Since the 1980's, Portland and the State of Maine have invested significant public dollars in supporting traditional waterfront activities such as ship repair, commercial fishing, and cargo transfer. At the same time, some private property owners have, for a variety of reasons, lacked the revenues to maintain their piers, resulting in a serious infrastructure problem, which threatens the viability of certain piers as elements of the waterfront economy.

Despite investments in publicly owned waterfront facilities, the City has done little to assist private owners of waterfront property, the uses of which have been limited by public policy, as noted above. This report is the result of a charge issued by then-Mayor Tom Kane to "focus on economic support for the waterfront...and to make the working waterfront work." It is the second of a three-phase process for defining the City's vision for its waterfront."

The Task Force II Report was presented to the City Council and the public, and the Council voted to incorporate it into the Comprehensive Plan on June 4, 2001.

The Task Force II Report identified the unique needs of the waterfront from both an infrastructure and a business development perspective, and several recommendations were made. In order to turn these recommendations into waterfront economic development opportunities, a program to create a funding mechanism through Tax Increment Financing ("TIF") Districts was put in place.

Since the adoption of Waterfront Task Force II report, the City has systematically conducted area specific planning and re-zoning processes for the three waterfront sub-areas identified in the 1992 Waterfront Alliance Report: Eastern Waterfront, Central Waterfront, and Western Waterfront. These processes have resulted in an updated framework of regulation that reflects the industries, infrastructures, water depths, and ownership patterns on the Portland Waterfront. Current regulations continue to prioritize and protect water dependent uses while allowing reasonable flexibility to promote investment. While new zoning promotes waterfront investment, barriers remain. Deferred pier maintenance, shifting industry needs, dredging needs, traffic congestion, and parking shortages continue to challenge public and private piers and the industries that depend on them.

II. Development Program

A. *Amended Development Program*

With the incorporation of the Task Force II Report into the Portland Comprehensive Plan in 2000, with these policies recently reinforced with the redrafted Portland 2030 Plan, the City Council formally recognizes the unique business development needs of the waterfront. Since a funding mechanism was required to implement the recommendations of the Report, the City began crafting what ultimately became the Waterfront Capital Improvement and Economic Redevelopment Zone (“WREZ”) Ordinance (see Attachment #2 as passed June 4, 2001, Attachment #3 as amended December 1, 2008; and Attachment 3(A) as amended October 15, 2018 and renamed “Waterfront Development Growth Area Ordinance” [WGA, as referred to from now on within this document]) whereby any property within the WGA geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be subject to inclusion in a TIF application.

By adopting the WGA Ordinance, the City Council recognized that the non-marine commercial development that has occurred in the Old Port and the surrounding area has benefited through the years from the authenticity of the working waterfront. Said another way, Portland’s downtown became a desirable destination for tourists, retailers, restaurants and high-end office users in part because of the vibrant business of those that depend upon the water for their living. Portland blends a vibrant mix of fishing vessels, vessel repair, chandlery, cargo operations and the like with lawyers, bankers, technology entrepreneurs and tourists. Given that non-marine uses place strains on the working waterfront, and that a revenue stream was required to maintain and improve the economic vibrancy of the area, the City Council acted to nurture this symbiotic relationship by directing the incremental revenues of the new commercial development back to the working waterfront. The result of that action was the adoption of the WGA Ordinance.

The WGA Ordinance is intended to be in effect for several years. As such, the designation of the five Original TIF Districts described in the Original Development Program were the first in what the City hoped to be a multiple year program where several additional TIF Districts will be created. The common theme underlying the Original Development Program, this Amended Development Program, and future TIF applications is the implementation of the Task Force II Report findings. As such, the projects described in the Original Development Program and this Amended Development Program are intended to be greater in scope than the five Original TIF Districts could support by themselves.

Amendments to the Development Program include:

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD) on June 28, 2010, as follows:

1. Extend the term by twenty (20) years;

2. Reduce the number of TIF investment options;
3. Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- ~~2.4.~~ Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2 – Three Added Parcels Approved by City Council March 16, 2018, and approved by MDECD May 29, 2018.

The Original Development Program and the three Added TIF District Properties of March 2018 (CBLs 019-A-014001, 031-K003001, and 031-K-103001) ~~will~~ serve as the model for future amendments to the Original Development Program, as amended, as properties become eligible through the WGA Ordinance.

Amendment #3 – Additional Parcels ~~to be~~ Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels ~~to be~~ added include those listed in Section II(D)(4).

In addition, this ~~proposed~~ Amendment increases City TIF revenue investment options, as well as increases the geographic area by amending and renaming the WREZ to the “Waterfront Development Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

The activities to be funded through the Original Development Program and this Amended Development Program will be specifically determined on an annual basis upon recommendation by the City Manager for action by the City Council. Therefore, the City of Portland seeks authorization to fund all the activities described in this Amended Development Program so that each year the City Council could prioritize which specific activities to fund.

Amendment #4: Proposed Amendment 4 would add additional properties listed in Section II(D)(5).

B. The Projects

The projects to be undertaken are derived from the recommendations of the Task Force II Report which are:

1. Encourage private and public waterfront investments;
2. Provide support to maintain a working waterfront;
3. Support a clean, working harbor.

Generally, the activities to be undertaken and the approximate cost associated with each activity are described in Table 1 below.

TABLE 1

Note 1: All citations refer to Title 30-A, Chapter 206, Section 5225

Project	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including financing costs, for example:		
Pier and Wharf Structural Repair	(1)(A)(1)(2)(3)(7)	\$15,000,000
Local Match for Ocean Gateway Project	(1)(A)(2)	\$1,000,000
Street Studies and Improvements (Remedy Traffic Congestion)	(1)(A)(1)(2)(3)(7)	\$20,000,000
Pedestrian and Multi-Modal Circulation and Amenity Improvements	(1)(A)(1)(2)(3)(7)	\$2,000,000
New Publicly Owned Pier	(1)(A)(1)(2)(3)(7)	\$3,000,000
Multi-Modal Surface and Structured Parking	(1)(A)(1)(2)(3)(7)	\$10,000,000
Utilities Infrastructure (for Commercial Development)	(1)(A)(1)(2)(3)(7)	\$15,000,000
Credit Enhancement Agreements	(1)(A)	\$4,000,000
		Per Each Individual CEA Project
In and out of District:		
(a) Funding the Economic Development Department, including prorated salaries of City Manager, Finance, and Planning Urban Development Director and Planning staff;	(1)(A)(5) and (C)(1)	\$50,000 Annually effective 7/1/2010 for 22 years, or \$1,100,000 total.
(b) Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained, of value to marine industry;	(1)(C)(4)	\$750,000
(c) Costs of funding economic development programs or events;	(1)(C)(1)	\$250,000
(d) Costs of funding environmental improvements projects for commercial use, including sea level adaptation studies and infrastructure improvements;	(1)(C)(2)	\$5,000,000
(e) Professional services costs.	(1)(A)(4); 1(C)(1)	\$1,000,000
(f) Dredging of commercial vessel berthing; and,	(1)(A)(1)(2)(7)	\$5,000,000
(g) Dredge sediment disposal and CAD Cell development.	(1)(A) and (1)(C)(2)	<u>\$5,000,000</u>
Total Estimate of TIF Revenue Expenditure over 30-year term:		\$88,100,000 – excluding any future CEA Projects

The City recognizes that the full scope of the needs of the Waterfront Economic Redevelopment Program is beyond the funds anticipated to be generated through this Amended Development Program. Since the Original Development Program, this Amended Development Program will serve as the template for future TIF District applications, however, the City again seeks authorization for the full “menu” of economic development activities described above. This is necessary to maintain flexibility and adaptability as the needs of the waterfront are prioritized throughout the life of this Amended Development Program.

In District Use of Funds

Pier and Wharf Structural Repair

The waterfront infrastructure needs are considerable. The Task Force II Report estimated the need for \$1.4 million in repairs to 14 wharves within three years, with an additional \$1.8 million needed over the next 20 years. Over the last 18 years, these costs have grown considerably and the Task Force II Report estimates should be considered woefully inadequate. Working pier space and commercial berthing are the foundational resources promoting water-dependent industries. Piling replacement, deck repair, structural repair, seawall maintenance, and berthing improvements are constant necessities in any marine environment. See Dredging below.

Local Match for Ocean Gateway Project

The voters of the State of Maine approved an allocation of roughly \$15 million for the construction of a marine passenger facility, requiring a local match of nearly \$1 million.

Street Studies and Improvements (Remedy Traffic Congestion)

For more than the last 10 years, the Portland Waterfront has experienced a historic development cycle that continues to this day. To keep pace with development and to retain and grow marine industry, significant transportation improvements will be required to accommodate the increased traffic. With particular emphasis on Commercial Street, Franklin Street, and the India Street neighborhood, street system improvements are and will continue to be studied and improved.

Pedestrian Circulation and Multi-modal Transportation, Improvements

With the growth of tourism, cruise ships, and non-marine development, waterfront industries increasingly share roadway capacity with, pedestrians, bicycles, tour vehicles, and non-marine delivery trucks. To both accommodate these new users and protect existing marine industries, the City will need to invest in pedestrian infrastructure, bicycle infrastructure (lanes, racks and stations,) public transit, and other multi-modal transportation improvements to promote a safe and functional transportation network. Multi-modal investments provide the additional opportunity to

remove single occupancy vehicles from the network, reducing traffic, and to promote public access to the water.

New Publicly Owned Pier

Located between the Portland Ocean Terminal and Ocean Gateway, a new deep-water pier will offer expanded berthing supporting cruise ship, home porting, tug boat, and transient berthing for current and future marine transportation industries.

Multimodal Surface and Structured Parking

Existing and future waterfront industries and developments require shared parking resources to promote continued growth and opportunities for transportation choice.

Economic Development Staffing, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning Staff

Fund a portion of the cost of City economic development staff involved in supporting waterfront business development activities and administration of the Original Development Program and this Amended Development Program, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

Utilities Infrastructure (for Commercial Development)

The design, upgrades, and construction of utility infrastructure including, but not limited to, lighting, water, stormwater and sewer systems, telecommunication, and electrical distribution upgrades to support commercial development.

Credit Enhancement Agreements

The City Council may approve credit enhancement agreements within the WGA (as depicted on Attachment #4) within the remaining term of the Amended Development Program to support important private sector projects in compliance with adopted City TIF Policy and where the City Council determines that the public benefits associated with individual projects meet or exceed the current or net present value of the project's share of the TIF proceeds for activities consistent with State law. City Council approved City TIF Policy limits the commercial Credit Enhancement Agreements to not exceed 65% of the incremental taxes up to a 20-year term; for Affordable Housing TIF District, the TIF Policy limits Credit Enhancement Agreements to not exceed 75% of the incremental taxes up to a 30-year term.

In and Out of District Use of Funds

Workforce Training Funds

Marine Industries are increasingly challenged to find qualified workers to fill open positions and to capitalize on opportunities for growth. TIF funding can help expand the pool of applicants for current and future employment while improving employment options.

Economic Development Programs and Events

Job fairs, technology conferences, industry open houses, and other such events to market and promote the waterfront and its industries.

Environmental Improvement Projects

Waterfront industries, such as fisheries and tourism benefit from water quality improvement studies and projects. Likewise, sea level rise and other climate change related stresses on industries will increasingly require studies and infrastructure improvements to adapt to changing conditions and promote resiliency.

Professional Services Costs

Waterfront TIF funds may be used to support consulting and professional services needed for special projects and to conduct the everyday ongoing work implementing the development program.

Dredging

Urban harbors require periodic dredging to retain access to and utility of commercial berthing. Typically located on state-owned submerged lands controlled by a submerged lands lease, berthing is the foundation resource supporting water-dependent employment and development. Un-dredged pier edges continually lose their value to marine industry through natural sedimentation and urban storm water runoff. The costs of dredging these public lands are prohibitive, with costs escalating due to contamination resulting from legacy industries, combined sewer overflows, and street runoff. With the support of the Maine Department of Transportation and the Portland Harbor Commission, the City of Portland has worked for the last several years to quantify volumes, sediment contamination, and sediment disposal options. TIF funding will promote dredging of public and private berthing and provide local match for additional state and federal funds.

See CAD Cell Development discussion below.

Dredged Sediment Disposal Costs and CAD Cell Development

The City is working with State and local partners to construct a Contained Aquatic Disposal (CAD) cell in Portland Harbor to address the needs of pier dredging for both

public and private piers utilized to support commercial and marine industry development. Typical urban sediments are not suitable for open water disposal, necessitating creation of a local disposal option. On-land disposal is prohibitively expensive. A CAD cell location has been identified and TIF funding will provide local match to state and federal funds needed for final design and construction of the CAD cell.

C. Sub-District Development Program

The twenty (20) year Sub-District Development Program supports the redevelopment of the Cumberland Cold Storage 100,000± square foot building into a Class A office building. A twenty (20) year Credit Enhancement Agreement with the property owner and developer assists with project costs.

D. The Development District Property

The City Council created the WGA Ordinance (see Attachments #2, #3, and #3A) whereby any property within the geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be considered for inclusion in a TIF application subject to the City Council approval.

NOTE: ~~This~~ Amendment #3 also ~~proposes to amend~~ed the WGA Ordinance to expand the geographic area and rename the Ordinance the “Waterfront Development Growth Area Ordinance”, as noted on Attachment #3(A).

1. Original Development District Property

Five such properties were given a TIF District designation by the City Council in 2002 as part of the Original Development Program.

MAP	BLOCK	LOT
019	A	008
029	K	001
029	S	001
030	D	001
041	A	005

2. Sub-District Property

~~2.~~

Properties 041-A-016 (0.17 acres) and 041-A-17-18 (1.38 acres) are the Sub-District for the purposes of establishing the original assessed value and allocating tax increment pursuant to the Credit Enhancement Agreement with the Developer.

The TIF Districts will apply to only new value generated within the Districts and will not affect the current property tax base.

3. Three Added TIF District Properties of March 2018

MAP	BLOCK	LOT
019	A	014001
031	K	003001
031	K	103001

4. Added TIF District Properties of September 2018

Additional Parcels ~~to be~~ added are shown revised map 9(C), 9(D) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(E) – tax maps.

5. Added TIF District Properties of May 2019.

Proposed additional parcels to be added are shown on revised map 9(C), 9(F) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(G) – tax maps.

E. Municipal Use of TIF Revenues

The City of Portland seeks authorization to utilize the revenues generated from this Amended Development Program that are created in the WGA in support of the economic development activities called for in described in this Amended Development Program, and specifically, the activities outlined in Section II-A and B of this application.

F. Operational Components

1. Public Facilities

See Section IIA of this application.

2. Uses of Private Property

Subject to the approval of the City Council, the City will consider entering into credit enhancement agreements to support private projects located in the Waterfront Central Zone which meet the criteria set forth in this TIF District Program.

3. Plans for relocation of persons displaced by development activities.

No displacement or relocation costs are expected related to this TIF District.

4. Transportation Improvements

See Section IIA of this application.

5. Environmental Controls

This Amended Development Program proposes improvements that will comply with all federal, state and local rules and regulations and applicable land use requirements.

6. Plan of Operation

During the life of this Amended District, the City of Portland, City Council, or their designee, will be responsible for the administration of the Districts.

III. Original Development Program Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)
- B. Total acreage of five Original TIF Districts: 3.4 acres
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.03%
- D. Total acreage of all existing and Original TIF Districts in the municipality: 77.6 acres
- E. Percent line D of line A (cannot exceed 5%): 0.63%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = 3.4. Line F3 divided by line B = 100%.
- G. Enclosed municipal maps:
 - 1. Area map showing site location of the five Original TIF Districts in relation to geographic location of municipality (Attachment #6).
 - 2. Site map showing tax map locations and the five Original TIF Districts (Attachments #7A through 7E).

III-A. Sub-District Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)

- B. Total acreage proposed for Sub-District: 1.55
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.01%
- D. Total acreage of all existing and proposed TIF Districts in the municipality: 189.92
- E. Percent line D of line A (cannot exceed 5%): 1.53%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = _____. Line F3 divided by line B = 100%.

III-B. Added TIF District Properties of March 2018 Physical Description

The total acreage of the three Added TIF District Properties of March 2018 is 1.675 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

- 1. Area map showing site location of the Sub-District, and the three Added TIF District Properties of March 2018, in relation to geographic location of municipality (Attachment #8)
- 2. Tax maps showing locations of the three Added TIF District Properties of March 2018 (Attachment #9).

III-C. Added TIF District Properties of September 2018 Physical Description

The total acreage of the added September 2018 TIF District Properties is estimated at 77 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

- 1. Area map showing site location of the Added September 2018 TIF District Properties, in relation to geographic location of municipality (Attachment

#9(C)). See also Attachment #9(D) listing the Added September 2018 TIF District parcels, square footage for each, and OAV for each.

2. Tax maps showing locations of the added September 2018 TIF District Properties (Attachment #9(E)).

III-D. Added TIF District Properties of May 2019 Physical Description

The total acreage of the added May 2019 TIF District Properties is estimated 13.43 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

1. Area map showing site location of the added May 2019 TIF District Properties, in relation to geographic location of municipality (revised Attachment #9(C)). See also Attachment #9(F) listing the added May 2019 TIF District parcels, square footage for each, and OAV for each.
2. Tax maps showing locations of the added May 2019 TIF District Properties (Attachment #9(G)).

IV. Original Development Program Financial Plan

A. *Costs and Sources of Revenues*

The five Original TIF Districts comprise an area of approximately 3.4 acres of taxable real and personal property with an original assessed value of \$6,716,410 as of March 31, 2001. The development within the Original TIF Districts is estimated to add an additional \$26,221,692 of new assessed value to the City over the 30 years.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #10 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Amended TIF District. Attachment #10 is a

projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the described Original TIF Districts will add approximately \$26.2 million of new taxable value in the City of Portland over 30 years. TIF revenues will be allocated as described on Attachment #10 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-A. Sub-District Financial Plan

A. Cost and Sources of Revenue

The one TIF Sub-District comprises an area of 1.55 acres of taxable real property with an original assessed value of \$950,900 as of March 31, 2010. The development within the sub-district is estimated to add an additional \$12,000,000 of new assessed value to the City.

This Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Sub-District to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to a credit enhancement agreement with the Developer and the balance of retained revenues to the economic development activities described in this Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity with its allocable share of retained revenues that is allowable under the Amended Development Program.

Attachment #11 details the projections and TIF revenue allocation schedule based upon the anticipated assessed value increases within the Sub-District. Attachment #11 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

This Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Cumberland Cold Storage TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and a Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under the credit enhancement agreement to be entered into with the Developer.

C. Financing Plan

The developments within the Sub-District will add approximately \$12 million of new taxable value in the City of Portland. TIF revenues will be allocated as described on Attachment #11 to finance the costs of this Amended Development Program and to fund the City’s payment obligations to the Developer pursuant to the credit enhancement agreement to be entered into with the Developer. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-B Added TIF District Properties of March 2018 Financial Plan

A. Costs and Sources of Revenues

The three Added TIF District Properties of March 2018 comprise an area of approximately 1.675 acres of taxable real property with an original assessed value of \$616,430 as of March 31, 2017. The development within the three Added TIF District Properties of March 2018 is estimated to add an additional \$20.7 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with

the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the three Added TIF District Properties of March 2018. Attachment #12 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the three Added TIF District Properties of March 2018 will add approximately \$20.7 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-C Added TIF District Properties of September 2018 Financial Plan

A. Costs and Sources of Revenues

The Added TIF District Properties of September 2018 comprise an area of approximately 77 acres of taxable and tax exempt (State and City-owned) real property with an original assessed value of \$20,076,870 as of March 31, 2018. The development within the Added TIF District Properties of September 2018 is estimated to add an additional \$300 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Added TIF District Properties of September 2018. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the Added TIF District Properties of September 2018 will add approximately \$300 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-D Added TIF District Properties of May 2019 Financial Plan

A. Costs and Sources of Revenues

The added TIF District Properties of May 2019 comprise an area of approximately 13.43 acres of taxable real property with an original assessed value of \$5,938,400 as of March 31, 2019. The development within the added TIF District Properties of May 2019 is estimated to add an additional \$41.5 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake different activities that are allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the added TIF District Properties of May 2019. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account ("Project Cost Account") pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the "City Cost Subaccount") pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the "Developer Cost Subaccount") pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the added TIF District Properties of May 2019 will add approximately \$41.5 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the

Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

The City reserves the option to fund the project costs through public indebtedness. If City utilizes debt service to cover the cost of public infrastructure, it will establish a sinking fund account.

V. Original TIF Districts Financial Data

- A. Total 2001 value of equalized property in the municipality: \$3,873,900,000.
- B. Original assessed value of all properties in all existing and proposed Original TIF districts:

Existing	\$20,961,460
Proposed	\$6,716,410
Total	\$27,677,870

Line B divided by line A = 0.71% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Original Development Program: See Attachment #10
- D. Percentage of increased assessed value to be applied to the Original Development Program fund: See Attachment #10
- E. Estimated annual tax increment: \$400,113 (Average)
- F. Total average annual value of development program fund: \$400,113 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #13.

V-A. Sub-District Financial Data

- A. Total 2010 value of property in the municipality: \$8,196,900,000.

B. Original assessed value of all properties in all existing TIF Districts and proposed sub-district:

Existing	\$305,455,220
Proposed	<u>\$950,900</u>
Total	\$306,406,120

Line B divided by line A = 3.73% (cannot exceed 5%).

C. Estimate of increased assessed value by year after implementation of the development program: See Attachment #11

D. Percentage of increased assessed value to be applied to the development program fund: See Attachment #11

E. Estimated annual tax increment: \$143,503 (Average)

F. Total average annual value of development program fund: \$143,503 (Average)

G. Annual principal and interest payment of bonded indebtedness: N/A

H. Financial assumptions and safeguards: The City of Portland seeks to implement its own Waterfront Economic Redevelopment Program and to fund its payment obligations to the Developer under the credit enhancement agreement with the Developer and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.

I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #14.

V-B. Added TIF District Properties of March 2018 Financial Data

A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.

B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,106,422,670
Proposed	<u>\$616,430</u>
Sub-Total	\$1,107,059,100
Less Exempt	<u>-\$973,107,320</u>
Total	\$133,951,780

Line B divided by line A = 1.48% (cannot exceed 5%).

C. Estimate of increased assessed value by year after implementation of the three Added TIF District Properties of 2018: See Attachment #12.

- D. Percentage of increased assessed value to be applied to the three Added TIF District Properties of 2018 Development Program fund: See Attachment #12
- E. Estimated annual tax increment: \$491,204 (Average)
- F. Total average annual value of development program fund: \$491,204 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- II. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15.

V-C. Added TIF District Properties of September 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,107,059,100
Proposed	\$20,076,870
Sub-Total	\$1,127,135,970
Less Exempt	<u>-\$973,107,320</u>
Total	\$154,028,650

Line B divided by line A = 1.7% (cannot exceed 5%).
- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of September 2018: See Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of September 2018 Development Program fund: 100%
- E. Estimated annual tax increment: \$7,282,000 (Average)
- F. Total average annual value of development program fund: \$7,282,000 (Average)

- G. Annual principal and interest payment of bonded indebtedness: \$200,000
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- III. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15(A).

V-D. Added TIF District Properties of May 2019 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:
- | | |
|---|------------------------|
| <u>Existing</u> | <u>\$1,127,135,970</u> |
| <u>Proposed</u> | <u>\$5,938,400</u> |
| <u>Sub-Total</u> | <u>\$1,133,074,370</u> |
| <u>Less Exempt</u> | <u>-\$973,107,320</u> |
| <u>Total</u> | <u>\$159,967,050</u> |
| <u>Line B divided by line A = 1.76% (cannot exceed 5%).</u> | |
- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of May 2019: See Revised Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of May 2019 Development Program fund: 100%
- E. Estimated annual tax increment: \$6,745,331 (Average)
- F. Total average annual value of development program fund: \$6,745,331 (Average)
- G. Annual principal and interest payment of bonded indebtedness: The City reserves the option to fund the project costs through public indebtedness.
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is

voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.

IV. Statement of impact of TIF on taxing jurisdictions within the county: See Revised Attachment #15(A).

VI. Original Development Program Tax Shifts (See Attachment #13)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$137,700

Municipal Revenue Sharing Tax Shift: \$17,004

County Tax Shift: \$7,855

Total Average Annual Savings: \$162,560

VI-A Sub-District Tax Shifts (See Attachment #14)

General Purpose Aid to Education Tax Shift: \$49,822

Municipal Revenue Sharing Tax Shift: \$6,183

County Tax Shift: \$2,856

Total Average Annual Savings: \$58,860

VI-B. Added TIF District Properties of March 2018 Tax Shifts (See Attachment #15)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$122,721

Municipal Revenue Sharing Tax Shift: \$11,772

County Tax Shift: \$10,522

Total Average Annual Savings: \$145,015

VI-C. Added TIF District Properties of September 2018 Tax Shifts (See Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,341,121

Municipal Revenue Sharing Tax Shift: \$160,724

County Tax Shift: \$150,869

Total Average Annual Savings: \$2,652,714

VI-D. Added TIF District Properties of May 2019 Tax Shifts (See Revised Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,219,656

Municipal Revenue Sharing Tax Shift: \$151,658

County Tax Shift: \$143,078

Total Average Annual Savings: \$2,514,393

VII. Amended Development Program Municipal Approvals

A. Public Hearing Notice

The City of Portland did give proper Notice of Public Hearing in accordance with the requirements of 30-A M.R.S.A. §5226. The notice was published on ~~October 3, 2018~~ _____, 2019 in a newspaper of general circulation (see Attachment #17).

B. Public Hearing

A Public Hearing at which the proposed Amended Development Program for adoption was held on ~~October 15, 2018~~ _____, 2019 in the Portland City Council Chambers. A copy of the minutes of that meeting is included as Attachment #18.

C. Authorizing Votes

An attested copy of the resolution of the Portland City Council amending the Waterfront Redevelopment Program is included as Attachment #19.

City of Portland

Waterfront Economic Redevelopment Program

Application for FY02 and FY10 Amended Waterfront Tax Increment Financing Development

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL
ON JUNE 7, 2010**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
MARCH 6, 2018**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
OCTOBER 15, 2018.**

**AMENDED AND RESTATED PER CITY COUNCIL APPROVAL ON
_____, 2019**

Prepared by:

**The City of Portland Economic Development Department
March 13, 2002/Amended and Restated as of June 7, 2010; Amended and Restated March 6,
2018; Amended and Restated October 15, 2018; Amended and Restated _____, 2019**

I. Introduction

The Portland City Council on March 18, 2002, designated five properties as tax increment financing districts (the “Original TIF Districts”) as more specifically described below and adopted the Waterfront Tax Increment Financial Development District Program (the “Original Development Program”). The Original TIF District program was designed for the City to capture 100% of the tax increment for specified allowable uses.

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD”) on June 28, 2010, as follows:

- Extend the term by twenty (20) years;
- Reduce the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
- Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2: On March 6, 2018, the Portland City Council further amended the Original TIF Districts to add three properties with the following Chart, Lot, and Block (CBL) numbers (“Added TIF District Properties of 2018”):

- 019-A-014001;
- 031-K-003001; and,
- 031-K-103001.

The three additional properties include two projects under construction as follows:

WEX Headquarters (019-A-014001)

Union Wharf Mixed Use Development (031-K-003001 and 031-K103001)

MDECD approved Amendment #2 on May 29, 2018.

Amendment #3 – Additional Parcels Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels include those listed in Section II(D)(4).

In addition, this Amendment increased City TIF revenue investment options, as well as increased the geographic area by amending and renaming the WREZ to the “Waterfront Development Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

Amendment #4: Proposed Amendment 4 would add additional properties designated by the City Assessor as follows:

- 060 A001 on West Commercial Street;
- 038 G001 at Commercial and Center Streets;
- 030 D005 on Commercial Street;
- 019 B022 and 019 B004 on Fore and India Streets.

History:

The history of the City of Portland is inextricably tied to the waterfront. From tourism to shipbuilding to national defense, the waterfront has been a vital part of the social and economic fabric of Portland. Always, Portland has worked to recognize the unique needs of the harbor, to protect its authentic marine heritage and to provide public access. The product of this commitment comes from the work of a Mayoral Taskforce report entitled “Investing in Our Working Waterfront – Final Report of the Mayor’s Waterfront Task Force on Economic Development”, dated October 2000 (herein referred to as the “Task Force II Report”). An excerpt from its Executive Summary is included here, and the full Report is attached to this application labeled as Attachment #1.

“Portland is a waterfront city. Its harbor is one of the deepest on the East Coast and served as the staging area for the Atlantic Fleet during World War II. Today, it accommodates the largest petroleum trans-shipment operation on the East Coast. The inner harbor is very limited in geography; it is only about two miles in length from Bath Iron Works to Merrill’s Marine Terminal. The wharves that serve the needs of water-dependent businesses are both publicly and privately owned. Over the course of its long history, the Portland waterfront has served as a center of commerce, shipbuilding, cargo and passenger transport, fishing and defense. It has also supported a range of mixed uses, the character of which has changed over time as the City of Portland and its waterfront have evolved.

Portland has a 30-year history of commitment to its working waterfront. The City began planning the future of its waterfront in the early 1970’s, culminating in 1982 with multi-faceted development strategies, including zoning amendments, construction of public facilities, and policies to address berthing and public access. Despite these initiatives, the emergence of the Old Port as a vital retail center and tourist attraction threatened to drive traditional industries from their waterfront locations. A citizen-initiated referendum in 1987 passed by a 2-1 margin, clearly demonstrating the public’s commitment to a working waterfront, and significant limitations were placed on development of the water side of Commercial Street.

Before the development moratorium expired in 1992, the City asked waterfront interests to review the zoning and recommend any changes that might provide more flexibility in renting space, while protecting water-dependent and marine-related uses (The Waterfront Alliance Report, 1992). While some may argue otherwise, the existing zoning structure, based on the 1992 Report, strikes a reasonable balance between preserving the "working waterfront" and allowing property owners necessary flexibility in managing their assets. Since the 1980's, Portland and the State of Maine have invested significant public dollars in supporting traditional waterfront activities such as ship repair, commercial fishing, and cargo transfer. At the same time, some private property owners have, for a variety of reasons, lacked the revenues to maintain their piers, resulting in a serious infrastructure problem, which threatens the viability of certain piers as elements of the waterfront economy.

Despite investments in publicly owned waterfront facilities, the City has done little to assist private owners of waterfront property, the uses of which have been limited by public policy, as noted above. This report is the result of a charge issued by then-Mayor Tom Kane to "focus on economic support for the waterfront...and to make the working waterfront work." It is the second of a three-phase process for defining the City's vision for its waterfront."

The Task Force II Report was presented to the City Council and the public, and the Council voted to incorporate it into the Comprehensive Plan on June 4, 2001.

The Task Force II Report identified the unique needs of the waterfront from both an infrastructure and a business development perspective, and several recommendations were made. In order to turn these recommendations into waterfront economic development opportunities, a program to create a funding mechanism through Tax Increment Financing ("TIF") Districts was put in place.

Since the adoption of Waterfront Task Force II report, the City has systematically conducted area specific planning and re-zoning processes for the three waterfront sub-areas identified in the 1992 Waterfront Alliance Report: Eastern Waterfront, Central Waterfront, and Western Waterfront. These processes have resulted in an updated framework of regulation that reflects the industries, infrastructures, water depths, and ownership patterns on the Portland Waterfront. Current regulations continue to prioritize and protect water dependent uses while allowing reasonable flexibility to promote investment. While new zoning promotes waterfront investment, barriers remain. Deferred pier maintenance, shifting industry needs, dredging needs, traffic congestion, and parking shortages continue to challenge public and private piers and the industries that depend on them.

II. Development Program

A. Amended Development Program

With the incorporation of the Task Force II Report into the Portland Comprehensive Plan in 2000, with these policies recently reinforced with the redrafted Portland 2030 Plan, the City Council formally recognizes the unique business development needs of the waterfront. Since a

funding mechanism was required to implement the recommendations of the Report, the City began crafting what ultimately became the Waterfront Capital Improvement and Economic Redevelopment Zone (“WREZ”) Ordinance (see Attachment #2 as passed June 4, 2001, Attachment #3 as amended December 1, 2008; and Attachment 3(A) as amended October 15, 2018 and renamed “Waterfront Development Growth Area Ordinance” [WGA, as referred to from now on within this document]) whereby any property within the WGA geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be subject to inclusion in a TIF application.

By adopting the WGA Ordinance, the City Council recognized that the non-marine commercial development that has occurred in the Old Port and the surrounding area has benefited through the years from the authenticity of the working waterfront. Said another way, Portland’s downtown became a desirable destination for tourists, retailers, restaurants and high-end office users in part because of the vibrant business of those that depend upon the water for their living. Portland blends a vibrant mix of fishing vessels, vessel repair, chandlery, cargo operations and the like with lawyers, bankers, technology entrepreneurs and tourists. Given that non-marine uses place strains on the working waterfront, and that a revenue stream was required to maintain and improve the economic vibrancy of the area, the City Council acted to nurture this symbiotic relationship by directing the incremental revenues of the new commercial development back to the working waterfront. The result of that action was the adoption of the WGA Ordinance.

The WGA Ordinance is intended to be in effect for several years. As such, the designation of the five Original TIF Districts described in the Original Development Program were the first in what the City hoped to be a multiple year program where several additional TIF Districts will be created. The common theme underlying the Original Development Program, this Amended Development Program, and future TIF applications is the implementation of the Task Force II Report findings. As such, the projects described in the Original Development Program and this Amended Development Program are intended to be greater in scope than the five Original TIF Districts could support by themselves.

Amendments to the Development Program include:

Amendment #1: On June 7, 2010, the Portland City Council approved the Amended and Restated the Original Development Program (“Amended Development Program”), which was approved by the Maine Department of Economic Development and Community Development (“MDECD”) on June 28, 2010, as follows:

1. Extend the term by twenty (20) years;
2. Reduce the number of TIF investment options;
3. Authorize the use of Credit Enhancement Agreements within the Waterfront Central Zone; and
4. Establish a Sub-District (the “Sub-District”) within the District and to authorize a Credit Enhancement Agreement with the Developer with respect to the Sub-District in furtherance of the Cumberland Cold Storage (Merrill’s Wharf) Project.

Amendment #2 – Three Added Parcels Approved by City Council March 16, 2018, and approved by MDECD May 29, 2018.

The Original Development Program and the three Added TIF District Properties of March 2018 (CBLs 019-A-014001, 031-K003001, and 031-K-103001) serve as the model for future amendments to the Original Development Program, as amended, as properties become eligible through the WGA Ordinance.

Amendment #3 – Additional Parcels Added – September 2018 – Approved by the City Council October 15, 2018, and approved by MDECD April 5, 2019.

Additional Parcels added include those listed in Section II(D)(4).

In addition, this Amendment increased City TIF revenue investment options, as well as increased the geographic area by amending and renaming the WREZ to the “Waterfront Development Growth Area Ordinance” (WGA). See amendments to the WREZ, now WGA, as noted on Attachment #3(A) and approved by the City Council on October 15, 2018.

The activities to be funded through the Original Development Program and this Amended Development Program will be specifically determined on an annual basis upon recommendation by the City Manager for action by the City Council. Therefore, the City of Portland seeks authorization to fund all the activities described in this Amended Development Program so that each year the City Council could prioritize which specific activities to fund.

Amendment #4: Proposed Amendment 4 would add additional properties listed in Section II(D)(5).

B. The Projects

The projects to be undertaken are derived from the recommendations of the Task Force II Report which are:

1. Encourage private and public waterfront investments;
2. Provide support to maintain a working waterfront;
3. Support a clean, working harbor.

Generally, the activities to be undertaken and the approximate cost associated with each activity are described in Table 1 below.

TABLE 1

Note 1: All citations refer to Title 30-A, Chapter 206, Section 5225

Project	Statutory Citation	Estimated Cost
In District: Capital Infrastructure Design and Investments, including financing costs, for example:		
Pier and Wharf Structural Repair	(1)(A)(1)(2)(3)(7)	\$15,000,000
Local Match for Ocean Gateway Project	(1)(A)(2)	\$1,000,000
Street Studies and Improvements (Remedy Traffic Congestion)	(1)(A)(1)(2)(3)(7)	\$20,000,000
Pedestrian and Multi-Modal Circulation and Amenity Improvements	(1)(A)(1)(2)(3)(7)	\$2,000,000
New Publicly Owned Pier	(1)(A)(1)(2)(3)(7)	\$3,000,000
Multi-Modal Surface and Structured Parking	(1)(A)(1)(2)(3)(7)	\$10,000,000
Utilities Infrastructure (for Commercial Development)	(1)(A)(1)(2)(3)(7)	\$15,000,000
Credit Enhancement Agreements	(1)(A)	\$4,000,000
		Per Each Individual CEA Project
In and out of District:		
(a) Funding the Economic Development Department, including prorated salaries of City Manager, Finance, and Planning Urban Development Director and Planning staff;	(1)(A)(5) and (C)(1)	\$50,000 Annually effective 7/1/2010 for 22 years, or \$1,100,000 total.
(b) Workforce training funds. Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained, of value to marine industry;	(1)(C)(4)	\$750,000
(c) Costs of funding economic development programs or events;	(1)(C)(1)	\$250,000
(d) Costs of funding environmental improvements projects for commercial use, including sea level adaptation studies and infrastructure improvements;	(1)(C)(2)	\$5,000,000
(e) Professional services costs.	(1)(A)(4); 1(C)(1)	\$1,000,000
(f) Dredging of commercial vessel berthing; and,	(1)(A)(1)(2)(7)	\$5,000,000
(g) Dredge sediment disposal and CAD Cell development.	(1)(A) and (1)(C)(2)	<u>\$5,000,000</u>
Total Estimate of TIF Revenue Expenditure over 30-year term:		\$88,100,000 – excluding any future CEA Projects

The City recognizes that the full scope of the needs of the Waterfront Economic Redevelopment Program is beyond the funds anticipated to be generated through this Amended Development Program. Since the Original Development Program, this Amended Development Program will serve as the template for future TIF District applications, however, the City again seeks authorization for the full “menu” of economic development activities described above. This is necessary to maintain flexibility and adaptability as the needs of the waterfront are prioritized throughout the life of this Amended Development Program.

In District Use of Funds

Pier and Wharf Structural Repair

The waterfront infrastructure needs are considerable. The Task Force II Report estimated the need for \$1.4 million in repairs to 14 wharves within three years, with an additional \$1.8 million needed over the next 20 years. Over the last 18 years, these costs have grown considerably and the Task Force II Report estimates should be considered woefully inadequate. Working pier space and commercial berthing are the foundational resources promoting water-dependent industries. Piling replacement, deck repair, structural repair, seawall maintenance, and berthing improvements are constant necessities in any marine environment. See Dredging below.

Local Match for Ocean Gateway Project

The voters of the State of Maine approved an allocation of roughly \$15 million for the construction of a marine passenger facility, requiring a local match of nearly \$1 million.

Street Studies and Improvements (Remedy Traffic Congestion)

For more than the last 10 years, the Portland Waterfront has experienced a historic development cycle that continues to this day. To keep pace with development and to retain and grow marine industry, significant transportation improvements will be required to accommodate the increased traffic. With particular emphasis on Commercial Street, Franklin Street, and the India Street neighborhood, street system improvements are and will continue to be studied and improved.

Pedestrian Circulation and Multi-modal Transportation, Improvements

With the growth of tourism, cruise ships, and non-marine development, waterfront industries increasingly share roadway capacity with, pedestrians, bicycles, tour vehicles, and non-marine delivery trucks. To both accommodate these new users and protect existing marine industries, the City will need to invest in pedestrian infrastructure, bicycle infrastructure (lanes, racks and stations,) public transit, and other multi-modal transportation improvements to promote a safe and functional transportation network. Multi-modal investments provide the additional opportunity to

remove single occupancy vehicles from the network, reducing traffic, and to promote public access to the water.

New Publicly Owned Pier

Located between the Portland Ocean Terminal and Ocean Gateway, a new deep-water pier will offer expanded berthing supporting cruise ship, home porting, tug boat, and transient berthing for current and future marine transportation industries.

Multimodal Surface and Structured Parking

Existing and future waterfront industries and developments require shared parking resources to promote continued growth and opportunities for transportation choice.

Economic Development Staffing, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning Staff

Fund a portion of the cost of City economic development staff involved in supporting waterfront business development activities and administration of the Original Development Program and this Amended Development Program, and prorated salaries of the City Manager, Finance Director, Planning and Urban Development Director, and Planning staff.

Utilities Infrastructure (for Commercial Development)

The design, upgrades, and construction of utility infrastructure including, but not limited to, lighting, water, stormwater and sewer systems, telecommunication, and electrical distribution upgrades to support commercial development.

Credit Enhancement Agreements

The City Council may approve credit enhancement agreements within the WGA (as depicted on Attachment #4) within the remaining term of the Amended Development Program to support important private sector projects in compliance with adopted City TIF Policy and where the City Council determines that the public benefits associated with individual projects meet or exceed the current or net present value of the project's share of the TIF proceeds for activities consistent with State law. City Council approved City TIF Policy limits the commercial Credit Enhancement Agreements to not exceed 65% of the incremental taxes up to a 20-year term; for Affordable Housing TIF District, the TIF Policy limits Credit Enhancement Agreements to not exceed 75% of the incremental taxes up to a 30-year term.

In and Out of District Use of Funds

Workforce Training Funds

Marine Industries are increasingly challenged to find qualified workers to fill open positions and to capitalize on opportunities for growth. TIF funding can help expand the pool of applicants for current and future employment while improving employment options.

Economic Development Programs and Events

Job fairs, technology conferences, industry open houses, and other such events to market and promote the waterfront and its industries.

Environmental Improvement Projects

Waterfront industries, such as fisheries and tourism benefit from water quality improvement studies and projects. Likewise, sea level rise and other climate change related stresses on industries will increasingly require studies and infrastructure improvements to adapt to changing conditions and promote resiliency.

Professional Services Costs

Waterfront TIF funds may be used to support consulting and professional services needed for special projects and to conduct the everyday ongoing work implementing the development program.

Dredging

Urban harbors require periodic dredging to retain access to and utility of commercial berthing. Typically located on state-owned submerged lands controlled by a submerged lands lease, berthing is the foundation resource supporting water-dependent employment and development. Un-dredged pier edges continually lose their value to marine industry through natural sedimentation and urban storm water runoff. The costs of dredging these public lands are prohibitive, with costs escalating due to contamination resulting from legacy industries, combined sewer overflows, and street runoff. With the support of the Maine Department of Transportation and the Portland Harbor Commission, the City of Portland has worked for the last several years to quantify volumes, sediment contamination, and sediment disposal options. TIF funding will promote dredging of public and private berthing and provide local match for additional state and federal funds.

See CAD Cell Development discussion below.

Dredged Sediment Disposal Costs and CAD Cell Development

The City is working with State and local partners to construct a Contained Aquatic Disposal (CAD) cell in Portland Harbor to address the needs of pier dredging for both public and private piers utilized to support commercial and marine industry development. Typical urban sediments are not suitable for open water disposal, necessitating creation of a local disposal option. On-land disposal is prohibitively expensive. A CAD cell location has been identified and TIF funding will provide local match to state and federal funds needed for final design and construction of the CAD cell.

C. Sub-District Development Program

The twenty (20) year Sub-District Development Program supports the redevelopment of the Cumberland Cold Storage 100,000± square foot building into a Class A office building. A twenty (20) year Credit Enhancement Agreement with the property owner and developer assists with project costs.

D. The Development District Property

The City Council created the WGA Ordinance (see Attachments #2, #3, and #3A) whereby any property within the geographic area, delineated on the attached map (see Revised Attachment #4), that increased in value by an amount greater than \$400,000 over a two-year period would be considered for inclusion in a TIF application subject to the City Council approval.

NOTE: Amendment #3 also amended the WGA Ordinance to expand the geographic area and rename the Ordinance the “Waterfront Development Growth Area Ordinance”, as noted on Attachment #3(A).

1. Original Development District Property

Five such properties were given a TIF District designation by the City Council in 2002 as part of the Original Development Program.

MAP	BLOCK	LOT
019	A	008
029	K	001
029	S	001
030	D	001
041	A	005

2. Sub-District Property

Properties 041-A-016 (0.17 acres) and 041-A-17-18 (1.38 acres) are the Sub-District for the purposes of establishing the original assessed value and allocating tax increment pursuant to the Credit Enhancement Agreement with the Developer.

The TIF Districts will apply to only new value generated within the Districts and will not affect the current property tax base.

3. Three Added TIF District Properties of March 2018

MAP	BLOCK	LOT
019	A	014001
031	K	003001
031	K	103001

4. Added TIF District Properties of September 2018

Additional Parcels added are shown revised map 9(C), 9(D) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(E) – tax maps.

5. Added TIF District Properties of May 2019.

Proposed additional parcels to be added are shown on revised map 9(C), 9(F) – spreadsheet showing parcels, square footages, and Original Assessed Values, and Attachment 9(G) – tax maps.

E. Municipal Use of TIF Revenues

The City of Portland seeks authorization to utilize the revenues generated from this Amended Development Program that are created in the WGA in support of the economic development activities called for in described in this Amended Development Program, and specifically, the activities outlined in Section II-A and B of this application.

F. Operational Components

1. Public Facilities

See Section IIA of this application.

2. Uses of Private Property

Subject to the approval of the City Council, the City will consider entering into credit enhancement agreements to support private projects located in the Waterfront Central Zone which meet the criteria set forth in this TIF District Program.

3. Plans for relocation of persons displaced by development activities.

No displacement or relocation costs are expected related to this TIF District.

4. Transportation Improvements

See Section IIA of this application.

5. Environmental Controls

This Amended Development Program proposes improvements that will comply with all federal, state and local rules and regulations and applicable land use requirements.

6. Plan of Operation

During the life of this Amended District, the City of Portland, City Council, or their designee, will be responsible for the administration of the Districts.

III. Original Development Program Physical Description

A. Total acreage of the municipality: 12,386 (taxable acres)

B. Total acreage of five Original TIF Districts: 3.4 acres

C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.03%

D. Total acreage of all existing and Original TIF Districts in the municipality: 77.6 acres

E. Percent line D of line A (cannot exceed 5%): 0.63%

F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:

1. Blighted acres N/A. Line F1 divided by line B = _____.

2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.

3. Acreage suitable for commercial siting = 3.4. Line F3 divided by line B = 100%.

G. Enclosed municipal maps:

1. Area map showing site location of the five Original TIF Districts in relation to geographic location of municipality (Attachment #6).

2. Site map showing tax map locations and the five Original TIF Districts (Attachments #7A through 7E).

III-A. Sub-District Physical Description

- A. Total acreage of the municipality: 12,386 (taxable acres)
- B. Total acreage proposed for Sub-District: 1.55
- C. Percent of line B of line A (line B divided by line A cannot exceed 2%): 0.01%
- D. Total acreage of all existing and proposed TIF Districts in the municipality: 189.92
- E. Percent line D of line A (cannot exceed 5%): 1.53%
- F. Not less than 25%, by area, of the real property within a development district shall meet at least one of the following criteria:
 - 1. Blighted acres N/A. Line F1 divided by line B = _____.
 - 2. Acreage in need of rehabilitation, redevelopment or conservation N/A. Line F2 divided by line B = _____.
 - 3. Acreage suitable for commercial siting = _____. Line F3 divided by line B = 100%.

III-B. Added TIF District Properties of March 2018 Physical Description

The total acreage of the three Added TIF District Properties of March 2018 is 1.675 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

- 1. Area map showing site location of the Sub-District, and the three Added TIF District Properties of March 2018, in relation to geographic location of municipality (Attachment #8)
- 2. Tax maps showing locations of the three Added TIF District Properties of March 2018 (Attachment #9).

III-C. Added TIF District Properties of September 2018 Physical Description

The total acreage of the added September 2018 TIF District Properties is estimated at 77 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

1. Area map showing site location of the Added September 2018 TIF District Properties, in relation to geographic location of municipality (Attachment #9(C)). See also Attachment #9(D) listing the Added September 2018 TIF District parcels, square footage for each, and OAV for each.
2. Tax maps showing locations of the added September 2018 TIF District Properties (Attachment #9(E)).

III-D. Added TIF District Properties of May 2019 Physical Description

The total acreage of the added May 2019 TIF District Properties is estimated 13.43 acres. Exhibit 16 contains financial and statistical information relating to this Amendment required as a prerequisite to designation of the Amended District by the City and approval by MDECD.

Enclosed municipal maps:

1. Area map showing site location of the added May 2019 TIF District Properties, in relation to geographic location of municipality (revised Attachment #9(C)). See also Attachment #9(F) listing the added May 2019 TIF District parcels, square footage for each, and OAV for each.
2. Tax maps showing locations of the added May 2019 TIF District Properties (Attachment #9(G)).

IV. Original Development Program Financial Plan

A. *Costs and Sources of Revenues*

The five Original TIF Districts comprise an area of approximately 3.4 acres of taxable real and personal property with an original assessed value of \$6,716,410 as of March 31, 2001. The development within the Original TIF Districts is estimated to add an additional \$26,221,692 of new assessed value to the City over the 30 years.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #10 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Amended TIF District. Attachment #10 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the described Original TIF Districts will add approximately \$26.2 million of new taxable value in the City of Portland over 30 years. TIF revenues will be allocated as described on Attachment #10 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-A. Sub-District Financial Plan

A. Cost and Sources of Revenue

The one TIF Sub-District comprises an area of 1.55 acres of taxable real property with an original assessed value of \$950,900 as of March 31, 2010. The development within the sub-district is estimated to add an additional \$12,000,000 of new assessed value to the City.

This Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Sub-District to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to a credit enhancement agreement with the Developer and the balance of retained revenues to the economic development activities described in this Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity with its allocable share of retained revenues that is allowable under the Amended Development Program.

Attachment #11 details the projections and TIF revenue allocation schedule based upon the anticipated assessed value increases within the Sub-District. Attachment #11 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

This Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Cumberland Cold Storage TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and a and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under the credit enhancement agreement to be entered into with the Developer.

C. Financing Plan

The developments within the Sub-District will add approximately \$12 million of new taxable value in the City of Portland. TIF revenues will be allocated as described on Attachment #11 to finance the costs of this Amended Development Program and to fund the City’s payment obligations to the Developer pursuant to the credit enhancement agreement to be entered into with the Developer. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-B Added TIF District Properties of March 2018 Financial Plan

A. Costs and Sources of Revenues

The three Added TIF District Properties of March 2018 comprise an area of approximately 1.675 acres of taxable real property with an original assessed value of \$616,430 as of March 31, 2017. The development within the three Added TIF District Properties of March 2018 is estimated to add an additional \$20.7 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provides for the new tax revenues generated by the increase in assessed value of the Original TIF Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12 details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the three Added TIF District Properties of March 2018. Attachment #12 is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. *Development Program Account*

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2).

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. *Financing Plan*

The developments within the three Added TIF District Properties of March 2018 will add approximately \$20.7 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12 to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-C Added TIF District Properties of September 2018 Financial Plan

A. *Costs and Sources of Revenues*

The Added TIF District Properties of September 2018 comprise an area of approximately 77 acres of taxable and tax exempt (State and City-owned) real property with an original assessed value of \$20,076,870 as of March 31, 2018. The development within the Added TIF District Properties of September 2018 is estimated to add an additional \$300 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis,

determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake a different activity that is allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the Added TIF District Properties of September 2018. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. *Development Program Account*

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. *Financing Plan*

The developments within the Added TIF District Properties of September 2018 will add approximately \$300 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

IV-D Added TIF District Properties of May 2019 Financial Plan

A. *Costs and Sources of Revenues*

The added TIF District Properties of May 2019 comprise an area of approximately 13.43 acres of taxable real property with an original assessed value of \$5,938,400 as of March 31, 2019. The development within the added TIF District Properties of May 2019 is estimated to add an additional \$41.5 Million of new assessed value to the City over the remainder of the term through June 30, 2032.

The Original Development Program and this Amended Development Program provide for the new tax revenues generated by the increase in assessed value of the Original TIF and Amended Districts to be captured and designated as TIF Revenues. The City will apply the portion of retained revenues to the economic development activities described in the Amended Development Program, with the understanding that the City Council will, on an annual basis, determine which specific projects to undertake that have been outlined in the Amended Development Program.

The City of Portland reserves the right to amend this Financial Plan, subject to DECD approval, to undertake different activities that are allowable under the Amended Development Program.

Attachment #12(A) details the projections and proposed TIF revenue allocation based upon the anticipated assessed value increases within the added TIF District Properties of May 2019. Attachment #12(A) is a projection based upon best available information and is included for demonstration purposes only. No assurances are provided as to the results reflected therein.

B. Development Program Account

The Original Development Program and this Amended Development Program requires establishment of a Development Program Account pledged to, and charged with, the payment of the project costs in the manner outlined in 30-A M.R.S.A. §5254 (3)(A)(2), including a Development Sinking Fund.

The Waterfront TIF Development Program Account is established consisting of a project cost account (“Project Cost Account”) pledged to, and charged with, payment of project costs. The Project Cost Account shall consist of a City Cost Subaccount (the “City Cost Subaccount”) pledged to, and charged with, payment to the City for the cost of approved economic development expenses, including bond indebtedness, and Developer Cost Subaccount (the “Developer Cost Subaccount”) pledged to, and charged with, payment by the City under any credit enhancement agreement.

C. Financing Plan

The developments within the added TIF District Properties of May 2019 will add approximately \$41.5 Million of new taxable value in the City of Portland over the remainder of the term through June 30, 2032. TIF revenues will be allocated as described on Attachment #12(A) to finance the costs of this Amended Development Program. Actual payments to the Project Cost Account will be adjusted based upon the applicable annual percentage retained and the actual annual assessed value within the Districts.

The City reserves the option to fund the project costs through public indebtedness. If City utilizes debt service to cover the cost of public infrastructure, it will establish a sinking fund account.

V. Original TIF Districts Financial Data

- A. Total 2001 value of equalized property in the municipality: \$3,873,900,000.
- B. Original assessed value of all properties in all existing and proposed Original TIF districts:
- | | |
|----------|--------------|
| Existing | \$20,961,460 |
| Proposed | \$6,716,410 |
| Total | \$27,677,870 |
- Line B divided by line A = 0.71% (cannot exceed 5%).
- C. Estimate of increased assessed value by year after implementation of the Original Development Program: See Attachment #10
- D. Percentage of increased assessed value to be applied to the Original Development Program fund: See Attachment #10
- E. Estimated annual tax increment: \$400,113 (Average)
- F. Total average annual value of development program fund: \$400,113 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #13.

V-A. Sub-District Financial Data

- A. Total 2010 value of property in the municipality: \$8,196,900,000.
- B. Original assessed value of all properties in all existing TIF Districts and proposed sub-district:
- | | |
|-----------------|------------------|
| Existing | \$305,455,220 |
| <u>Proposed</u> | <u>\$950,900</u> |
| Total | \$306,406,120 |
- Line B divided by line A = 3.73% (cannot exceed 5%).
- C. Estimate of increased assessed value by year after implementation of the development program: See Attachment #11

- D. Percentage of increased assessed value to be applied to the development program fund: See Attachment #11
- E. Estimated annual tax increment: \$143,503 (Average)
- F. Total average annual value of development program fund: \$143,503 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A
- H. Financial assumptions and safeguards: The City of Portland seeks to implement its own Waterfront Economic Redevelopment Program and to fund its payment obligations to the Developer under the credit enhancement agreement with the Developer and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #14.

V-B. Added TIF District Properties of March 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,106,422,670
Proposed	<u>\$616,430</u>
Sub-Total	\$1,107,059,100
Less Exempt	<u>-\$973,107,320</u>
Total	\$133,951,780

Line B divided by line A = 1.48% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the three Added TIF District Properties of 2018: See Attachment #12.
- D. Percentage of increased assessed value to be applied to the three Added TIF District Properties of 2018 Development Program fund: See Attachment #12
- E. Estimated annual tax increment: \$491,204 (Average)
- F. Total average annual value of development program fund: \$491,204 (Average)
- G. Annual principal and interest payment of bonded indebtedness: N/A

- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- II. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15.

V-C. Added TIF District Properties of September 2018 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,107,059,100
Proposed	\$20,076,870
Sub-Total	\$1,127,135,970
Less Exempt	<u>-\$973,107,320</u>
Total	\$154,028,650

Line B divided by line A = 1.7% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of September 2018: See Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of September 2018 Development Program fund: 100%
- E. Estimated annual tax increment: \$7,282,000 (Average)
- F. Total average annual value of development program fund: \$7,282,000 (Average)
- G. Annual principal and interest payment of bonded indebtedness: \$200,000
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- III. Statement of impact of TIF on taxing jurisdictions within the county: See Attachment #15(A).

V-D. Added TIF District Properties of May 2019 Financial Data

- A. Total 2018 value of taxable property in the municipality: \$9,049,500,000.
- B. Original assessed value of all properties in all existing and proposed Amended TIF districts:

Existing	\$1,127,135,970
Proposed	\$5,938,400
Sub-Total	\$1,133,074,370
Less Exempt	<u>-\$973,107,320</u>
Total	\$159,967,050

Line B divided by line A = 1.76% (cannot exceed 5%).

- C. Estimate of increased assessed value by year after implementation of the Added TIF District Properties of May 2019: See Revised Attachment #12(A).
- D. Percentage of increased assessed value to be applied to the Added TIF District Properties of May 2019 Development Program fund: 100%
- E. Estimated annual tax increment: \$6,745,331 (Average)
- F. Total average annual value of development program fund: \$6,745,331 (Average)
- G. Annual principal and interest payment of bonded indebtedness: The City reserves the option to fund the project costs through public indebtedness.
- H. Financial assumptions and safeguards: Under the Original Development Program, the City of Portland only sought to implement its own Waterfront Economic Redevelopment Program and is under no obligation to repay any bonds that would involve a pledge of the City's full faith and credit. The City's participation in this development program is voluntary and notwithstanding any approvals from the appropriate state entity, can revoke its desire to implement the plan.
- I. Statement of impact of TIF on taxing jurisdictions within the county: See Revised Attachment #15(A).

VI. Original Development Program Tax Shifts (See Attachment #13)

- A. *Average Annual Amount:*

General Purpose Aid to Education Tax Shift: \$137,700

Municipal Revenue Sharing Tax Shift: \$17,004

County Tax Shift: \$7,855

Total Average Annual Savings: \$162,560

VI-A Sub-District Tax Shifts (See Attachment #14)

General Purpose Aid to Education Tax Shift: \$49,822

Municipal Revenue Sharing Tax Shift: \$6,183

County Tax Shift: \$2,856

Total Average Annual Savings: \$58,860

VI-B. Added TIF District Properties of March 2018 Tax Shifts (See Attachment #15)

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$122,721

Municipal Revenue Sharing Tax Shift: \$11,772

County Tax Shift: \$10,522

Total Average Annual Savings: \$145,015

VI-C. Added TIF District Properties of September 2018 Tax Shifts (See Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,341,121

Municipal Revenue Sharing Tax Shift: \$160,724

County Tax Shift: \$150,869

Total Average Annual Savings: \$2,652,714

VI-D. Added TIF District Properties of May 2019 Tax Shifts (See Revised Attachment #15(A))

A. Average Annual Amount:

General Purpose Aid to Education Tax Shift: \$2,219,656

Municipal Revenue Sharing Tax Shift: \$151,658

County Tax Shift: \$143,078

Total Average Annual Savings: \$2,514,393

VII. Amended Development Program Municipal Approvals

A. *Public Hearing Notice*

The City of Portland did give proper Notice of Public Hearing in accordance with the requirements of 30-A M.R.S.A. §5226. The notice was published on _____, 2019 in a newspaper of general circulation (see Attachment #17).

B. *Public Hearing*

A Public Hearing at which the proposed Amended Development Program for adoption was held on _____, 2019 in the Portland City Council Chambers. A copy of the minutes of that meeting is included as Attachment #18.

C. *Authorizing Votes*

An attested copy of the resolution of the Portland City Council amending the Waterfront Redevelopment Program is included as Attachment #19.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 20, 2019

SUBJECT: 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.

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

This is a companion order to Order 266 above.

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

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. Ch. 8 Waterfront Development Growth Area Map Amendment 6.3.2019

Prepared by:

Date: 5/20/2019

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)

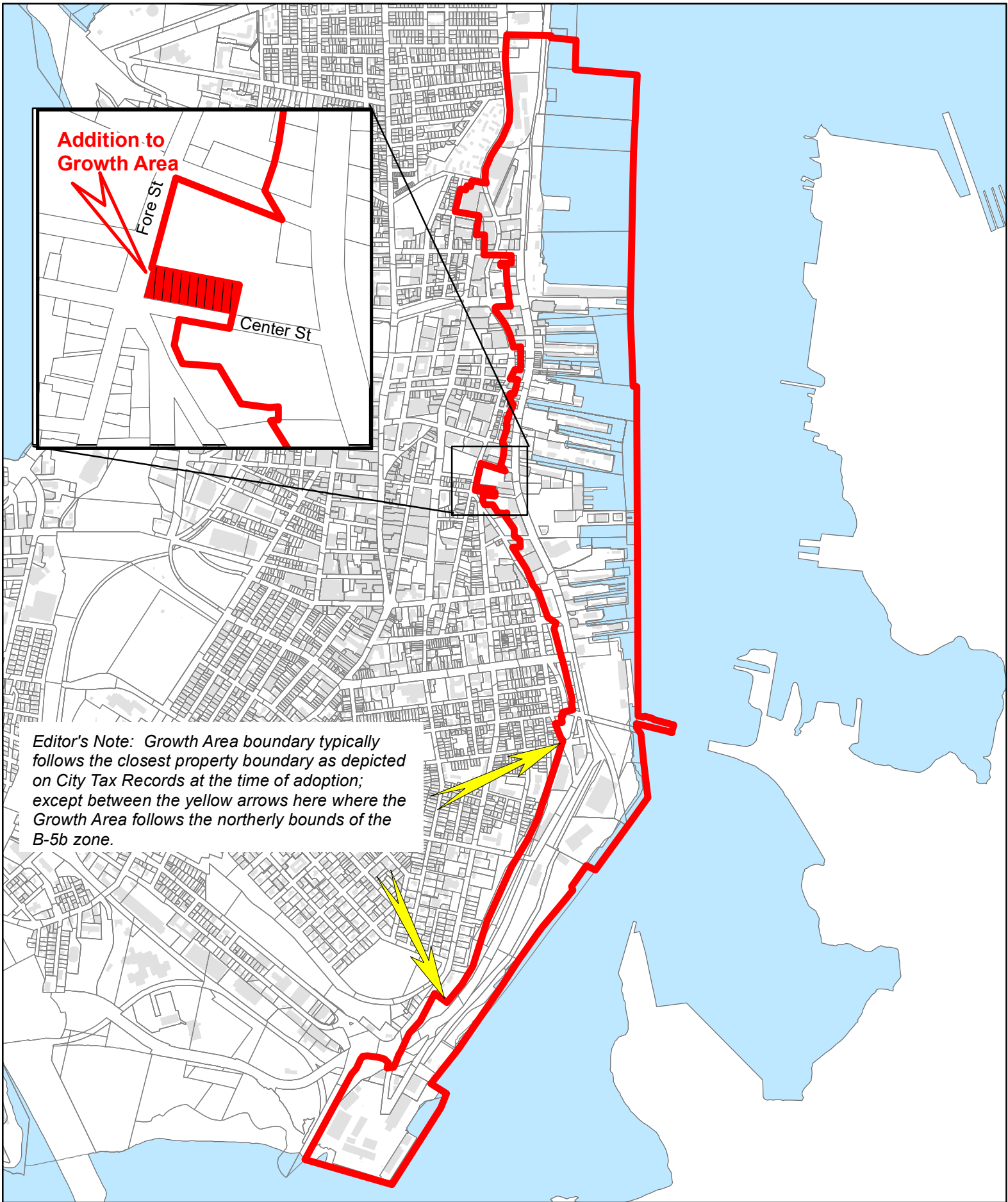
**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 AND CHAPTER 8
Re: WATERFRONT DEVELOPMENT GROWTH AREA**

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

That Chapter 8, Section 8-3 is hereby amended as follows:

Sec. 8-3. Creation of the Waterfront Development Growth Area

The Waterfront Development Growth Area (WDGA) is hereby created and shown on the map below, titled the Portland Waterfront Development Growth Area, which is incorporated as a component of this ordinance, as may be amended from time to time.



**Addition to
Growth Area**

Fore St

Center St

Editor's Note: Growth Area boundary typically follows the closest property boundary as depicted on City Tax Records at the time of adoption; except between the yellow arrows here where the Growth Area follows the northerly bounds of the B-5b zone.



Portland Waterfront Development Growth Area

2,000 1,000 0 2,000 Feet

**Waterfront Development
Growth Area**

Map produced by the City of Portland Economic Development Department. Intended as an exhibit to the City ordinance expanding and replacing the Waterfront Redevelopment Economic Zone. October 2018, Amended June 2019



MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2019

SUBJECT: Order 268-18/19 Traffic Schedule Amendment Re: Sections of Thames Street -
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 6/3/2019

Final Action 6/3/2019

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

The installation of four (4) two-hour parking meters at Thames Street will provide much needed turnover parking for the new retail businesses on the block.

II. AGENDA DESCRIPTION

The developer of the AC Hotel and nearby properties has requested that four parking spaces in front of the new retail spaces at 20 Thames Street be converted to two-hour metered spaces, which this amendment does. The installation of four (4), two-hour parking meters at Thames Street will provide much need turnover parking for the new retail businesses on the block.

This item must be read on two separate days. This is its first reading. Staff is requesting that the second reading be waived, which requires seven votes. Staff is also requesting that this order be passed as an emergency. Seven affirmative votes are required for passage as an emergency following public comment.

III. BACKGROUND

Since 2008, while the development at the corner of Thames and Hancock Streets was on hold, ten (10), on-street spaces on the westerly side of Hancock Street between Fore & Thames and sixteen (16) on-street parking spaces on the north side of Thames Street between India and Hancock Street were signed two-hour parking (rather than metered), so that people with an Island Resident permit could use them on a temporary year-to-year basis until the Council should decide to regulate the spaces differently. In 2018, the two-hour signed parking on Thames Street and Hancock Street was changed to one-hour signed parking. The AC Hotel is now built on a portion of that lot, along with a 28-unit, residential condominium with retail space on the ground floor and plans to build two other buildings on the remaining lots on the block. The developer of the properties has requested that four (4) of the time-limited spaces in front of the new retail spaces at 20 Thames Street be converted to four (4), two-hour metered spaces, leaving twelve (12) one-hour spaces on Thames Street in the Island Resident parking zone. Order 260-18/19 on this agenda extends the Island Resident parking zone of those remaining parking spaces for another year.

To help compensate for the loss of the four (4), time-limit parking spaces on Thames Street, Order 260-18/19 also designates forty-two (42) existing two-hour parking spaces on the north side of Marginal Way (along the

highway) between the Park & Ride Lot and Cove Street in the Island Residential Zone, to provide additional parking opportunities for Islanders with residential parking stickers, on a temporary year to year basis.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Approve the installation of four (4), two-hour meters at 20 Thames St.

V. FINANCIAL IMPACT

Aprox. \$8,000 in additional meter revenue.

VI. STAFF ANALYSIS AND BACKGROUND

Staff has determined that the on street parking will benefit Island residents, and one hour turnover time limited parking and 4 two-hour meters parking will benefit the businesses.

VII. RECOMMENDATION

The Parking Division recommends passage.

VIII. LIST ATTACHMENTS

1. Thames Street Parking Change - Traffic Schedule Amendment 6.3.2019

Prepared by:

Date: 5/23/2019

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)

**TRAFFIC SCHEDULE AMENDMENT
RE: SECTIONS OF THAMES STREET**

ORDERED, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

By Adding under Thames Street from a point 135' southwest of Hancock Street to a point 155' northeast of India Street:

Northwest Side

- ☐ **Schedule XXI – 2-Hour Parking from 9:00 AM to 6:00 PM**

By Deleting under Thames Street from a point 135' southwest of Hancock Street to a point 155' northeast of India Street:

Northwest Side

- ☐ **Schedule XVII – 1-Hour Parking 8:00 AM to 6:00 PM** (Current parking schedule according to approved AC Hotel site plan)