

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)



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

CITY COUNCIL MEETING - JUNE 6, 2022 AT 5:00 PM

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

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

REMOTE ACCESS INFORMATION:

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

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

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/82805568760?pwd=b3N6azJHZldnSVNSUXBvYU9mSzYxUT09>

Passcode: 535147

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Webinar ID: 828 0556 8760

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the May 16, 2022 draft City Council Meeting minutes

PROCLAMATIONS:

Proclamation 19-21/22 Recognizing June 2022 as LGBTQ+ Pride Month - Sponsored by Kate Snyder, Mayor

Proclamation 20-21/22 Recognizing June 3, 2022 as Gun Violence Awareness Day - Sponsored by Kate Snyder, Mayor

Proclamation 21-21/22 Recognizing Katherine L. Jones - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 262-12/22 Appointing Constables for the Parking Division, Police Department, and Parks, Recreation & Facilities Department - Sponsored by Danielle P. West, Interim City Manager

This order appoints Wesley Vosmus from the Parking Division, Kitarina Rosmus and Daemien Chapman from the Police Department, and Thomas Burns, Angela Howard, Winston Collins, Elizabeth Collado, and Shana Tinkle from the Parks, Recreation & Facilities Department constables for the 2022 calendar year:

- Parking Division Constables enforce the City of Portland Parking Ordinances.
- Police Department constables issue citations for violations of various City ordinances, including, for example, harboring a dangerous dog and smoking in city parks.
- Department of Parks, Recreation, & Facilities constables enforce dogs at large violations in parks, playgrounds and cemeteries, as well as failure to dispose of animal waste (Chapter 5 of City Code).

These appointments are effective from the effective date of this order until 12:00 midnight, December 31, 2022, and are made pursuant to Portland City Code, Sections 2019 and 2019.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 262-21/22

Order 263-21/22 Appointing Councilor Mark Dion to the Greater Portland Council of Governments General Assembly - Sponsored by Kate Snyder, Mayor

This order will appoint Councilor Mark Dion as one of the City of Portland delegates to the Greater Portland Council of Governments (GPCOG) General Assembly. According to GPCOG by-laws, the City of Portland is entitled to appoint seven (7) delegates to the GPCOG General Assembly; currently, one of those seats is vacant.

Five affirmative votes are required for passage after public comment.

Order 264-21/22 Confirming the Appointment of Melissa Cowie as Interim City Clerk - Sponsored by Kate Snyder, Mayor

Melissa Cowie, Deputy City Clerk in the City Clerk's Office, is appointed Interim City Clerk by this order for the period between the retirement of City Clerk Katherine L. Jones and the start date of the appointment of a new City Clerk by the following order.

Five affirmative votes are required for passage after public comment.

Order 287-21/22 Confirming the Appointment of Ashley Rand as City Clerk - Sponsored by the City Manager Search Subcommittee, Mayor Kate Snyder, Chair

This order appoints Ashley Rand as City Clerk with a start date of July 6, 2022. On June 2, 2022, the City Manager Search Subcommittee voted (4-0) to recommend the appointment of Ashley Rand to the position of City Clerk. Ms. Rand's resume is attached.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 265-21/22 Approving Residential Parking Permit Extension Re: Islander Parking - Sponsored by Danielle P. West, Interim City Manager

This order has been passed annually to provide parking for island residents on the mainland.

Specifically, it maintains 10 spaces on Hancock Street and 12 spaces on Thames Street for all-day parking by island residents with parking stickers in spaces with otherwise time-limited parking.

The order also maintains 42 parking spaces on the north side of Marginal Way, from the Park & Ride Lot to Cove Street, in the Island Residential Zone. This order, if passed, would expire on June 30, 2023.

Order 266-21/22 Declaring July 4, 2022 the July 4th Festival - Sponsored by Danielle P. West, Interim City Manager

The City of Portland is prepared to host a fireworks display on the 4th of July again this year. The City has sponsored the July 4th Fireworks and activities on the Eastern Promenade for a number of years. The display will be held on Monday, July 4th in its usual spot on the Eastern Promenade with the fireworks set to go off at approximately 9:15pm. A rain date is scheduled for Tuesday, July 5, 2022.

Like last year, the celebration will be based around the fireworks display presented by Central Maine Pyrotechnics. There will be no musical performance, VIP Area, or ticketed element to this year's celebration. The City will not be providing or managing food vendors as has happened in the past. Approved and licensed food trucks will be allowed to operate in the designated area in the middle parking lot on Cutter Street, following Food Truck Rules and Regulations and City ordinances.

Five affirmative votes are required for passage of consent items after public comment.

Written Public Comment on Order 266-21/22

LICENSES:

Order 267-21/22 Granting Municipal Officers' Approval of City of Portland Maine, dba Ocean Gateway. Application for Indoor Entertainment at 14 Gateway Pier - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/16/22. New City application.

Five affirmative votes are required for passage after public comment.

Order 268-21/22 Granting Municipal Officers' Approval of Aloha Partners LLC, dba The Sinful Kitchen. Application for Class I FSE with Outdoor Dining on Private Property at 952 Brighton Ave - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/16/22. New City and State applications. Location was previously Subway.

Five affirmative votes are required for passage after public comment.

Order 269-21/22 Granting Municipal Officers' Approval of Noodle Love LLC, dba Mainely Noods. Application for Class III & IV at 658 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/6/22. New City and State applications. Owner currently holds an FSE with Prep at this location.

Five affirmative votes are required for passage after public comment.

Order 270-21/22 Granting Municipal Officers' Approval of Milly's Skillet LLC, dba Jones Landing. Applications for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 6 Welch Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/2/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment.

Order 271-21/22 Granting Municipal Officers' Approval of Victoria Thayer, dba Queenie's Castle. Applications for Class III & IV with Outdoor Dining on Private Property at 356 State Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/16/22. New City and State applications. Location was previously Tiqa Café and Bakery.

Five affirmative votes are required for passage after public comment.

Order 272-21/22 Granting Municipal Officers' Approval of Tuffy McNutt LLC, dba Black Cow. Applications for Outdoor Dining in Public Park at 83 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/16/22. New City and State applications. Establishment currently holds Class XI Restaurant/Lounge. The park area applied for is substantially

smaller than the previous Black Cow application, which was postponed indefinitely by the Council on April 25, 2022.

Five affirmative votes are required for passage after public comment.

Order 273-21/22 Granting Municipal Officers' Approval of LFK Portland LLC, dba LFK. Applications for Outdoor Dining on Public Property at 188A State Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/27/22. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 274-21/22 Granting Municipal Officers' Approval of Jefe Juans LLC, dba Jefe Juan's. Applications for Outdoor Dining on Public Property at 47 Wharf Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/5/22. New City and State applications. Establishment currently holds Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment.

Order 275-21/22 Granting Municipal Officers' Approval of Butcher Burger LLC, dba Butcher Burger Company. Application for Parklet Outdoor Dining at 7 Union Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 5/5/22. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COUNCIL ACTION ON THE MUNICIPAL BUDGET WILL TAKE PLACE AFTER PUBLIC COMMENT. PUBLIC COMMENT AND FIRST READS OF ALL MUNICIPAL BUDGET ORDERS TOOK PLACE ON MAY 16, 2022

Order 245-21/22 Approving Fiscal Year 2023 Administrative Fees for the Police, Public Works, and Parks, Recreation & Facilities Departments - Sponsored by Danielle P. West, Interim City Manager

This order authorizes administrative charges by the Police Department, Department of Public Works, and Parks, Recreation & Facilities Department.

An amendment to this order in the back-up material provides a \$10 increase to monthly parking rates at the City-owned Spring and Elm Street garages, increasing rates from \$130 to \$140, representing the Finance Committee's recommended budget approved on May 26, 2022 by a vote of 3-0.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 246-21/22 Authorizing the City Manager To Enter Into Certain Agreements To Implement the Fiscal Year 2023 Human Resources And Certain Fringe Benefits Budgets - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2023 to implement portions of the Human Resources, Pension, Employee Benefits (Including Health Insurance and Workers Compensation) and Liability Insurance budgets.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 247-21/22 Re: Fiscal Year 2023 Self-insured Liability Program - Sponsored by Danielle P. West, Interim City Manager

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

This item was postponed on May 16, 2022 to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 248-21/22 Authorizing the Director of Parks, Recreation & Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by Danielle P. West, Interim City Manager

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

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host hundreds of events annually, and fees are determined based on the unique staffing levels and services they require.

The City's Legal Department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed.

Venues/programs overseen by this Department are run in a business-like manner and need the flexibility to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

This item was postponed on May 16, 2022 to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 249-21/22 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2023 Health & Human Services Budget - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department. In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 250-21/22 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and to Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

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

This item was postponed on May 16, 2022 to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 251-21/22 Authorizing the Director of Parks, Recreation & Facilities to Accept Donations for Parks, Recreation & Facilities Department Funds and Programs - Sponsored by Danielle P. West, Interim City Manager

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

This item was postponed on May 16, 2022 to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 252-21/22 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Danielle P. West, Interim City Manager

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year. Otherwise, it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case-by-case approach.

This item was postponed on May 16, 2022 to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

Order 253-21/22 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, Interim City Manager

This Order authorizes the City Manager to utilize a 3.0% Cost of Living Adjustment (COLA) for pay adjustments for non-union employees and approves the new pay plan.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 254-21/22 Designating Fiscal Year 2023 Funds for Specific Island Services - Sponsored by Danielle P. West, Interim City Manager

The municipal budget includes \$42,670 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY23:

- Item A: Peaks Island Summer Bike Ticket Program \$500
- Item B: PI Needs-Based Boat Tickets \$3,000
- Item C: PI Portland Public Middle & High School Student Boat Passes \$4,500
- Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$450
- Item E: PI Children Attending Private Schools Vouchers \$400
- Item F: PI ITS (Island "Taxi"): Island Transportation System \$22,246
- Item G: PI PEAT (PI Environmental Team: Litter Removal) \$360
- Item H: PI Administrative Expenses \$2,000
- Item J: Brackett Church (Community Arts & Play Recreation Programs) \$1,600
- Item K: Friends of Brackett Church (Brackett Cemetery Beautification) \$2,000
- Item L: Peaks Island Collaborative (Island Non-Profit Organization Community Support Enhancement) \$857
- Item M: Illustration Institute for Island Resident Programming \$1,500
- Item N: Fifth Maine Museum Institute Program \$1,000
- Item O: Peaks Island Children's Workshop (Kitchen Stove Replacement) \$2,257

TOTAL: \$42,670

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 255-21/22 Appropriating \$3,200,000 in Assigned Fund Balance - Sponsored by Danielle P. West, Interim City Manager

This item authorizes \$3.2M in Assigned Fund Balance from the Debt Service Fund to be utilized to offset debt service payments due in FY23 related to the City's pension obligation bonds and the City's general obligation bonds issued in April 2022.

The use of these funds is part of a calculated tax rate management strategy developed by City Finance staff to shield local property taxpayers from nearly \$12M in tax levy increases over the next four fiscal years until the City's pension obligation bonds are retired in June 2026.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 256-21/22 Amendment to Portland City Code Chapters 5, 24, 25, and 28 Re: Various Fee Increases for Fiscal Year 2023 - Sponsored by Danielle P. West, Interim City Manager

An amendment in the back-up material adds an increase from \$600.00 to \$800.00 for the street excavation fee and a new paving fee for paving in the city right-of-way of \$100.00, both in Chapter 25, Section 25-119. These fees were inadvertently left off when the order was drafted.

This order amends the following fees in Chapter 5-35(b):

Chapter 5	Description	Current Fee	Proposed Fee
Impoundment Fees			
<i>Sec. 5-35(b)</i>	Dog Impoundment Fee		
	1st Offense	\$20	\$55
	2nd Offense	\$40	\$75
	3rd/+ Offense	\$55	\$90

Amends the following fees in Chapter 24 in §24-72 and §24-84:

(a) The proposed sewer rate for July 1, 2022 is \$12.30 per hundred cubic feet (hcf), up from the July 1, 2021 rate of \$11.80 hcf.

Chapter 24	Description	Current Fee	Proposed Fee
Sewers			
<i>Sec. 24-72</i>	Sewer Sanitary Charges		
24-74(c)	Sewer User Fees	\$11.80/hcf	\$12.30/hcf

(b) The proposed stormwater rate for July 1, 2022 is \$7.50 per 1,200 sf of impervious surface area,

Chapter 24	Description	Current Fee	Proposed Fee
Stormwater			
<i>Sec. 24-84(a)</i>			
	Stormwater Service Charge	\$7.00 per 1,200 sf impervious surface area	\$7.25 per 1,200 sf impervious surface area

Amends the following fees in Chapter 25-27:

Chapter 25	Description	Current Fee	Proposed Fee
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Street Occupancy			
<i>Sec. 25-27(a)(3)</i>	Vehicles, Equipment or Construction Materials		
	Parking Space Permit	\$30.00 per day	\$32.50 per day
	Sidewalk Permit	\$25.00 per day	\$27.50 per day
	Single Lane Closure Permit	\$100.00 per day	\$150.00 per day
	Street Closure Permit	\$250.00 per day	\$300.00 per day

Amends the following fees in Chapter 28-86:

Chapter 28	Description	Current Fee	Proposed Fee
Parking Meter Rates			
<i>Sec. 28-86</i>	*Downtown Area Parking Meter Rates Change Only: All meters in the area bounded by Middle St, Pearl St., Commercial St., to Union St. and all of Commercial St		
	Parking Meter Rate per Hour	\$2.00/ hr	\$2.50/ hr

All fee increases are effective July 1, 2022. This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 257-21/22 Fiscal Year 2022-2023 Appropriation Resolve - Sponsored by Danielle P. West, Interim City Manager

The Appropriation Resolve contains the City Manager's recommended budget for Fiscal Year 2023 for general municipal purposes in the amount of \$333,918,946. In addition, it contains the City Council Finance Committee's FY2023 recommended school budget of \$132,070,967. Because of amendments made to Order 240-21/22 on May 16, 2022, approving the total school operating budget with an additional \$1,000,000, the Appropriation Resolve must be amended to show the total Portland Board of Public Education budget of \$133,070,967. That amendment is in the back-up material.

In addition, a second amendment to the City Manager's Recommended budget in the back-up material contains the Finance Committee's recommended budget, approved by a vote of 3-0 on May 26, 2022. The amendment adds \$70,192 in expenditures to the Executive Department to fund an additional Sustainability Associate position. This increase brings the total FY23 Sustainability staff to 3 full-time employees: one Sustainability Coordinator and two Sustainability Associates. This amendment will not impact the tax levy or tax rate and is being funded via a \$10 increase to monthly parking rates (see the amendment to Order 245-21/22) at the City-owned Spring and Elm Street garages, taking rates from \$130 to \$140.

The tax levy based upon the City Manager's recommended budget is \$96,586,918 and \$103,851,071 for the Portland Board of Education's recommended School Budget. The City Manager's budget recommendations for municipal purposes and the Portland Board of Education's recommended School Budget results in a combined tax levy of \$200,437,989 for Fiscal Year 2023.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2022 and sets 30 Days after Tax Commitment 2022 as the tax due date, which may be paid in two installments due 30 Days after Tax Commitment 2022, and on March 17, 2023.

The delinquency rate of interest is set at 4.0% per year, and the abatement rate of interest is set at 0.0% per year.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 24-21/22 Launch of Downtown Public Restroom Pilot - Sponsored by Danielle P. West, Interim City Manager

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

RESOLUTIONS:

Resolve 13-21/22 Establishing a City Policy to Use Gender-Inclusive and Gender-Neutral Language in the Drafting of New Legislation or Revised Legislation, Policies, and other City Communications and Writings - Sponsored by Andrew Zarro, Councilor and Jen Thompson, Acting Corporation Counsel

The "Gender-Inclusive Language Resolution" is the result of a collaborative effort on the part of the City Council, the City Manager's Office, Corporation Counsel's Office, and the City's LGBTQ+ Liaison. Under the policy announced in this proposed resolution, all new and revised ordinances, policies, and other official writings should be drafted using language that is gender-inclusive (meaning that it accurately addresses and accounts for all gender identities, including persons who do not ascribe to strictly binary gender identities) and gender-neutral (meaning that terminology does not unnecessarily implicate any particular gender). Although this is not strictly an LGBTQ-related initiative, it does speak to many of the issues and identities that are top of mind when we celebrate Pride. It is for that reason that the Resolution is being included as part of the City's observance of Pride this year and will be read in concert with the Council's standing proclamation in

recognition of Pride month.

Five affirmative votes are required for passage of a resolve after public comment.

Resolve 14-21/22 Calling on the State to Establish a Homelessness Management Task Force - Sponsored by Kate Snyder, Mayor

With this resolve, the Mayor and the City Council call on the State of Maine to establish a Task Force of many interested Maine organizations and residents to work to improve the response to the problem of homelessness. These improvements include amendments to the General Assistance laws, staffing a state office to help resettle homeless individuals and families, creating a statewide shelter system, and building augmented resources for mental health services, education, workforce training and affordable housing construction. Much of the burden of housing the homeless, including asylum seekers, has fallen on Portland, which is no longer able to provide all the resources this population requires.

Five affirmative votes are required for passage of a resolve after public comment.

Written Public Comment on Resolve 14-21/22

UNFINISHED BUSINESS:

Order 88-21/22 Amendment to Portland City Code Chapter 15 Re: Emergency Shelter License Requirements - Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, Chair

The Health & Human Services and Public Safety Committee met on September 28, 2021 and voted 2-0 (Ray absent) to recommend passage to the full Council. The Council voted in favor of passage 7-1 (Zarro) on November 15, 2021.

The amendment would establish licensing requirements and enforcement provisions for emergency shelters to ensure the safety of clients and staff. These include a two-tier fee structure for small and large emergency shelters, a bed density cap of 300 beds within a one-mile radius, a 1,000-foot buffer zone between shelters, a day space requirement, and exemptions for pre-existing emergency shelters.

This item must be read on two separate days. It received its first reading on November 1, 2021. On November 15, 2021, it was approved by a vote of 7-1 (Zarro). On December 6, a motion to reconsider passed 9-0, and this item was also postponed to January 19, 2022 to accommodate a workshop on this topic. On January 19, 2022 this item was postponed to June 6, 2022. Public comment has already been taken on this item.

Five affirmative votes are required for passage.

Written Public Comment on Order 88-21/22

Order 259-21/22 Zoning Map Amendment for Riverton Park Campus from R-5 Residential to R-5a Residential and B-2 Community Business - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair

On April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find the proposed zoning map amendment to be consistent with the Comprehensive

Plan for the City of Portland and recommends to the City Council adoption of the Zoning Map amendment.

Portland Housing Development Corporation and Portland Housing Authority seek a zoning map amendment to rezone the Riverton Park Campus at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 Community Business. Additional parcels along Forest Avenue and Riverside Street are included in the proposed map amendment in order to create a contiguous R-5a and B-2 zone.

The zoning map amendment would increase density allowing for additional residential and commercial development, including affordable housing development in a transit accessible location.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 259-21/22

Order 260-21/22 Amendment to the Portland City Code Chapter 14 Re: Permitted and Conditional Uses in Residential Zones and Allowing Places of Assembly as a Conditional Use in the R-5a zone - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair

On April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find that the proposed text amendment to Section 6, Table 6-A to allow Places of Assembly as a conditional use in the R-5a zone and Section 7, Table 7-A to add a minimum lot area requirement for Places of Assembly in the R-5a zone is consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the text amendments.

This is a companion order to the Order above. Portland Housing Development Corporation and Portland Housing Authority seek a zoning text amendment to Section 6, Table 6-A, and Section 7, Table 7-A. The proposed text amendments would add Places of Assembly as a conditional use in R-5a zones with a minimum lot area requirement of one-half-acre for Places of Assembly of less than 10,000 square feet and a minimum lot size of one acre for Places of Assembly greater than 10,000 square feet. The proposed text amendments would facilitate the future development of a community center as part of the larger Portland Housing Authority renovation of the existing 141-unit Riverton Park campus.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

Order 261-21/22 Amendment to the Portland City Code Chapter 35 Re: Panic Alarms and Retail License Revisions - Sponsored by Jen Thompson, Acting Corporation Counsel

Proposed revisions to subpart (a) of Ch. 35-36 (Security Requirements) would remove the requirement to maintain a door and window burglary alarm system at all fixed locations for a marijuana business. The provision retains a requirement for an intrusion alarm system that includes a panic button that can transmit its signal via City of Portland AES system directly to the City Dispatch Center. These changes address problems with

false alarms and unnecessary costs.

This item must be read on two separate days. It received its first reading on May 16, 2022. Staff recommends that this item be postponed to June 22, 2022. Five affirmative votes are required to postpone.

Resolve 12-21/22 Approving the City Council Code of Ethics - Sponsored by the Rules Committee, Councilor Andrew Zarro, Chair

The City Council Rules Committee met on April 11 and May 2, 2022, to review and revise a draft City Council Code of Ethics intended to address such issues as conflicts of interest and use of public resources. On May 2, 2022, the committee voted 4-0 to forward the attached Code of Ethics to the full Council for its approval.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 276-21/22 Approving a Three-Year Extension of the Signatory Airline Operating Agreement and Lease at the Portland International Jetport - Sponsored by Danielle P. West, Interim City Manager

The Portland International Jetport issues a single uniform operating agreement and airlines executing this agreement are designated as Signatory Airlines at the Jetport. The Jetport currently has six Signatory Airlines: American, Delta, FedEx, JetBlue, Southwest, and United. Airlines executing this operating agreement must provide a minimum annual landed weight, lease a preferential use gate, and lease office/ticket counter space throughout the term of the agreement.

The current Signatory Airline Operating Agreement and Lease at the Portland International Jetport was approved by the Council in 2016 with a five-year term from July 1, 2016 through June 30, 2021 and extended by the Council in 2021 by one year through June 30, 2022. The Jetport and our signatory airlines are now recommending a three-year extension of this agreement through June 30, 2025.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes following public comment. If that is approved, five affirmative votes are required for passage after public comment.

Order 277-21/22 Approving the Purchase & Sale Agreement between Janet and Steve Berry and Portland for Redlon Woods Property - Sponsored by Danielle P. West, Interim City Manager

On February 9, 2022 the Land Bank Commission (LBC) voted (8-0) to recommend to the City Council the acquisition of parcels identified as 193 D 5 to 12 and 193 D 21-25, consisting of 1.60 acres owned by Janet and Steve Barry to be added to the existing Land Bank property at Redlon Woods.

This purchase, at a cost of \$99,000, would protect the local ecology, stormwater preservation and open space for Portland residents.

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

Order 278-21/22 Approving the Purchase & Sale Agreement between Coastal Oaks, LLC and the City and Accepting and Appropriating a Donation toward the Redlon Woods Property - Sponsored by Danielle P. West, Interim City Manager

On April 9, 2022, the Land Bank Commission (LBC) voted (8-0) to recommend to the City Council the acquisition of parcels identified as 193 D 13 to 18, consisting of .69 acres, to be added to the existing Redlon Woods. On May 17, 2022, the Housing & Economic Development Committee voted unanimously to approve this purchase and sale agreement.

The Land Bank Commission is seeking approval for the Phase 2 June Street Purchase and Sale Agreement to acquire various parcels, approximately .69 acres in size, to be added to the city-owned Redlon Woods to protect the local ecology, stormwater preservation, and open space for Portland residents. A donation of half of the purchase price of \$225,000 should also be accepted and appropriated by this order.

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

Written Public Comment on Order 278-21/22

Order 279-21/22 Placing City-Owned Land at Redlon Woods into the Portland Land Bank - Sponsored by Danielle P. West, Interim City Manager

On April 9, 2022 the Land Bank Commission (LBC) voted (8-0) to recommend to the City Council that two parcels identified as 177 F 23 and 177F019, consisting of 0.25 acres, be added to the existing Redlon Woods and designated part of the Portland Land Bank.

On May 17, 2022, the Housing & Economic Development Committee voted unanimously to approve putting these two existing City-owned parcels into the Portland Land Bank.

Five affirmative votes are required for passage after public comment. Staff recommend postponing this order to June 22, 2022 to coincide with consideration of the two previous orders, for Redlon Woods properties Phases 1 and 2.

Order 280-21/22 Adopting Development Program for Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The Portland Downtown (PD) District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2023, City Council authorization is needed for the continued operation of PD, which include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

The budget for PD is funded largely from special assessments on all real estate in the current District. The revenue raised through the special assessment will fund the PD development program expenses for FY2023. The proposed mil rate to raise this assessment will be determined toward the end of May but is currently estimated to be approximately \$.66 per \$1,000 of property value in the current district in order to raise the PD Board approved budget of \$1,200,000.

Portland Downtown representatives provided a presentation to the Housing & Economic Development (HEDC) at its May 3, 2022, meeting. After review, the Committee voted 3-0 (Zarro absent) to forward these items to the City Council with a recommendation of approval.

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

Order 281-21-22 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order to the two Portland Downtown orders on the agenda.

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

Order 282-21-22 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is a companion order to the two Portland Downtown orders above.

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

AMENDMENTS:

Order 283-21/22 Amendment to Portland Zoning Map to Repeal Munjoy Hill Neighborhood Conservation Overlay District - Sponsored by the Planning Board, Maggie Stanley, Chair

On February 15, 2022, the Planning Board voted (7-0) to find repeal of the Munjoy Hill Neighborhood Conservation Overlay consistent with the Comprehensive Plan for the City of Portland and recommended the City Council amend the Munjoy Hill Neighborhood Conservation Overlay from the City of Portland zoning map. The recommendation includes corresponding text amendment changes to the City's Land Use Code.

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

Order 284-21/22 Amendment to Portland City Code Chapter 14 Re: Repeal of Munjoy Hill Neighborhood Conservation Overlay District - Sponsored by the Planning Board, Maggie Stanley, Chair

On February 15, 2022, the Planning Board voted (7-0) to find repeal of the Munjoy Hill Neighborhood Conservation Overlay consistent with the Comprehensive Plan for the City of Portland and recommended the City Council amend the Land Use Code to reflect this change, striking applicable text from from Table 5-A, Table 7-A, and Sec. 8.7, as well as reference to it in the Table of Contents, from the City of Portland Land Use Code.

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

Written Public Comment on Orders 283-21/22 and 284-21/22

**Order 285-21/22 Amendment to Portland City Code Chapter 9 (Elections) Article I
Re: Redistricting - Sponsored by Katherine L. Jones, City Clerk**

This item addresses the State of Maine's redrawing of its Congressional, County Commission, and State House districts based on the 2020 Census results. New maps are ratified and sent to municipalities, which must change their districts in order to meet the within 10% requirement. Portland remains inside of the threshold in the 2020 Census. To alleviate long lines at some smaller polling places, this item will make a slight change to the district line between District 2 and District 3. This will change precinct lines to better balance voters both in the district and in polling places.

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

Order 286-21/22 Traffic Schedule Amendment Re: Brighton Avenue and Deering Avenue Bikeway Projects - Sponsored by Danielle P. West, Interim City Manager

Better Bikeways Initiative work was presented to the Sustainability & Transportation Committee in October 2021. During the meeting, Committee members recommended that staff conduct additional public outreach in advance of the design and construction of enhanced bikeways in the summer/fall of 2022. As recommended by Committee Members, staff conducted two phases of outreach: a high-level questionnaire in January/February 2022 designed to gather input on the types and locations of new bikeways or enhanced bikeways desired by the public, and a project-focused questionnaire in April 2022 regarding pilot project priorities and bikeway treatment preferences. Through the April questionnaire, the public generally rated the sections of Brighton Avenue and Deering Avenue outlined below as the highest priorities for bike lane enhancements.

This item will adjust the Traffic Schedule to remove short stretches of on-street parking, approximately 21 spaces (totaling 263') from the east side of Brighton Avenue (William Street to Falmouth Street) and approximately 6 spaces (totaling 104') from the east side of Deering Avenue (Chamberlain Avenue to Washburn Avenue). It also proposes to repurpose two unrestricted parking spaces on the east side of Deering Avenue along the Deering Oaks Park frontage to create two additional drop-off/pick-up spaces opposite King Middle School (NO Parking, 7AM-4PM, School Days Only). These adjustments will allow the implementation of enhanced buffered bike lanes as part of the Better Bikeways Initiative. The project will use approved CIP funding.

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

ADJOURNMENT:

ZOOM INFORMATION:

The City Council will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

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

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/81813936988?pwd=V0FJNk51cEtwNEs1ZTNMUUdGMG5adz09>

Passcode: 112769

Or One tap mobile :

US: +19292056099,,81813936988#,,,*,112769# or +13017158592,,81813936988#,,,*,112769#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782
or +1 346 248 7799

Webinar ID: 818 1393 6988

Passcode: 112769

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Snyder called the meeting to order at 5:01 PM. (Councilor Fournier absent)

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

ANNOUNCEMENTS:

Councilor Ali mentioned that he was joining the Council meeting from Ghana, he could possibly have connection issues, and therefore will be keeping his video off.

Councilor Chong announced that May is Asian American and Pacific Islander month.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft May 2, 2022 City Council Meeting Minutes

Motion was made by Councilor Ali and seconded by Councilor Chong to approve May 2, 2022 City Council Meeting Minutes. Passage 8-0.

Proclamation Recognizing Christopher Branch

PROCLAMATIONS:

Proclamation 18-21/22 Recognizing May 2022 as Foster Care Month - Sponsored by Victoria Pelletier, Councilor

APPOINTMENTS

Order 244-21/22 Appointing William Needelman a Class E Director of the Portland

Fish Exchange - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Ali and seconded by Mayor Snyder for passage. Passage 8-0.

BUDGET ITEMS:

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL MUNICIPAL BUDGET ORDERS. COUNCIL ACTION ON THE MUNICIPAL BUDGET WILL TAKE PLACE ON JUNE 6, 2022 AT 5:00 P.M.

Order 245-21/22 Approving Fiscal Year 2023 Administrative Fees for the Police, Public Works, and Parks, Recreation & Facilities Departments - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 246-21/22 Authorizing the City Manager To Enter Into Certain Agreements To Implement the Fiscal Year 2023 Human Resources And Certain Fringe Benefits Budgets - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 247-21/22 Re: Fiscal Year 2023 Self-insured Liability Program - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Ali and seconded by Councilor Dion to postpone Order 247 to the June 6, 2022 City Council Meeting. Passage 8-0.

Order 248-21/22 Authorizing the Director of Parks, Recreation & Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Zarro and seconded by Councilor Chong to postpone Order 248 to the June 6, 2022 City Council Meeting. Passage 8-0.

Order 249-21/22 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2023 Health & Human Services Budget - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 250-21/22 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and to Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Trevorrow to postpone Order 250 to the June 6, 2022 City Council Meeting. Passage 8-0.

Order 251-21/22 Authorizing the Director of Parks, Recreation & Facilities to Accept Donations for Parks, Recreation & Facilities Department Funds and Programs - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Trevorrow to postpone Order 251 to the June 6, 2022 City Council Meeting. Passage 8-0.

Order 252-21/22 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Danielle P. West, Interim City Manager

Motion was made by Councilor Chong and seconded by Councilor Zarro to postpone Order 252 to the June 6, 2022 City Council Meeting. Passage 8-0.

Order 253-21/22 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 254-21/22 Designating Fiscal Year 2023 Funds for Specific Island Services - Sponsored by Danielle P. West, Interim City Manager

This is its first reading

Order 255-21/22 Appropriating \$3,200,000 in Assigned Fund Balance - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 256-21/22 Amendment to Portland City Code Chapters 5, 24, 25, and 28 Re: Various Fee Increases for Fiscal Year 2023 - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

Order 257-21/22 Fiscal Year 2022-2023 Appropriation Resolve - Sponsored by Danielle P. West, Interim City Manager

This is its first reading.

THE CITY COUNCIL WILL HOLD A SECOND READ AND A PUBLIC HEARING ON THE FISCAL YEAR 2023 SCHOOL BUDGET AT THIS COUNCIL MEETING (MAY 16) AT 5:30 P.M. THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 14, 2022.

Order 237-21/22 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

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

Order 238-21/22 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

Motion was made by Councilor Trevorrow and seconded by Councilor Dion for passage.

Passage 8-0.

Order 239-21/22 Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage. Passage 7-1 (Chong).

Order 240-21/22 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

Motion was made by Mayor Snyder and seconded by Councilor Dion to amend Order 240 "by amending the Finance Committee's recommendation by increasing the total School Operating Budget for PPS for FY 2023 by \$225,000.00 for a total approved amount of: 125,657,899.00" for passage. Passage 5-3 (Rodriguez, Ali, Pelletier).

Motion was made by Councilor Ali and seconded by Councilor Zarro for passage as amended. Motion fails 4-4.

Motion was made by Councilor Ali and seconded by Councilor Zarro to reconsider Order 240. Passage 8-0.

Motion was made by Councilor Chong and seconded by Councilor Dion to amend Order 240 "by having a 0% increase for the FY 2023 budget". Motion failed 1-7 (Rodriguez, Dion, Ali ,Zarro, Trevorrow, Pelletier, Mayor Snyder).

Motion was made by Councilor Rodriguez and seconded by Councilor Ali to amend Order 240 as amended "by amending the School Budget and increasing it by \$750,000.00 , making the total school budget to its original request of \$126,407,899.00" for passage. Passage 5-3 (Dion, Chong, Snyder).

Motion was made by Councilor Ali and seconded by Councilor Zarro for passage as amended. Passage 6-2 (Dion, Chong).

Order 241-21/22 Appropriating and Raising Funds for Adult Education for Fiscal Year 2023 as required by the Maine Revised Statutes, Title 20-a §8603-a(1) – Sponsored by the Finance Committee, Mark Dion, Chair

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage. Passage 8-0.

Order 242-21/22 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage. Passage 8-0.

Order 243-21/22 Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2023 – Sponsored by the Finance

Committee, Mark Dion, Chair

Motion was made by Councilor Ali and seconded by Councilor Trevorrow for passage.
Passage 8-0.

COMMUNICATIONS:

**Com 22-21/22 Presenting the Preliminary Report of the Charter Review Commission
- Sponsored by Danielle P. West, Interim City Manager**

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

**Com 23-21/22 Board of Harbor Commissioners for Portland Harbor Notice of Pilot
Rate and Capital Construction Fee Increase - from Danielle P. West, Interim City
Manager**

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

**Com 24-21/22 Administrative Policy re: the Collection and Publication of Written
Public Comment - Sponsored by Danielle P. West, City Manager**

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

RESOLVES

**Resolve 12-21/22 Approving the City Council Code of Ethics - Sponsored by the
Rules Committee, Councilor Andrew Zarro, Chair**

This is its first reading.

ORDERS:

**Order 258-21/22 Accepting Benjamin Way as a City Way - Sponsored by Danielle P.
West, Interim City Manager**

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

AMENDMENTS:

**Order 259-21/22 Zoning Map Amendment for Riverton Park Campus from R-5
Residential to R-5a Residential and B-2 Community Business - Sponsored by The
Portland Planning Board, Brandon Mazer, Vice-Chair.**

This is its first reading.

**Order 260-21/22 Amendment to the Portland City Code Chapter 14 Re: Permitted
and Conditional Uses in Residential Zones and Allowing Places of Assembly as a
Conditional Use in the R-5a zone - Sponsored by The Portland Planning Board,
Brandon Mazer, Vice-Chair**

This is its first reading.

**Order 261-21/22 Amendment to the Portland City Code Chapter 35 Re: Panic
Alarms and Retail License Revisions - Sponsored by Jen Thompson, Acting
Corporation Counsel**

This is its first reading.

ADJOURNMENT:

Motion was made by Councilor Ali and seconded by Councilor Zarro to adjourn. Passage 8-0 at 8:36 P.M.

A TRUE RECORD

Katherine L. Jones, City Clerk

**CITY OF PORTLAND
IN THE CITY COUNCIL**

PROCLAMATION RECOGNIZING JUNE 2022 AS LGBTQ+ PRIDE MONTH

WHEREAS, the city of Portland Maine is committed to being a safe, welcoming, and equitable community for all people across race, ethnicity, socioeconomic status, age, sexual orientation, gender identification, country of origin, or any other identity; and

WHEREAS, many of the residents, students, city employees, and business owners who contribute to the enrichment of our City are a part of the LGBTQ+ community, which includes people who identify as lesbian, gay, bisexual, transgender, queer/questioning, two-spirit, and more; and

WHEREAS, Portland, Maine has a strong LGBTQ+ community because it has truly been a safe haven for the queer community over the years; and

WHEREAS, the Stonewall riots began in New York on June 28, 1969, and are regarded as a catalyst for the LGBTQ+ movement for civil rights in the United States; and

WHEREAS, BIPOC trans activists Sylvia Rivera, Marsha P. Johnson, and Miss Major Griffin-Gracy are credited as the foremothers of the clashes with the authorities at Stonewall that night, launching queer liberation as we know it; and

WHEREAS, June 26, 2022 marks the 7th anniversary of the U.S. Supreme Court's decision in Obergefell v. Hodges that the Fourteenth Amendment requires all states to grant same-sex marriages and recognize same-sex marriages granted in other states; and

WHEREAS, June 28, 2022 marks the 52nd anniversary of the first Gay Pride marches in the history of United States, and June is now celebrated as LGBTQ+ Pride Month nationwide; and

WHEREAS, June 28, 2022 marks the 53rd anniversary of the Stonewall uprising, on which occasion the LGBTQ+ community recognizes more than a half-century of the LGBTQ+ movement, celebrates and honors its accomplishments, and raises awareness of its ongoing struggles:

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize June as LGBTQ+ Pride Month in the city of Portland, Maine and invite citizens of Portland to honor the history of the fight for equality, celebrate how far we've come, and recognize the work we have in front of us.

Signed and sealed this 6th day of June, 2022



**Kate Snyder, Mayor
City of Portland**

**CITY OF PORTLAND
IN THE CITY COUNCIL**

**PROCLAMATION RECOGNIZING JUNE 3, 2022 AS
NATIONAL GUN VIOLENCE AWARENESS DAY**

WHEREAS, every day, more than 110 Americans are killed by gun violence, alongside more than 200 who are shot and wounded, and on average there are nearly 16,000 gun homicides every year; and

WHEREAS, Americans are 26 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, Maine has an average of 154 gun deaths every year with a rate of 10.5 deaths per 100,000 people, and has the 40th highest rate of gun deaths in the United States; and

WHEREAS, Cumberland County, which encompasses Portland has a rate of 6.6 deaths per 100,000; and

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; on June 3, 2022 in recognition of her 25th birthday, people across the country and in Portland recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya Pendleton and other victims of gun violence as well as their loved ones; and

WHEREAS, this day was inspired by Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods, making orange a color that symbolizes the value of human life; and

WHEREAS, by wearing orange on June 3, 2022 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we are committed to reducing gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe;

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize the first Friday in June, June 3, 2022, to be National Gun Violence Awareness Day, and encourage the community to support local efforts to prevent the tragic effects of gun violence, honor and value human lives, remember the victims and survivors of gun violence, and acknowledge that we must always do more to reduce gun violence.

Signed and sealed this 6th day of June, 2022



Kate Snyder, Mayor

City of Portland

**CITY OF PORTLAND
IN THE CITY COUNCIL**

PROCLAMATION RECOGNIZING KATHERINE L. JONES

WHEREAS, Katherine L. Jones has faithfully served the City of Portland as its elections administrator starting in 2009, and as its City Clerk since 2011; and

WHEREAS, Ms. Jones has overseen fair and accessible elections while administering vital records and services for the people of Portland over the past 13 years, demonstrating an extraordinary commitment to transparency and public service; and

WHEREAS, Ms. Jones has received numerous awards and accolades, the most recent being the 2021 Maine Town and City Clerk's Association's Clerk of the Year Award in recognition of her professional service, dedication to community, and promotion of the cause of good local government; and

WHEREAS, in her career as City Clerk, Ms. Jones served on the U.S. Elections Commission Board from 2015 to 2020 and served as President of the Maine Town and City Clerks' Association from 2018 to 2020 where she continues to serve as Vice Chair of the Legislative Policy Committee; and

WHEREAS, Ms. Jones' retirement on June 17, 2022 will be deeply felt by all who have worked with her here in the City of Portland, and her professional excellence, integrity, and commitment to the City's residents will be sorely missed.

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize Katherine L. Jones for her exemplary service to the City of Portland, and wish her all the best in her retirement.

Signed and sealed this 6th day of June, 2022



Kate Snyder, Mayor

City of Portland

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 19, 2022

SUBJECT: Order 262-12/22 Appointing Constables for the Parking Division, Police Department, and Parks, Recreation & Facilities Department - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Interim City Manager Danielle West

(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 6/6/2022

Final Action

Can action be taken at a later date: No They need to be deputized as soon as possible to perform their work duties in parks enforcement.

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

PRESENTATION:

I. SUMMARY

Park Rangers to be appointed: Tom Burns, Elizabeth Collado, Angela Howard Winston Collins

II. AGENDA DESCRIPTION

This order appoints Wesley Vosmus from the Parking Division, Kitarina Rosmus and Daemien Chapman from the Police Department, and Thomas Burns, Angela Howard, Winston Collins, Elizabeth Collado, and Shana Tinkle from the Parks, Recreation & Facilities Department constables for the 2022 calendar year:

- Parking Division Constables enforce the City of Portland Parking Ordinances.
- Police Department constables issue citations for violations of various City ordinances, including, for example, harboring a dangerous dog and smoking in city parks.
- Department of Parks, Recreation, & Facilities constables enforce dogs at large violations in parks, playgrounds and cemeteries, as well as failure to dispose of animal waste (Chapter 5 of City Code).

These appointments are effective from the effective date of this order until 12:00 midnight, December 31, 2022, and are made pursuant to Portland City Code, Sections 2019 and 2019.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Department of Parks, Recreation, and Facilities constables enforce dogs at large violations in parks, playgrounds and cemeteries, as well as failure to dispose of animal waste (Chapter 5 of City Code).

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

To appoint the Summer Park Rangers as Constables

V. FINANCIAL IMPACT

N/A

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

To appoint the constables

VIII. LIST ATTACHMENTS

1. Constables for the Parking, PD, and Parks, Recreation & Facilities 6.6.2022

Prepared by:

Date: 05/19/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPOINTING CONSTABLES
FOR THE PARKING DIVISION AND THE
POLICE AND PARKS, RECREATION & FACILITIES DEPARTMENTS**

ORDERED, that Wesley Vosmus from the Portland Parking Division is hereby appointed constable for the 2022 calendar year; and

BE IT FURTHER ORDERED, that Kitarina Rosmus and Daemien Chapman from the Portland Police Department are hereby appointed constables for the 2022 calendar year; and

BE IT FURTHER ORDERED, that Thomas Burns, Angela Howard, Winston Collins, Elizabeth Collado, and Shana Tinkle from the Parks, Recreation & Facilities Department are hereby appointed constables for the 2022 calendar year; and

BE IT FURTHER ORDERED, that this appointments shall be effective from the effective date of this order until 12:00 midnight, December 31, 2022; and

BE IT FURTHER ORDERED, that these appointments are pursuant to Sections 20-19 and 20-19.5, Portland City Code, and these constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets, except in the normal course of their duties.

Approval of constables for parks and recreation

0 views



Diane Warming <dlwarming@gmail.com>

Jun 5, 2022, 7:22:50 AM (yesterday)

to publiccomment@portlandmaine.gov

Please do not approve Thomas Burns as a constable for Parks and Recreation. His behavior towards the citizens of Portland who were using Baxter Woods as described in its guidelines was both threatening and inappropriate.

Sent from my iPad

Please Vote Against Appointing Thomas Burns as Constable

0 views



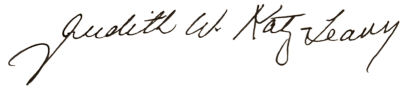
Judith Katz-Leavy <jkatzleavy@gmail.com> Jun 5, 2022, 12:06:25 PM (23 hours ago)

to publiccomment@portlandmaine.gov, atrevorrow@portlandmaine.gov, Pious Ali, afournier@portlandmaine.gov, rrodriguez@portlandmaine.gov, ksnyder@portlandmaine.gov, citymanager@portlandmaine.gov

Dear Mayor Snyder and Councilors,

I am writing as a concerned resident, dog owner, and frequent dog walker in Baxter Woods to request that the City Council vote against the appointment of Thomas Burns as a Constable for 2022 and going forward. The City Council should not approve of any Constables or Park Rangers who have a history of harassing citizens who are peacefully walking as pedestrians in Baxter Woods (just as Gov. Baxter did in his time), or in any of the City's parks and open spaces. The Parks Department should not be allowed to appoint Constables who are overly aggressive in confronting peaceful citizens enjoying their dog walking rights.

Thank you,

A handwritten signature in cursive script that reads "Judith W. Katz-Leavy".

Judith Katz-Leavy
Consultant, Child & Family Mental Health
22 Hancock St., Apt. 408
Portland, ME 04101

FYI: I urge Councilors to vote NO on Thomas Burns appointment as a Constable for the Parks Department!

0 views



Lesperance, Marc <Marc.Lesperance@anthe...

Jun 5, 2022, 11:53:28 AM (23 hours ago)

to publiccomment@portlandmaine.gov, atrevorrow@portlandmaine.gov, vpelletier@portlandmaine.gov, tchong@portlandmaine.gov, azarro@portlandmaine.gov, mdion@portlandmaine.gov, pali@portlandmaine.gov, afournier@portlandmaine.gov, rrodriguez@portlandmaine.gov, ksnyder@portlandmaine.gov, citymanager@portlandmaine.gov

To: Portland Maine City Councilors

From: Marc and Michelle Lesperance

103 Candlewyck Terrace

Portland, ME 04102

Re: Order 262-12/22 Appointing Thomas Burns as a Constable for the Parks Department for the remainder of the 2022 calendar year.

We are writing to urge City Councilors to vote no on the appointment of Thomas Burns as a Constable for the 2022 year. Mr. Burns served as a Constable last year, and regularly harassed peaceful pedestrians in Baxter Woods, chasing elderly citizens through the park, even jumping out from behind trees as early as 5:30am on one occasion – frightening one elderly woman who was exercising her Service Dog on a pre-dawn walk in the woods. Burns also threatened people and called the police on peaceful walkers on several occasions.

Burns issued several “tickets” to people as well, despite being precluded from doing so in his prior appointment. He is not qualified to serve as a Constable and has an agenda to subjugate peaceful dog walkers who are not bothering anyone. His actions are not befitting appointment as a City Constable, and we urge you to vote no on his appointment under this Order at the Monday, 6/6/2022 Council Meeting!

Thank You, Marc & Michelle

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 25, 2022

SUBJECT: Order 263-21/22 Appointing Councilor Mark Dion to the Greater Portland Council of Governments General Assembly - Sponsored by Kate Snyder, Mayor

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order will appoint Councilor Mark Dion as one of the City of Portland delegates to the Greater Portland Council of Governments (GPCOG) General Assembly. According to GPCOG by-laws, the City of Portland is entitled to appoint seven (7) delegates to the GPCOG General Assembly; currently, one of those seats is vacant.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointing Dion to General Assembly of GPCOG 6.6.2022

Prepared by:

Date: 05/25/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPOINTING COUNCILOR MARK DION TO THE GENERAL ASSEMBLY
OF THE GREATER PORTLAND COUNCIL OF GOVERNMENTS**

ORDERED, that Councilor Mark Dion is hereby appointed to the General Assembly of Greater Portland Council of Governments.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 26, 2022

SUBJECT: Order 264-21/22 Confirming the Appointment of Melissa Cowie as Interim City Clerk - Sponsored by Kate Snyder, Mayor

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Melissa Cowie, Deputy City Clerk in the City Clerk's Office, is appointed Interim City Clerk by this order for the period between the retirement of City Clerk Katherine L. Jones and the start date of the appointment of a new City Clerk by the following order.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Cowie, Melissa Appointed Interim City Clerk 6.6.2022

Prepared by:

Date: 05/26/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER CONFIRMING THE APPOINTMENT OF MELISSA COWIE
AS INTERIM CITY CLERK**

ORDERED, that Melissa Cowie is hereby appointed Interim City Clerk as of 4:40 p.m. June 17, 2022, and continuing until the Council appoints a new City Clerk; and

BE IT FURTHER ORDERED, that the salary of Melissa Cowie as Interim City Clerk is hereby set at \$67,125.30, effective June 17, 2022.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 2, 2022

SUBJECT: Order 287-21/22 Confirming the Appointment of Ashley Rand as City Clerk -
Sponsored by the City Manager Search Subcommittee, Mayor Kate Snyder, Chair

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order appoints Ashley Rand as City Clerk with a start date of July 6, 2022. On June 2, 2022, the City Manager Search Subcommittee voted (4-0) to recommend the appointment of Ashley Rand to the position of City Clerk. Ms. Rand's resume is attached.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Rand, Ashley Appointed City Clerk 6.6.2022

2. Ashley Rand Resume (1)

Prepared by:

Date: 06/02/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER CONFIRMING THE APPOINTMENT OF ASHLEY RAND
AS CITY CLERK**

ORDERED, that Ashley Rand is hereby appointed City Clerk for the City of Portland, effective July 6, 2022; and

BE IT FURTHER ORDERED, that the annual salary of the City Clerk is hereby set at \$100,000 as of July 6, 2022.

Ashley Rand
[REDACTED]
[REDACTED]

City of Portland
389 Congress Street
Portland, ME 04101

Attention - Human Resources

In response to the job posting, I would like to apply for the City Clerk position.

My name is Ashley Rand. My core competencies include public service, marketing, project management, oral and written communications, community development, budgeting, and problem-solving skills.

I am currently employed as the Deputy Director of Economic Development for the City of Westbrook. Prior to my current position, I held the position of Deputy City Clerk of the City of Westbrook. This position provides general oversight of day-to-day City Clerk related transactions, assists the City Clerk and City Administrator in projects relating to the operations of the City of Westbrook, as prescribed by federal law, state statutes, city ordinance and the policies of the City of Westbrook. This position also solidifies customer relationships by providing outstanding customer service to the public.

Job experience and my education have prepared me to take on more responsibility in a fast-paced environment. I want to further my opportunities in public service within a larger community. I currently hold certification as both a Certified Municipal Clerk (CMC), as well as a Certified Clerk of Maine (CCM).

Enclosed is my resume. I look forward in hearing from you soon.

Sincerely,

Ashley Rand

Ashley Rand

■ Profile Summary

Creative and energetic business professional offering experience working in ever changing environments where professional and organizational skills are required to handle staff, customers, vendors, businesses, budgeting and financial aspects of public relations, and project management.

Core competencies include:

- Customer Service/Support
- Process & Project Management
- Industry Research
- Written & Oral Communications
- Public Policy Work
- Database Management
- Problem Solving Skills
- Outreach & Public Relations

■ Professional Experience

City of Westbrook

March 2020-Current

Deputy Director of Economic Development

- Manages Business Retention & Expansion Program.
- Aids prospective clients and businesses.
- Promotes and facilitates new businesses interested in establishing a location in Westbrook
- Supports and assists existing business and industries on relocation and expansion efforts within City boundaries.
- Builds and sustains effective working relationships among City leadership and staff, the Economic Development Committee, Downtown Organization, Chamber of Commerce, businesses, community stakeholders, and members of the public.
- Works with State and Federal agencies to promote economic development activities in Westbrook
- Assists in the preparation of TIF documents and Federal loan and grant applications.
- Maintains business inventory and database and tracks growth and business needs.
- Formulates and implements short/long term economic and community development plans/strategies by maintaining knowledge of current economic trends.
- Promotes the development of businesses and entrepreneurs through targeted programs and services.
- Identifies and prepares grants and works with staff of the Community Development Division on economic development financial assistance programs.
- Prepares and manages marketing materials, brochures, branding, website, data collection and outreach initiatives.
- Performs other tasks and works on projects as assigned

City of Westbrook
Deputy City Clerk, CMC, CCM

May 2016- March 2020

Under the direction of the City Clerk, provides general oversight of day-to-day City Clerk related transactions, assists the City Clerk in projects relating to the operations of the City Clerk's Office, as prescribed by federal law, state statutes, city ordinance and the policies of the City of Westbrook. Establishes and solidifies customer relationships by providing outstanding customer service to the public.

Provides highly confidential support to the Mayor, City Administrator, Assistant City Administrator and City Clerk.

- Assist with general oversight of Clerk-related transactions, including dog licensing, elections, and vital statistics
- Processes and coordinates business licensing procedures including helping businesses navigate available resources, communications, scheduling of Council action, obtaining inspecting officer signatures, issuing license, and keeping an updated list of licenses issued.
- Responsible for State-mandated monthly reporting
- Assist in the coordination of training to ensure front line staff are properly trained in the operation of clerk functions and transactions
- Assists the City Clerk and participates in conducting elections including accepting registrations for Board; Issuing / processing absentee ballot applications; assisting with coordination of staffing and space for polling places; training of election workers; preparation and review of ballots; maintenance of voting machines; and preparing election follow up tabulations and state reports.

TideSmart Global
Manager, Marketing Services

August 2015 – March 2016

Marketing Services Manager for TideSmart Global, a marketing agency that specializes in building client brands through non-media and media marketing. My main responsibilities include:

Responsible for developing/managing relationships with key clients/customers, maintaining marketing profiles for locations, and executing marketing activity via an online local marketing automation and co-op management software.

- Became a trusted remote marketing resource via phone and email to local business owners across the country
- Developed and managed relationships with customers to maintain value, generate positive anecdotal feedback, and maintain superior survey response metrics
- Assisted users in understanding enrollment in and basic use of online marketing platform
- Managed the execution of basic marketing services to clients
- Track user feedback and requests for escalation
- B2C Sales Growth
- Database Management
- Project management

Provider Power (Electricity Maine/ENH Power/Provider Power MASS)
Marketing Coordinator

January 2012 – August 2015

Marketing Coordinator for the Provider Power family who owns Electricity Maine, ENH Power and Provider Power Mass. Provider Power is New England owned, Maine-based Competitive Electricity Supply Company, operating in 3 states. I have been an initial member of the Provider Power family since the inception in 2011. My main responsibilities include:

- Direct and coordinate activities concerned with the marketing & sales initiatives
- Procure new business for the Provider Power companies
- Marketing Automation Software Manager-Using Marketo to create, automate, and track engagement B2B campaigns as well as email marketing campaigns for Provider Power
- Train staff and sales team to be able to represent Provider Power in a public setting
- Conduct research to identify new opportunities for the growth of Provider Power
- Educational speaker for engagements/networking events
- Manage and develop a strategic plan of action to ensure that the cost of the event remains under the predetermined budget
- Coordinate specific requirements and expectations concerning events and expos with management to carry out the plan of action
- Coordinate ordering of promotional materials to use at events
- Effective weekly networking and professional client building
- Website Management- update website content as needed with the direction of designer
- Social Media -effectively driving brand awareness, engagement, and traffic to social media pages. Achieve a strong, visible social media presence and develop concepts with viral potential. Continuously monitor online public relations and ensure the success of programs

Health Affiliates Maine, Auburn, ME
Billing Representative/Orientation Coordinator

August 2009- January 2012

■ **Educational Qualifications**

Southern New Hampshire University

Manchester, NH

- Master of Business Administration/Public Administration
- Bachelor of Science in Marketing

■ **Certifications**

- Certified Municipal Clerk (CMC)
- Certified Clerk of Maine

■ **Professional Affiliations**

- Greater Portland Metro
 - Executive Board Member, December 2020-Current
 - Vice Chair Finance Committee, December 2020-Current
- International Economic Development Council (IEDC)
- Economic Development Council of Maine (EDCM)
- International Institute of Municipal Clerks (IIMC)
- Maine Town & City Clerks Association (MTCCA)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 25, 2022

SUBJECT: Order 265-21/22 Approving Residential Parking Permit Extension Re: Islander Parking - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Danielle P. West, Interim City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This order has been passed annually to provide parking for island residents on the mainland.

Specifically, it maintains 10 spaces on Hancock Street and 12 spaces on Thames Street for all-day parking by island residents with parking stickers in spaces with otherwise time-limited parking.

The order also maintains 42 parking spaces on the north side of Marginal Way, from the Park & Ride Lot to Cove Street, in the Island Residential Zone. This order, if passed, would expire on June 30, 2023.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Islander parking 6.6.2022

Prepared by:

Date: 04/25/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER APPROVING RESIDENTIAL PARKING PERMIT EXTENSION
RE: ISLANDER PARKING

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, Order 230-17/18 on June 4, 2018, Order 260-18/19 on June 3, 2019, Order 189-19/20 on June 1, 2020 and by Order 263-20/21 on June 7, 2021, is hereby amended, as follows:

By extending the one-year period that will expire on June 30, 2022 to June 30, 2023 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 Street between India and Hancock Street.

MEMORANDUM
City Council Agenda Item

FROM: Clare Norton
DATE: May 23, 2022
SUBJECT: Order 266-21/22 Declaring July 4, 2022 the July 4th Festival - Sponsored by Danielle P. West, Interim City Manager
SPONSOR: Danielle West; Interim City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/6/2022

Final Action 6/6/2022

Can action be taken at a later date: No The event is on July 4th 2022

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

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

I. SUMMARY

Order declaring Monday July 4th 2022, as July 4th Fireworks (rain Date: Tuesday July 5th 2022)

II. AGENDA DESCRIPTION

The City of Portland is prepared to host a fireworks display on the 4th of July again this year. The City has sponsored the July 4th Fireworks and activities on the Eastern Promenade for a number of years. The display will be held on Monday, July 4th in its usual spot on the Eastern Promenade with the fireworks set to go off at approximately 9:15pm. A rain date is scheduled for Tuesday, July 5, 2022.

Like last year, the celebration will be based around the fireworks display presented by Central Maine Pyrotechnics. There will be no musical performance, VIP Area, or ticketed element to this year's celebration. The City will not be providing or managing food vendors as has happened in the past. Approved and licensed food trucks will be allowed to operate in the designated area in the middle parking lot on Cutter Street, following Food Truck Rules and Regulations and City ordinances.

Five affirmative votes are required for passage of consent items after public comment.

III. BACKGROUND

The Festival runs from 6:00am (closing of Cutter Street) – 11:00pm Monday July 4, 2022. (Rain date is Tuesday July 5th 2022).

Fireworks will be launched from the East End Trail. Trail will need to be closed from Cutter Street to the Water Treatment Plant from 6:00am until deemed safe by City Staff (approximately 11:00pm.) In the event of rain, these Trail closings would be in effect until Tuesday, July 5th (same times would apply).

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

For the City Council to pass the order declaring Monday July 4th 2022 as July 4th fireworks.

V. FINANCIAL IMPACT

Fireworks are included in the FY 23 City Budget.

VI. STAFF ANALYSIS AND BACKGROUND

City of Portland staff are confident that we can host another successful July 4th Fireworks Celebration.

VII. RECOMMENDATION

Approval is recommended.

VIII. LIST ATTACHMENTS

1. Council Memo 2022
2. July 4th Festival 6.6.2022

Prepared by:

Clare Norton

Date: 05/23/2022



Ethan Hipple
Director

Department of Parks, Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

TO: Danielle West, Acting City Manager
FROM: Andrew Downs, Director of Public Assembly Facilities Division
DATE: May 23, 2022
RE: July 4th Fireworks

I am requesting that the following order be placed on the June 6th City Council agenda:

**Order declaring Monday July 4, 2022, as July 4th Fireworks
(Rain Date: Tuesday, July 5, 2022)**

The City of Portland is prepared to host a fireworks display on the 4th of July again this year. The City has sponsored the July 4th Fireworks and activities on the Eastern Promenade for a number of years. The display will be held on Monday, July 4th in its usual spot on the Eastern Promenade with the fireworks set to go off at approximately 9:15pm. A rain date is scheduled for Tuesday, July 5th.

Like last year, the celebration will be based around the fireworks display presented by Central Maine Pyrotechnics. There will be no musical performance, VIP Area, or ticketed element to this year's celebration. The City will not be providing or managing food vendors as has happened in the past. Approved and licensed food trucks will be allowed to operate in the designated area in the middle parking lot on Cutter Street, following Food Truck Rules and Regulations and City ordinances.

The fireworks can be seen from other locations than the Eastern Promenade. These locations include East End Beach, Fort Allen Park, Amethyst Park, Baxter Boulevard, Payson Park, Martin's Point on Veranda Street, and Bug Light in South Portland.

The Festival runs from 6:00am (closing of Cutter Street) – 11:00pm Monday July 4, 2022. **(Rain date is Tuesday July 5th 2022).**

All Security for the event will be provided by the City of Portland's Parks, Recreation & Facilities Management Department.

Fireworks will be launched from the East End Trail. Trail will need to be closed from Cutter Street to the Water Treatment Plant from 6:00am until deemed safe by City Staff (approximately 11:00pm.) In the event of rain, these Trail closings would be in effect until Tuesday, 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



Ethan Hipple
Director

Department of Parks, Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

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 5:30pm to 11:00pm, on Monday, 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, 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 Tuesday, July 5th.

All of Munjoy Hill and the Eastern Promenade will be closed to traffic (from Washington Ave. up), starting at 6:30pm on Monday 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 11:00pm). In the event of rain, these street closings would be in effect for Tuesday, July 5th.

On-street parking will be restricted from 7:00am until 11:00pm on Monday July 4th at Eastern Promenade (both sides) from Morning Street to Washington Avenue, Fort Allen Park (both sides), Walnut Street (one side) from Eastern Promenade to Washington Avenue, Waterville Street (one side) from Fore Street to Adams Street, Adams Street (one side) from Waterville Street to Kellog Street, and Kellog Street (one side) from Adams Street to Congress Street. 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 Tuesday, July 5th. With construction, these restrictions may be subject to change.

Cutter Street will be closed to vehicular traffic on Monday, July 4th (except for designated handicapped parking) from 6:00am to 11:00pm or until deemed safe by City Staff. Access will be allowed for boat launch (no extended parking, drop off/pick up only) until 6:30pm on Monday, July 4th. In the event of rain, these street closings would be in effect at 6:00am on Tuesday July 5th and ending at approximately 11:00pm.

The Festival area will also be closed to street vendors, with the exception of approved licensed food trucks in designated areas, pursuant to Section 19-17 of the Portland City Code and is reserved for the use of the City of Portland for the purpose of administering 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.

Order 266-21/22
Passage: 9-0 on 6/6/2022

Effective 6/16/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER DECLARING JULY 4, 2022
THE JULY 4TH FESTIVAL**

ORDERED, that the July 4th Festival be and hereby is declared for Monday, July 4, 2022 from 6:00 a.m. to 11:00 p.m., with a rain date of Tuesday, July 5, 2022, 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 5:30 p.m. to 11:00 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. Also, Morning Street at Eastern Promenade, Wilson Street, Moody Street, and Congress Street, 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 the following streets will be closed to vehicular traffic from approximately 6:30 p.m. to 10:00 p.m. on July 4th (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; 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, 2022 (or if necessary on the July 5th Rain date):

BE IT FURTHER ORDERED, that on-street parking will be restricted from 7:00 a.m. until 11:00 p.m. on July 4, 2022 Eastern Promenade (both sides) from Morning Street to Washington Avenue, Fort Allen Park (both sides), Walnut Street (one side) from Eastern Promenade to Washington Avenue, Waterville Street (one side) from Fore Street to Adams Street, Adams Street (one side) from Waterville Street to Kellogg Street, and Kellogg Street (one side) from Adams Street to Congress Street., 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 6:00 a.m.; and

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

Fireworks 0 views



Gretta Buckley <gretta.buckley35@gmail.com>

11:00 AM (17 minutes ago)

to council@portlandmaine.gov, publiccomment@portlandmaine.gov, vpelletier@portlandmaine.gov

Hello,

My name is Gretta Buckley and I am a resident of district 2 in Portland. I am reaching out with regard to Fourth of July celebrations. I know that the Fourth of July is an important holiday for some and the city celebrates each year with a big display of fireworks, but I am hoping the council will consider different forms of celebration that are less harmful to the environment.

Firstly, fireworks cause a tremendous amount of air and water pollution as they emit a large number of toxic chemicals into the air. These can trigger asthmatic symptoms and contribute to long term environmental degradation. Nationally, the air pollution to which fireworks shows contribute, disproportionately effects black, brown, and other marginalized communities due the effects of environmental racism.

Secondly, the noise of fireworks can cause intense anxiety for animals in the city and can be intensely triggering to people with PTSD or other anxiety disorders.

I know that it may be a small thing to change and disappointing to have less in the sky for Fourth of July. And perhaps it is too late to change the plan for this year, but I hope you will consider getting creative about other ways we can celebrate. It is one thing we can do in the name taking better care of people in the community and the environment which sustains us. Below I have attached an article from National Geographic which details some environmental effects. Thank you for your consideration.

<https://api.nationalgeographic.com/distribution/public/amp/environment/article/the-hidden-toll-of-july-fourth-fireworks>

Warmly,
Gretta

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 267-21/22 Granting Municipal Officers' Approval of City of Portland Maine, dba Ocean Gateway. Application for Indoor Entertainment at 14 Gateway Pier - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/16/22. New City application.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Ocean Gateway
2. Ocean Gateway_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**City of Portland Maine, dba Ocean Gateway. Application for Indoor Entertainment at 14
Gateway Pier**

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Andy Downs

Public Assembly Facilities Director

6.1.22



To: Mayor Snyder and Councilor Members
From: Portland Parks, Recreation, & Facilities Department
Re: Ocean Gateway Entertainment License
Date June 1, 2022

The Portland Parks, Recreation, & Facilities Department appreciates your consideration of the application for Indoor Entertainment at the Ocean Gateway facility. Ocean Gateway is host to a wide array of events including wedding receptions, proms, fundraisers, celebrations of life, corporate meetings and much more.

Thank You,

Andy Downs, Director

Public Assembly Facilities Division
Parks, Recreation & Facilities Department
City of Portland



fees waived

CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

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

Business Information			
Establishment Name (d/b/a):	<i>Ocean Gateway</i>		Phone:
Location Address:	<i>14 Gateway Pier</i>		Zip: <i>04101</i>
Owner Name:	<i>City of Portland</i>	Phone:	<i>207 808-5400</i>
Owner Email:			
Contact Person responsible for Entertainment:	<i>Peter McFarland</i>	Phone:	<i>207 808-5400</i>
Contact Person Email:	<i>peter@portlandmaine.gov</i>		
Manager of Establishment:	<i>Jon Wilson</i>	Phone:	<i>207 808-5421</i>
Manager Email:	<i>jwilson@portlandmaine.gov</i>		

About Your Establishment

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

large space at Ocean Gateway Pier mainly used for weddings, receptions, and private functions. can be used as a small entertainment venue up to a 400 person capacity. mainly stage acts such as comedians, lectures, small music acts, etc.

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

Signature *[Signature]* Title *Event Manager* Date *5/11/22*

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

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov

Sound Mitigation Plan of Ocean Gateway House

Sound System

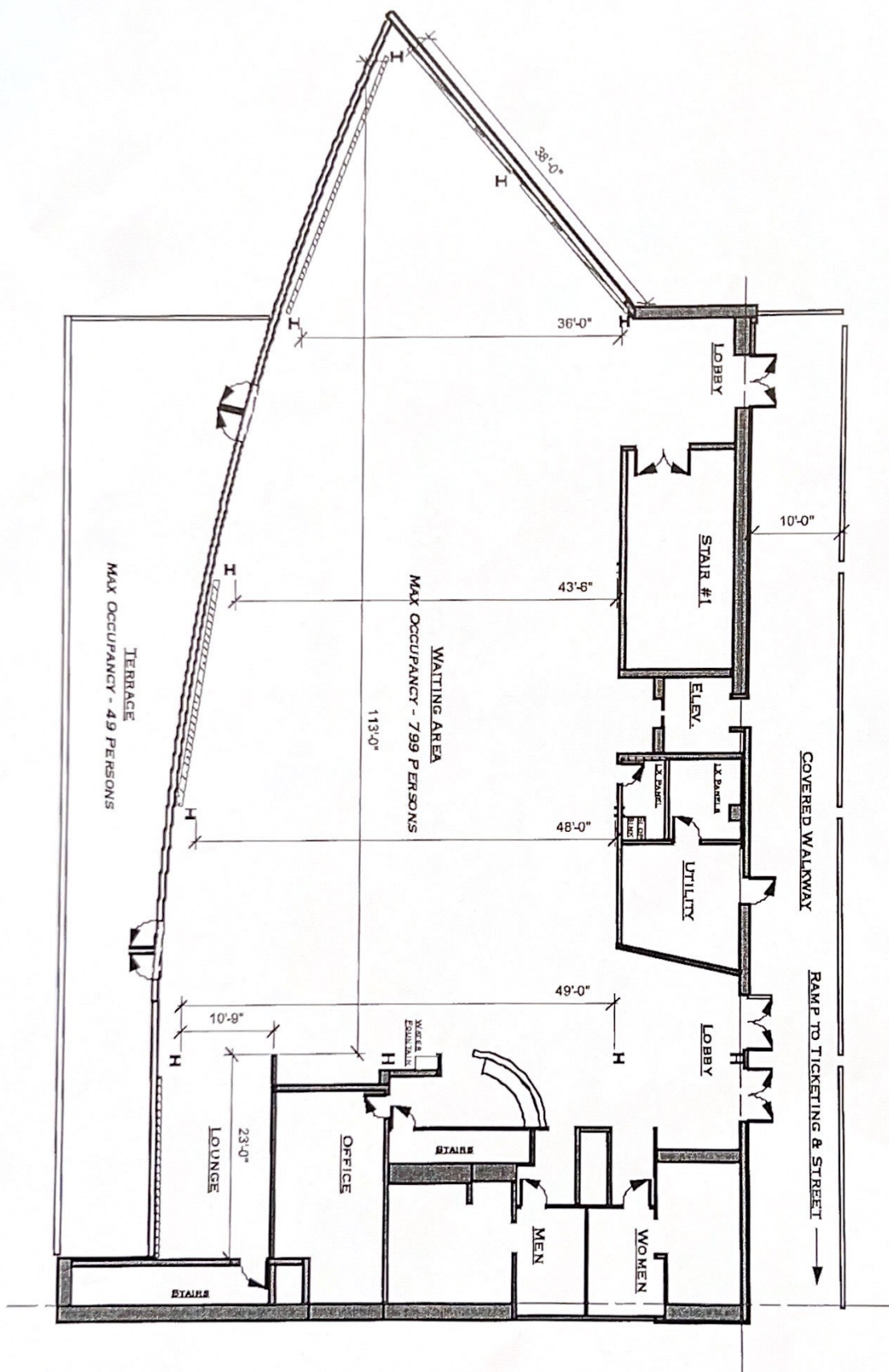
- Allen Heath 6 channel analog mixer
- 2 ZXA 200 watt self powered speakers
- All portable not installed

Sound mitigation

- The sound system will be set up over 100 yards from property edge
- System will be monitored by event staff while in use
- A SPF meter will be used as needed
- The room has been purpose built to control sound for large gatherings
- Stage and speaker placement have been designed to optimize sound control.

Ground Plan
Not to Scale!
1/08/09

The Portland Ocean Gateway





Zachary Lenhart <zlenhart@portlandmaine.gov>

Ocean Gateway

Eric Nevins <erich@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Sat, May 21, 2022 at 1:45 PM

approved

On Wed, May 18, 2022 at 3:59 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Ocean Gateway

Matthew Coldwell <mcoldwell@portlandmaine.gov>

Mon, May 23, 2022 at 1:39 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <ericn@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>

Hi Zach,

The 2nd floor is approved as a place of assembly.

Thank you,

Mac Coldwell

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

[Quoted text hidden]

City of Portland

Sound Mitigation Review

Date: 5/24/2022

Business Ocean Gateway

Applicant PAFM

DESCRIPTION	yes	no
Sound system appropriate for the size venue	Yes	
Performance space located in an appropriate location	Yes	
Performance space facing in an appropriate direction to control sound	Yes	
Surrounding surfaces appropriate to control sound	Yes	
Additional sound absorbing features		
additional notes		
Approved	Yes	
DIRECT ALL INQUIRIES TO:		
Kevin Schneck		
(207) 756-8433		
kschneck@portlandmaine.gov		



CITY OF PORTLAND
Permitting and Inspections Department

June 2, 2022

Re: City of Portland Maine, dba Ocean Gateway. Application for Indoor Entertainment at 14 Gateway Pier

Dear Portland Parks, Recreation, and Public Facilities Department:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 6, 2022 at 5:00 p.m.**, for the review of application for Indoor Entertainment at 14 Gateway Pier. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on June 3, 2022.

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

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

Sincerely,

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

Zachary J. Lenhert
Licensing and Housing Safety Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 268-21/22 Granting Municipal Officers' Approval of Aloha Partners LLC, dba The Sinful Kitchen. Application for Class I FSE with Outdoor Dining on Private Property at 952 Brighton Ave - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/16/22. New City and State applications. Location was previously Subway.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Sinful Kitchen

2. Sinful Kitchen_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Aloha Partners LLC, dba The Sinful Kitchen. Application for Class I FSE with Outdoor Dining on Private Property at 952 Brighton Ave

Chef David Mallari
The Sinful Kitchen
906 Brighton Ave
Portland, ME 04102

May 12, 2022

Mayor Snyder and Members of the City Council,

I am the chef and co-owner, with my wife Denae, of The Sinful Kitchen at 906 Brighton Ave. We are an established restaurant that just celebrated 7 years of being in business in our wonderful city. Due to the popularity of our restaurant, we are needing to move and expand to a different location. Luckily a space became available just 600 feet down the road at 952 Brighton Ave. Announcement of our intention to move has been received with excitement throughout the community and beyond.

At this new venue our intention is to have 23 seats indoors and 16 seats outdoors during the warmer months. This outdoor area is on private property adjoining our building and will have temporary stanchions to enclose the area. During the colder months we will close the outside area and have 39 seats indoors.

Besides running our restaurant we are very active members in the community from donating to many charities around the state, hosting charity dinners at the restaurant as well as speaking and engaging with students at some of our city schools for career days and student enrichment programs. We would like to continue our engagement with the community through our restaurant and request that you approve our move to the new location.

I welcome any of you to reach out with any questions or concerns you may have either through email (dave@thesinfulkitchen.com) or by phone at 207-229-6453.

Thank you so much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Dave Mallari', with a long horizontal line extending to the right.

Chef Dave Mallari



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	The Sinful Kitchen Phone: 536-0611
Location Address:	952 Brighton ave. Portland Zip: 04102
If new, what was formerly at this location:	Subway Sandwich
Mailing Address:	33 Overset Rd. Portland, ME Zip: 04103
Contact Person:	David Mallari Phone: 229-6453
Contact Person Email:	dave@thesinfulkitchen.com
Manager of Establishment:	David Mallari Date of Birth: 6/26/68 Phone: 229-6453
Owner of Premises (Landlord):	Joe Stinson / Stinco, LLC
Address of Premises Owner (Landlord):	337 Forest Ave Portland, ME Zip: 04101

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Aloha Partners	33 Overset Rd Portland Zip: 04103

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

Contact Person:	David Mallari		Phone:	207 229 6453
Principal Officers	Title	Date of Birth	Residence Address	
Danae Mallari	owner	9/13/1974	33 Overset Rd Portland	
David Mallari	owner	6/26/1968	33 Overset Rd Portland	

Class of Liquor License:	Restaurant Class I
--------------------------	--------------------



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	<u>Brunch</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>80%</u>	Generated from Alcohol: <u>20%</u>
Hours & days of operation:	<u>7 days 8am - 2pm, Occasional Dinners 5-9pm</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?		<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 Entertainment is required.)		<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 <u>PRIVATE</u> 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>6/18/22</u>
Does the Issuance of this license directly or indirectly benefit any City employee(s)?		<u>Y</u>
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>The Sinful Kitchen 906 Brighton</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, David Maller, do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

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

Signature [Signature] Title Owner Date 5/11/22

Breakfast Entrees

Huevos Rancheros**

Two Eggs any style served on a Flour or Corn (GF) tortilla, filled with Cheddar Cheese, Refried Beans, and topped with House Salsa, Chipotle Sour Cream, and Scallions, served with Home Fries.....\$12

Add Shaved Steak, Pulled Pork, or Vegetarian BBQ Jackfruit \$4.50

Waffle Pizza

with Home Fries and a side of Marinara

Vegetarian Waffle Pizza

Scrambled Eggs, Peppers, Onions, Mushrooms, Baby Spinach, Tomatoes, Scallions, Parmesan and Cheddar cheeses served on a Belgian Waffle.....\$11.50 (GF \$12.50)

Meat Waffle Pizza

Scrambled Eggs, Sausage, Bacon, Scallions, Parmesan and Cheddar Cheeses served on a Belgian Waffle... \$11.50 (GF \$12.50)

Two Eggs Any Style**

Two Eggs and Home Fries, with your choice of Meat and Toast...\$9.50 (GF \$10.50)

Corned Beef Hash**

Served with 2 Eggs any style and your choice of Toast\$13.50 (GF \$14.50)



906 Brighton Ave
Portland, ME 04102
207-536-0611

www.thesinfulkitchen.com

Side Orders**

Bacon, Breakfast Sausage, Pulled Pork, Ghost Pepper Sausage, Spam, Turkey Sausage, Ham or Vegetarian BBQ Jackfruit.....\$5

Lamb Bacon.....\$6

Side Hash.....\$8

Home Fries.....\$2.50

1 Egg.....\$1.50

Side Toast.....\$3 (GF \$4)

Slice FT.....\$3 (GF \$4)

Waffle.....\$6 (GF \$7)

Side Stuffed French Toast.....\$8 (GF \$9)

Side Avocado.....\$2

Fruit Cup.....\$4

Sandwiches

Served with Home Fries

Breakfast Sandwich

Two Eggs, with your choice of Meat, and Cheese on a grilled English Muffin.....\$9.50 (GF \$10.50)

Monte Cristo

Two Slices of French Toast filled with Smoked Ham, Roasted Turkey, Cheddar, and Swiss Cheese.....\$12.50 (GF \$13.50)

The Bomb

Slow-roasted Pulled Pork, Shaved Steak or BBQ Jackfruit with Sautéed Onions, Peppers, and Mushrooms, with Melted Cheddar Cheese.\$11.50 (GF \$12.50)

Reuben

House Corned Beef, Sauerkraut, Swiss Cheese, and Thousand Island Dressing on Toasted Rye.....\$13 (GF \$14)

Brunch Burger**

All Natural Grass Fed Beef on a grilled Bulkie Roll with Lettuce, Tomato, Bacon, and topped with a Fried Egg.....\$12.50 (GF \$13.50)

Add Pulled Pork.....\$3

Substitute Lamb Bacon for the regular Bacon.....\$2.50

Kids Corner**

For Kids 12 and Under Only Please

1 Egg any style, served with Home Fries, and your choice of Meat and Toast.....\$7 (GF \$7.50)

1 Slice of French Toast, served with Home Fries, and your choice of Meat.....\$7 (GF \$7.50)

All dishes are produced in a facility with Gluten. Although separate cooking equipment is used, cross-contamination may still occur.

Keep in mind that we are a scratch kitchen so things may take a little longer and the prices may be a little bit higher. This is so we can serve you the highest quality food made with love and attention.

A 20% Gratuity will be added for parties of 6 or more guests.

*"Friends With Benedicts"****

*Topped with Creamy Hollandaise
and served with Home Fries*

With Baby Spinach, Basil Pesto, and
Tomato.....\$12

Traditional Bacon\$12

Pulled Pork w/ House Salsa and
Jalapeños.....\$12.50

Hand Picked Maine Crab, Avocado
and Crumbled Bacon.....\$16.50

Lobster, Cheddar and Brie Grilled
Cheese Base topped with Crumbled
Bacon..... \$ MKT \$

Omelets

*Served with Home Fries and your
choice of Toast (GF toast add \$1)*

Greek

Spinach, Tomato, Feta, and sliced
Kalamata Olives.....\$10.50

Steak and Cheese

Shaved Steak and Cheddar
Cheese.....\$11.50
(Add peppers, mushrooms, or onions
for .25 each)

Ham and Swiss

Ham, Mushrooms, Onions, and Swiss
Cheese.....\$12

BBQ Pulled Pork

Pulled Pork, Onions, Peppers,
Jalapeños, and Cheddar Cheese.\$12.50

El Diablo

Jalapeños and Ghost Pepper Cheese
served with a side of Ghost Pepper
Sausage...\$13.50

-WARNING! This dish can be VERY Spicy!

*****Please inform your server of any
food allergies before ordering*****

***Consuming raw or undercooked meats, poultry,
seafood, shellfish, or eggs may increase your
risk of foodborne illness, especially if you have
certain medical conditions.***



906 Brighton Ave
Portland, ME 04102
207-536-0611

www.thesinfulkitchen.com

*Meat/Proteins
Options*

Bacon

Breakfast Sausage

Pulled Pork

Ghost Pepper Sausage

Spam

Turkey sausage patty

Ham

Lamb Bacon (add\$2)

Tofu (V)

BBQ Jackfruit (V)

Toast Options

White

Wheat

Rye

English Muffin

GF Toast (add\$1)

GF English (add\$1)

Belgian Waffles

*Served with Home Fries and your
choice of Meat (GF Add \$1.00)*

Plain Belgian.....\$10

Cinnamon Roll - topped with Cream
Cheese Icing, Cinnamon Sugar Butter
and Whipped
Cream.....\$11.50

**Strawberry and Whipped
Cream**...\$11.50

Peanut Butter Cup - topped with
chopped Reese's, Chocolate and Peanut
Butter Sauces and Whipped
Cream.....\$12

French Toast

*Served with Home Fries and your
choice of Meat (GF Add \$1.00)*

Plain

Three Thick Slices\$11.50

Stuffed French Toast

Three Thick Slices with the Chef's dai-
ly stuffing.....\$13

Scrambles

Vegan Tofu Scramble

Tofu, Home Fries, Black Beans, Pep-
pers, Onions, Mushrooms, Tomatoes,
Scallions, and Baby Spinach, sautéed
in Olive Oil.....\$12.50

Egg White Scramble

Egg Whites, Turkey Sausage, Peppers,
Onions, Mushrooms, Baby Spinach,
and Parmesan Cheese with Home Fries
and your choice of Toast\$13
(GF \$14.00)



CITY OF PORTLAND
Permitting and Inspections Department

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

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

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

Business Information			
Business Name (d/b/a):	The Sinful Kitchen	Phone:	536-0611
Location Address:	952 Brighton Ave.	Zip:	04102
Mailing Address:	33 Overset Rd.	Zip:	04103
Contact Person:	David Mallari	Phone:	229-6453
Contact Person Email:	dave@thesinfulkitchen.com		
Manager of Establishment:	David Mallari	Date of Birth:	6/26/68
		Phone:	229-6453
Owner of Premises (Landlord):	Joe Stinson / Stinco, LLC		
Address of Premises Owner:	337 Forest Ave Portland	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address	
Aloha Partners, LLC		33 Overset Rd.	Zip: 04103
Contact Person:	David Mallari	Phone:	229-6453
Principal Officers	Title	Date of Birth	Residence Address
David Mallari	owner	6/26/68	33 Overset Rd 04103
Denise Mallari	owner	9/13/74	33 Overset Rd 04103



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	<u>I</u>
Type of food served:	<u>Brunch</u>
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	<u>7 days 8am - 2pm</u>
Number of Tables	<u>4 picnic tables</u>
Number of Chairs	<u>0</u>

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 5/12/22

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: _____	_____



Brighton Ave

Rowe Ave

Rowe Ave

Rowe Ave

Brighton Ave

Terrace Ave

Terrace Ave

Terrace Ave

Terrace Ave

Terrace Ave

Google

- 1) 20' x 20' Dining area
- 2) Area cordoned off w/ stoppers
- 3) 16 seats = 4 picnic tables

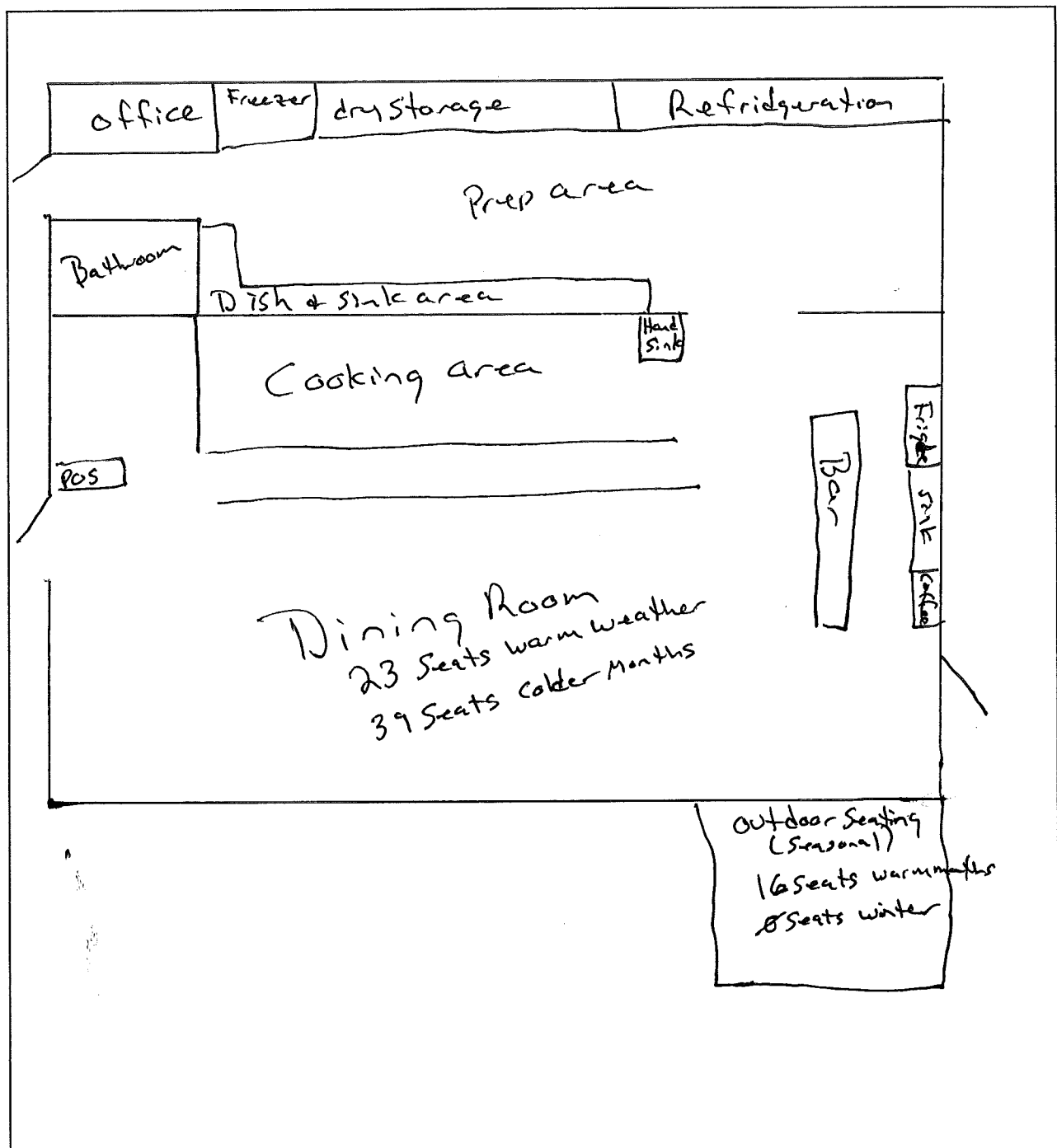
032

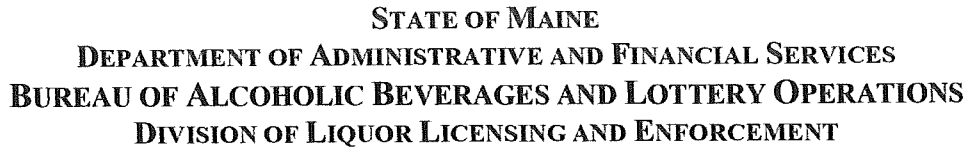
K-Door

Section VI Premises Floor Plan

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

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





All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Aloha Partners, LLC	Business Name (D/B/A): The Sinful Kitchen & Pig Kahuna
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 952 Brighton Ave. Portland ME
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: 33 Bowers Rd. Portland, ME 04103
Mailing address, if different from DBA address:	Email Address: dave@thesinfulkitchen.com
Telephone # Fax #: 207 229 6453 N/A	Business Telephone # Fax #: 207 536 0611 N/A
Federal Tax Identification Number: 47-2996159	Maine Seller Certificate # or Sales Tax #: 1172691
Retail Beverage Alcohol Dealers Permit:	Website address: thesinfulkitchen.com

1. New license or renewal of existing license? ☒ New Expected Start date: 6/18/22
☒ Renewal Expiration Date: 6/17/22
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: \$200,000 Beer, Wine or Spirits: \$40,000 Guest Rooms: N/A
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

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

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

5. Business records are located at the following address:

952 Brighton Ave. Portland, ME 04101

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address
The Sinful Kitchen	CAR-2015-5517	906 Brighton Ave, Portland

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

Full Name	DOB	Place of Birth
David Mallari	6/26/1968	Woonsocket, RI
Denae Mallari	9/13/1974	Concord, NH

Residence address on all the above for previous 5 years

Name	Address:
David Mallari	33 Overset Rd Portland, ME 04103
Name	Address:
Denae Mallari	33 Overset Rd Portland, ME 04103
Name	Address:
Name	Address:

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Joe Stinson / Stinco, LLC 337 Forest Ave. Portland, 04104

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

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

39 Seat brunch restaurant

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

Name: Rowe Elementary

Distance: .3 miles

Section II: Signature of Applicant(s)

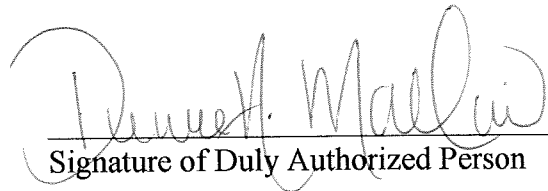
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary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

Please sign and date in blue ink.

Dated: 5/12/22



Signature of Duly Authorized Person



Signature of Duly Authorized Person

David Mallari
Printed Name Duly Authorized Person

Denise A. Mallari
Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

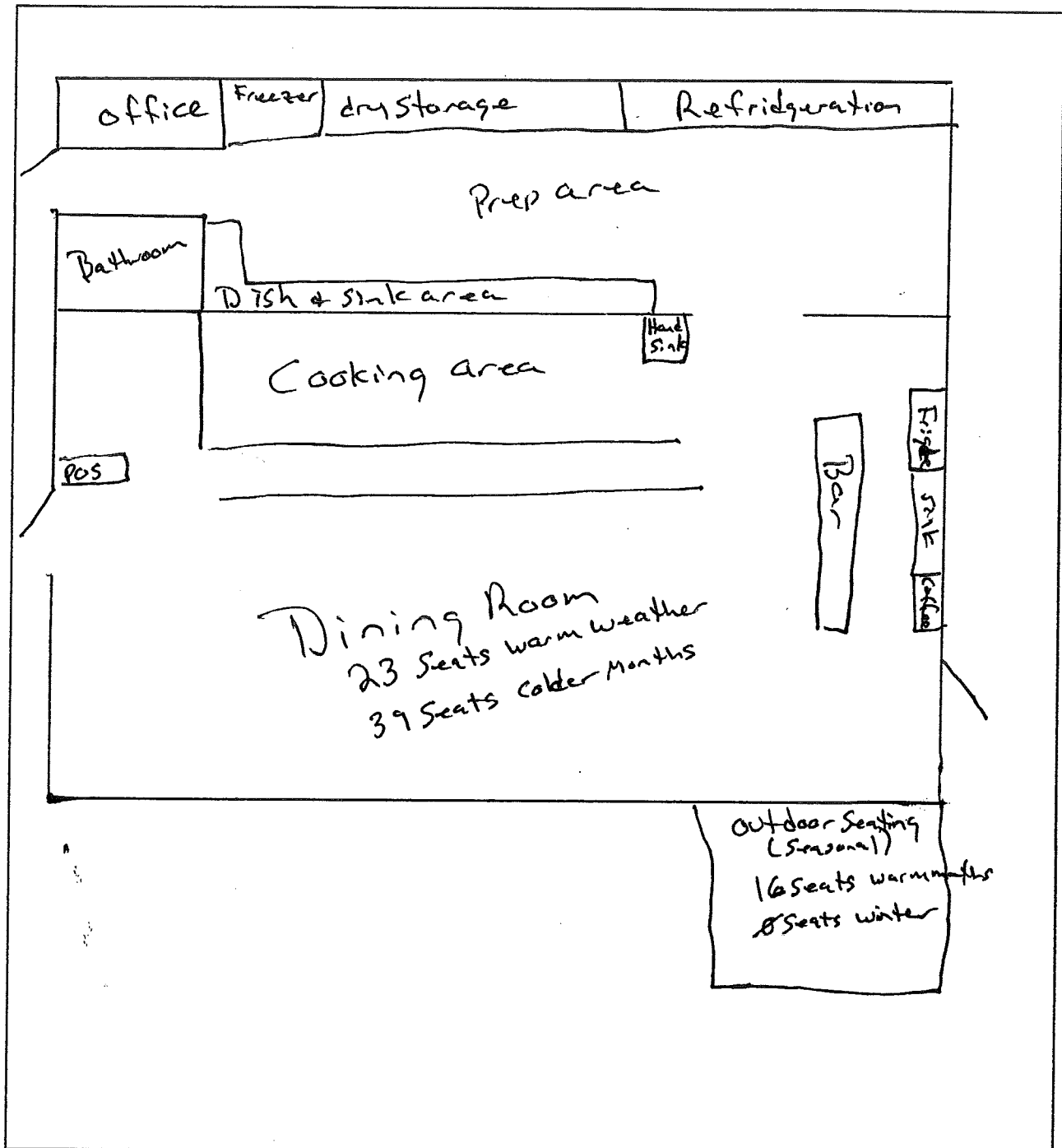
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together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

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

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Aloha Partners, LLC
2. Doing Business As, if any: The Sinful Kitchen
3. Date of filing with Secretary of State: 1/29/2015 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:
N/A
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Denae Mallari	33 Overset Rd	9/13/74	owner	51
David Mallari	33 Overset Rd	6/26/68	owner	49

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Sinful Kitchen

Eric Nevins <ericn@portlandmaine.gov>

Sat, May 21, 2022 at 2:12 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Approved

On Wed, May 18, 2022 at 4:00 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:

[Quoted text hidden]

--

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Sinful Kitchen

Zoning <zoning@portlandmaine.gov>

Thu, May 19, 2022 at 11:32 AM

To: Zoning <zoning@portlandmaine.gov>

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

Please disregard my previous email. I was mistaken. The ZBA approved a restaurant use at 952 Brighton on 4/20/2005.

Zoning has signed off on this in EnerGov with the following note,

A Class A Restaurant (Class I) is a permitted use in the B-1 Zone, per Table 6-C of Chapter 14, with the limitation under Sec 6.4.6 of Chapter 14 that restaurants shall not operate between the hours of 11 PM and 6 AM and shall not accept deliveries or services between the hours of 10 PM and 7 AM.

Thanks,
Jon

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

June 2, 2022

Aloha Partners LLC
906 Brighton Ave.
Portland ME, 04102

Re: Aloha Partners LLC, dba The Sinful Kitchen. Application for Class I FSE with Outdoor Dining on Private Property at 952 Brighton Ave

Dear Aloha Partners LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 6, 2022 at 5:00 p.m.**, for the review of application for Class I FSE with Outdoor Dining on Private Property at 952 Brighton Ave. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on June 3, 2022.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary J. Lenhart".

Zachary J. Lenhart
Licensing and Housing Safety Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 269-21/22 Granting Municipal Officers' Approval of Noodle Love LLC, dba Mainely Noods. Application for Class III & IV at 658 Congress Street - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/6/22. New City and State applications. Owner currently holds an FSE with Prep at this location.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Mainely Noods

2. Mainely Noods_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Noodle Love LLC, dba Mainely Noods. Application for Class III & IV at 658 Congress Street

Anna T Berube, Manager of Mainely Noods
658 Congress Street
Portland, ME 04101
mainelynooods@gmail.com

April 22, 2022

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

Dear Mayor and City Council

My name is Anna Berube, I am the manager of Mainely Noods, the reason I am submitting this letter of intent is for a Brewery, Winery, Distillery Alcohol Service License. Anusat Limsitong and Li Yang (Owners) have signed off on this and we now need your approval.

With our current location doing so well, we would now like to serve canned or bottled beer or wine to customers. As of right now we have non alcoholic beverages in sealed cans and bottles for the public to reach in and bring to the counter. We are looking to put a refrigerator behind the counter with beer and wine for 21 plus customers. All alcoholic beverages will be ready to serve from the distributors, we won't be providing glasses/cups for serving the beverages which will help us monitor the distribution.

Our current hours state we are open til 9PM at the latest and that will continue as long as we see fit. With Portland being a tourist town, we want to provide a better atmosphere for customers but also keep our take out orders just as abundant. We will not be serving alcohol to our delivery service orders and only serving to customers that come into our restaurant.

Since opening during the Covid 19 Pandemic, we've had to adjust to more take out orders, but as summer is coming we want to thrive in the Portland area and would love to serve beer and wine to our customers and cater to a more sit down style eatery.

I understand this letter is not an official agreement, and we will be waiting for your response in the next couple of weeks once the City Council and Mayor have met and discussed.

I appreciate your time,

Sincerely Anna Berube

Anna T Berube



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Mainely Noods	Phone:	207-536-4014 207-536-4014
Location Address:	658 Congress St.		Zip: 04101
If new, what was formerly at this location:			
Mailing Address:	658 Congress St.		Zip: 04101
Contact Person:	Anna Berube	Phone:	207 217 8486
Contact Person Email:	mainelynoods@gmail.com		
Manager of Establishment:	Anna Berube	Date of Birth: 03/01/94	Phone: 207 217 8486
Owner of Premises (Landlord):	Geoffrey I Rice		
Address of Premises Owner:	657 Congress St.		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	
Noodle Love LLC		658 Congress St. Zip: 04101	
Contact Person:	Li Qun Yang	Phone:	207 852 6831
Principal Officers	Title	Date of Birth	Residence Address
Li Yang	Owner	10/06/81	137 Scarborough Downs Unit 218 Scarborough 04074
Anusut Limisitang	Owner	04/21/78	1 Arbor View Lane, Scarborough 04074
Class of Liquor License:		CLASS III & IV	



CITY OF PORTLAND
Permitting and Inspections Department

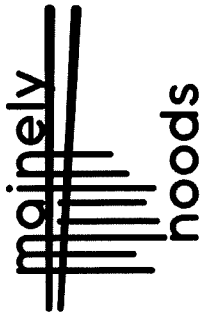
Type of food served:	FAST FOOD	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☐	
Projected percentage of sales:	Generated from Food: \$850,000 ^{or} (95%) Generated from Alcohol: 5%	
Hours & days of operation:	11:30 - 8:30 Mon - Thursday, 12 - 9pm Fri, Sat, SUN	
QUESTIONS		
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N ☒	
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N ☒	
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	Y/N ☒	
Will you permit dancing after 1:00 a.m.?	Y/N ☒	
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N ☒	
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?	Y/N ☒	
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?	6/1/22	
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):		
	mainly noods	
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 Anna T Benube 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 Anna T Benube Title Manager Date 4/28/22



MENU

** all with garlic oil, scallion, and cilantro*

Noooooods

\$11

ramen | chicken | pork dumpling | bok choy | bean sprouts | soft boiled egg | coconut curry broth

Hong Kong

\$10

ramen | braised pork | pork dumpling | bok choy | clear broth

Bangkok

\$9

ramen | chicken | bok choy | bean sprout | kimchi | jalapeno | coconut curry broth

Tokyo

\$11

ramen | braised pork | bok choy | edamame | corn | soft boiled egg | five spice pork broth

Seoul

\$9

udon | chicken | bok choy | soft boiled egg | kimchi | kimchi sauce

Portland

\$9

rice noodles | tofu | bok choy | bean sprouts | ground peanuts | chili oil | clear broth

Taipei

\$9

ramen | braised pork | bok choy | soft boiled egg | five spice pork broth

Sichuan

\$8

udon | sichuan chicken | baby bok choy | carrots

spicy gluten-free vegan

BUILD YOUR BOWL

** all with garlic oil, scallion, and cilantro*

\$6

Noodles

Pick one:

udon

rice noodles

ramen

Pick broth or sauce:

Broth

coconut curry

veggie broth

five spice pork broth

miso broth

+ Protein

chicken

braised pork

tofu

sichuan chicken

pork dumpling

veggie dumpling

boiled egg

+ Vegetables

baby bok choy

bean sprouts

cucumber

carrot

corn

napa cabbage

kimchi

kimchi | jalapenos

edamame

peanuts

pickled cucumber

pickled daikon

shitake mushroom

SEND NOODS!

SIDES

Pickled Cucumber \$4

Pickled Daikon \$4

Kimchi \$4

Kimchi Jalapenos \$4

Seaweed Salad \$4

Sesame Noodles \$6

Dumpling \$6
pork or vegetable

Dumpling Soup \$6
pork or vegetable

Call for takeout or
order online:

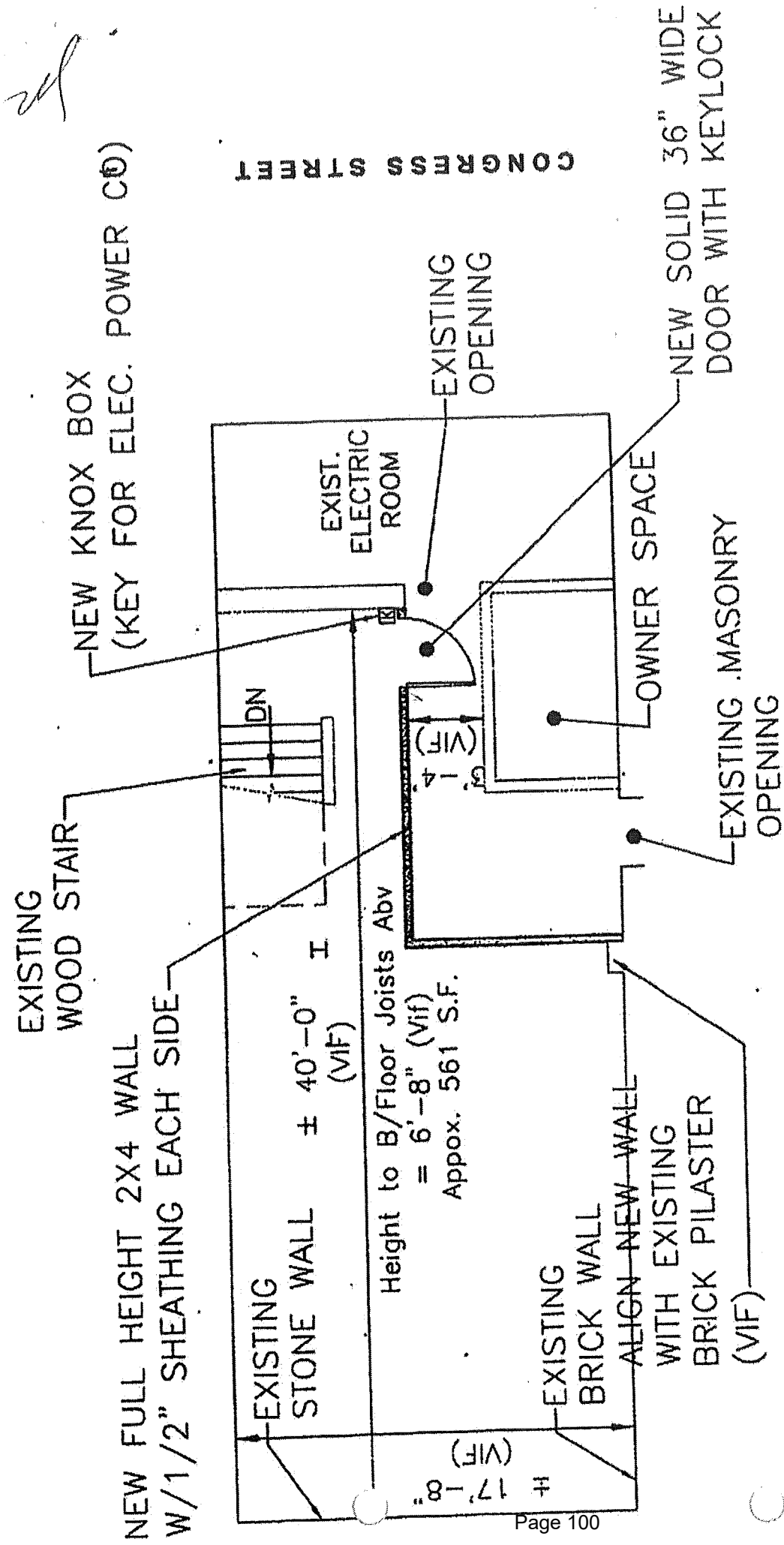
(207) 536-4014
Mainlynoods.com

658 Congress St
Portland, ME 04101

Monday - Thursday:
11:30am - 3pm
4:30 pm - 8:30pm

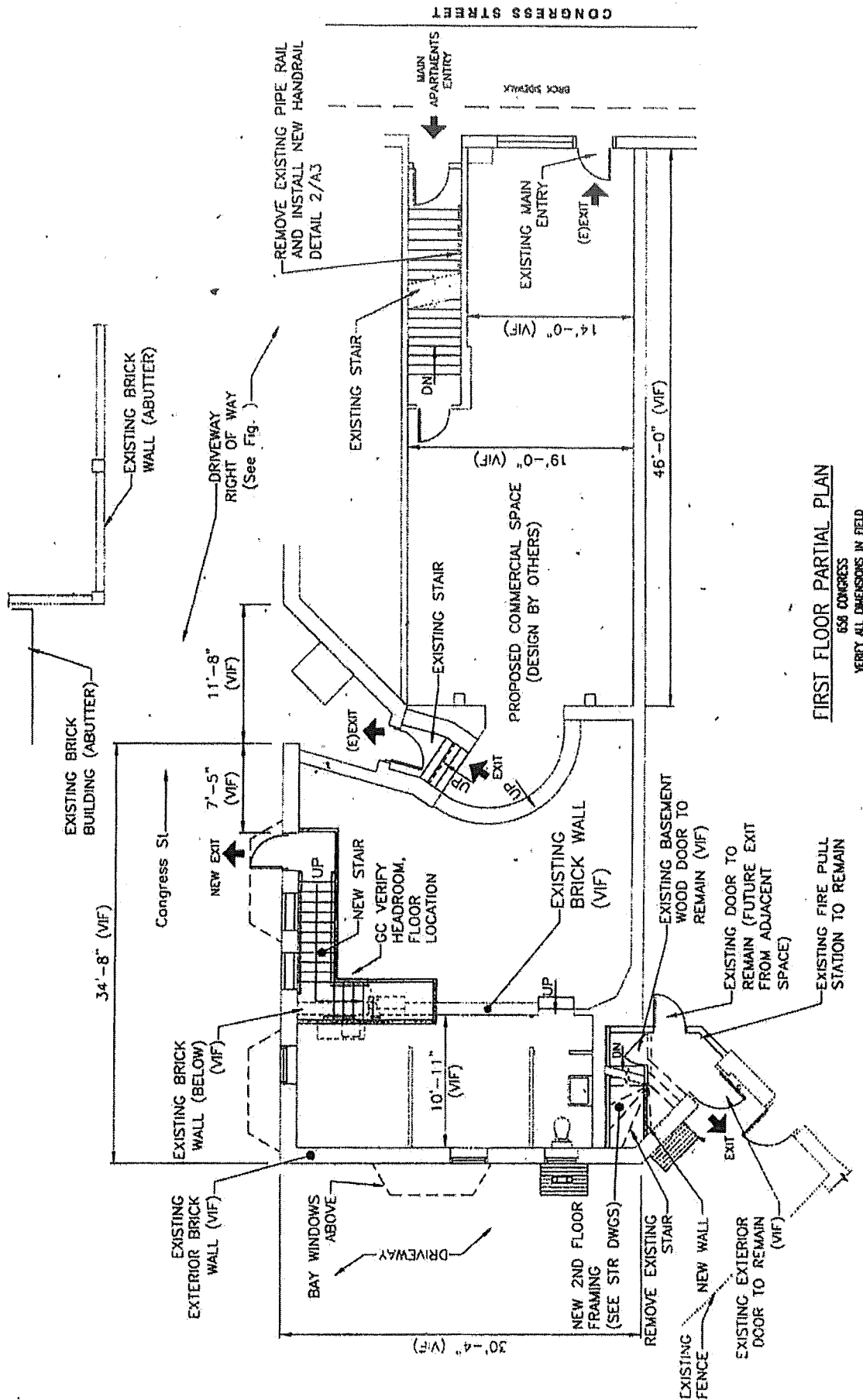
Friday - Sunday: 12 pm - 9pm

MainelyNoods @MainelyNoods



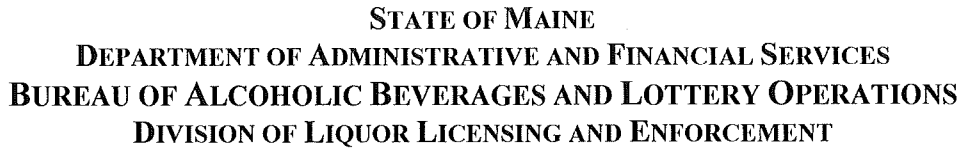
BASEMENT PARTIAL PLAN

658 CONGRESS
 VERIFY ALL DIMENSIONS IN FIELD



FIRST FLOOR PARTIAL PLAN

658 CONGRESS
VERIFY ALL DIMENSIONS IN FIELD



All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Noodle Love LLC	Business Name (D/B/A): Mainely Noods
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 658 Congress St.
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: mainelynoods@gmail.com
Telephone # Fax #:	Business Telephone # Fax #: 207 536 4014
Federal Tax Identification Number: 84-3283716	Maine Seller Certificate # or Sales Tax #: 1205179
Retail Beverage Alcohol Dealers Permit:	Website address: mainelynoods.com

1. New license or renewal of existing license? ☒ New Expected Start date: 6/1/22
☐ Renewal Expiration Date: _____
2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
Food: \$ 850,000.00 Beer, Wine or Spirits: _____ Guest Rooms: _____
3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)
☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

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

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

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

5. Business records are located at the following address:

658 Congress St.

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address
Ninja House Inc.	CAR-2012-5332	829 Hogan Rd. Bangor 04401

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

Full Name	DOB	Place of Birth
Li Qun Yang	10/6/81	China
Anusat Limsitong	04/21/78	Thailand
Anna T Berube	3/1/94	China
Residence address on all the above for previous 5 years		
Name	Address:	
Name	Address:	
Name	Address:	
Name	Address:	

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

Geoffrey I Rice 651 Congress St. 1st Floor

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

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

We are already an eating establishment, we will be adding a fridge behind counter to store alcohol that will be served cold and in cans or bottles. There will be no new renovations just adding a drink cooler behind counter.

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

Name: State Street Church/Childrens Nursery School

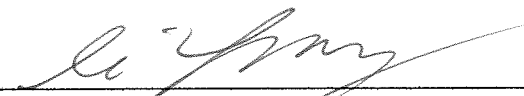
Distance: 0.15 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 4/27/22


Signature of Duly Authorized Person

Li Qun Yang
Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

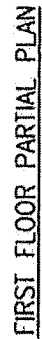
- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau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

Section V: Fee Schedule

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

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

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



658 CONGRESS
VERIFY ALL DIMENSIONS IN FIELD

2

EXISTING
WOOD STAIR

NEW KNOX BOX
(KEY FOR ELEC. POWER CO)

NEW FULL HEIGHT 2X4 WALL
W/1/2" SHEATHING EACH SIDE

CONGRESS STREET

EXISTING
STONE WALL

± 40'-0"
(VIF)

Height to B/Floor Joists Abv
= 6'-8" (Vif)
Approx. 561 S.F.

EXISTING
BRICK WALL

ALIGN NEW WALL
WITH EXISTING
BRICK PILASTER
(VIF)

EXIST.
ELECTRIC
ROOM

EXISTING
OPENING

OWNER SPACE

NEW SOLID 36" WIDE
DOOR WITH KEYLOCK

EXISTING MASONRY
OPENING

BASEMENT PARTIAL PLAN

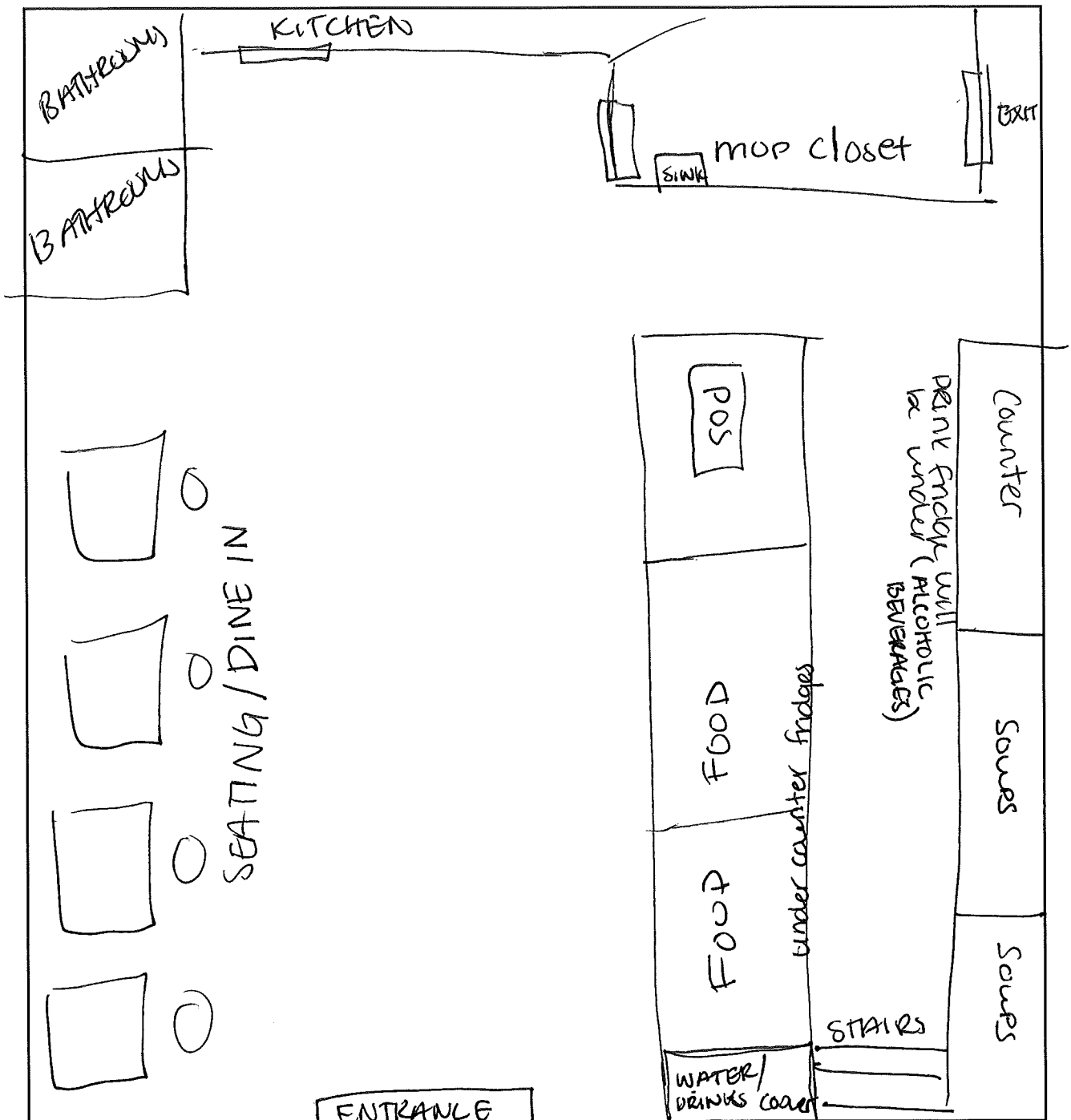
658 CONGRESS

VERIFY ALL DIMENSIONS IN FIELD

Section VI Premises Floor Plan

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

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



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

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

All Questions Must Be Answered Completely. Please print legibly.

- Exact legal name: Noodle Love LLC
- Doing Business As, if any: FAST FOOD RESTAURANT
- Date of filing with Secretary of State: 1/28/2020 State in which you are formed: ME
- 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, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Li Qun Yang	137 Scarborough Downs Rd. #218 Scarborough ME 04074	10/06/81	Owner	40%
	24 Larkin St. Bangor, ME 04401			
Anusat Limsitong	1 Arbor View Lane, Scarborough ME 04074	04/21/78	Owner	60%

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Mainely Noods

Eric Nevins <erich@portlandmaine.gov>
To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Sat, May 21, 2022 at 2:11 PM

Approved

On Wed, May 18, 2022 at 4:00 PM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
[Quoted text hidden]

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



Zachary Lenhart <zlenhart@portlandmaine.gov>

Mainely Noods

Zoning <zoning@portlandmaine.gov>

Thu, May 19, 2022 at 12:08 PM

To: Zoning <zoning@portlandmaine.gov>

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

Zoning has signed off on this with the following note,

A Class III & IV Liquor License is an approved use within the B-3 Zone.

Thanks,
Jon

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

June 2, 2022

Noodle Love LLC
658 Congress St.
Portland ME, 04101

Re: Noodle Love LLC, dba Mainely Noods. Application for Class III & IV at 658 Congress Street

Dear Noodle Love LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 6, 2022 at 5:00 p.m.**, for the review of application for Class III & IV at 658 Congress Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on June 3, 2022.

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

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

Sincerely,

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

Zachary J. Lenhert
Licensing and Housing Safety Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 270-21/22 Granting Municipal Officers' Approval of Milly's Skillet LLC, dba Jones Landing. Applications for Class I FSE with Outdoor Dining on Private Property and Combined Entertainment at 6 Welch Street - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/2/22. New City and State applications. New owner of an existing establishment.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Jones Landing

2. Jones Landing_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Milly's Skillet LLC, dba Jones Landing. Applications for Class I FSE with Outdoor Dining
on Private Property and Combined Entertainment at 6 Welch Street**

Fw: Letter of intent

From: Molly Ritzo (mollyritzo@yahoo.com)

To: phmcc4130@yahoo.com

Date: Friday, April 22, 2022, 01:26 PM EDT

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Molly Ritzo" <mollyritzo@yahoo.com>
To: "Staples" <print.marketing1095@staples.com>
Cc: "Molly Ritzo" <mollyritzo@yahoo.com>
Sent: Thu, Apr 21, 2022 at 8:37 AM
Subject: Letter of intent

4/20/22

To whom it may concern,

It is my intention to reopen Jones Landing on Peaks Island for public dining. I am asking the city of Portland for permission to serve food and operate a full bar on the property located at 6 Welch St, Peaks Island. We will serve to the public lunch and dinner Sunday through Friday as well as Sunday brunch. Saturdays we will host weddings. Jones Landing will be open May through November. Thank you for your consideration.

Sincerely,
Molly Ritzo
Owner
Milly's Skillet LLC
Sent from Yahoo Mail on Android



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Jones Landing Phone:
Location Address:	6 Welch St Peaks Island ME Zip:
If new, what was formerly at this location:	Harbor View at Jones Landing
Mailing Address:	6 Welch St Peaks Island ME Zip: 04108
Contact Person:	Molly Ritzo Phone: 207 340-0026
Contact Person Email:	mollyritzo@yahoo.com
Manager of Establishment:	Celia Conaghan Date of Birth: 1/5/89 Phone: 603 490-8335
Owner of Premises (Landlord):	Robin Clark
Address of Premises Owner (Landlord):	3 Welch St Peaks Island, ME 04108 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

Corporate Name	Corporate Mailing Address
Molly's Skillet LLC	6 Welch St Peaks Isl Zip: 04108

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

Contact Person:	Molly Ritzo	Phone:	207 340-0026
Principal Officers	Title	Date of Birth	Residence Address
		2-26-78	
Class of Liquor License:		Class I	



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	appetizers, salads, burger, entrees ^{meat} seafood		
Please circle all that will be served:	Beer	Wine	Liquor
Projected percentage of sales: 350,000	Generated from Food: 200,000	Generated from Alcohol: 130,000	
Hours & days of operation:	7 days a week May - Nov 10 a.m. - 10 p.m.		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?			Y/N ☒ Y
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?			☒ N
If yes, give the distance:			
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)			☒ Y
Will you permit dancing after 1:00 a.m.?			☒ Y
Will you have outside dining? (If yes, an Outdoor Dining Application is required)			☒ Y
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
If yes, please list: # of pinball machines: _____ # of amusements: 1 # of pool tables: _____			
What is your targeted opening date?			5/13/22
Does the issuance of this license directly or indirectly benefit any City employee(s)?			☒ 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
If Yes, please list business name(s) and location(s):			milly's Skillet Food Truck, Peaks Island
Is any principal officer under the age of 21?			☒ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?			☒ N
If Yes, please explain:			

I, Molly Rita 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 Molly Rita Title owner Date 4/21/22



CITY OF PORTLAND
Permitting and Inspections Department

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

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

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

Business Information	
Business Name (d/b/a):	Jones Landing
Location Address:	6 Welch St Portland ME
Mailing Address:	
Contact Person:	Molly Ritz
Contact Person Email:	mollyritz@yahoo.com
Manager of Establishment:	Nick Conaghan
Owner of Premises (Landlord):	Robin Clark
Address of Premises Owner:	3 Welch St Peaks Island

Owner Information

Corporate Name		Corporate Mailing Address	
Milly's Skillet LLC		226 Gray Rd Portland ME	
Contact Person:		Phone:	
Principal Officers	Title	Date of Birth	Residence Address



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

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

Business Information	
Establishment Name (d/b/a):	Jones Landing
Location Address:	6 Welch St. Peaks Island, ME
Owner Name:	Molly Rito
Owner Email:	mollyrito@yahoo.com
Contact Person responsible for Entertainment:	Nick Conaghan
Contact Person Email:	inquiries@joneslanding.net
Manager of Establishment:	Nick Conaghan
Manager Email:	

About Your Establishment

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

Mellow acoustic music nightly with dinner service
reggae music on Sunday

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

Signature Molly Rito Title Owner Date 4/20/22

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

Sound mitigation plan

From: Molly Ritzo (mollyritzo@yahoo.com)

To: phmcc4130@yahoo.com

Date: Friday, April 22, 2022, 01:26 PM EDT

Sound Mitigation Plan for Jones Landing,
Peaks Island 4/20/22

1. Methods used to minimize the inspect of mucic on the deck will include setting up music under our covered portion of the deck surrounded by walls on 3 sides and roof with acoustic padding. The "stage" area is also located on the deck on the front of the building. Nearest neighbors live behind a tree line on the far back side of the property, allowing for the building itself to act as a noise buffer.
2. Speakers will be place under the covered roof point toward the inside area of the deck and restaurant
3. The house sound system is only Bluetooth speakers. Musicians will bring their own sound equipment. We will be primarily featuring mellow acoustic music with 1 or 2 musicians. Outdoor music will stop at 10 p.m.
4. The stage is located in the interior corner of our covered deck tucked in against the building and under a roof.
5. We will control the volume of the music played at our restaurant. The point for us is to provide light dinner music to be enjoyed in the back ground. We will have a curfew if 10p.m. for outdoor music.
6. Live music shall be heard on deck, front lawn, and inside the dining room. No music shall be heard on the street, back driveway, or surrounding properties.

Sent from Yahoo Mail on Android



OYSTERS
\$2.50 - \$24
OYSTER TRIO
RAW, GRILLED & FRIED
\$9 (SEA) \$27 (SEA) \$54 (6F)

SOUP/SALAD

CLAM CHOWDER \$6 \$10
FULL FARMER'S SALAD \$14
(ADD CHICKEN OR TABBOULI)
GRILLED ESCAROLE "CAESAR" \$14

BOARDS

CHEESE N' THINGS \$20
CAPRESE & HUMMUS \$18
CEVICHE & ESCABECHE \$30

APPETIZERS

TANGY RED PEPPER DIP \$10
MONKFISH STICKS \$12
FARMER'S MARKET TART \$15
CHICKEN ARTICHOKE SKEWERS \$15

BAR

GRILLED HADDOCK SANDWICH \$15
TRADITIONAL LOBSTER ROLL \$26
JONES BURGER \$15

SEAFOOD

(SERVED WITH HOUSE SLAW)
LOBSTER BOIL BAG \$35
LOBSTER NEWBERG PIE \$35
PARMESAN CRUSTED HADDOCK \$25
FRIED FLOUNDER & FRIENDS \$32

PASTA

CREAMY ROAST PEPPER PAPPARDELLE \$28
(VEGGIE & BURRATA / CLAM SAUSAGED)

THE ISLAND PLATE

(SERVED WITH POTATOES & GREENS)
CHICKEN MARBELLA \$26
GRANNY'S RIBS \$34

Jones Landing Restaurant and Property, Peaks Island, ME

fence



fence

Back Patio

Door (side)

Bathrooms

walk in Bar cooler

Covered Music "stage"

stairs to lawn

Covered Deck

Dining Room

Dine Way

MILLY'S Food Truck

Kitchen



dish

storage

HOOD

Back Door

side lawn

front entrance

entry

fence











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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC): Molly's Skillet LLC	Business Name (D/B/A): Jones Landing
Individual or Sole Proprietor Applicant Name(s):	Physical Location: Welch St Peaks Island ME
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: mollyrites@yahoo.com
Telephone # Fax #: 207 340-0026	Business Telephone # Fax #:
Federal Tax Identification Number: 47-34-36107	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address: Joneslanding.net

1. New license or renewal of existing license? ☒ New Expected Start date: **5/12/22**
☐ Renewal Expiration Date: **/**

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

Food: **200,000** Beer, Wine or Spirits: **2150,000** Guest Rooms: _____

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

☒ Malt Liquor (beer) ☒ Wine ☒ Spirits

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address
Barn at Smith farm		226 Gray Rd Ellsworth, ME

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

Full Name	DOB	Place of Birth
Molly Ritco	2/26/78	Portsmouth, NH

Residence address on all the above for previous 5 years

Name	Address:
3 Wilton Lane Cape Elizabeth, ME 04107	
Name	Address:
Name	Address:
Name	Address:

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

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

We are asking for permission to serve alcohol in the dining area, covered deck, front lawn, and back patio / smoking area

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

Name: Peaks Elementary / 1st Congregational Church

Distance: 2 miles

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 4/19/22

Molly Rites
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Molly Rites
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

Section V: Fee Schedule

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

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

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

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

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

All Questions Must Be Answered Completely. Please print legibly.

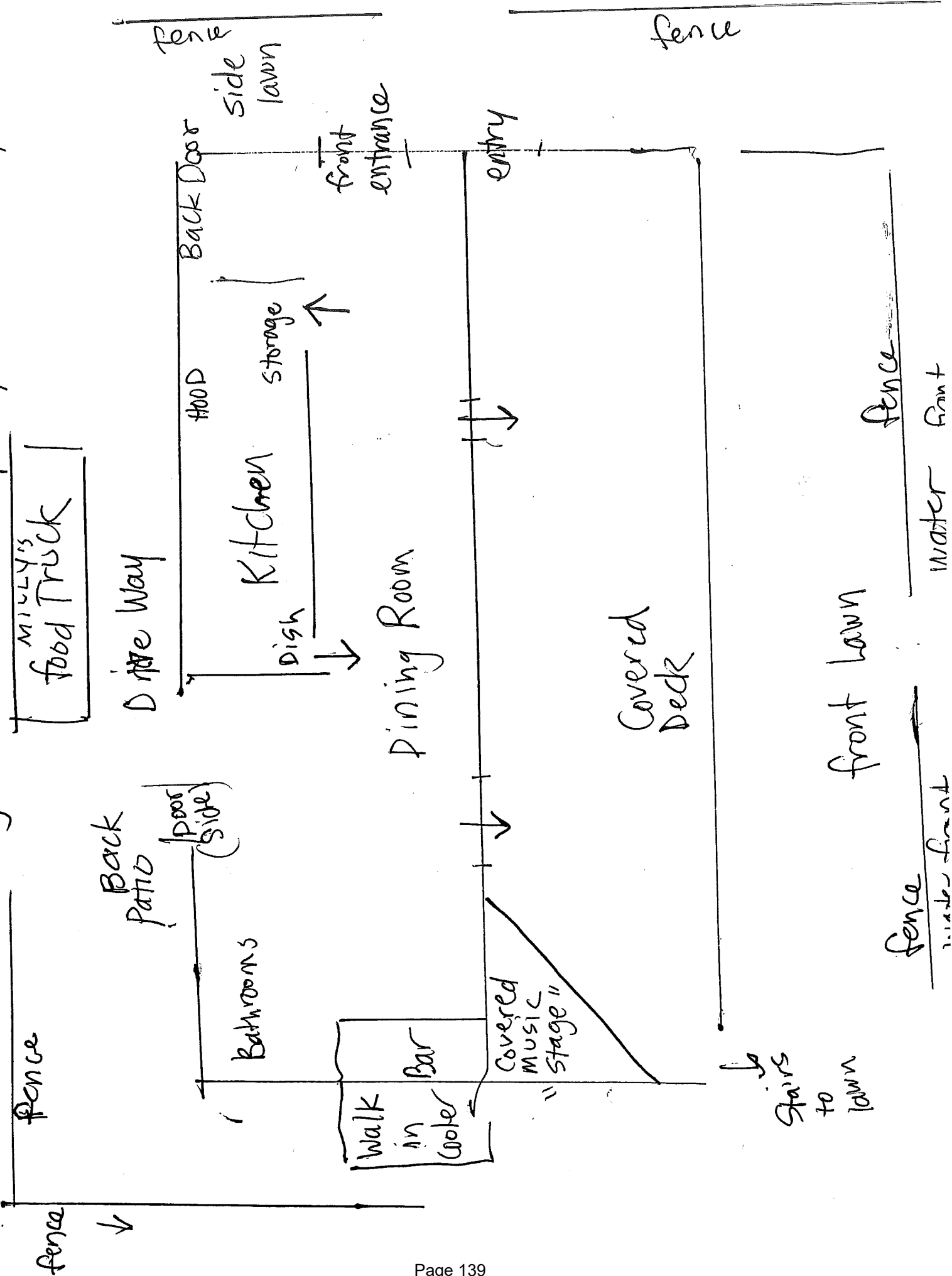
1. Exact legal name: Milly's Skillet LLC
2. Doing Business As, if any: Jones Landing
3. Date of filing with Secretary of State: 4/11/22 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Molly Ritzo	226 Gray Rd Ellsworth ME	4/26/78	owner	100%

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

Jones Landing Restaurant and Property, Peaks Island, ME





Zachary Lenhart <zlenhart@portlandmaine.gov>

Jones Landing

Glen McGary <glenm@portlandmaine.gov>

Wed, May 18, 2022 at 4:36 PM

To: Zachary Lenhart <zlenhart@portlandmaine.gov>

Cc: Benjamin Pearson <bnp@portlandmaine.gov>, Christina Stacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <erick@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>

PPD Approves

[Quoted text hidden]

--

Lieutenant Glen McGary
Portland Police Department
109 Middle Street
Portland, Maine 04101
Office (207) 756-8294
Fax (207) 874-8580



Zachary Lenhart <zlenhart@portlandmaine.gov>

Jones Landing

Zoning <zoning@portlandmaine.gov>

Thu, May 19, 2022 at 2:56 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Tom Williams <tw@portlandmaine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Eric Nevins <ericn@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Glen McGary <glenm@portlandmaine.gov>, Kevin Schneck <kschneck@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>

Zoning has approved this with the following note,

A Class A Restaurant (Class I Liquor License) is a permitted use within the I-B Zone.

Thanks,

Jon

[Quoted text hidden]

City of Portland

Sound Mitigation Review

Date: 5/24/2022

Business Jones Landing

Applicant Molly Ritzo

DESCRIPTION		yes	no
Sound system appropriate for the size venue			Yes
Performance space located in an appropriate location			Yes
Performance space facing in an appropriate direction to control sound			Yes
Surrounding surfaces appropriate to control sound			Yes
Additional sound absorbing features			
additional notes			
Approved			Yes
DIRECT ALL INQUIRIES TO:			
Kevin Schneck			
(207) 756-8433			
kschneck@portlandmaine.gov			

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 271-21/22 Granting Municipal Officers' Approval of Victoria Thayer, dba Queenie's Castle. Applications for Class III & IV with Outdoor Dining on Private Property at 356 State Street - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/16/22. New City and State applications. Location was previously Tiqa Café and Bakery.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Queenies Castle

2. Queenies Castle_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Victoria Thayer, dba Queenie's Castle. Applications for Class III & IV with Outdoor Dining on Private Property at 356 State Street

Queenie's Castle
356 State street
Portland, ME 04101

Owner: Victoria Queenie
Thayer
22 Skylark Rd
Portland, ME 04103

Dear Mayor Snyder and distinguished Counsel members,

My name is Victoria Queenie Thayer and I have been chosen to operate the Castle in Deering Oaks. I am requesting a beer and wine license from the City of Portland for my Dairy & Deli establishment. I look forward to serving my local community And adding a little rejuvenation to Deering Oaks Park! Thank you for your consideration.

Sincerely,

Queenie Thayer



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Establishment Name (d/b/a):	Queenie's Castle Phone: 318-5248
Location Address:	356 State St Portland Me 04101 Zip:
If new, what was formerly at this location:	Tiga
Mailing Address:	356 State ST Portland Me 04101 Zip:
Contact Person:	Victoria Thayer Phone: 318-5248
Contact Person Email:	Queeniescastlepeeringoaks@yahoo.com
Manager of Establishment:	Victoria Thayer Date of Birth: 1-17-63 Phone: 318-5248
Owner of Premises (Landlord):	City of Portland
Address of Premises Owner (Landlord):	389 Congress ST Portland Me 04101 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address
Victoria Thayer	1-17-63	22 Sky Lake Rd Portland Me 04103

Corporate Name	Corporate Mailing Address
	Zip:

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

Contact Person:		Phone:	
Principal Officers	Title	Date of Birth	Residence Address
Class of Liquor License:		Class III + IV	



CITY OF PORTLAND
Permitting and Inspections Department

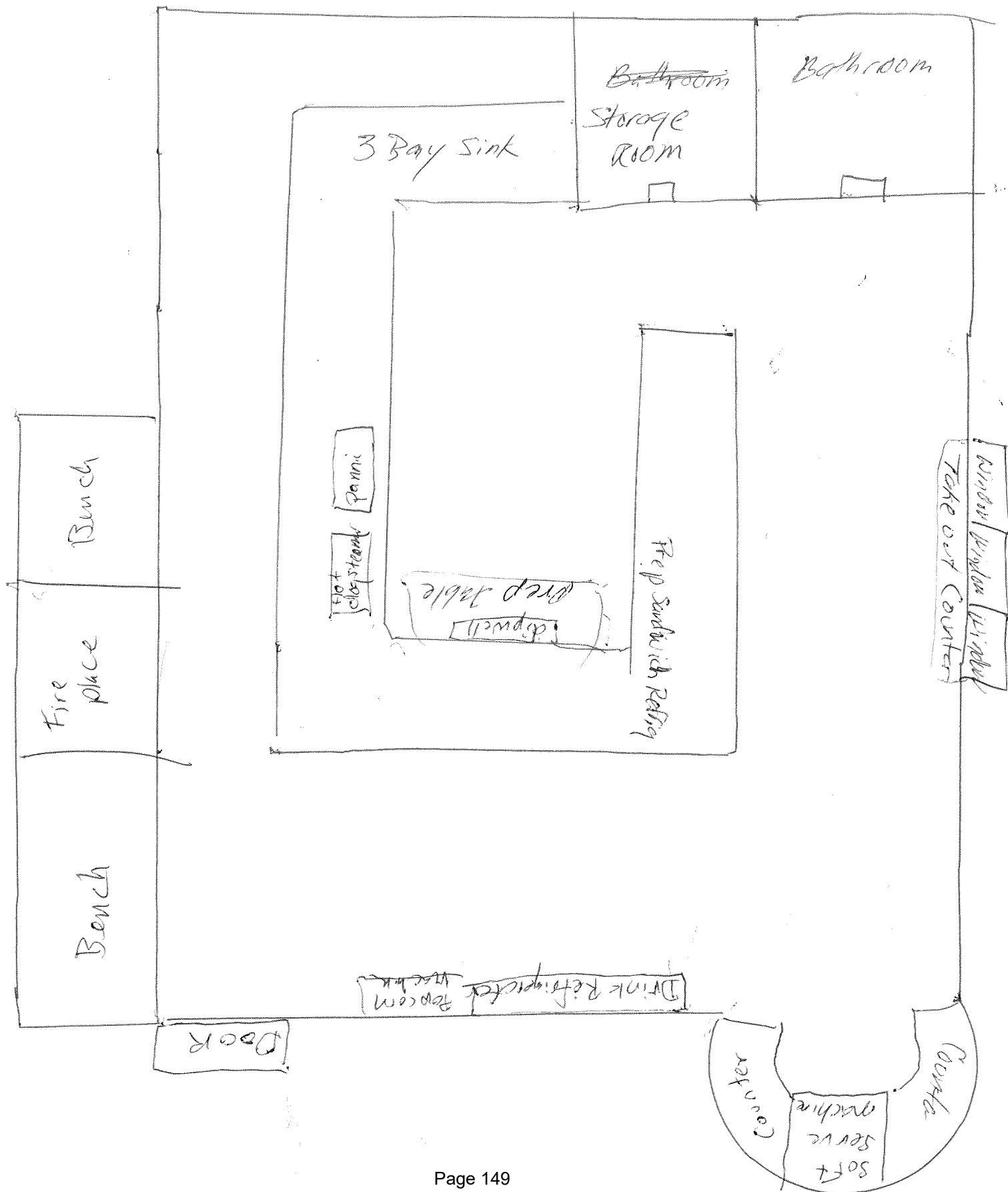
Type of food served:	<u>Deli & Dairy</u>	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☐	
Projected percentage of sales:	Generated from Food: <u>80 %</u>	Generated from Alcohol: <u>20 %</u>
Hours & days of operation:	<u>Mon-Fri 7:30 AM - 8:00 PM SAT & SUN 8:00 - 8:00</u>	
QUESTIONS		Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?		☒
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?		☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)		☒
Will you permit dancing after 1:00 a.m.?		☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)		☐
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).		
Will you have any amusement devices (pinball, video games, juke box)?		☒
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____		
What is your targeted opening date?		<u>6-15-22</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?		☒
If Yes, please list business name(s) and location(s): <u>Queen's Peenie's Food Mobile Truck</u>		
Is any principal officer under the age of 21?		☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?		☒
If Yes, please explain:		

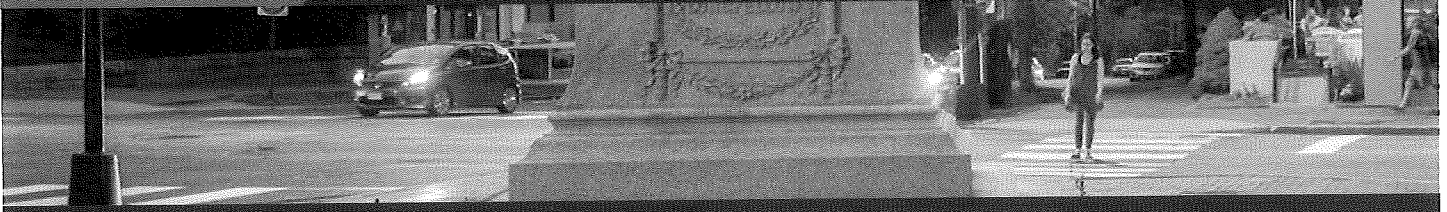
I Victoria Thayer do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended/server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require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

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

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

Signature [Signature] Title Owner/Operator Date 5/1/22





PROFILE

VALUES

SALES

RESIDENTIAL

COMMERCIAL

OUTBUILDINGS

SKETCH

ASSESSMENT
HISTORY

PHOTOS

MAP

AERIAL VIEW

HISTORICAL
RECORD CARDS

PARID: 035 I001001
CITY OF PORTLAND

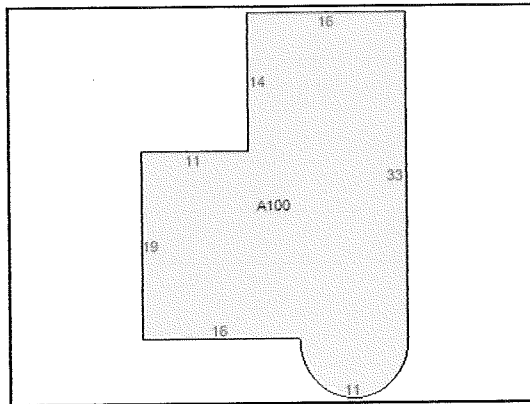
356 STATE ST

1 of 1

[Return to Search Results](#)

Actions

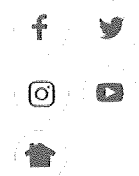
- [Printable Summary](#)
- [Printable Version](#)



Options

Type	Line #	Item	Area
Commercial Feature	2	A100 - VS1:1S	790
Commercial	1	RESTAURANT - 031:RESTAURANT	790
Outbuilding	1	GAR - 1/2S - CG2:GARAGE WITH HALF STORY FIN	980
Outbuilding	2	CANOPY - CP6:CANOPY, ROOF/SLAB	1,300

Click on an item to display it independently.



CONTACT US

City of Portland Assessor's Office
389 Congress Street, Room 115

POPULAR DEPARTMENTS

[COVID-19 Information](#)

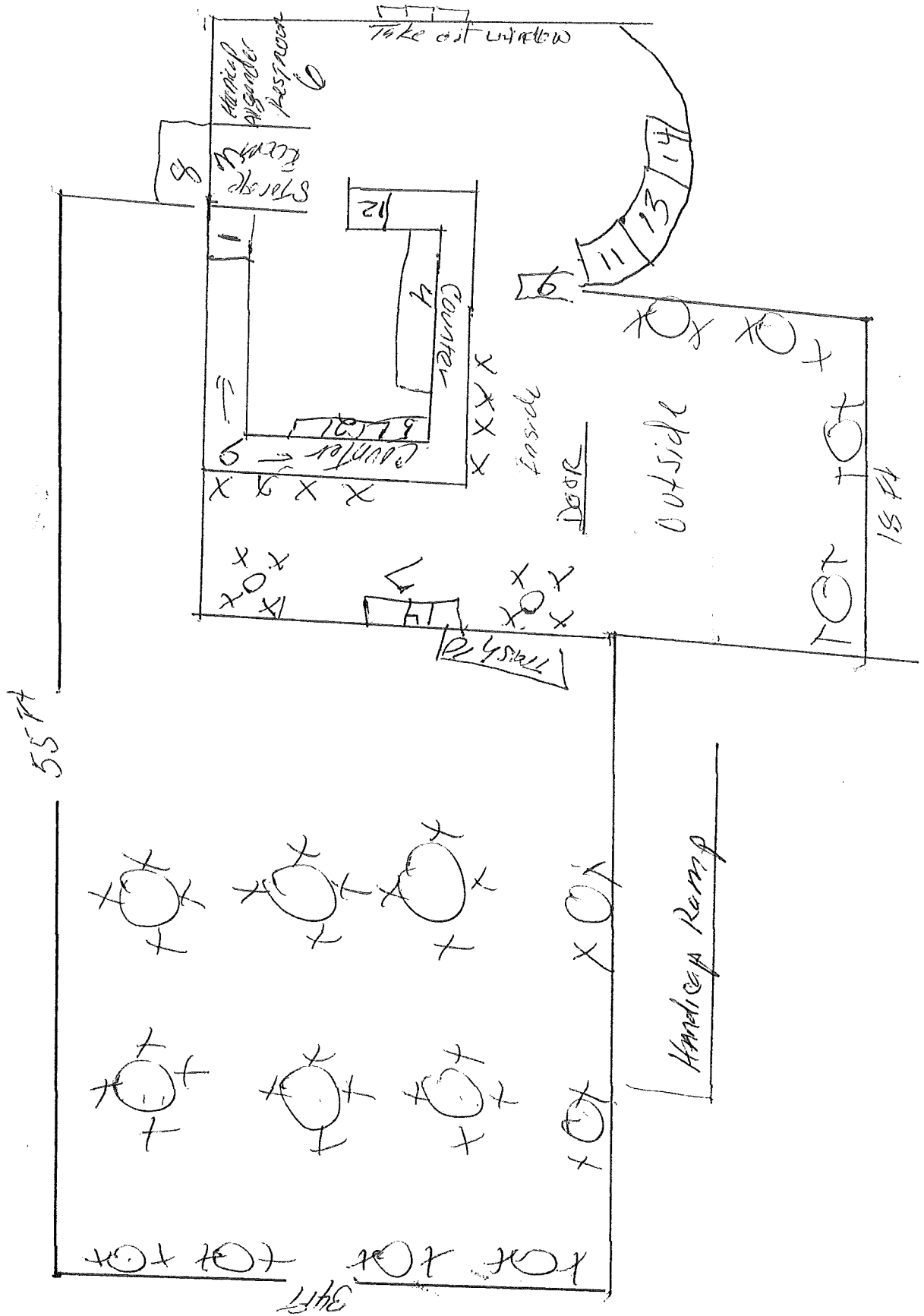
HELPFUL LINKS

[METRO Bus](#)

USING THIS SITE

[Site Map](#)

Out door Seating



Food & Spirits

Lobster Roll

Burgers

Hotdogs

Grilled cheese

Pretzel w/dip

Popcorn

Chips

Breakfast sandwiches

(Served Saturdays)

Local crafted beer

Variety of wines

Drink specials

Coffee/espresso/cappuccino

Kiddie lunch box \$5.00

Chicken Fingers

Burger

Grill Cheese

Hot dog

Includes drink, chips and kiddie cone

Soda

Juice

Bottled water

Red Bull

Coffee / Tea

Old Fashioned Popcorn \$1.00

Soft Pretzel w/dip \$2.50

Soft Serve Cone/Dish \$2.75/\$3.75/\$4.50

Sundae \$3.25/\$4.50/\$5.25

Frappes \$3.50/\$4.75

Turtle Nut Parfait \$5.50

Brownie Fudge Supreme \$5.75

Banana Boat Deluxe \$5.75

Ice Cream Sandwich \$2.50

Kiddie cone/Dish \$1.50

Doggie Dish \$1.00

Ice Cream Soda \$3.00/\$4.25



CITY OF PORTLAND
Permitting and Inspections Department

Outdoor Dining Permit on Private Property
Supplemental Application

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

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

Business Information	
Business Name (d/b/a):	Queenie's CASTEE
Location Address:	356 State St. Portland ME
Mailing Address:	SAME
Contact Person:	VICTORIA THAYER
Contact Person Email:	QueeniesCafeDiningCafe@yahoo.com
Manager of Establishment:	SELF
Owner of Premises (Landlord):	City of Portland
Address of Premises Owner:	384 Congress St Portland ME

Owner Information

Corporate Name		Corporate Mailing Address	
		Zip:	
Contact Person:	Victoria Thayer	Phone:	207 318-5248
Principal Officers	Title	Date of Birth	Residence Address
Victoria Thayer	Owner	1/17/63	22 Skylark Rd Portland ME 04101



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	III + IV
Type of food served:	see attach
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor
Hours & days of operation:	
Number of Tables	
Number of Chairs	

Design and Construction

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

Maintenance and Operations

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

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use therefrom, 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 5/16/22

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: _____	_____	_____



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

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

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

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

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A): <i>Queenie's Castle</i>
Individual or Sole Proprietor Applicant Name(s): <i>Victoria Thayer</i>	Physical Location: <i>356 State St. Portland ME 04101</i>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address: <i>22 Skylark Rd Portland ME 04103</i>	Email Address: <i>QueeniesCastleDeeringoks@yahoo.com</i>
Telephone # Fax #: <i>207 318-5248</i>	Business Telephone # Fax #: <i>207 318-5248</i>
Federal Tax Identification Number: <i>007-62-2389</i>	Maine Seller Certificate # or Sales Tax #:
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? ☒ New Expected Start date: *6/15/2022*
☐ Renewal Expiration Date: _____

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

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

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

☒ Malt Liquor (beer) ☒ Wine ☐ Spirits

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

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

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

5. Business records are located at the following address:

356 State ST Portland ME 04101

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

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

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

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

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

If yes, please provide details: _____

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

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

Name of Business	License Number	Complete Physical Address

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

Full Name	DOB	Place of Birth
Victoria Thayer	1-17-63	Portland

Residence address on all the above for previous 5 years

Name	Address:
Victoria Thayer	22 Skylark Rd Portland ME 04106
Name	Address:
Name	Address:
Name	Address:

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

☐ Yes ☒ No

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

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

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

City of Portland 389 Congress St Portland ME 04101

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

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

Inside 14 SEATS / outside Patio Approx 42 outside seating

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

Name: King Jr High School

Distance: 120 yards

Section II: Signature of Applicant(s)

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

Please sign and date in blue ink.

Dated: 5/12/22

[Signature]
Signature of Duly Authorized Person

Signature of Duly Authorized Person

Victoria Thayer
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

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

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

Dated: _____

Who is approving this application? ☐ Municipal Officers of _____

☐ County Commissioners of _____ County

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

Signature of Officials	Printed Name and Title

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

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

§653. Hearings; bureau review; appeal

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

A. The bureau shall prepare and supply application forms.

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

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

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

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

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

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

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

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

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

E. A violation of any provision of this Title;

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

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

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

A. Repealed

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

4. Repealed

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

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

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

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

Section V: Fee Schedule

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

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

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

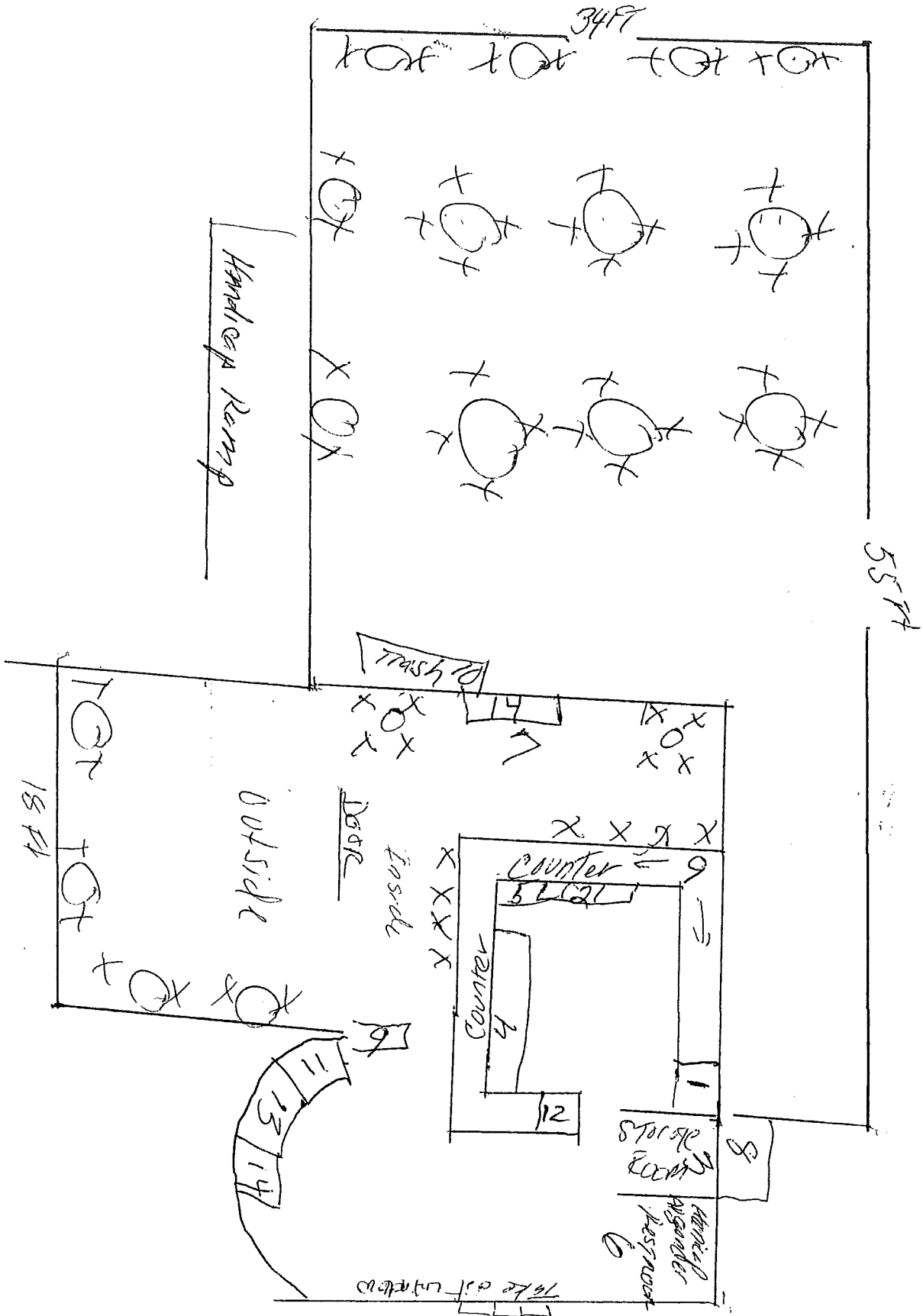
Section VI Premises Floor Plan

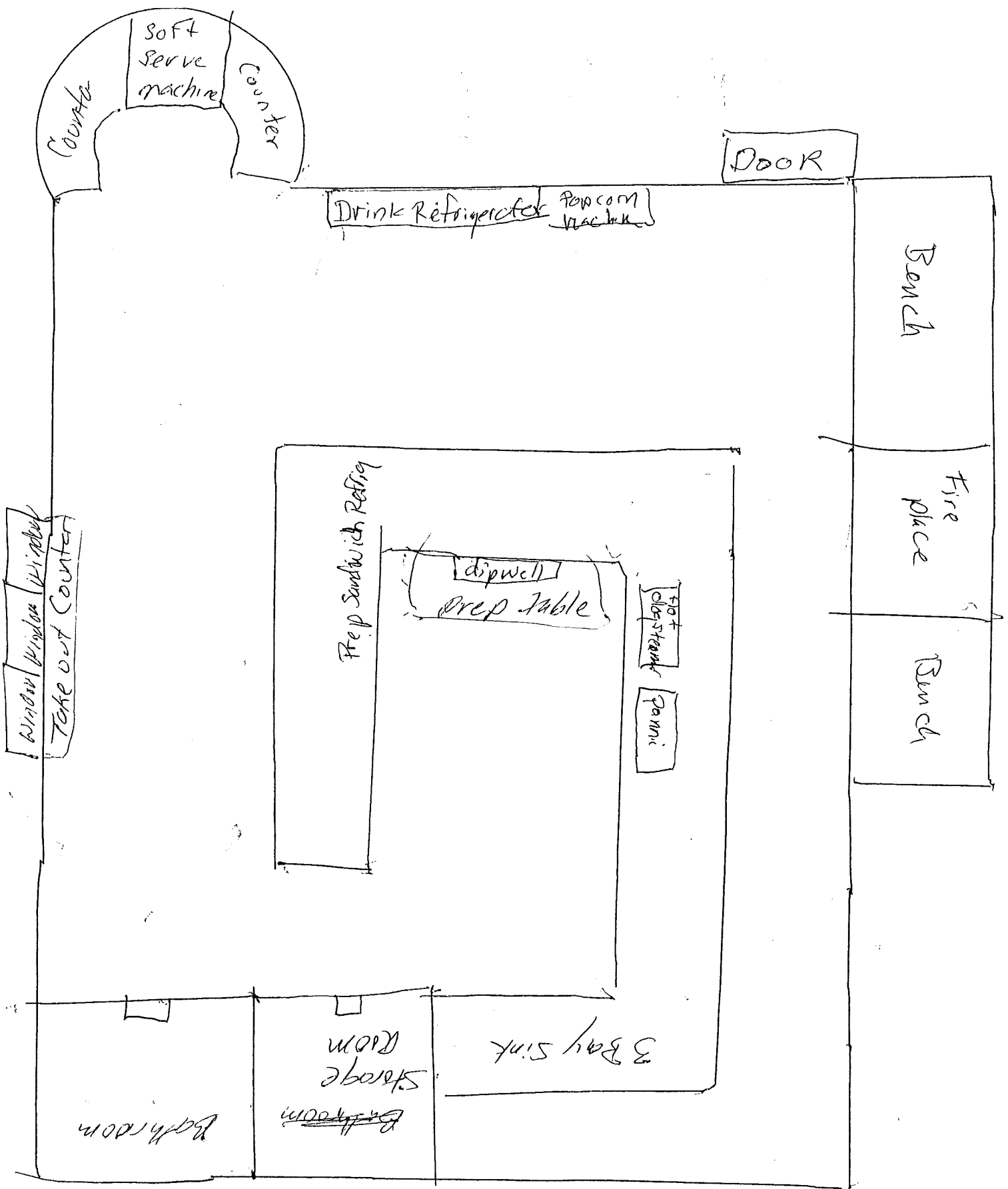
In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

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

See attached

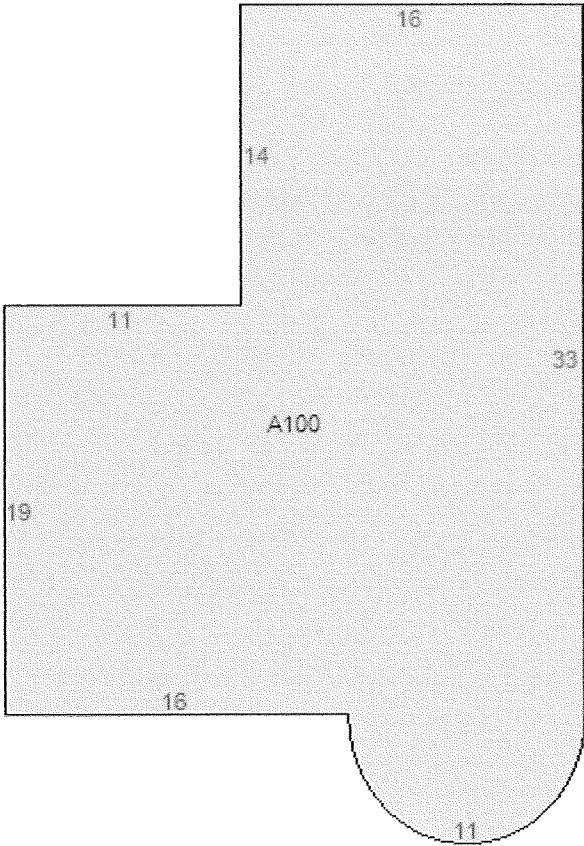
Out door Seating





PARID: 035 I001001
CITY OF PORTLAND

356 STATE ST



Item	Area
RESTAURANT - 031:RESTAURANT	790
GAR - 1/2S - CG2:GARAGE WITH HALF STORY FIN	980
CANOPY - CP6:CANOPY, ROOF/SLAB	1300
A100 - VS1:1S	790

Printed on Tuesday, March 22, 2022, at 11:40:26 AM EST



Zachary Lenhart <zlenhart@portlandmaine.gov>

Queeni's Castle

Matthew Coldwell <mcoldwell@portlandmaine.gov>

Thu, May 19, 2022 at 9:42 AM

To: Zoning <zoning@portlandmaine.gov>

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

Good Morning,

The current legal use of the Castle Building in Deering Oaks is restaurant. This is a permitted use.

Thank you,

Mac

Mac Coldwell

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

[Quoted text hidden]



CITY OF PORTLAND
Permitting and Inspections Department

June 2, 2022

Victoria Thayer
356 State Street
Portland ME, 04101

**Re: Victoria Thayer, dba Queenie's Castle. Applications for Class III & IV with
Outdoor Dining on Private Property at 356 State Street**

Dear Victoria Thayer :

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday June 6, 2022 at 5:00 p.m.**, for the review of application for Class III & IV with Outdoor Dining on Private Property at 356 State Street. The meeting will take place in person and virtually. The link can be found on the Meeting Agenda which will be posted on the City Website on June 3, 2022.

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

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

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 272-21/22 Granting Municipal Officers' Approval of Tuffy McNutt LLC, dba Black Cow. Applications for Outdoor Dining in Public Park at 83 Exchange Street - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/16/22. New City and State applications. Establishment currently holds Class XI Restaurant/Lounge. The park area applied for is substantially smaller than the previous Black Cow application, which was postponed indefinitely by the Council on April 25, 2022.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Black Cow_6.06
2. Black Cow_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Tuffy McNutt LLC, dba Black Cow. Applications for Outdoor Dining in Public Park at 83
Exchange Street**



Dear Mayor Snyder & Members of the City Council,

Please accept this as a letter of intent to extend the outdoor dining area of Black Cow Burgers, located at 83 Exchange Street.

Through temporary permits these past two years, we have been granted permission to extend our outdoor seating partially into Post Office Park. This extended dining area provided a boost to our business during the uncertain times of Covid-19. We also received favorable feedback regarding this extended area from our local customers as well as those visiting from afar. We would like to continue to provide a comfortably spaced outdoor dining area especially because many people are still uncomfortable with indoor dining. I believe that continuing our patio extension will not only have beneficial effects for our business, but will also be a positive contribution to the general atmosphere and vibrancy of the Portland Old Port.

Please feel free to contact me directly regarding any questions or concerns you may have about our proposed permit extension into Post Office Park.

Thank you for your time and consideration,

Dawn Dziedziak

General Manager

Black Cow

blackcowburgers@gmail.com

c. 508-843-6494

b. 207-772-7774



CITY OF PORTLAND
Permitting and Inspections Department

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

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

☐ Legal Advertisement Deposit \$100.00
☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X _____ SF = _____
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X <u>959</u> SF = <u>6125.70</u>

Business Information			
Establishment Name (d/b/a):	BLACK COW BURGERS	Phone:	207-772-7774
Location Address:	83 EXCHANGE STREET	Zip:	04101
Mailing Address:	SAME	Zip:	
Contact Person:	DAWN DZIEDZIAK	Phone:	508-843-6494
Contact Person Email:	blackcowburgers@gmail.com		
Manager of Establishment:	DAWN DZIEDZIAK	Date of Birth:	8.21.79
		Phone:	508-843-6494
Owner of Premises (Landlord):	TOP OF EXCHANGE LLC		
Address of Premises Owner (Landlord):	75 MARKET ST	Zip:	04101

Owner Information

Corporate Name		Corporate Mailing Address	
TUFFY McNUTT LLC		83 EXCHANGE ST PORTLAND 04101	
Contact Person:	DAWN DZIEDZIAK (MANAGER)	Phone:	508-843-6494
Principal Officers		Title	Date of Birth
JAY + Allison Villani		OWNERS	4.30.66 9.13.69
MATT PURRINGTON		OWNER	6.27.66
PATRICK CORRIGAN		OWNER	5.5.69
NICK NAPPI		CHIEF/OWNER	3.4.81
GARRY BOWCOTT		OWNER	12.6.73
			20 SALEM ST PORTLAND 04101
			128 CHADWICK ST PORTLAND
			39 UNION ST BATH
			21 BRIGGS ST PORTLAND
			8A STREET PORTLAND

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557
bl@portlandmaine.gov • www.portlandmaine.gov

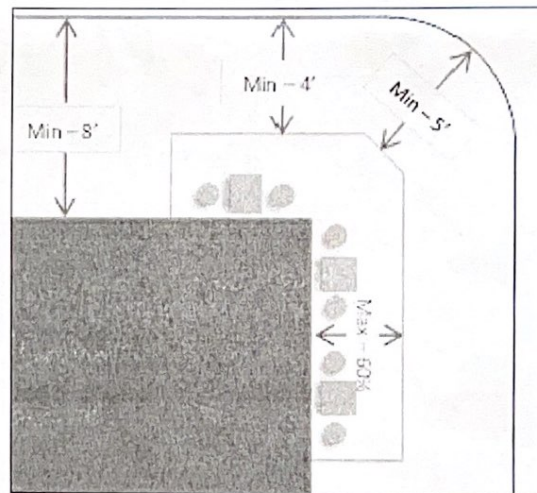


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	CLASS XI RESTAURANT / LOUNGE
Type of food served:	BURGERS AND CASUAL FARE
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	CURRENTLY = WED - SUN 11:30 A - 1:00 A
Number of Tables	10
Number of Chairs	40

Design and Construction

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

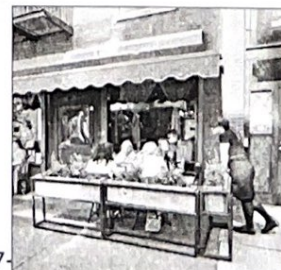


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

Example barrier types that meet regulation



bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

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

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

Signature

Title

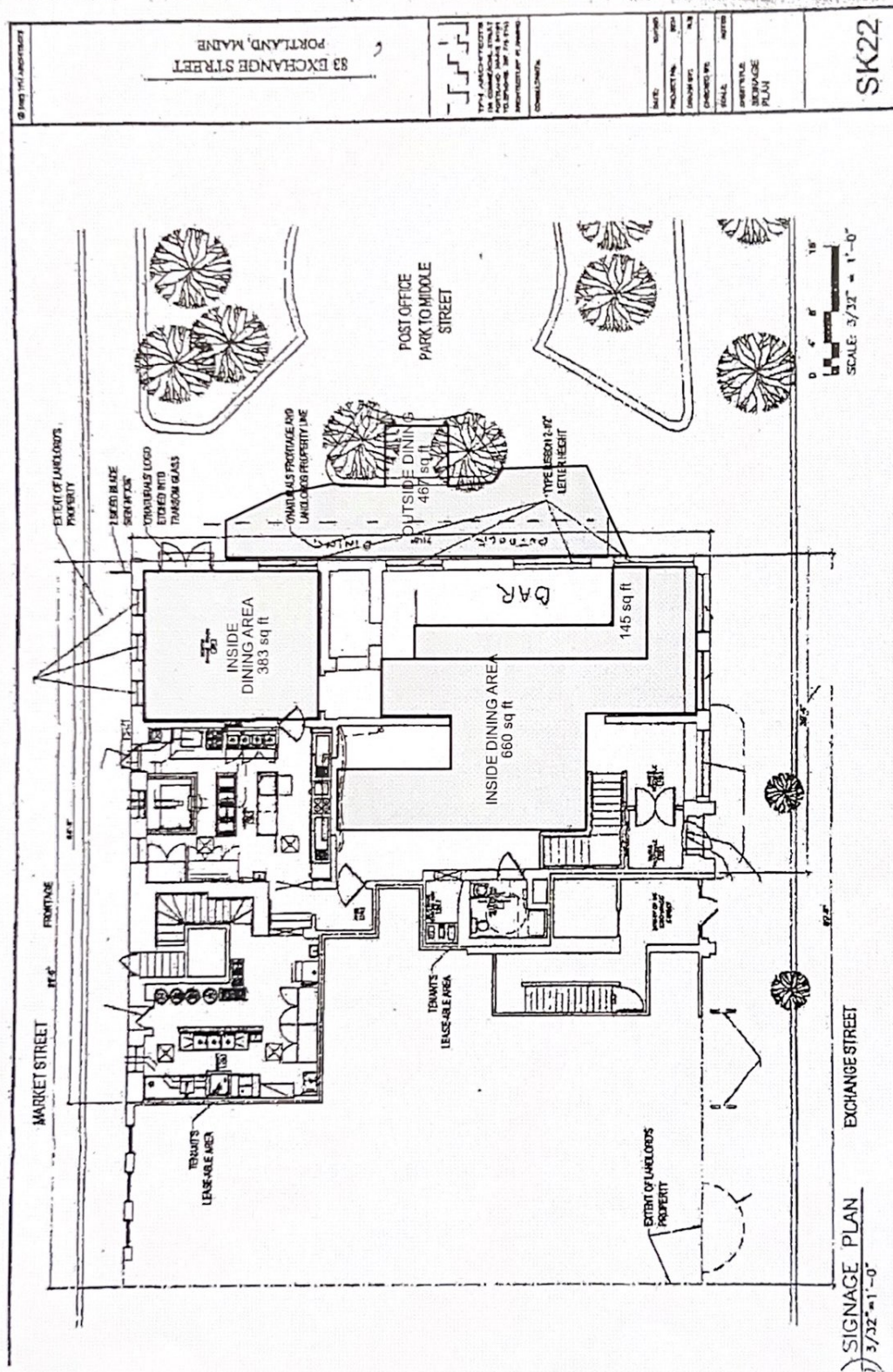
GM

Date

2.10.22

For Administrative Use Only

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





WHIPPLE | CALLENDER ARCHITECTS

CODE REVIEW OF BLACK COW BURGERS
83 Exchange Street

May 5, 2022

Use: Assembly less than 300

Occupancy: Restaurant / Bar with fixed seat dining and limited standing at bar area.

Seating areas: Inside 1043 SF + Proposed Outside Seasonal 467 SF = 1510 SF total

Standing area at Bar: 145 SF (though discouraged during COVID)

1510 SF / 15 net = 100.6 people

145 SF / 5 net = 29 people

Total occupancy: 130 people

Existing Restrooms:

For Women: 2 toilets with 2 sinks, sufficient for 50 women per 2021 plumbing code

For Men: 1 toilet, 1 urinal, and 1 sink; sufficient for 50 men

Unisex single toilet room: 1 toilet and 1 sink; sufficient for 25 Men + 13 Women (38 people total)

Existing Bathroom facilities are adequate for 138 people with 130 required by occupancy.

Restaurant has an additional restroom for employees.

Report prepared by:

Anne Callender, Maine Registered Architect, LEED AP BD+ C

775-2696 x 105

anne@whipplecallender.com

PO BOX 1276 PORTLAND MAINE 04104 207-775-2696 FAX 207-775-3631



TUFFMCN-01

EGLEASON

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/11/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Clark Insurance
1945 Congress Street, Bldg A
PO Box 3543
Portland, ME 04104-3543

CONTACT
NAME:
PHONE (A/C, No, Ext): (207) 774-6257 FAX (A/C, No): (207) 774-2994
E-MAIL ADDRESS: info@clarkinsurance.com

INSURED
Tuffy McNutt, LLC
DBA Sonny's
83 Exchange Street
Portland, ME 04101

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Ohio Security Insurance Co	24082
INSURER B: Ohio Casualty Insurance Company	24074
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY					
	☐ CLAIMS-MADE ☒ OCCUR	☒	BKS56094965	8/11/2021	8/11/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC ☐ OTHER					
	☐ AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					
B	☒ UMBRELLA LIAB ☒ OCCUR		USO56094965	8/11/2021	8/11/2022	EACH OCCURRENCE \$ 1,000,000
	☐ EXCESS LIAB ☐ CLAIMS-MADE					AGGREGATE \$ 1,000,000
	☐ DED ☒ RETENTION \$ 10,000					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE ☐ OTH-ER ☐
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y ☒ N / A					E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
City of Portland is an additional insured if required by written contract with reference to general liability arising out of the ongoing operations of the insured, per attached CG 88 10 (04/13).

CERTIFICATE HOLDER

City of Portland
389 Congress Street
Portland, ME 04101

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2016/03)

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MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 273-21/22 Granting Municipal Officers' Approval of LFK Portland LLC, dba LFK. Applications for Outdoor Dining on Public Property at 188A State Street - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 4/27/22. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. LFK
2. LFK_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

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

**LFK Portland LLC, dba LFK. Application for Outdoor Dining on Public Property at 188A
State Street**

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

April 21, 2022

Kate Snyder, Mayor
City Counselors
389 Congress St.
Portland, Maine 04101

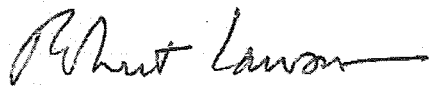
Dear Madam Mayor and City Counselors:

LFK is requesting permission to continue the use of a part of our sidewalk on Pine Street to serve customers this year. This is an extension of our outdoor dining.

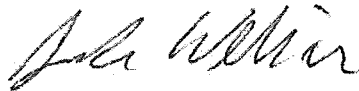
We appreciate the use of this space over the last two years. It allows approximately 15 diners to enjoy our pub food and beverages. Fifteen added customers may not sound like much, but it has made all the difference to our small business in terms of profitability.

Thank you for your consideration of our request.

Sincerely,



Robert Lawson
John Welliver
Owners, LFK





CITY OF PORTLAND
Permitting and Inspections Department

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

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

☒ Legal Advertisement Deposit \$100.00
☐ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X ²⁷⁵ SF = ⁸² 550
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X SF =

Business Information			
Establishment Name (d/b/a):	LFK	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:	Robert Lawson	Phone:	802-579-8585
Contact Person Email:	robert.fenton.lawson@gmail.com		
Manager of Establishment:	John Welliver	Date of Birth:	7-21-1981
		Phone:	207-449-6072
Owner of Premises (Landlord):	Port Property		
Address of Premises Owner (Landlord):	82 Hanover St., Suite 5, Portland, ME Zip: 04101		

Owner Information

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
Robert Lawson	Co-owner	11-16-48	PO Box 543, Rockport, ME 04856
John Welliver	Co-owner	7-21-81	667 Congress St., Apt. 202, Portland, ME 04101

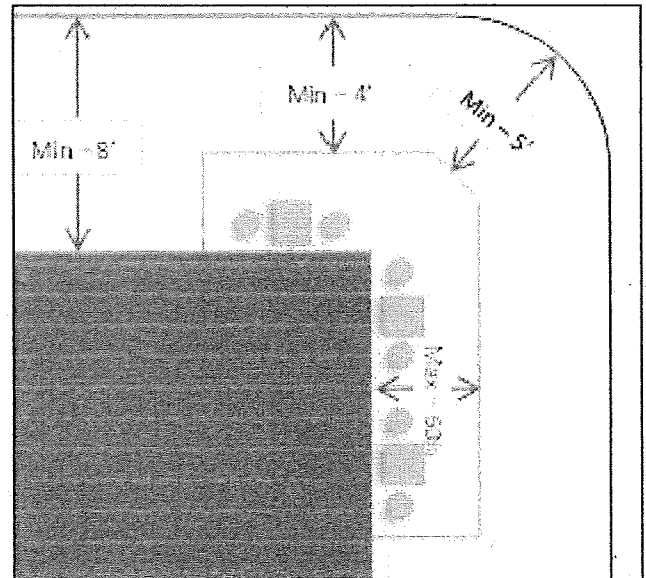


CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	IFSE
Type of food served:	Pub Food
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	5pm - 1am, 7 days / week
Number of Tables	8
Number of Chairs	16

Design and Construction

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



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

Barriers

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

Example barrier types that meet regulation





CITY OF PORTLAND

Permitting and Inspections Department

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

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

Signature Robert F. Larson Title Co-Owner Date 4-20-22

For Administrative Use Only

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

Alley

24'

Side Door

74'

16 seats
3 tables
160 sq. ft.
32'

Proposed
rope barriers & stanchions

18 seats
4 tables
180 sq. ft.
36'

15'

Front Door

24'

Current Seating - 6
104 sq. ft.

13'

Side Walk

State St.

Pai Men 188

* groups of 2 chairs to 1 table, spaced out.

Pine St.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/21/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Cross Insurance-Bath 5 Chandler Drive Bath ME 04530		CONTACT NAME: Agency Accounts PHONE (A/C, No, Ext): (207) 443-3336 FAX (A/C, No): (207) 443-2521 E-MAIL ADDRESS:	
INSURED LFK Portland LLC PO Box 5093 Portland ME 04101-0793		INSURER(S) AFFORDING COVERAGE INSURER A: Berkley Specialty Insurance Co. NAIC # 31295 INSURER B: Maine Employers Mutual Ins Co 11149 INSURER C: Mount Vernon Fire Ins Co 26522 INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** CL2242193797**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY			BPK0079382	12/28/2021	12/28/2022	EACH OCCURRENCE	\$ 1,000,000
	☐ CLAIMS-MADE ☐ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 2,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	\$ 2,000,000
	OTHER:							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	☐ ANY AUTO						BODILY INJURY (Per person)	\$
	☐ OWNED AUTOS ONLY	☐ SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	☐ HIRED AUTOS ONLY	☐ NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	EXCESS LIAB						AGGREGATE	\$
	DED	RETENTION \$						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1810116579	08/09/2021	08/09/2022	☒ PER STATUTE ☐ OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	☐ Y ☐ N	N/A				E.I. EACH ACCIDENT	\$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.I. DISEASE - EA EMPLOYEE	\$ 500,000
							E.I. DISEASE - POLICY LIMIT	\$ 500,000
C	Liquor Liability			LQ2006138	01/03/2022	01/03/2023	Each Occurrence	\$1,000,000
							General Aggregate	\$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Refer to policy for exclusionary endorsements and special provisions.

CERTIFICATE HOLDER**CANCELLATION**

City of Portland 389 Congress St Portland ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE D. Fluchte
--	--

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

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

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC):	Business Name (D/B/A):
LFK Portland LLC	LFK
Individual or Sole Proprietor Licensee Name(s):	Physical Location:
	188 A State St., Portland, ME 04101
License Number:	Mailing address, if different:
CAR-2012-7531	PO Box 5093, Portland, ME 04101
Mailing address, if different from DBA address:	Email Address:
	robertfentonlawson@gmail.com
Telephone # Fax #:	Business Telephone # Fax #:
	207-899-3277

Section II: Extension of Privileges Information:

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

Name: Port Property

Complete mailing address: 82 Hanover St., Suite 5

Portland, ME 04101

Telephone/Mobile Number: (207) 210-6859

Email Address: atardiff@portproperty.com

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

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

continue to next page

3. Start Date: May 2022 End Date (if applicable): Nov 2022
4. Will dancing be permitted in this area? Yes ☐ No ☒
- a. If yes, does the establishment have a dance license? Yes ☐ No ☐
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office
5. Will there be live entertainment in this area? Yes ☐ No ☒
6. Reason for this request: To increase revenue during good weather.

Section III: Signature of Licensee

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

Please sign and date in blue ink.

Dated: April 20, 2022

Robert F. Lawson
Signature of Licensee or Duly Authorized Person

Robert F. Lawson
Printed Name of Licensee or Duly Authorized Person

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

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

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

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

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

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

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

Signature of Officials	Printed Name and Title

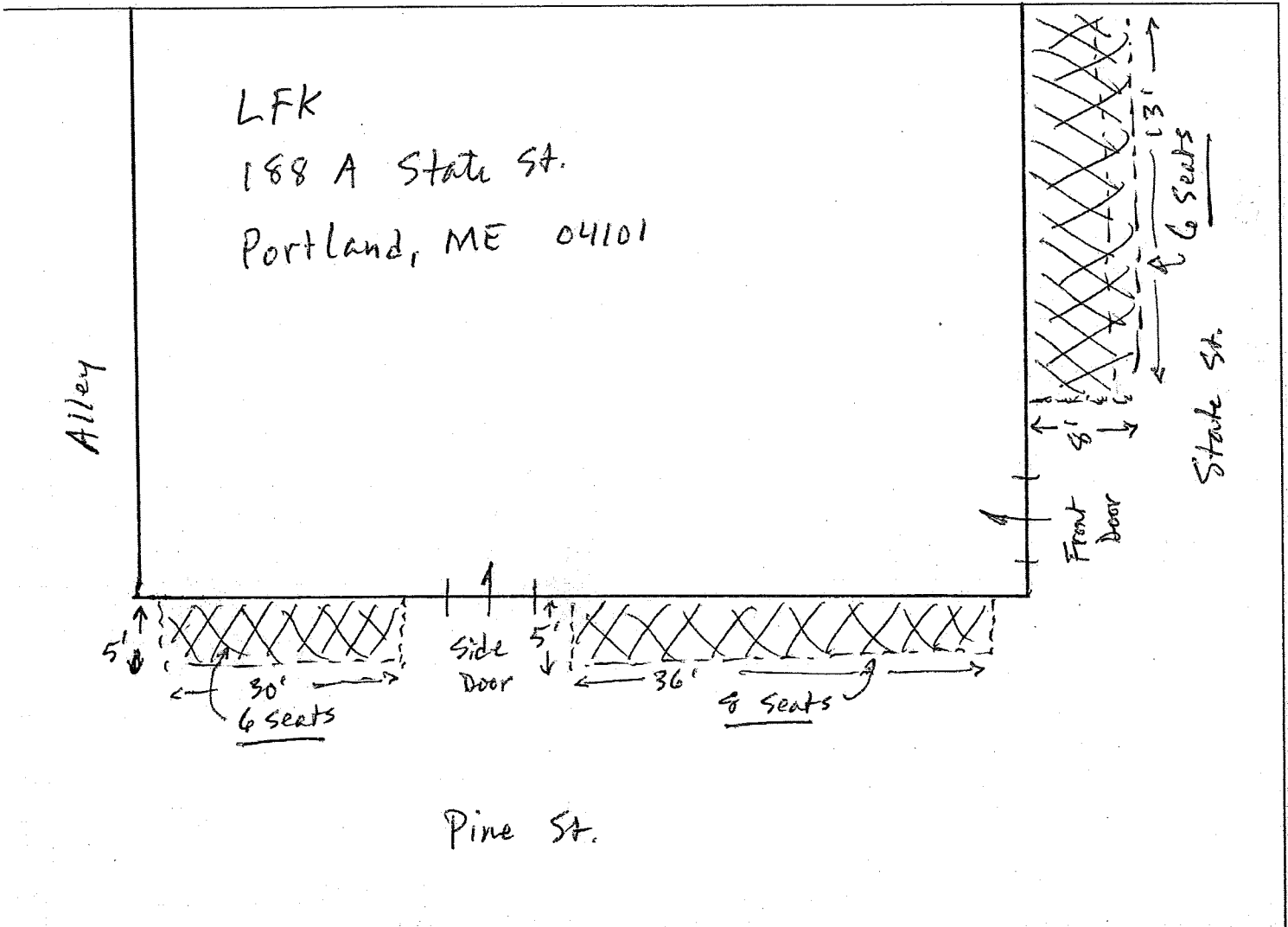
Continued to next page

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

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

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



For Office Use Only:

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

☐ Approved
 ☐ Not Approved

INVOICE

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



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00066597	04/26/2022	05/26/2022	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
LL-001455-2019	Legal Advertisement Deposit	\$100.00
	Outdoor Dining - Public Square Feet	\$550.00
Lfk - 188 State St Portland, ME 04102		SUB TOTAL \$650.00

201

TOTAL

\$650.00

BILLING CONTACT

ROBERT LAWSON
LFK PORTLAND LLC
Po Box 5093
Portland, Me 04101

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 274-21/22 Granting Municipal Officers' Approval of Jefe Juans LLC, dba Jefe Juan's. Applications for Outdoor Dining on Public Property at 47 Wharf Street - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/5/22. New City and State applications. Establishment currently holds Class XI Restaurant/Lounge.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Jefe Juans

2. Jefe Juans_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Jefe Juans LLC, dba Jefe Juan's. Applications for Outdoor Dining on Public Property at
47 Wharf Street**

Jefe Juan's LLC
47 Wharf Street
Portland, ME 04106
Mailing Address
521 Cottage road
South Portland, ME 04106

To whom it may concern,

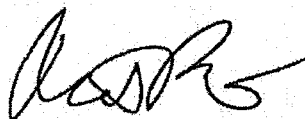
This application for outdoor seating is being filed because Jefe Juan's first opened for business during the pandemic in August of 2020. Since that time we had outdoor dining under a temporary license which Tom Williams has informed me has expired. We wish to continue to have outdoor dining and I understand that I will reapply again for that along with my liquor license renewal which is due in a few months.

This application is to obtain a permit for outdoor dining from 5/5/2022 through the renewal date coming up later this summer.

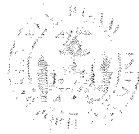
I made the mistake of thinking that it was taken care of when I renewed my liquor license as that has been my practice for several years at my other business Portland Mash Tun LLC at 29 Wharf Street.

I apologize for the error and appreciate Tom Williams' bringing this to my attention

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Richard Binet', with a stylized flourish at the end.

Richard Binet



CITY OF PORTLAND
Permitting and Inspections Department

Outdoor Dining Permit on Public Property
Supplemental Application

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

☒ Legal Advertisement Deposit \$100.00
☒ Outdoor Dining on Public Property \$84.00 plus \$2.00 per Square foot \$2.00 X <u>88</u> SF = <u>\$176</u>
☐ Outdoor Dining on Public Property in a City Park \$84.00 plus \$6.30 per Square foot \$6.30 X _____ SF = _____

Business Information	
Establishment Name (d/b/a):	Jefe Juans LLC Phone: 802 505-5115
Location Address:	47 WHARF STREET Zip: 04101
Mailing Address:	521 Cottage Rd. Zip: 04106
Contact Person:	RICK BINET Phone: 802 505-5115
Contact Person Email:	rickbinet@gmail.com
Manager of Establishment:	Rick Binet Date of Birth: 7/23/74 Phone: 802 505-5115
Owner of Premises (Landlord):	Fore Street Partners LLC
Address of Premises Owner (Landlord):	P.O. Box 66749 Zip: 04105

Owner Information

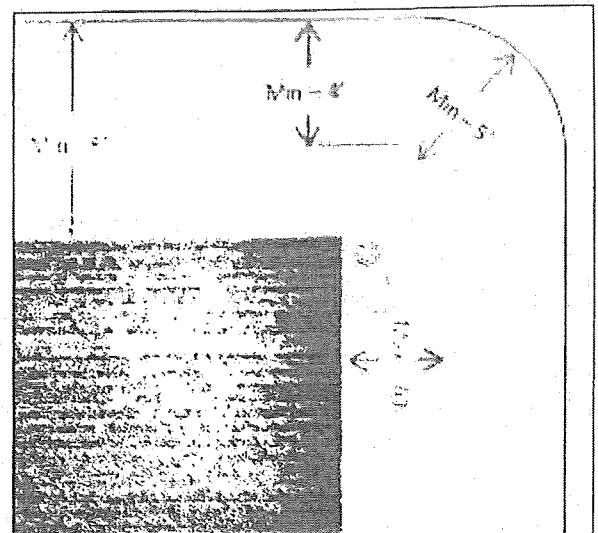
Corporate Name		Corporate Mailing Address	
Jefe Juans LLC		521 Cottage Rd. Zip: 04106	
Contact Person:	RICK BINET	Phone:	
Principal Officers	Title	Date of Birth	Residence Address
RICK BINET	Owner	7/23/74	521 Cottage Rd. South Portland, ME 04106

CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	X1
Type of food served:	Mexican
Please circle all that will be served:	Beer Wine Liquor
Hours & days of operation:	3-12 Sunday, M, T, W, TH, F, 12-1 Saturday
Number of Tables	3
Number of Chairs	2 benches w each table

Design and Construction

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

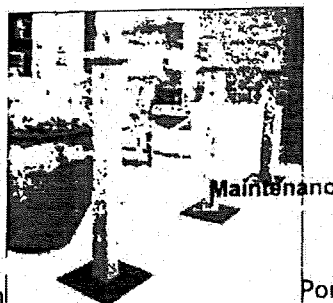
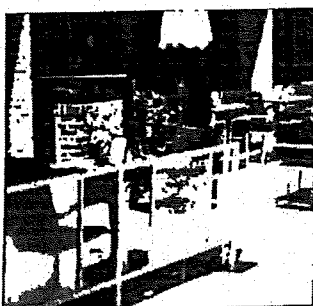


- Outdoor dining area shall not exceed 60% of the sidewalk width.
- A continuous, unobstructed sidewalk passage of 4 feet from the outer boundary of the seating area to the curb must be maintained. If the passage is not straight due to existing obstacles, then additional width may be required. Any changes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

Barriers

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

Example barrier types that meet regulation



CITY OF PORTLAND

Permitting and Inspections Department

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

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

Signature Title Chair Date 5/4/22

For Administrative Use Only

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



JEFEJUA-01

TDYKES

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/4/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Norton Metro Insurance 11675 Great Oaks Way Suite 100 Alpharetta, GA 30022	CONTACT NAME: Taylor Dykes		
	PHONE (A/C, No, Ext): (678) 775-0538	FAX (A/C, No):	
	E-MAIL ADDRESS: tdykes@nortoninsurance.com		
INSURED Jefe Juan LLC 521 Cottage Rd South Portland, ME 04106	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: ACE Property & Casualty Insurance Company		20699
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:	X		RSAMED955723523N	8/19/2021	8/19/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☐ AUTOMOBILE LIABILITY ☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			RSAMED955723523N	8/19/2021	8/19/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 0			UMBMED955723643N	8/19/2021	8/19/2022	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 FOLLOWS FORM \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability			RSAMED955723523N	8/19/2021	8/19/2022	Aggregate Limit 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: 47 Wharf St, Portland ME 04101, including outdoor patio

CERTIFICATE HOLDER

CANCELLATION

Portland Main Government Permitting & Inspections Dept
389 Congress Street
Room 315
Portland, ME 04101

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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

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

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): <u>JEFE JUANS LLC</u>	Business Name (D/B/A): <u>JEFE JUAN'S</u>
Individual or Sole Proprietor Licensee Name(s): <u>RICHARD BINET</u>	Physical Location: <u>47 WHARF STREET, Portland, ME 04101</u>
License Number: <u>CARL-2019-12204</u>	Mailing address, if different: <u>521 Cottage Rd., South Portland, ME 04106</u>
Mailing address, if different from DBA address: <u>521 Cottage Rd., South Portland, ME 04106</u>	Email Address: <u>rickbinet@gmail.com</u>
Telephone # <u>802-505-5115</u>	Business Telephone # <u>802-505-5115</u>

Section II: Extension of Privileges Information:

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

Name: RICHARD BINET

Complete mailing address: 521 Cottage Rd.
South Portland, ME 04106

Telephone/Mobile Number: 802-505-5115

Email Address: rickbinet@gmail.com

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

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

continue to next page

3. Start Date: 5/5/2022 End Date (if applicable): _____

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

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

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

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

6. Reason for this request:

Business started in 2020 and used a temporary outdoor dining permit which has expired

Section III: Signature of Licensee

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

Please sign and date in blue ink.

Dated: 5/4/2022

Richard Binet
Signature of Licensee or Duly Authorized Person

RICHARD BINET
Printed Name of Licensee or Duly Authorized Person

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

Mailing address: 8 SHS, Augusta, ME 04333-0008
Courier delivery: 19 Union Street, 3rd floor, Suite 301-B,
Augusta, ME 04330

(continue to next page)

Section IV: Approval by Municipal/County Officers

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

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

Check only one: ☐ City ☐ Town ☐ Unorganized Territory

Name of City/Town/Unorganized Territory: _____

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

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

Signature of Officials	Printed Name and Title

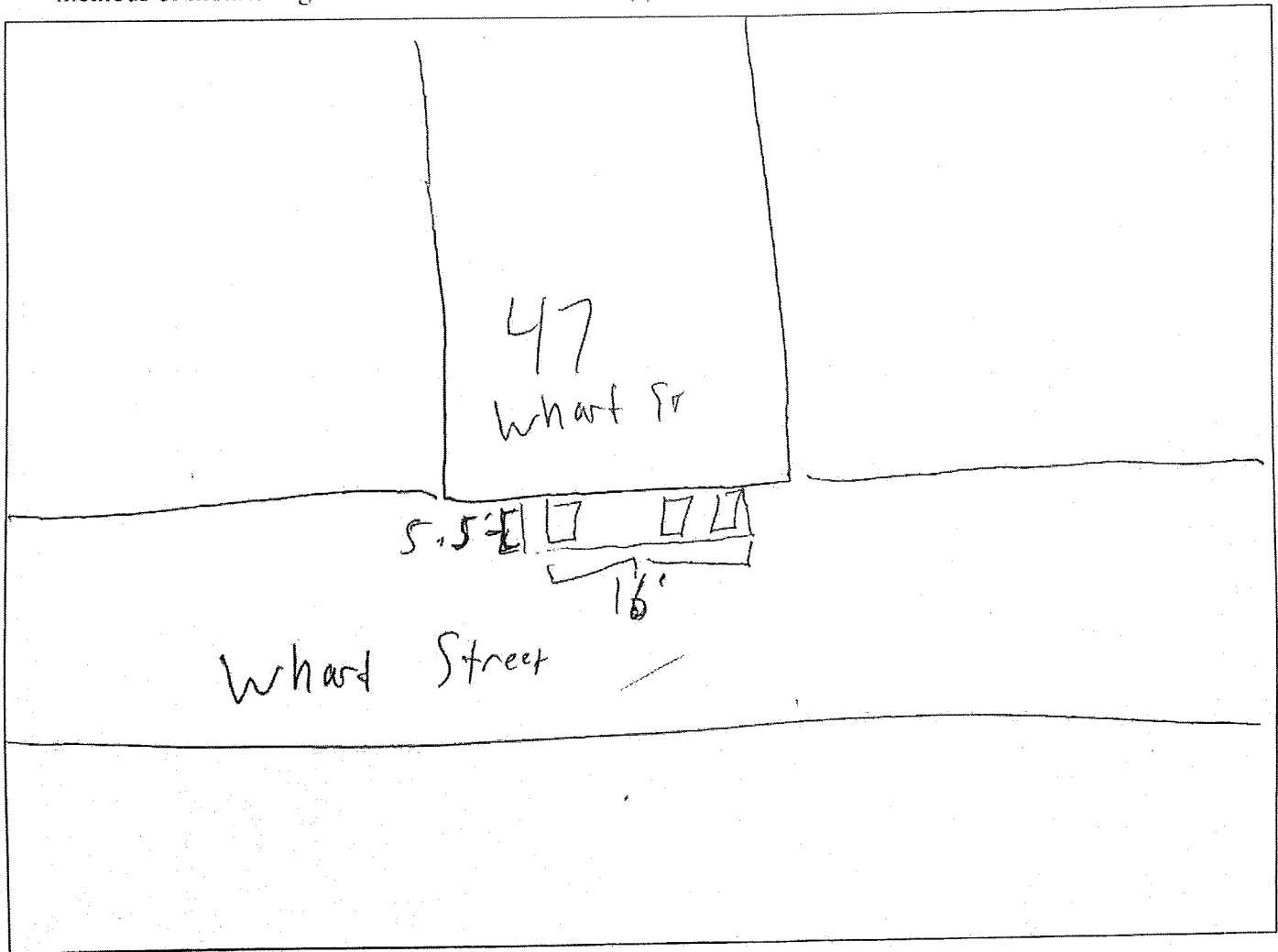
Continued to next page

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

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



For Office Use Only:

Date Filed: _____

Date Issued: _____

Issued By: _____

☐ Approved

☐ Not Approved

INVOICE

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



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00067131	05/05/2022	06/04/2022	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
LL-001831-2019	Legal Advertisement Deposit	\$100.00
	Outdoor Dining - Public Property	\$260.00
Jefe Juan - 47 Wharf St Portland, ME 04101		SUB TOTAL \$360.00

pd
6.5.2022

TOTAL

\$360.00

BILLING CONTACT

Rick Binet
Jefe Juan LLC
47 Wharf St
Portland, Me 04101

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

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 23, 2022

SUBJECT: Order 275-21/22 Granting Municipal Officers' Approval of Butcher Burger LLC, dba Butcher Burger Company. Application for Parklet Outdoor Dining at 7 Union Street - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 5/5/22. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Butcher Burger
2. Butcher Burger_Council Packet

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF
PORTLAND**
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Butcher Burger LLC, dba Butcher Burger Company. Application for Parklet Outdoor
Dining at 7 Union Street**

To the Mayor and members of the City Council,

My name is Kevin McAllister and I own Butcher Burger Company located at 7 Union Street, Portland, ME 04101. I appreciate you taking the time to review my parklet outdoor dining application. I look forward to being able to serve our guests in an outdoor atmosphere from April 15, 2022 through October 2022— this will be a great addition to the community, as well as the Portland food scene.

Thank you,
Kevin McAllister



CITY OF PORTLAND
Permitting and Inspections Department

Parklet Outdoor Dining
Supplemental Application

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

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

Business Information	
Establishment Name (d/b/a):	Butcher Burger Company Phone: 207.671.2584
Location Address:	7 Union St. Portland ME Zip:
Mailing Address:	2 Beaver Brook RD Scarborough ME 04074 Zip:
Contact Person:	Kevin McAllister Phone: 207.671-2584
Contact Person Email:	KevinMcAllister12@gmail.com
Manager of Establishment:	Kevin McAllister Date of Birth: 11/17/1977 Phone: 207.671.2584
Owner of Premises (Landlord):	J Wharf Properties LLC
Address of Premises Owner (Landlord):	PO Box 491 Portland ME Zip: 04112

Owner Information

Corporate Name		Corporate Mailing Address									
Butcher Burger LLC		2 Beaver Brook Scarborough ME 04074 Zip:									
Contact Person:	Kevin McAllister	Phone:	207.671.2584								
<table border="1"> <thead> <tr> <th>Principal Officers</th> <th>Title</th> <th>Date of Birth</th> <th>Residence Address</th> </tr> </thead> <tbody> <tr> <td>Kevin McAllister</td> <td>OWNER</td> <td>11/17/77</td> <td>2 Beaver Brook Scarborough ME 04074</td> </tr> </tbody> </table>				Principal Officers	Title	Date of Birth	Residence Address	Kevin McAllister	OWNER	11/17/77	2 Beaver Brook Scarborough ME 04074
Principal Officers	Title	Date of Birth	Residence Address								
Kevin McAllister	OWNER	11/17/77	2 Beaver Brook Scarborough ME 04074								

About Your Establishment

Class of License:	CLASS I
Type of food served:	American Burger / Fries / lobster Roll
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>
Hours & days of operation:	11AM - 10PM
Number of Tables	
Number of Chairs	24 seats

Parklet Regulations

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

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

Barriers

- Shall not include commercial signage.

Maintenance and Operations

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



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

Signature K. ~ Title OWNER Date 5/12/2022

For Administrative Use Only

Fire: _____

Health: _____

Parking: _____

Permitting: _____

Police : _____

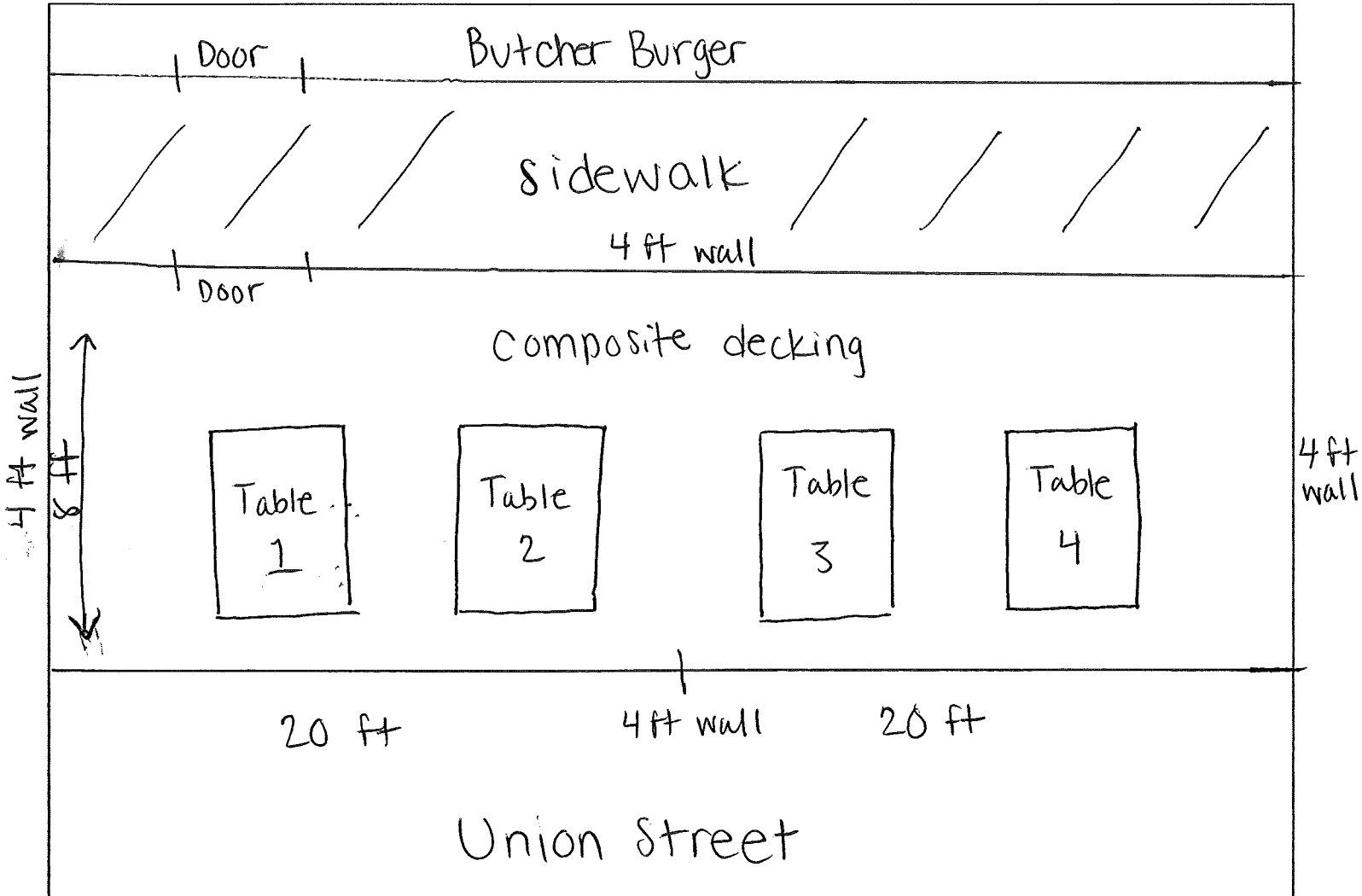
Treasury: _____

Diagram for Extension of Privileges Area

The following restrictions apply to outdoor extension of privileges:

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

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

**For Office Use Only:**

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

☐ Approved ☐ Not Approved



BUTCBUG-01

JKERRY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/13/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Clark Insurance 1945 Congress Street, Bldg A PO Box 3543 Portland, ME 04104-3543	CONTACT NAME: Aaron McCormack, AINS	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED Butcher Burgers, LLC 2 Beaver Brook Rd Scarborough, ME 04074	E-MAIL ADDRESS: amccormack@clarkinsurance.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: MMG Insurance Company	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		
NAIC #		
15997		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						
	☐ CLAIMS-MADE ☒ OCCUR	X		BP13648524	6/12/2021	6/12/2022	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	☒ POLICY ☐ PROJECT ☐ LOC						
	OTHER:						
A	AUTOMOBILE LIABILITY			BP13648524	6/12/2021	6/12/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE \$
	EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$
	DED ☐ RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE ☐ OTH-ER ☐
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N	N/A					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The City of Portland is named as an additional insured.

CERTIFICATE HOLDER

CANCELLATION

City of Portland 389 Congress St. Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Johnna C. Kerry</i>



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

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

Section I: Licensee Information:

Legal Business Entity Licensee Name (corporation, LLC): <u>Butcher Burger LLC</u>	Business Name (D/B/A): <u>Butcher Burger Company</u>
Individual or Sole Proprietor Licensee Name(s):	Physical Location: <u>7 Union St Portland ME</u>
License Number: <u>13646</u>	Mailing address, if different: <u>2 Beaver Brook Road Scarborough ME 04074</u>
Mailing address, if different from DBA address:	Email Address: <u>KevinMcAllister12@gmail.com</u>
Telephone # Fax #: <u>207.671.2584</u>	Business Telephone # Fax #:

Section II: Extension of Privileges Information:

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

Name: Wharf Properties LLC

Complete mailing address: PO Box 491
Portland ME 04112

Telephone/Mobile Number: _____

Email Address: _____

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

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

continue to next page

3. Start Date: 6/01/2022 End Date (if applicable): 10/01/2022

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

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

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

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

6. Reason for this request:

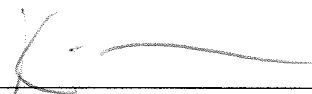
Serve Food/Beverage to patrons in outdoor setting

Section III: Signature of Licensee

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

Please sign and date in blue ink.

Dated: 05/12/2022



Signature of Licensee or Duly Authorized Person

Kevin McAllister

Printed Name of Licensee or Duly Authorized Person

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

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

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

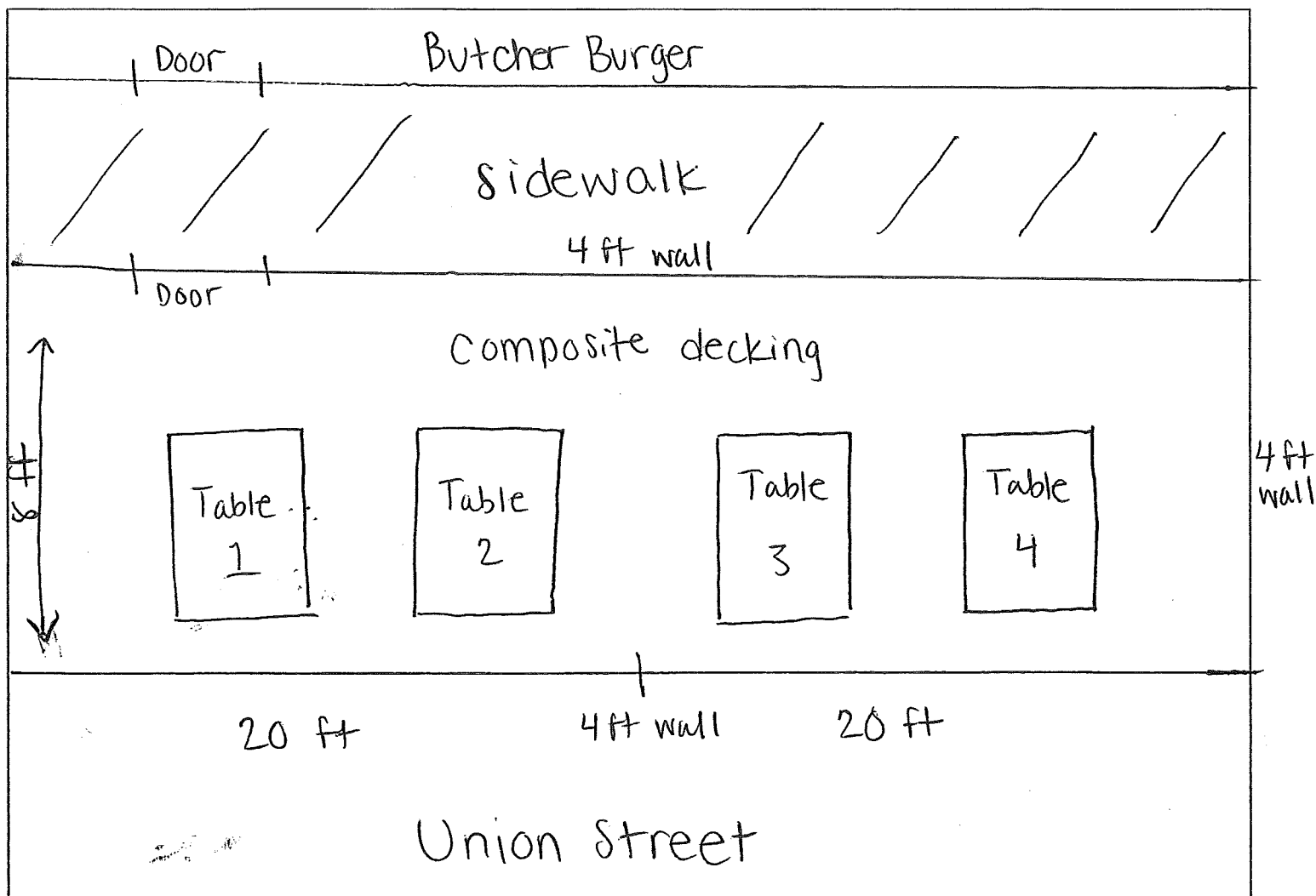
(continue to next page)

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For Office Use Only:

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

☐ Approved

☐ Not Approved





City of Portland
Permitting & Inspections
389 Congress St
Portland, ME 04101
207 874-8490
Welcome

014428-0002 Sandy D. 05/17/2022 01:13PM

INVOICE

Butcher Burger LLC

LL-002990-2021

2022 Item: INV-00067583

Outdoor Dining -

Parklet - 2 spaces 5,000.00

Legal Advertisement

Deposit 100.00

5,100.00

Subtotal 5,100.00

Total 5,100.00

CHECK 5,000.00

Check Number 2747

CHECK 100.00

Check Number 2740

Change due 0.00

Paid by: Butcher Burger LLC

Thank you for your payment

City of Portland COPY
DUPLICATE RECEIPT

MEMORANDUM
City Council Agenda Item

FROM:

DATE: April 12, 2022

SUBJECT: COUNCIL ACTION ON THE MUNICIPAL BUDGET WILL TAKE PLACE AFTER PUBLIC COMMENT. PUBLIC COMMENT AND FIRST READS OF ALL MUNICIPAL BUDGET ORDERS TOOK PLACE ON MAY 16, 2022

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

This is the only text that will be visible in the agenda, and should be no more than 1-2 paragraphs in length. If there has been committee action, list that as a first sentence. Please do not include read/vote requirements – this language will be added by Legal/City Manager's offices.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

None

Prepared by:

Date: 04/12/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING FISCAL YEAR 2023 ADMINISTRATIVE FEES
IN THE POLICE. PUBLIC WORKS AND
PARKS, RECREATION & FACILITIES DEPARTMENTS**

ORDERED, that the Cruiser User Fee, as shown in the schedule attached hereto as Exhibit A from the Police Department, is hereby approved; and

BE IT FURTHER ORDERED, that that the Trash Bag and Street Opening Fees, as shown in the schedule attached hereto from the Public Works Department as Exhibit B, are hereby approved; and

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

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2022.

EXHIBIT A

FY23 REVENUE FEE SCHEDULE CHANGE

Department: Police Uniform Ops

Administrative Fee

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY23 Proposed Fee</u>
100-21-200 342020	Cruiser Use	\$30 hour / 4-Hr Minimum	\$50 hour / 4-Hr Minimum

Last Revision:

FY09 (CO #234-07/08): from \$25 hour / 4-Hr Minimum to \$30 hour / 4-Hr Minimum

Prepared: 05/04/22

EXHIBIT B

FY23 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department Public Works: Solid Waste & Street Openings

<u>Account #</u>	<u>Revenue Description</u>	<u>current fee</u>	<u>proposed fee</u>
10031203 343000	Solid Waste Recycling Program		
	15 Gallon Bag	\$1.50	\$1.75
	30 Gallon Bag	\$3.00	\$3.50

Editor's Note: (Sec 12-16 Definitions): Pursuant to council order 233-18/19 passed on 5/20/19 (effective July 1, 2019) the purple trash bag fees are as follows:

15 Gallon: \$1.50

30 Gallon: \$3.00

<u>Account #</u>	<u>Revenue Description</u>	<u>current fee</u>	<u>proposed fee</u>
24731000 321030	Street Opening Permits:		
	1. Street Opening Permit	\$360.00	\$450.00
	2. Sidewalk Opening Permit	\$252.00	\$315.00
	3. Esplanade/Other Permit	\$180.00	\$225.00
	4. Combo Permit (base)	\$360.00	\$450.00
	5. Block Permit (Unitil)	\$285.00	\$350.00
	Block is defined as 350'		

24731000-321060 Permanent Pavement Restoration Charges:

1.	Paving Restoration Charge	\$ 65.00	\$ 85.00
2.	Paving (driveway in front of right of way)	\$25.00	\$ 25.00

Pursuant to council order 243-15/16 passed on 5/16/16 (effective July 1, 2016)

May 3, 2022

EXHIBIT C

FY23 Revenue Fee Schedule Change

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

Effective: As of 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Community Garden Fees			
10033202 341000	Full Plot	\$95	\$95
10033202 341000	Half Plot (Low Income)	\$15	\$15
10033202 341000	Half Plot	\$65	\$65
Beach Fees			
10033202 347301	Resident Non-Commercial Daily Boat Launch Fee	\$5	\$7
10033202 347301	Non-Resident Non-Commercial Daily Boat Launch Fee	\$10	\$12
Storage Rack Rental Fees			
10033202 347305	Resident (Per Season)	\$250	\$250
10033202 347305	Non-Resident (Per Season)	\$300	\$300
10033202 347305	Family Rack (Per Season)	\$425	\$425

FY23 Revenue Fee Schedule Change

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

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Fitzpatrick & Memorial Stadiums			
Without Lights, Per Hour			
10033204 367000	Resident Youth Groups	\$50	\$50
10033204 367000	Resident Adult Groups	\$95	\$95
10033204 367000	Non-Resident Youth Groups	\$90	\$90
10033204 367000	Non-Resident Adult Groups	\$170	\$170
Fitzpatrick & Memorial Stadiums			
With Lights, Per Hour			
10033204 367000	Resident Youth Groups	\$125	\$125
10033204 367000	Resident Adult Groups	\$170	\$170
10033204 367000	Non-Resident Youth Groups	\$165	\$165
10033204 367000	Non-Resident Adult Groups	\$265	\$265
All Other Athletic Fields			
Without Lights, Per Hour			
10033204 367000	Resident Adult Groups	\$45	\$45
10033204 367000	Non-Resident Adult Groups	\$80	\$80
10033204 367000	Baseball/Softball Weekend Surcharge	\$10	\$10
10033204 367000	For Profit Youth Groups	\$35	\$35
10033204 367000	Non-Profit Youth Groups	\$0	\$0
10033204 367000	AAU/Travel Organizations	\$35	\$35
All Other Athletic Fields			
With Lights, Per Hour			
10033204 367000	Resident Groups	\$75	\$75
10033204 367000	Non-Resident Groups	\$125	\$125
10033204 367000	Baseball/Softball Weekend Surcharge	\$10	\$10
Tennis/Volleyball/Basketball Court			
Rentals			
Tournaments, Camps, Clinics			
10033204 367000	Resident (If Reserved) - No Lights	\$10	\$25
10033204 367000	Non-Resident (If Reserved) - No Lights	\$20	\$30
10033204 367000	Resident (If Reserved) - Lights	\$10	\$25
10033204 367000	Non-Resident (If Reserved) - Lights	\$20	\$30
Portland School Charges, Per Hour			
10033204 396000	High Schools - Turf Fields	\$55	\$62
10033204 396000	High Schools - Grass Fields	\$45	\$47
10033204 396000	High Schools - Light Fees	\$75	\$75
10033204 396000	High Schools - Tennis Courts (Per Court)	\$10	\$10
10033204 396000	Middle Schools - Grass Fields	\$0	\$47
10033204 396000	Middle Schools - Tennis Courts (Per Court)	\$0	\$10

FY23 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Recreation
 Fee Schedule Change is Administrative

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Camp Fees			
10033302 347100	Camp Play All Day (K - 1st Grade) Per Week	\$200	\$225
10033302 347100	Camp Xperience (2nd - 5th Grade) Per Week	\$200	\$225
10033302 347100	Camp Cast Away (6th - 8th Grade) Per 3 Day Week	\$215	N/A
Before & After The Bell Program Fees			
10033302 347200	After School Program, Per Week (East End, Longfellow, Ocean Ave & Talbot)	\$103	\$103
10033302 347200	After School Program, Per Week (Lyseth, Prosempscot Reiche & Rowe)	\$66	\$66
10033302 347200	Before School Program, Per Week (Lyseth, Presumpscot, Reiche & Rowe)	\$30	\$35
Before & After The Bell Program Fees			
Hybrid School Model (Effective 8/24/2020)			
10033302 347200	Reiche, Rowe, Presumpscott & Lyseth: After Care Per Day (2 Days Per Week)	\$24	\$24
10033302 347200	Reiche, Rowe, Presumpscott & Lyseth: Before Care Per Day (2 Days Per Week)	\$6	\$6
10033302 347200	East End, Longfellow, Ocean Ave & Riverton: After Care Per Day (2 Days Per Week)	\$30	\$30
10033302 347200	Peaks Island - After Care Per Day (5 Days Per Week)	\$32	\$32
10033302 347200	Riverton, Reiche & East End Community Centers: All Day Wednesday Care (Per Day)	\$44	\$44
Community Center Fees			
Community Center Gyms (For Profit)			
10033302 363000	East End & Riverton Adult Resident Per Hour	\$80	\$80
10033302 363000	East End & Riverton Adult Non Resident Per Hour	\$85	\$85
10033302 363000	East End & Riverton Youth Per Hour	\$25	\$25
10033302 363000	Reiche Adult Resident Per Hour	\$80	\$80
10033302 363000	Reiche Adult Non-Resident Per Hour	\$85	\$85
10033302 363000	Reiche Youth Per Hour	\$25	\$25
10033302 363000	Adult Drop-In Fees Resident	\$4	\$4
10033302 363000	Adult Drop-In Fees Non Resident	\$5	\$5
Community Center Fees			
Community Center Gyms (All Other)			
10033302 363000	East End & Riverton Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	East End & Riverton Non Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	Reiche Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	Reiche Non Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	For Profit Adult Leagues Long Term	\$45	\$45
Community Center Fees			
Community Center Room Rental			
10033302 363000	Large Recreation Community Center Room Per Hour	\$50	\$50
10033302 363000	Small Recreation Community Center Room Per Hour	\$30	\$30
10033302 363000	Recreational Staff Fees if Needed Hourly Rate	\$25	\$25
10033302 363000	School Custodial Fees if Needed Hourly Rate	\$81	\$81
	***Three Hour Minimum		

FY23 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Swimming			
10033303 347080	Child - Resident	\$1.00	\$1.00
10033303 347080	Child - Non Resident	\$2.00	\$2.00
10033303 347080	Teen - Resident	\$1.00	\$1.00
10033303 347080	Teen - Non Resident	\$2.00	\$2.00
Swimming			
Kiwanis Pool			
10033303 347080	Adult - Resident	\$5.50	\$5.50
10033303 347080	Adult - Non Resident	\$6.00	\$6.00
Swimming			
Reiche & Riverton Pools			
10033303 347080	Adult - Resident	\$5.00	\$5.00
10033303 347080	Adult - Non Resident	\$5.50	\$5.50
10033303 347080	Senior - Resident (62 & Older)	\$3.50	\$3.50
10033303 347080	Senior - Non Resident (62 & Older)	\$4.00	\$4.00
10033303 347080	Masters - Resident	\$6.75	\$6.75
10033303 347080	Master - Non Resident	\$7.25	\$7.25
Swimming			
Punch Cards			
10033303 347080	Adult - Resident - 12 Punch Pass	\$60.00	\$60.00
10033303 347080	Adult - Non Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Adult - Resident - 20 Punch Pass	\$100.00	\$100.00
10033303 347080	Adult - Non Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Adult - Resident - 40 Punch Pass	\$200.00	\$200.00
10033303 347080	Adult - Non Resident - 40 Punch Pass	\$220.00	\$220.00
10033303 347080	Kiwanis - Adult - Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Kiwanis - Adult - Non Resident - 12 Punch Pass	\$72.00	\$72.00
10033303 347080	Kiwanis - Adult - Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Kiwanis - Adult - Non Resident - 20 Punch Pass	\$120.00	\$120.00
10033303 347080	Kiwanis - Adult - Resident - 40 Punch Pass	\$220.00	\$220.00
10033303 347080	Kiwanis - Adult - Non Resident - 40 Punch Pass	\$240.00	\$240.00
10033303 347080	Senior Adult - Resident - 12 Punch Pass (62 & Older)	\$42.00	\$42.00
10033303 347080	Senior Adult - Non Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Adult - Resident - 20 Punch Pass (62 & Older)	\$70.00	\$70.00
10033303 347080	Senior Adult - Non Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Adult - Resident - 40 Punch Pass (62 & Older)	\$140.00	\$140.00
10033303 347080	Senior Adult - Non Resident - 40 Punch Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - 6 Month Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - Yearly Pass (62 & Older)	\$280.00	\$280.00
10033303 347080	Adult Aerobics - Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Adult Aerobics - Non Resident - 12 Punch Pass	\$72.00	\$72.00
10033303 347080	Adult Aerobics - Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Adult Aerobics - Non Resident - 20 Punch Pass	\$120.00	\$120.00
10033303 347080	Senior Aerobics - Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Aerobics - Non Resident - 12 Punch Pass (62 & Older)	\$57.00	\$57.00
10033303 347080	Senior Aerobics - Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Aerobics - Non Resident - 20 Punch Pass (62 & Older)	\$95.00	\$95.00
10033303 347080	Masters - Resident - 10 Punch Pass	\$67.50	\$67.50
10033303 347080	Masters - Non Resident - 10 Punch Pass	\$72.50	\$72.50
Swimming			
Swimming Instruction			
10033303 347080	Infant/Toddler/Preschool - Resident	\$8.00	\$8.00
10033303 347080	Infant/Toddler/Preschool - Non Resident	\$8.50	\$8.50
10033303 347080	Level 1 - Level 3 - Resident	\$8.75	\$8.75
10033303 347080	Level 1 - Level 3 - Non Resident	\$9.25	\$9.25
10033303 347080	Level 4 - Level 6 - Resident	\$9.00	\$9.00
10033303 347080	Level 4 - Level 6 - Non Resident	\$9.50	\$9.50
10033303 347080	Adult Aerobics - Daily - Resident	\$5.50	\$5.50
10033303 347080	Adult Aerobics - Daily - Non Resident	\$6.00	\$6.00
10033303 347080	Senior Adult Aerobics - Daily - Resident (62 & Older)	\$4.00	\$4.00
10033303 347080	Senior Adult Aerobics - Daily - Non Resident (62 & Older)	\$4.75	\$4.75
Swimming			
10033303 347080	Water Safety Instruction Course - Resident	\$302.00	\$302.00
10033303 347080	Water Safety Instruction Course - Non Resident	\$302.00	\$302.00
10033303 347080	Private Lessons - 1/2 Hour - Resident	\$30.00	\$30.00
10033303 347080	Private Lessons - 1/2 Hour - Non Resident	\$35.00	\$35.00

FY23 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
10033303 347080	Semi - Private Lessons - 1/2 Hour - Resident	\$45.00	\$45.00
10033303 347080	Semi - Private Lessons - 1/2 Hour - Non Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Non Resident	\$60.00	\$60.00
10033303 347080	Semi - Private Lessons - 1 Hour - Resident	\$70.00	\$70.00
10033303 347080	Semi - Private Lessons - 1 Hour - Non Resident	\$85.00	\$85.00
10033303 347080	Lifeguard Course - Resident	\$200.00	\$260.00
10033303 347080	Lifeguard Course - Non Resident	\$215.00	\$275.00
Swimming	Pool Rentals		
10033303 347080	Pool Rental - Portland Porpoise - Per Hour	\$20.00	\$20.00
10033303 347080	Pool Rental - Portland Porpoise - Guard Per Hour	\$20.00	\$25.00
10033303 347080	Pool Rental (One Guard) - Resident, Per Hour/Additional Guard \$25 Per Hour	\$85.00	\$90.00
10033303 347080	Pool Rental (One Guard) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$95.00	\$115.00
10033303 347080	Pool Rental (Two Guards)- Resident, Per Hour/Additional Guard \$25 Per Hour	\$85.00	\$105.00
10033303 347080	Pool Rental (Two Guards) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$95.00	\$125.00

**AMENDMENT FOR ORDER 245-21/22
PREPARED BY CORPORATION COUNSEL FOR FINANCE COMMITTEE
RE: FINANCE COMMITTEE'S RECOMMENDED BUDGET**

ORDERED, that the Cruiser User Fee, as shown in the schedule attached hereto as Exhibit A from the Police Department, is hereby approved; and

BE IT FURTHER ORDERED, that that the Trash Bag and Street Opening Fees, as shown in the schedule attached hereto from the Public Works Department as Exhibit B, are hereby approved; and

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

BE IT FURTHER ORDERED, that fees for city-owned Spring Street and Elm Street parking garages, as shown in the schedule attached hereto from the Parking Division as Exhibit D, are hereby approved; and

BE IT FURTHER ORDERED, that these fees shall be effective on July 1, 2022.

FY23 REVENUE FEE SCHEDULE CHANGE GARAGES – ADMIN FEE

5/25/22**Department: Parking**

Account #	Revenue Description	Current Fee	FY19 Proposed Fee
100-18-200-364020	Garages, Lots, Meters Elm St. Monthly Parking	\$130.00 / mo	\$140.00 / mo
100-18-300-364020	Garages, Lots, Meters Spring St. Monthly Parking	\$130.00 / mo	\$140.00 / mo

Last FY19 Admin Order #

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: MARCH 22, 2018
RE: FY23 MONTHLY PARKING GARAGE REVENUE

Per our discussion, attached is the FY23 Revenue Fee Schedule Change for the Administrative Fees for Parking Division. Listed below is the affected revenue code and the amount of increase.

Parking Elm St.

100-18-200-364020 Garages, Lots, Meters / Monthly Parking
Monthly Parking from \$130. 00 to \$140.00 per mo. \$30,000

Elm St. Total Increase: \$30,000

Parking Spring St.

100-18-300-364020 Garages, Lots, Meters / Monthly Parking
Monthly Parking from \$130. 00 to \$140.00 per mo. \$68,000

Spring St. Total Increase: \$68,000

All were last revised FY 19 Admin Fee Order

CITY OF PORTLAND, MAINE
PORTLAND POLICE DEPARTMENT
Memorandum

To: Danielle P. West, Interim City Manager

Date: 05/04/22

From: Health Gorham, Assistant Police Chief 

Re: FY23 Proposed Revenue Increase – Cruiser Use Fees

When contractors request a cruiser to be utilized at a job site, we currently charge \$30 per hour with a four-hour minimum. Because of the ever-increasing price of gasoline, we would like to request increasing the fee to \$50 per hour with a four-hour minimum. We anticipate an increased revenue of \$75,000 in this account.

The cruiser fee was last increased in FY09 (CO #234-07/08) from \$25 hour / 4 Hour Minimum to \$30 hour / 4 Hour Minimum.

FY23 REVENUE FEE SCHEDULE CHANGE

Department: Police Uniform Ops

Administrative Fee

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY23 Proposed Fee</u>
100-21-200 342020	Cruiser Use	\$30 hour / 4-Hr Minimum	\$50 hour / 4-Hr Minimum

Last Revision:

FY09 (CO #234-07/08): from \$25 hour / 4-Hr Minimum to \$30 hour / 4-Hr Minimum

Prepared: 05/04/22

FY23 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department Public Works: Solid Waste & Street Openings

<u>Account #</u>	<u>Revenue Description</u>	<u>current fee</u>	<u>proposed fee</u>
10031203 343000	Solid Waste Recycling Program		
	15 Gallon Bag	\$1.50	\$1.75
	30 Gallon Bag	\$3.00	\$3.50

Editor's Note: (Sec 12-16 Definitions): Pursuant to council order 233-18/19 passed on 5/20/19 (effective July 1, 2019) the purple trash bag fees are as follows:

15 Gallon: \$1.50

30 Gallon: \$3.00

<u>Account #</u>	<u>Revenue Description</u>	<u>current fee</u>	<u>proposed fee</u>
24731000 321030	Street Opening Permits:		
	1. Street Opening Permit	\$360.00	\$450.00
	2. Sidewalk Opening Permit	\$252.00	\$315.00
	3. Esplanade/Other Permit	\$180.00	\$225.00
	4. Combo Permit (base)	\$360.00	\$450.00
	5. Block Permit (Unitil)	\$285.00	\$350.00
	Block is defined as 350'		

24731000-321060 Permanent Pavement Restoration Charges:

1.	Paving Restoration Charge	\$ 65.00	\$ 85.00
2.	Paving (driveway in front of right of way)	\$25.00	\$ 25.00

Pursuant to council order 243-15/16 passed on 5/16/16 (effective July 1, 2016)

May 3, 2022

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

5/2/2022



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 5/2/2022
Re: FY23 Parks Fee Changes

The Parks Division is proposing to increase boat launch fees as of July 1, 2022. These increases are necessary due to the expenses related to the deterioration of the public boat launch on East End Beach and to keep up with market rates. With the additional revenue, plans can be made to make any required repairs before a full replacement can be completed.

	Current Rates	Proposed FY23 Rates
Resident Non-Commercial Daily Boat Launch Fee	\$5	\$7
Non-Resident Non-Commercial Daily Boat Launch Fee	\$10	\$12

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY23 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Parks
 Fee Schedule Change is Administrative

Effective: As of 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Community Garden Fees			
10033202 341000	Full Plot	\$95	\$95
10033202 341000	Half Plot (Low Income)	\$15	\$15
10033202 341000	Half Plot	\$65	\$65
Beach Fees			
10033202 347301	Resident Non-Commercial Daily Boat Launch Fee	\$5	\$7
10033202 347301	Non-Resident Non-Commercial Daily Boat Launch Fee	\$10	\$12
Storage Rack Rental Fees			
10033202 347305	Resident (Per Season)	\$250	\$250
10033202 347305	Non-Resident (Per Season)	\$300	\$300
10033202 347305	Family Rack (Per Season)	\$425	\$425

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

5/2/2022



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 5/2/2022
Re: FY23 Athletic Facilities Fee Changes

The Athletic Facilities Division is proposing an increase to fees for Portland Schools to keep up with operating costs of the fields as well as a small increase in the fee to reserve a tennis, volleyball or basketball court. As we continue our transition to 100% organic practices on our grass fields, our labor, materials, and equipment expenses have continued to rise, and our rates are set to reflect that.

In FY23, we are proposing to increase the rates for grass and turf fields for Portland High Schools and to add a fee for Portland Middle School usage of the grass fields and tennis courts. While Portland Schools will continue to benefit from the usage of the fields at a reduced rate, an increase is necessary to continue with field upkeep.

Fees were last increased in FY22 for select adult, youth and travel groups.

	Current Rates (Per Hour)	Proposed FY23 Rates (Per Hour)
High Schools - Turf Fields	\$55	\$62
High Schools - Grass Fields	\$45	\$47
Middle Schools - Grass Fields	No Fee	\$47

Middle Schools - Tennis Courts (Per Court)	No Fee	\$10
Tennis/Volleyball/Basketball Courts - Resident - No Lights	\$10	\$25
Tennis/Volleyball/Basketball Courts - Non-Resident - No Lights	\$20	\$30
Tennis/Volleyball/Basketball Courts - Resident - Lights	\$10	\$25
Tennis/Volleyball/Basketball Courts - Non-Resident - Lights	\$20	\$30

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY23 Revenue Fee Schedule Change

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

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Fitzpatrick & Memorial Stadiums			
Without Lights, Per Hour			
10033204 367000	Resident Youth Groups	\$50	\$50
10033204 367000	Resident Adult Groups	\$95	\$95
10033204 367000	Non-Resident Youth Groups	\$90	\$90
10033204 367000	Non-Resident Adult Groups	\$170	\$170
Fitzpatrick & Memorial Stadiums			
With Lights, Per Hour			
10033204 367000	Resident Youth Groups	\$125	\$125
10033204 367000	Resident Adult Groups	\$170	\$170
10033204 367000	Non-Resident Youth Groups	\$165	\$165
10033204 367000	Non-Resident Adult Groups	\$265	\$265
All Other Athletic Fields			
Without Lights, Per Hour			
10033204 367000	Resident Adult Groups	\$45	\$45
10033204 367000	Non-Resident Adult Groups	\$80	\$80
10033204 367000	Baseball/Softball Weekend Surcharge	\$10	\$10
10033204 367000	For Profit Youth Groups	\$35	\$35
10033204 367000	Non-Profit Youth Groups	\$0	\$0
10033204 367000	AAU/Travel Organizations	\$35	\$35
All Other Athletic Fields			
With Lights, Per Hour			
10033204 367000	Resident Groups	\$75	\$75
10033204 367000	Non-Resident Groups	\$125	\$125
10033204 367000	Baseball/Softball Weekend Surcharge	\$10	\$10
Tennis/Volleyball/Basketball Court			
Rentals			
Tournaments, Camps, Clinics			
10033204 367000	Resident (If Reserved) - No Lights	\$10	\$25
10033204 367000	Non-Resident (If Reserved) - No Lights	\$20	\$30
10033204 367000	Resident (If Reserved) - Lights	\$10	\$25
10033204 367000	Non-Resident (If Reserved) - Lights	\$20	\$30
Portland School Charges, Per Hour			
10033204 396000	High Schools - Turf Fields	\$55	\$62
10033204 396000	High Schools - Grass Fields	\$45	\$47
10033204 396000	High Schools - Light Fees	\$75	\$75
10033204 396000	High Schools - Tennis Courts (Per Court)	\$10	\$10
10033204 396000	Middle Schools - Grass Fields	\$0	\$47
10033204 396000	Middle Schools - Tennis Courts (Per Court)	\$0	\$10

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

5/2/2022



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 5/2/2022
Re: FY23 Recreation Fee Changes

The Recreation Division is proposing to increase select fees as of July 1, 2022 to keep up with increasing operating, staffing, and supply costs. This division runs multiple sites for Before & After care, four community centers, multiple summer camps and various recreational activities throughout the year. In 2021, an emergency staff wage increase was implemented in order to retain and recruit staff to help operate this program that annually enrolls over 700 kids in Before and After care.

In FY23 we are proposing to increase the weekly fee for summer camps and the Before School program. We operate a significant fee-waiver program for those who are not able to pay the full rate.

	Current Rates	Proposed FY23 Rates
Camp Play All Day (Per Week)	\$200	\$225
Camp Xperience (Per Week)	\$200	\$225
Before School Program, Per Week (Lyseth, Presumpscot, Reiche & Rowe)	\$30	\$35

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY23 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Recreation
 Fee Schedule Change is Administrative

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Camp Fees			
10033302 347100	Camp Play All Day (K - 1st Grade) Per Week	\$200	\$225
10033302 347100	Camp Xperience (2nd - 5th Grade) Per Week	\$200	\$225
10033302 347100	Camp Cast Away (6th - 8th Grade) Per 3 Day Week	\$215	N/A
Before & After The Bell Program Fees			
10033302 347200	After School Program, Per Week (East End, Longfellow, Ocean Ave & Talbot)	\$103	\$103
10033302 347200	After School Program, Per Week (Lyseth, Prosempscot Reiche & Rowe)	\$66	\$66
10033302 347200	Before School Program, Per Week (Lyseth, Presumpscot, Reiche & Rowe)	\$30	\$35
Before & After The Bell Program Fees Hybrid School Model (Effective 8/24/2020)			
10033302 347200	Reiche, Rowe, Presumpscott & Lyseth: After Care Per Day (2 Days Per Week)	\$24	\$24
10033302 347200	Reiche, Rowe, Presumpscott & Lyseth: Before Care Per Day (2 Days Per Week)	\$6	\$6
10033302 347200	East End, Longfellow, Ocean Ave & Riverton: After Care Per Day (2 Days Per Week)	\$30	\$30
10033302 347200	Peaks Island - After Care Per Day (5 Days Per Week)	\$32	\$32
10033302 347200	Riverton, Reiche & East End Community Centers: All Day Wednesday Care (Per Day)	\$44	\$44
Community Center Fees Community Center Gyms (For Profit)			
10033302 363000	East End & Riverton Adult Resident Per Hour	\$80	\$80
10033302 363000	East End & Riverton Adult Non Resident Per Hour	\$85	\$85
10033302 363000	East End & Riverton Youth Per Hour	\$25	\$25
10033302 363000	Reiche Adult Resident Per Hour	\$80	\$80
10033302 363000	Reiche Adult Non-Resident Per Hour	\$85	\$85
10033302 363000	Reiche Youth Per Hour	\$25	\$25
10033302 363000	Adult Drop-In Fees Resident	\$4	\$4
10033302 363000	Adult Drop-In Fees Non Resident	\$5	\$5
Community Center Fees Community Center Gyms (All Other)			
10033302 363000	East End & Riverton Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	East End & Riverton Non Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	Reiche Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	Reiche Non Portland Non-Profit Per Hour	\$50	\$50
10033302 363000	For Profit Adult Leagues Long Term	\$45	\$45
Community Center Fees Community Center Room Rental			
10033302 363000	Large Recreation Community Center Room Per Hour	\$50	\$50
10033302 363000	Small Recreation Community Center Room Per Hour	\$30	\$30
10033302 363000	Recreational Staff Fees if Needed Hourly Rate	\$25	\$25
10033302 363000	School Custodial Fees if Needed Hourly Rate	\$81	\$81
	***Three Hour Minimum		

Parks, Recreation and Facilities Management

Ethan Hipple

Director

Amber Brooks

Principal Financial Officer

5/2/2022



To: Brendan O'Connell, Finance Director
Anne Bilodeau, Deputy Finance Director
Jennifer Lodge, Budget Analyst
Ethan Hipple, Director of Parks, Recreation & Facilities
From: Amber Brooks, Principal Financial Officer
Date: 5/2/2022
Re: FY23 Aquatics Fee Changes

The Aquatics Division is proposing to increase select fees as of July 1, 2022 to keep up with operating costs of running three pools. The cost of pool chemicals, general maintenance and staff wages has increased greatly over the past year so these fee increases are set to reflect those changes. Since the swimming lesson market is very competitive, most of the fees could not be raised without pricing ourselves out of the market.

We are proposing to increase fees for our lifeguard courses and pool rentals. Fees were last changed in FY22 for resident and non-resident swim lessons.

	Current Rates	Proposed FY23 Rates
Lifeguard Course - Resident	\$200	\$260
Lifeguard Course - Non-Resident	\$215	\$275
Pool Rental - Portland Porpoise - Guard Per Hour	\$20	\$25
Pool Rental - One Guard - Resident Per Hour	\$85	\$90

Pool Rental - One Guard - Non-Resident Per Hour	\$95	\$115
Pool Rental - Two Guards - Resident Per Hour	\$85	\$105
Pool Rental - Two Guards - Non-Resident Per Hour	\$95	\$125

Amber Brooks
Principal Financial Officer
Parks, Recreation & Facilities

FY23 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
Swimming			
10033303 347080	Child - Resident	\$1.00	\$1.00
10033303 347080	Child - Non Resident	\$2.00	\$2.00
10033303 347080	Teen - Resident	\$1.00	\$1.00
10033303 347080	Teen - Non Resident	\$2.00	\$2.00
Swimming			
Kiwanis Pool			
10033303 347080	Adult - Resident	\$5.50	\$5.50
10033303 347080	Adult - Non Resident	\$6.00	\$6.00
Swimming			
Reiche & Riverton Pools			
10033303 347080	Adult - Resident	\$5.00	\$5.00
10033303 347080	Adult - Non Resident	\$5.50	\$5.50
10033303 347080	Senior - Resident (62 & Older)	\$3.50	\$3.50
10033303 347080	Senior - Non Resident (62 & Older)	\$4.00	\$4.00
10033303 347080	Masters - Resident	\$6.75	\$6.75
10033303 347080	Master - Non Resident	\$7.25	\$7.25
Swimming			
Punch Cards			
10033303 347080	Adult - Resident - 12 Punch Pass	\$60.00	\$60.00
10033303 347080	Adult - Non Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Adult - Resident - 20 Punch Pass	\$100.00	\$100.00
10033303 347080	Adult - Non Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Adult - Resident - 40 Punch Pass	\$200.00	\$200.00
10033303 347080	Adult - Non Resident - 40 Punch Pass	\$220.00	\$220.00
10033303 347080	Kiwanis - Adult - Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Kiwanis - Adult - Non Resident - 12 Punch Pass	\$72.00	\$72.00
10033303 347080	Kiwanis - Adult - Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Kiwanis - Adult - Non Resident - 20 Punch Pass	\$120.00	\$120.00
10033303 347080	Kiwanis - Adult - Resident - 40 Punch Pass	\$220.00	\$220.00
10033303 347080	Kiwanis - Adult - Non Resident - 40 Punch Pass	\$240.00	\$240.00
10033303 347080	Senior Adult - Resident - 12 Punch Pass (62 & Older)	\$42.00	\$42.00
10033303 347080	Senior Adult - Non Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Adult - Resident - 20 Punch Pass (62 & Older)	\$70.00	\$70.00
10033303 347080	Senior Adult - Non Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Adult - Resident - 40 Punch Pass (62 & Older)	\$140.00	\$140.00
10033303 347080	Senior Adult - Non Resident - 40 Punch Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - 6 Month Pass (62 & Older)	\$160.00	\$160.00
10033303 347080	Senior Adult - Resident - Yearly Pass (62 & Older)	\$280.00	\$280.00
10033303 347080	Adult Aerobics - Resident - 12 Punch Pass	\$66.00	\$66.00
10033303 347080	Adult Aerobics - Non Resident - 12 Punch Pass	\$72.00	\$72.00
10033303 347080	Adult Aerobics - Resident - 20 Punch Pass	\$110.00	\$110.00
10033303 347080	Adult Aerobics - Non Resident - 20 Punch Pass	\$120.00	\$120.00
10033303 347080	Senior Aerobics - Resident - 12 Punch Pass (62 & Older)	\$48.00	\$48.00
10033303 347080	Senior Aerobics - Non Resident - 12 Punch Pass (62 & Older)	\$57.00	\$57.00
10033303 347080	Senior Aerobics - Resident - 20 Punch Pass (62 & Older)	\$80.00	\$80.00
10033303 347080	Senior Aerobics - Non Resident - 20 Punch Pass (62 & Older)	\$95.00	\$95.00
10033303 347080	Masters - Resident - 10 Punch Pass	\$67.50	\$67.50
10033303 347080	Masters - Non Resident - 10 Punch Pass	\$72.50	\$72.50
Swimming			
Swimming Instruction			
10033303 347080	Infant/Toddler/Preschool - Resident	\$8.00	\$8.00
10033303 347080	Infant/Toddler/Preschool - Non Resident	\$8.50	\$8.50
10033303 347080	Level 1 - Level 3 - Resident	\$8.75	\$8.75
10033303 347080	Level 1 - Level 3 - Non Resident	\$9.25	\$9.25
10033303 347080	Level 4 - Level 6 - Resident	\$9.00	\$9.00
10033303 347080	Level 4 - Level 6 - Non Resident	\$9.50	\$9.50
10033303 347080	Adult Aerobics - Daily - Resident	\$5.50	\$5.50
10033303 347080	Adult Aerobics - Daily - Non Resident	\$6.00	\$6.00
10033303 347080	Senior Adult Aerobics - Daily - Resident (62 & Older)	\$4.00	\$4.00
10033303 347080	Senior Adult Aerobics - Daily - Non Resident (62 & Older)	\$4.75	\$4.75
Swimming			
10033303 347080	Water Safety Instruction Course - Resident	\$302.00	\$302.00
10033303 347080	Water Safety Instruction Course - Non Resident	\$302.00	\$302.00
10033303 347080	Private Lessons - 1/2 Hour - Resident	\$30.00	\$30.00
10033303 347080	Private Lessons - 1/2 Hour - Non Resident	\$35.00	\$35.00

FY23 Revenue Fee Schedule Change
 Department: Parks, Recreation & Facilities Division: Aquatics
 Fee Schedule Change is Administrative

Effective: 7/1/2022

<u>Account Number</u>	<u>Revenue Description</u>	<u>Current Rates</u>	<u>FY23 Proposed Rates</u>
10033303 347080	Semi - Private Lessons - 1/2 Hour - Resident	\$45.00	\$45.00
10033303 347080	Semi - Private Lessons - 1/2 Hour - Non Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Resident	\$50.00	\$50.00
10033303 347080	Private Lessons - 1 Hour - Non Resident	\$60.00	\$60.00
10033303 347080	Semi - Private Lessons - 1 Hour - Resident	\$70.00	\$70.00
10033303 347080	Semi - Private Lessons - 1 Hour - Non Resident	\$85.00	\$85.00
10033303 347080	Lifeguard Course - Resident	\$200.00	\$260.00
10033303 347080	Lifeguard Course - Non Resident	\$215.00	\$275.00
Swimming	Pool Rentals		
10033303 347080	Pool Rental - Portland Porpoise - Per Hour	\$20.00	\$20.00
10033303 347080	Pool Rental - Portland Porpoise - Guard Per Hour	\$20.00	\$25.00
10033303 347080	Pool Rental (One Guard) - Resident, Per Hour/Additional Guard \$25 Per Hour	\$85.00	\$90.00
10033303 347080	Pool Rental (One Guard) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$95.00	\$115.00
10033303 347080	Pool Rental (Two Guards)- Resident, Per Hour/Additional Guard \$25 Per Hour	\$85.00	\$105.00
10033303 347080	Pool Rental (Two Guards) - Non Resident, Per Hour/Additional Guard \$25 Per Hour	\$95.00	\$125.00

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2023 HUMAN RESOURCES
AND CERTAIN FRINGE BENEFITS BUDGETS**

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

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

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

WHEREAS, the Human Resources workers' compensation budget includes contracted services for claims administration, drug and alcohol testing, safety related consulting services, and similar services necessary to implement the City's workers' compensation, drug testing, and safety programs;

NOW, THEREFORE, BE IT ORDERED, that the City Manager is hereby authorized to enter into such agreements as necessary to implement the programs provided for the Human Resources budgets.



MEMORANDUM

TO: Danielle P. West, Interim City Manager
FROM: Anne Torregrossa, Director of Human Resources
DATE: May 5, 2022
RE: FY23 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please include the following language in a Council Order to accompany the FY23 budget. This item should be given a first reading on May 16, 2022 and a second reading on the June 6, 2022 meeting along with other budget related items.

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO
IMPLEMENT THE FISCAL YEAR 2023 HUMAN RESOURCES AND CERTAIN FRINGE BENEFITS
BUDGETS**

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

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

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

WHEREAS, the Human Resources workers' compensation budget includes contracted services for claims administration, drug and alcohol testing, safety related consulting services, and similar services necessary to implement the City's workers' compensation, drug testing, and safety programs.

NOW, THEREFORE, this order authorizes the City Manager to enter into such agreements as necessary to implement the programs provided for the Human Resources budgets.

cc: Jen Thompson, Acting Corporation Counsel
Jennifer Lodge, Budget Analyst

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 24, 2022

SUBJECT: Order 247-21/22 Re: Fiscal Year 2023 Self-insured Liability Program - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

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

This item was postponed on May 16, 2022 to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 3. FY23 Self-insured Liability Budget 5.16.2022
2. Corporation Counsel Memo re Liability Budget Fiscal Year 2023

Prepared by:

Date: 05/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER RE: FISCAL YEAR 2023 SELF-INSURED LIABILITY PROGRAM

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

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

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

City of Portland | Office of Corporation Counsel
Jen Thompson, Acting Corporation Counsel



To: Danielle P. West, Interim City Manager
From: Jen Thompson, Acting Corporation Counsel
Date: May 5, 2022
Re: Order Re: Self-Insured Liability Program

JLT/nlc

This proposed Order outlines the City's Self-Insurance Liability Program and clearly indicates that the City's limit of liability is that imposed by the Maine Tort Claims Act, notwithstanding the fact that the annual appropriation or the cumulative reserve may exceed \$400,000. The Office of Corporation Counsel strongly recommends Council adoption of this Order. This item should be given a first reading on May 16, 2022 and then postponed to the June 6, 2022 meeting along with other budget related items.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

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

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

CITY OF PORTLAND, MAINE

MEMORANDUM

City Council Agenda Item

TO: Danielle P. West, Interim City Manager

FROM: Ethan Hipple, Deputy Director of Parks Recreation & Facilities

DATE: May 5, 2022

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

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

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

 5/5/22

cc: Jen Thompson, Acting Corporation Counsel
Nancy English, Paralegal / Legal Assistant
Jennifer Lodge, Budget Analyst

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2023 HEALTH & HUMAN SERVICES BUDGET**

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

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2023 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health & Human Services programs.

City of Portland, Maine

Memorandum

To: Danielle P. West, Interim City Manager
From: Brendan O'Connell, Finance Director
Date: 05/05/22
Re: FY23 Budget Council Order – HHS Agreements



Each year the City of Portland enters into agreements and amendments to those agreements, to receive reimbursement for services provided by the Health and Human Services department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 16th agenda.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 24, 2022

SUBJECT: Order 250-21/22 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and to Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

Does this item involve a new contract with the City: This order has been reviewed and approved by Corporation Counsel.

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

I. SUMMARY

II. AGENDA DESCRIPTION

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

This item was postponed on May 16, 2022 to coincide with consideration of the Appropriation Resolve. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. 6. Accept Scholarship Trust Donations, Bequests from Wills and Trusts, and Enter into Trust Agreements
5.16.2022

Prepared by:

Date: 05/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

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

ORDERED, that the City Manager is authorized to accept and to appropriate new scholarship funds, and bequests from wills and trusts in amounts of up to \$50,000 in Fiscal Year 2023; and

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

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE DIRECTOR OF PARKS, RECREATION AND
FACILITIES TO ACCEPT DONATIONS UP TO \$10,000
FOR PARKS, RECREATION & FACILITIES DEPARTMENT PROGRAMS
AND CITY FUNDS**

ORDERED, that the Director of Parks, Recreation & Facilities is authorized to accept and to appropriate donations in amounts of up to \$10,000 in Fiscal Year 2023 for the following:

- The Land Bank Fund, Chapter 2, Section 2-45; and
- The Tree Trust Fund, Chapter 29, Section 29-14; and
- The Portland Youth Corps; and

BE IT FURTHER ORDERED, that City-funded Parks, Recreation & Facilities Department gift catalog and program donations in amounts of up to \$10,000 in Fiscal Year 2023 may also be accepted.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

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

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

City of Portland

Memo

To: Danielle P. West, Interim City Manager

From: Brendan O'Connell, Finance Director



Date: May 5, 2022

Re: FY23 Budget Council Order Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading on May 16th and second reading and passage on June 6, 2022. I am recommending we present this to the City Council for action as it is related to the financial business of the upcoming fiscal year. We have passed this order annually with the budget approved since fiscal year 2003.

This order arises out of the staff proposal to maintain of our efficient personal property tax collections. Many times during the fiscal year our personal property tax standard billing and collection procedures prove to be inadequate, and we need to seek legal assistance from the Corporation Counsel's Office. This could involve a company refusal to pay, a bankruptcy declaration or title dispute or other similar matter that requires legal action.

Corporation Counsel advises that the City Council needs to grant specific authority to file legal actions in these kinds of tax cases. Many times we need to act quickly to ask for legal assistance when information comes to our attention, in order to protect the City's interest. We also want to avoid administrative delays by seeking this general authority from the City Council to collect delinquent personal property taxes when necessary. Delegating this authority greatly enhances our personal property collection efforts.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 16th agenda.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that an overall wage increase of three percent (3%) for non-union employees is hereby approved effective July 3, 2022; and

BE IT FURTHER ORDERED, that the updated non-union pay plan in substantially the form attached hereto is hereby approved, and

BE IT FURTHER ORDERED, that the Mayor, the City Council, the City Clerk and Corporation Counsel shall receive a three percent (3%) wage increase effective July 3, 2022.

Human Resources Department
Anne Torregrossa
Director



MEMORANDUM

TO: Danielle P. West, Interim City Manager
FROM: Anne Torregrossa, Director of Human Resources
DATE: May 5, 2022
RE: FY23 Budget Order Re: Implementing Non-Union Wage Adjustment

Please include the following language in a Council Order to accompany the FY23 budget. This item should be given a first reading on May 16, 2022 and a second reading on the June 6, 2022 meeting along with other budget related items.

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that an overall wage increase of three percent (3%) for non-union employees is hereby approved effective July 3, 2022; and

BE IT FURTHER ORDERED, that the updated non-union pay plan in substantially the form attached hereto is hereby approved; and

BE IT FURTHER ORDERED, that the Mayor, the City Council, the City Clerk, and Corporation Counsel shall receive a three percent (3%) wage increase effective July 3, 2022.

cc: Jen Thompson, Acting Corporation Counsel
Jennifer Lodge, Budget Analyst

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER DESIGNATING FISCAL YEAR 2023 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$42,670 from the Fiscal Year 2023 municipal budget is hereby designated to pay for the Peaks Island services specified as follows:

Item A: Peaks Island Summer Bike Ticket Program \$500
Item B: PI Needs-Based Boat Tickets \$3,000
Item C: PI Portland Public Middle & High School Student Boat Passes \$4,500
Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$450
Item E: PI Children Attending Private Schools Vouchers \$400
Item F: PI ITS (Island “Taxi”): Island Transportation System \$22,246
Item G: PI PEAT (PI Environmental Team: Litter Removal) \$360
Item H: PI Administrative Expenses \$2,000
Item I: Brackett Church (Community Arts & Play Recreation Programs) \$1,600
Item J: Friends of Brackett Church (Brackett Cemetery Beautification) \$2,000
Item K: Peaks Island Collaborative (Island Non-Profit Organization Community Support Enhancement) \$857
Item L: Illustration Institute for Island Resident Programming \$1,500
Item M: Fifth Maine Museum Institute Program \$1,000
Item N: Peaks Island Children's Workshop (Kitchen Stove Replacement) \$2,257

TOTAL: \$42,670



Peaks Island Council
FY 2023 Budget Request
As Approved for Submission
February 23, 2022

Motion: The Peaks Island Council requests the Portland City Council to allocate the following funds to the Peaks Island Council FY2023 Parking and Transportation Fund in the amount of \$42,670 in accordance with the following items:

Item A: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase bicycle tickets for a summer bike ticket program on Peaks Island. The total is not to exceed \$500.00.

Danielle West, Portland City Manager

Date

Item B: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines to purchase tickets for needs-based Peaks Island residents. To receive Needs-Based tickets, recipients must fit defined criteria developed by the Peaks Island Council. The total is not to exceed \$3,000.00

Danielle West, Portland City Manager

Date

Item C: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation fund payable to Casco Bay Lines to purchase tickets for Peaks Island public middle and high school students. The total is not to exceed \$4,500.00.

Danielle West, Portland City Manager

Date

Item D: The Peaks Island Council requests the City Manager or her designee to expend monies from the Parking and Transportation Fund payable to Casco Bay Lines for Island resident college students: for up to 3 monthly stickers per student @ \$82.45/sticker, not to exceed \$450. For the purposes of PIC transportation support, a college student shall be defined as a full-time island resident carrying a full-time course load (12 credits) at a Portland-area institution of higher education.

Danielle West, Portland City Manager

Date

Item E: The Peaks Island Council requests the City Manager or her designee to issue vouchers in the amount of \$84 per voucher per student to the parents of children attending private schools off-island. Criteria for determination of residency will be directed through the Island/Neighborhood Administrator's Office. Total cost allocated is \$400.00.

Danielle West, Portland City Manager

Date

Item F: ITS: a.k.a., Island "Taxi" The Peaks Island Council requests the City Manager or her designee to provide an allocation of \$22,246 to the Island Transportation System for continued support of the only transportation service available to residents.

Danielle West, Portland City Manager

Date

Item G: The Peaks Island Council requests the City Manager or her designee to provide an allocation of \$360.00 to the Peaks Island Environmental Team (PEAT) for the purposes of buying buckets and litter pick up sticks for litter removal.

Danielle West, Portland City Manager

Date

Item H: The Peaks Island Council requests the City Manager, or her designee to provide an allocation of \$2,000.00 to the Peaks Island Council for Administrative Expenses.

Danielle West, Portland City Manager

Date

Item I: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,600.00 to the Brackett Church in support of the Community Arts and Play to provide recreation programs.

Danielle West, Portland City Manager

Date

Item J: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$2,000.00 to the Friends of Brackett Church for beautification efforts for the Brackett Cemetery.

Danielle West, Portland City Manager

Date

Item K: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$857.00 to the Peaks Island Collaborative to enhance community support of island nonprofit organizations.

Danielle West, Portland City Manager

Date

Item L: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,500.00 to the Illustration Institute for programming for island residents.

Danielle West, Portland City Manager

Date

Item M: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$1,000.00 to the Fifth Maine Museum Institute for a program for island residents.

Danielle West, Portland City Manager

Date

Item N: The Peaks Island Council requests the City Manager, or her designee provide an allocation of \$2,257 to the Peaks Island Children’s Workshop for a replacement of the existing kitchen stove.

Danielle West, Portland City Manager

Date

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROPRIATING \$3,200,000 ASSIGNED FUND BALANCE
OF THE DEBT SERVICE FUND**

ORDERED, that \$3,200,000 is hereby appropriated from Assigned Fund Balance of the Debt Service Fund for debt service payments due in Fiscal Year 2023.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE CHAPTERS 5, 24, 25, AND 28
RE: VARIOUS FEE INCREASES FOR FISCAL YEAR 2023**

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

*1. That Section 5-35 is hereby amended, which said section
reads as follows:*

Sec. 5-35. Fees.

(a) Any dog impounded under this division may be reclaimed upon payment of the municipal impoundment charge and the accrued boarding charges at the rate established pursuant to Title 7, M.R.S.A., Part 9. In addition, any unlicensed dog shall be given a temporary license by the shelter upon proof of rabies vaccination, and notice of such temporary license shall be provided to the city clerk by the shelter.

(b) The municipal impoundment charge is hereby established as ~~twenty-five~~ fifty-five dollars (~~\$20.00~~55.00) per dog for the first impoundment, ~~forty-seventy-five~~ forty-seventy-five dollars (~~\$40.00~~75.00) per dog for the second impoundment, and ~~fifty-fiveninety~~ fifty-fiveninety dollars (~~\$55.00~~90.00) per dog for each impoundment thereafter. The designated shelter or the city shall collect such charge prior to release of the dog to any person. If the shelter collects the fee, the shelter shall forward it to the city or credit the City's account in a manner and on a schedule approved by the City's Finance Director. If the designated shelter waives all or a portion of its own fees and charges, the shelter may waive the municipal impoundment fee to the same extent but not to a greater extent.

...

*2. That Sections 24-72 and 24-84 are hereby amended, which
said sections read as follows:*

Sec. 24-72. Sanitary sewer user charges.

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

...

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible purposes for which such charges may be used. Beginning July 1, ~~2021~~2022, user charges under this section for both dwelling units and commercial units shall be ~~eleven-twelve~~ dollars and ~~eighty thirty~~ cents (~~\$11.80~~12.30) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

...

Sec. 24-84. Stormwater Service Charge.

(a) There is levied upon all developed land stormwater service charges for the cost of providing stormwater services. All developed land shall be charged seven dollars and twenty-five cents (~~\$7.00~~7.25) per month per one thousand two hundred (1,200) square feet of impervious surface area, rounded to the nearest one thousand two hundred (1,200) square feet of impervious surface area.

...

3. *That Section 25-27 hereby amended, which said section reads as follows:*

Sec. 25-27. Fees and fines.

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

...

(3) Vehicles, equipment, or construction materials, as follows:

a. The Parking Space Permit shall be ~~\$30.00~~32.50 per

day or any portion thereof;

- b. The Sidewalk Permit shall be ~~\$25.00~~27.50 per day or any portion thereof;
- c. The Single Lane Closure Permit shall be ~~\$100.00~~150.00 per day or any portion thereof; and
- d. the Street Closure Permit shall be ~~\$250.00~~300.00 per day or any portion thereof.

4. That Section 28-86 is hereby amended, which said sections read as follows:

Sec. 28-86. Parking meter rates.

In the area bounded by Middle Street, Pearl Street, and Commercial Street to Union Street and all of Commercial Street, the rate for parking at a meter in the city shall be two dollars and fifty cents (\$2.50) per hour as follows: two (2) minutes for the first nickel (\$0.05), one (1) minute for the second, third, fourth and fifth nickel, and then back to two (2) minutes then repeating the cycle for all additional nickels; three (3) minutes for the first dime (\$0.10), two (2) minutes for the second dime and then repeating the cycle for all additional dimes; and six (6) minutes for a quarter (\$0.25).

For the rest of the metered streets in the City, tThe rate for parking at a meter in the city shall be two dollars (\$2.00) per hour as follows: one and one-half (1.5) minutes for the first nickel (\$0.05); three (3) minutes for a dime (\$0.10); and seven and one-half (7.5) minutes for a quarter. The City Manager may charge a convenience fee in addition to the parking meter rates.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2022.

**AMENDMENT FOR ORDER 256-21/22
PREPARED BY CORPORATION COUNSEL FOR MAYOR KATE SNYDER
RE: PAVING AND EXCAVATOR FEES**

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

1. *That Section 5-35 is hereby amended, which said section reads as follows:*

...

2. *That Sections 24-72 and 24-84 are hereby amended, which said sections read as follows:*

...

3. *That Sections 25-27 and 25-119 are hereby amended, which said sections reads as follows:*

Sec. 25-27. Fees and fines.

(a) The following fees are hereby established for the issuance of a revocable street and sidewalk occupancy permit:

...

(3) Vehicles, equipment, or construction materials, as follows:

- a. The Parking Space Permit shall be \$32.50 per day or any portion thereof;
- b. The Sidewalk Permit shall be \$27.50 per day or any portion thereof;
- c. The Single Lane Closure Permit shall be \$150.00 per day or any portion thereof; and
- d. the Street Closure Permit shall be \$300.00 per day or any portion thereof.

...

Sec. 25-119. Excavator and Paving licenses.

No person or utility shall excavate in a public place without holding a valid excavator's license and obtaining a street opening permit as provided in division 2 of this article, for such work from the city. The public works authority shall issue the excavator's license upon receipt of an application therefor and the annual license fee of six hundred dollars (~~\$600.00~~800.00), after having satisfied himself or herself of the competency and ability of the applicant to carry on the business of excavating. Persons or utilities without a previous work history with the city may be required at the discretion of the director to submit references from responsible municipal officials from other municipalities. No person or utility possessing such license shall allow his or her name to be used by any person or utility, directly or indirectly, either to obtain a permit or to do any work under this license; provided, however, that nothing herein shall be construed to prohibit a licensed excavator from doing such work through an authorized agent or employee who is directly and continuously supervised by him while in the performance thereof. A license issued to an excavator may be revoked after notice and hearing, if it is determined by the city that the licensed excavator has willfully disobeyed any portion of this article or the rules and regulations.

A paving license is required for any company paving in a public right-of-way. The public works authority shall issue the paving license upon receipt of an application therefor and the annual license fee of one hundred dollars (\$100.00).

4. That Section 28-86 is hereby amended, which said sections read as follows:

...

CITY OF PORTLAND, MAINE
PORTLAND POLICE DEPARTMENT
Memorandum

To: Danielle P. West, Interim City Manager

Date: 05/04/22

From: Health Gorham, Assistant Police Chief 

Re: FY23 Proposed Revenue Increase – Dog Impoundment Fees
Portland City Code Section 5-35(b)

The Police Department is recommending a fee increase to the Dog Impoundment fees, *Revenue Acct #100-21-200 341000*, for first, second, and third offense/+. This fee is collected by the Clerk's office on our behalf and was last increased in FY10 (CO #268-08/09).

First Offense	Current Fee:	\$20
	Proposed Fee:	\$55
Second Offense	Current Fee:	\$40
	Proposed Fee:	\$75
Third Offense / +	Current Fee:	\$55
	Proposed Fee:	\$90

FY23 REVENUE FEE SCHEDULE CHANGE

Department: Police Uniform Ops

Ordinance Fee Chapter 5-35(b)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY23 Proposed Fee</u>
100-21-200 341000	Dog Impoundment Fees:		
	1 st Offense	\$20	\$55
	2 nd Offense	\$40	\$75
	3 rd Offense / +3 rd Offense	\$55	\$90

Last Revision:
FY10: CO #268-08/09 (05/18/09)

Prepared: 05/04/22

FY23 REVENUE FEE SCHEDULE CHANGE

Department: Sewer Fund (0570)

Ordinance Chapter 24 § 72(c)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY23 Proposed Fee</u>
570-31-000 344xxx	Sewer User Fees	\$11.80 hcf	\$12.30 hcf

FY23 REVENUE FEE SCHEDULE CHANGE

Department: Stormwater Fund (571)

Ordinance Chapter 24 § 84(a)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	FY23
			<u>Proposed Fee</u>
571-31-000 344650	Stormwater Service Charges *per 1,200 sf of impervious surface area	\$7.00	\$7.50

FY23 REVENUE FEE SCHEDULE CHANGE

Ordinance Fees

Department: Public Works: Transportation Engineering & Street Openings

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
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Street Occupancy Ordinance 25-27(A/3):

(a) (3): Vehicles, equipment, or construction materials, as follows:

10031302-321000	Parking space Permit	\$30.00	\$32.50
	Sidewalk Permit	\$25.00	\$27.50
	Single Lane Closure	\$100.00	\$150.00
	Street Closure	\$250.00	\$300.00

Street Occupancy Ordinance 25-27(C/1):

(c) (1): Failure to obtain permit

10031302 351000	Failure to acquire permit	\$125.00	\$125.00
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Street Occupancy Ordinance 25-27(C/2):

(c) (2): Non Compliance

10031302 351000	Non-Compliance	\$100.00	\$100.00
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(CO #79-20/21: Eff 10/1/20)

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
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Street Opening Ordinance 25-119

Street Opening Licenses:

24731000-321020	Excavator License	\$600.00	\$800.00
	Paving License	\$100.00	\$100.00

(CO 217-17/18: Eff 7/1/18)

Street Opening Ordinance 25-133 (b)

Street Opening Winter Moratorium:

24731000-321070	Winter Moratorium	\$1,000.00	\$1,000.00
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(CO 253-15/16: Eff 7/1/16)

May 3, 2022

CITY OF PORTLAND

MEMORANDUM

TO: JENNIFER LODGE, BUDGET ANALYST
FROM: JOHN PEVERADA, PARKING MANAGER
DATE: MAY 2, 2022
RE: FY23 PARKING METER REVENUE INCREASE

Per the result of the Budget Review with the City Manager, attached is the FY23 Revenue Fee Schedule Change for the Parking Division. Listed below are the affected revenue codes and the amount of increase.

Revenue Code	Increase
<u>Parking</u>	
100-18100-364100 Garages, Lots, Meters / Parking Meters	\$316,000

Hourly rate from \$2.00 to \$2.50 per hour at all meters in the area bounded by Middle St, Pearl St., Commercial St., to Union St. and all of Commercial St.

CC Danielle West, Acting City Manager
Brendan O'Connell, Finance Director
Anne Bilodeau, Assistant Finance Director

FY23 REVENUE FEE SCHEDULE CHANGE

Department: Parking

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY23 Proposed Fee</u>
100-18100-364100	Garages, Lots, Meters / Parking Meters	\$2.00 hr.	\$2.50 hr.

Hourly rate from \$2.00 to \$2.50 per hour at all meters in the area bounded by Middle St, Pearl St., Commercial St., to Union St. and all of Commercial St.

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

The rate for parking at a meter in the city in the area in the area bounded by Middle St, Pearl St., Commercial St., to Union St. and all of Commercial St shall be Two Dollars and Fifty cents (\$2.50) per hour as follows:

- 25¢ = 06:00 (MIN:SEC) 6min for each quarter.
- 10¢ = 02:24 (MIN:SEC) First dime read 3min, second dime is 2min, then back to 3min
- 5¢ = 01:12 (MIN:SEC) First Nickel reads 2min, then next 4 nickels read 1min, then back to 2min.

ORD FEE (Chapter #28-86) Last Revision: ORD. NO. 79-20/21 (10/01/20)

Parking Admin Total Increase: \$316,000



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

To: Nancy English, Paralegal

From: Patricia Handrahan, Financial Administrator

A handwritten signature in blue ink, appearing to read "Pat", is written over the name Patricia Handrahan.

Date: June 6, 2022

Subject: Paving License fee FY23

The Department of Public Works is requesting the establishment of a paving license fee of \$100.00 for contractors who do not require an excavator license in order to pave private driveways. The fee is primarily for work performed in the right of way and the work must be compliant with the city ADA standards.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

FISCAL YEAR 2022-2023 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$333,918,946** is hereby appropriated for Fiscal Year 2023 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$132,070,967** is hereby appropriated for Fiscal Year 2023 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2022 and not exempt from taxation, to the aggregate amount of \$96,586,918 for municipal purposes and \$102,851,071 for school purposes for a total tax levy of \$199,437,989 for Fiscal Year 2023, in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due 30 days after the City's Tax Commitment 2022, and payable in two equal installments, the first due 30 days after the City's Tax Commitment 2022, and the second installment due on the 17th day of March, 2023. The delinquency rate of interest shall be four percent (4%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be zero percent (0%) per annum.

AMENDMENT FOR ORDER 257-21/22
PREPARED BY CORPORATION COUNSEL FOR MAYOR KATE SNYDER
RE: SCHOOL BUDGET TOTAL

RESOLVED, that the sum of **\$333,918,946** is hereby appropriated for Fiscal Year 2023 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of ~~\$132,070,967~~133,070,967 is hereby appropriated for Fiscal Year 2023 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2022 and not exempt from taxation, to the aggregate amount of \$96,586,918 for municipal purposes and ~~\$102,851,071~~103,851,071 for school purposes for a total tax levy of ~~\$199,437,989~~200,437,989 for Fiscal Year 2023, in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due 30 days after the City's Tax Commitment 2022, and payable in two equal installments, the first due 30 days after the City's Tax Commitment 2022, and the second installment due on the 17th day of March, 2023. The delinquency rate of interest shall be four percent (4%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be zero percent (0%) per annum.

AMENDMENT 2 FOR ORDER 257-21/22
PREPARED BY CORPORATION COUNSEL FOR MAYOR KATE SNYDER
RE: FINANCE COMMITTEE RECOMMENDATION

RESOLVED, that the sum of ~~\$333,918,946~~**\$333,989,138** is hereby appropriated for Fiscal Year 2023 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$132,070,967** is hereby appropriated for Fiscal Year 2023 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2022 and not exempt from taxation, to the aggregate amount of \$96,586,918 for municipal purposes and \$102,851,071 for school purposes for a total tax levy of \$199,437,989 for Fiscal Year 2023, in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due 30 days after the City's Tax Commitment 2022, and payable in two equal installments, the first due 30 days after the City's Tax Commitment 2022, and the second installment due on the 17th day of March, 2023. The delinquency rate of interest shall be four percent (4%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be zero percent (0%) per annum.

City of Portland, Maine

City Manager's Recommended Budget



FY23 Budget

July 1, 2022 – June 30, 2023

City of Portland | Executive Department

Danielle P. West, *Interim City Manager*



To: Mayor and Members of the Portland City Council

CC: City of Portland Staff

From: Danielle P. West, Interim City Manager

Date: April 25, 2022

Re: City Manager's FY23 Recommended Budget

Pursuant to Article VI, Section 5(e) and Article VII, Sections 5 and 6 of the City of Portland Charter, I am hereby submitting the City Manager's Recommended \$333.9 million FY23 Municipal Operating Budget. It's a pleasure to serve as Interim City Manager during this time of transition, and I thank you for the trust you have placed in me. I'm humbled and honored to lead our dedicated group of public servants who work tirelessly each day to provide excellent municipal services to and for the City of Portland and its residents. I'd also like to thank you for your patience and understanding following my [communication](#) in which I expressed that it was in the City's best interest to delay the budget presentation so that we could make every effort to not propose overly increasing the property tax rate or making significant cuts to core municipal services.

The last several years have tested us all in many ways, and while we have learned to operate differently and seen many, although not all, of our revenue streams come back to their pre-pandemic levels, there are new challenges that we face. One such budget challenge that has presented itself as a big obstacle this year is something to which no one is immune. The unexpected 7% rise in inflation during 2021 is affecting all of our departmental budgets in one way or another through higher costs for goods and services, fuel, and labor.

The second, and larger, budget challenge we face is quite unique to Portland, though it has regional and statewide implications. The State of Maine and the City of Portland continue to attract record numbers of asylum seeking families from the southern U.S. border, and record numbers of circumstantially and chronically homeless individuals, seeking emergency shelter services. As I have previously stated, we are proud to be a welcoming city, take our General Assistance (GA) obligation seriously, and understand the value and benefits of having new residents in Maine, but we are in a dire situation. Our staff is stretched thin and cannot adequately provide the required resources to the hundreds of new arrivals, our shelters are beyond their capacity, and it is increasingly harder to find enough hotels to provide overflow. On top of this, the cost of providing the overflow hotel rooms is unsustainable. At the time of writing this letter to you, we are providing shelter to 1,602 people each night in six communities to meet the need that stretches beyond our two City-operated shelters.

It is currently projected that the annualized cost of providing overflow hotel rooms just to those who have already presented at Portland's GA office will now exceed \$45M, more than doubling the City's HHS budget in just a single year. Of course, this figure does not account for future arrivals, and the City has been seeing nearly 100 individuals arriving per week during the last month so the cost could continue to rise significantly in the coming months. The increase in the City's HHS budget for FY23 represents nearly 80% of the City's total FY22 to FY23 budget increase.

Under the State's GA law, the State of Maine currently reimburses all municipalities for 70% of the GA costs described above, and the municipality is required to cover the remaining 30%. Thankfully,

as a result of the pandemic, the City will also receive FEMA reimbursement for its 30% share in FY22. Those FEMA funds, however, will no longer be available as of June 20, 2022.

In an effort to not have to increase the property tax rate or make significant cuts to City services, the Mayor, myself, and other members of City staff have been working diligently with our State and Federal delegations, as well as the Governor's Office, to find solutions and alternative sources of funding for increased GA reimbursement, temporary housing of asylum seekers, and resettlement coordination. Due to these circumstances, the budget I'm presenting continues to dedicate a significant amount of our money and staff resources to providing social services, emergency shelter, public health, and long-term care to our neediest populations. However, I can't stress enough that we can't continue to do this alone. We will continue to need regional and state assistance as we move forward into FY23.

As you know, we drastically reduced our budget two years ago in light of the impact COVID had on our revenue streams and the impact it had on our taxpayers. Last year, you approved a measured and moderate budget; one that would minimize a tax rate increase, but also start the process of getting us back to where we were before the pandemic hit. The City had COVID related revenue losses of nearly \$28M during FY21 and the tail end of FY20. And many key revenue categories dropped by millions of dollars in FY22. We are thankful that Portland received \$46.2 million in federal American Rescue Plan Act (ARPA) funds to help cover these lost revenues and fund one-time transformational projects. We're also thankful to the Council for balancing all of our needs and approving a phased approach to using these funds, allocating the use of \$8.75 million in FY22. The FY23 budget contemplates using \$5.5 million of ARPA funds and we anticipate using \$2.75M million in FY24 to recoup remaining losses as revenues climb back. After addressing the COVID related revenue losses in City budgets, the use of remaining ARPA funds will be decided by the Council with staff recommendations made outside of the fiscal year budgeting process.

In addition to revenue losses, our GA budget increases, and inflation, we continue to face many other cost increases including in debt service costs (an approximately \$1 million increase in our pension obligation bond debt service alone), in the tax levied by Cumberland County, in our required METRO contribution, and in contractually obligated union wage increases.

While we always ask our Department Directors to take a hard look at their budgets and achieve any cost savings, there are things they need in order to provide our core municipal services. Due to many costs outside of their control, the departmental level budget requests resulted in a tax levy increase of nearly \$30M dollars. This meant that the Finance Director and I had to make some very hard decisions in order to present you with a recommended budget that contains a property tax rate increase lower than inflation.

We have worked hard to reduce existing expenses and increase revenue streams to avoid having to cut any existing full-time equivalent (FTE) staff positions. However, we did have to put off adding most new positions that Department Heads requested that were not offset by associated revenues. After cutting 65 FTEs two years ago, and then restoring 20.5 last year, we had originally hoped to continue rebuilding during FY23. With the exception of Parks & Recreation, where the year over year increase of 13 positions is notable (but also balanced and more than fully offset by additional revenues within the Department), we were unable to restore most other staff positions. Despite these realities, we have worked to address some of the Council's stated priorities including setting aside \$150,000 in funds for the creation of a Diversity, Equity and Inclusion Office, additions to staff in the Sustainability Office, among other things.

In light of all this, I'm presenting you with a recommended budget that includes a **5.5% increase in the tax rate** on the City side of the overall budget with a new city-side mill rate of \$6.56 per \$1,000 of assessed property value. It should be noted that if it weren't for the use of \$5.5 million in ARPA funds, as well as the use of debt service reserves and an increase in revenue sharing in this budget,

we'd be looking at a projected tax rate increase of approximately 17% to maintain current levels of municipal services.

Additionally, thanks to our efforts with our state and regional partners as described above, we learned today that we will be receiving a portion of one-time state funding to address emergency housing of homeless individuals. As I have said, the tax rate increase included in this recommended budget is projected to be 5.5%, but this may need to be adjusted and/or additional cuts made since this one-time funding we have been allocated is significantly less than anticipated. We plan to work diligently with the Council to address this issue through the upcoming Finance Committee budget review process.

Please note that should there be any additional priorities the Council wants to address, I felt it most appropriate for those decisions to also be made by the Council during the Finance Committee budget review process.

To provide some context on changes in the City budget over the last several fiscal years, the following is a chart that outlines the City, County, and School portions of the tax levy since FY16:

FY 16 - FY23 City of Portland Tax Levy History & Breakdown							
	MUNICIPAL PORTION				SCHOOL PORTION		OVERALL
Fiscal Year	City Tax Levy	City % of Total	County Tax Levy	County % of Total	School Tax Levy	School % of Total	City of Portland Tax Levy
FY16	\$75,785,193	47.6%	\$5,240,009	3.3%	\$78,073,211	49.1%	\$159,098,413
FY17	78,445,570	47.8%	5,417,119	3.3%	80,331,376	48.9%	164,194,065
FY18	80,187,454	47.5%	5,907,743	3.5%	82,787,921	49.0%	168,883,118
FY19	83,323,749	46.9%	6,288,845	3.5%	88,003,431	49.5%	177,616,025
FY20	86,173,337	46.3%	6,640,316	3.6%	93,345,139	50.1%	186,158,792
FY21	86,743,535	46.1%	7,011,159	3.7%	94,338,744	50.2%	188,093,438
FY22	83,867,622	44.1%	7,147,309	3.8%	99,083,251	52.1%	190,098,182
FY23 Proposed	89,023,703	44.4%	7,563,215	3.8%	103,851,071	51.8%	200,437,989
The City portion of the overall tax levy has increased by \$13.2M or 17.5% since FY16 (2.03% CAGR)							
The County portion of the overall tax rate has increased by \$2.3M or 44.3% since FY16 (4.69% CAGR)							
The School portion of the overall tax rate has increased by \$25.8M or 33.0% since FY16 (3.63% CAGR)							

CAGR = Compound Annual Growth Rate

FY22 RECAP

FY22 had us operating within the new confines of the COVID-19 pandemic. There were times in which we reverted back to emergency response mode as new variants and spikes ebbed and flowed. I am so proud of the way in which our staff managed the pandemic and how they never failed to respond to the needs of our community. While our outlook now remains hopeful, I'm cognizant of the toll the pandemic and the current labor market has had on our workforce. They have had to do more with less given budget constraints, but also due to major staff vacancies in many of our front-line service departments. During this last year we've averaged roughly 200 vacancies at any given time. We've also had several vacancies in our department leadership positions, which means many people have been doing multiple jobs at any one given time.

While we are happy to be back together in-person, I'm proud of the lessons we learned over the last several years. In many ways, we've incorporated these lessons into our workflows to provide enhanced customer service. For example, the ability to make an appointment to register your car means that you no longer have to wait in long lines, and the ability to participate in public meetings remotely means you can more easily interact with elected and appointed officials, and staff. It's exciting to see this increase in community engagement as our work is improved when we hear more

feedback from our constituents.

Our Health & Human Services Department moved into its new location at 39 Forest Avenue, allowing all administrative and program staff to be housed in one location. This has greatly improved their work, but also their camaraderie as colleagues. As the social services center of the state, our commitment to providing key health and human services became even more necessary as people continued to feel the effects of the pandemic. Our emergency shelter services expanded as need increased, operating a second 24-hour shelter facility. The second facility became a contracted hotel with 149 individual rooms. This created appropriate social distancing allowing those who needed emergency shelter to safely access it during the pandemic. Additionally, individuals were provided non-congregate shelter options through emergency general assistance. The housing teams at both Oxford Street and Family Shelters did a tremendous job overcoming housing challenges due to the pandemic. Our staff worked extremely hard to find permanent housing solutions for our most vulnerable neighbors, as well as working with area landlords to keep formerly homeless individuals housed. The Oxford Street Shelter placed a total of 102 clients, 30 of whom were long-term stayers into permanent housing. The 102 housing placements represent 27,228 bed nights or 75 years. The 30 long term stayer placements represented 17,421 of those bed nights or 64%. The Family Shelter served 106 families, and housed 102 families totaling 352 individuals.

Additionally, this past year, the Public Health Division continued to respond to the COVID-19 pandemic by organizing City and community vaccination clinics and prevention efforts. To date, 634 COVID-19 vaccinations have been administered from the Public Health Division. The Division and all of its services moved from three locations to 39 Forest Avenue in November, 2021. The clinics at 39 Forest Avenue have continued to provide STD, primary care, and harm reduction services to Portland's underserved communities. Harm reduction services were also expanded to include the distribution of fentanyl test strips in March, 2022. Since distribution began, staff have distributed over 150 kits (three test strips/kit).

I'm pleased to report that we broke ground on the new Homeless Services Center at 654 Riverside Street on March 29. In 12 months from now, this modern emergency shelter facility will replace the inadequate shelter on Oxford Street with on-site access to food, health care, housing counseling, and all other related wrap-around services in order to provide a more humane experience for those who are in need of these critical and basic services. We'll soon be creating an advisory group consisting of representatives from the neighborhood association, neighborhood residents, area businesses, Portland Police, Homeless Services Center staff, Homeless Services Center clients, the District Attorney's office, Portland Trails, and the District 5 City Councilor to ensure our commitment to being a good neighbor.

In our Planning & Urban Development Department, 2021 included a significant amount of both development review and long range planning activity. For approval of new housing, it was a record year, with 925 dwelling units approved (not including single and two family homes), far exceeding the also high numbers of dwelling units approved in recent years. Ninety-five of those were dedicated low income housing units, 100 were Inclusionary Zoning units, and a combined \$1,115,880 in Jill C. Duson Housing Trust contributions as a result of Inclusionary Zoning and Hotel Inclusionary approvals. Though small and medium sized projects contributed to the overall housing approved in Portland in 2021, several large initiatives contributed to the higher than average numbers, including at 52 Hanover Street (171 dwelling units), 200 Federal Street (263 dwelling units), and the former Mercy Hospital site (170 dwelling units). Other notable projects shepherded through the planning process in 2021 include USM campus expansion plans; the new Homeless Services Center; the multi-phase former Mercy Hospital site; and zoning amendments that extended the B-3 zone to encompass portions of Winter and State Streets, as well as rezoning of the Douglass and Lambert Street properties, to facilitate greater housing development and use flexibility.

Planning & Urban Development has also made significant progress on its long-range planning and policy initiatives. Some highlights include, in the transportation realm, beginning work on a citywide Bikeshare program in preparation for a 2022 launch, new and better bike lane outreach and planning, and neighborhood byway implementation through our Better Bikeways Initiative. Public space initiatives include work on Congress Square redesign and Portland Harbor Common, as well as trail and pathway projects. Planning's Public art achievements in 2021 include finalization of the installation of the Deering Street Roundabout, integrating a public art initiative into the final design for Congress Square, and coordination of the Bramhall Square art selection committee, among others. The RFP for the Historic Preservation Impact Study was issued and a consultant team selected. Finally, ReCode Portland Phase II is underway, and focused on substantive policy changes to further the code's alignment with Portland's Plan 2030's goals around equity and sustainability, with particular attention to zoning standards, environmental standards, housing policies, and complete neighborhoods. The City has contracted with consulting firm Camiros to assist with this work, and staff continues to be intricately involved in the project, including in public outreach, an explanatory video, public forums, analysis, and survey creation.

Our small business community, which is the backbone of Portland's economy and contributes so much to its authenticity and character, has faced and continues to face challenges from the pandemic. In response, the Housing and Economic Development Department (HEDD) provided over 360 Portland businesses and nonprofits with free PPE, funded through the Maine Cares Act. Through COVID Community Development Block Grant (CDBG) funding, the Department provided Winter Business Sustainability Grants of up to \$9,000 each to 11 restaurants, and Microenterprise Grants of up to \$5,000 to 75 small businesses. In addition, the Portland Development Corporation (PDC) set aside City loan funds for pandemic-impacted small businesses through its Rapid Response Micro Loans, providing 15 loans of up to \$10,000, with \$5,000 forgivable if the business retained or hired back at least 50% of its pre-COVID employees/jobs. During the worst of the pandemic, the PDC deferred loan payments for 24 businesses with City loans for up to three-to-five months. More recently, the Business Assistance Program for Job Creation has granted \$10,000 and \$20,000 grants to 18 small businesses for the creation of full-time jobs for low/moderate income individuals. As a result, the funding has already caused the creation of 19 full-time jobs with 12 more jobs to come. The new ARPA funded Microenterprise Program has generated 32 applications within two weeks of launch. Grants of up to \$7,500 will be awarded between April and June.

HEDD also administers the Brownfields Program, assisting with the assessment and cleanup of environmentally contaminated properties for redevelopment. The City's Brownfields Assessment Fund has received \$450,000 from the Environmental Protection Agency (EPA) to fund Phase I and Phase II Environmental Site Assessments. To date, 15 properties have been assessed, including Northern Wye/County Way, 337 Cumberland Avenue, 21 Randall Street, 165 Lambert Street, 12A Portland Fish Pier, MDOT Park & Ride Lot on Marginal Way, 204 Rand Road, 91 and 43 Douglas Street, 58 Fore Street and others. Using cleanup funds granted to the City from EPA, Portland's Brownfields Revolving Loan Fund has awarded over \$2.4 million in loans and grants to 10 projects with three more pending. Some of these projects include Children's Odyssey (at the former Reed School), various projects on Thompson's Point including the Children's Museum and Theater of Maine, three Portland Housing Authority projects (Boyd Street, and Front Street Phases I and II) and the Chestnut Street Lofts. Staff just submitted a grant application to EPA for an additional \$3 million to recapitalize the City Brownfields Revolving Loan Fund.

Our Permitting and Inspections Department has not seen a slow down due to the pandemic, in fact their workload increased, most notably due to an increase in outdoor dining as well as the passage of three Citizens Initiative Referendum questions during the November 2020 election. More specifically, the implementation of the Green New Deal, Rent Control ordinance, and the new rules and regulations related to marijuana retail establishments have significantly increased staff work.

This increase in work, required staff training, and staff shortages due to a tight labor market, have made it a very challenging year for the department.

In FY21, staff processed 2,239 building permits, 1,239 electrical permits and 392 plumbing permits. This amounts to more than we had for totals in FY18, FY19, and FY20. During the current fiscal year, we are continuing on that same trend for permit numbers. This division has also seen the adoption of a new Mechanical Code, new Electrical Code and the new Energy Code. The City's four Building Inspectors performed 5,449 inspections in FY21. So far in FY22, they have executed 3,937 inspections. Zoning has also had an increase in permit reviews due to the sheer number of permit applications. In FY21, they reviewed 950 permits and so far in FY22 they have reviewed 511 permits. The Business Licensing division implemented the Temporary Outdoor Dining Program, which lasted for two years. This helped our small businesses survive when inside dining was prohibited, social distancing, and occupancy limits were in place. In FY21, staff issued 1,507 business licenses and performed 705 Health Inspections. So far in FY22, 851 business license applications have been received. The city currently has 26 licensed marijuana retail stores and 16 stores are in the application process. The City also licenses marijuana manufacturing, cultivation, testing and small scale caregivers.

In our Housing Safety Office, the division was required to collect data on more than 20,000 units, to create and staff a Rent Board, to investigate illegal rent increases and to educate the public on the newly voter-approved ordinance. This work is in addition to the safety inspections we conduct of rental units in Portland. The City's four inspectors are both Certified Code Enforcement and Certified Fire Inspectors. They handle Long-Term, Short-Term, Complaints, and now Rent Inspections. In FY21, the Inspectors performed 2,350 inspections. The office issued 4,270 Long-Term licenses and 648 Short-Term licenses in FY21. So far in FY22, they have executed 2,056 inspections and issued 2,207 Long-Term and 556 Short-Term Registrations.

The Portland International Jetport continued its record for customer service in 2021, winning Best Airport in North America in the 2-5 million passenger category for the fifth consecutive year. The Jetport also saw significant improvement in passenger volumes despite the pandemic's ongoing negative impacts on air travel nationwide. The Jetport was down 21.6% in passenger boardings in 2021 compared to pre-pandemic 2019 levels, outperforming the nation which remained down 27.3%. This was thanks to Maine's strong leisure tourism throughout the summer season in 2021. Although passenger recovery was strong in 2021, pandemic related reductions remain and are keeping operating revenues below 2019 levels. Operating revenues are projected to be 10% below FY19 in FY22 and are budgeted at 5.6% below FY19 in FY23. Thankfully, federal relief funding for airports remains available to the Jetport and positions it well for a sustained recovery, over the next two fiscal years. In line with last summer's success, the Jetport is seeing strong capacity growth for this summer with airline partners adding all-time record seat capacity out of Portland for June, July, and August 2022. This is a good indicator of the strength of Portland and Maine's tourism economy and the market's resiliency in overcoming the pandemic.

We also remain committed to our sustainability goals outlined in our Climate Action Plan. Our Sustainability team recently announced that its free composting program will expand in early June, nearly doubling the number of drop-off locations citywide. This program began as a pilot in April 2021, with locations in the West End (Clark Street Garden), Libbytown (Libbytown Community Garden), Riverside Recycling, and Bayside (Boyd Street Community Garden). In its first year, the program successfully removed approximately seven tons of food waste from the general waste stream every month. Public feedback on this new program has been overwhelmingly positive, as measured in a recent survey conducted by the Sustainability Office. As part of the program expansion, new sites will be located at the Payson Park Garden, Riverton Community Garden, and Brentwood Farms Community Garden, in Deering. Additionally, we recently released an RFP seeking proposals from companies interested in providing competitively-priced composting services to Portland residents in exchange for promotional support.

The Sustainability team continues to work on its Electrify Everything! program, which is an effort to reduce Portland's collective carbon footprint and minimize energy costs by providing residents with exclusive discounts on solar panels and home heating appliances. Installations procured through this program will begin in FY23. We also recently announced that we selected EVGo as our partner to deploy electric vehicle charging infrastructure on City-owned property. In FY23, this partnership will bring the installation of up to 44 Level-2 chargers and four DC fast chargers (serving eight parking spots).

Furthering our commitment to our environment, our Parks, Recreation & Facilities department budget allows us to plant 200 trees each year, as well as maintain our inventory of 20,000 trees, and we've implemented several urban meadow areas in which we don't mow them as often to encourage pollinators. On top of that we've honed in on utilizing native plantings and fruit orchards. Our Public Works and Planning & Urban Development departments continue their work on increasing our bicycle transportation infrastructure with safety improvements, additional paved lanes, and new pathways in the works.

FY23 BUDGET GOALS & REALITIES

Given the fact that we're not over the full effects of the pandemic yet, and are again faced with several major cost increases that I described above, I asked every Department Head to prepare their budgets conservatively. Ultimately, I had to ask many to revise their proposals, set aside certain requests, make reductions, or suggest fee increases to help balance the budget. I'm proud of the work they did to prioritize our needs given our current situation. In spite of these efforts, for the reasons stated above, it was almost impossible for Departments to come in without any increases over last year. While the two major budget challenges we face are very serious, it is also important for me to balance the needs of our workforce. As a result, this budget does include funding for some retention strategies given the extremely tight labor market and the significant number of vacancies we have had. The pandemic has certainly exacerbated the challenges that local governments face with recruitment and retention, and that is why I'm including a cost of living adjustment (COLA) for non-union personnel, the agreed upon COLA's and other increases for union personnel per City Council approved collective bargaining agreements, and capping City health insurance premium increases at 2%.

Portland prides itself on having the most diverse revenue base in Northern New England with 58% of our FY22 general fund revenue coming from non-property tax sources (charges for services, licenses and permits, intergovernmental revenue and more). As was stated before, balancing the budget with a 5.5% increase this year is only due to the use of those diverse revenue funds, ARPA funds, and debt service reserves, as well as an increase in state revenue sharing funds. Otherwise, we'd be facing a much higher tax rate increase or a reduction in the level of municipal services we would be able to provide.

DEPARTMENT HIGHLIGHTS

Health & Human Services

Public Health: Our Public Health Department budget has increased by over half a million dollars, a 22.1% increase from FY23. We continue to aggressively pursue alternative funding opportunities, including grants, for areas of public health need in Portland.

Barron Center: The Barron Center has had challenges maintaining a higher census count due to the ongoing pandemic and staffing shortages at nursing homes and hospitals nationwide. Despite these challenges, the City is increasing investment at the Barron Center to an all-time high. Part of this investment includes the use of \$4.1M from the State of Maine to be used only by the Barron Center

on or before December 30, 2022. More than \$2.7M has already been distributed, and the remaining \$1.3M will be used in the coming months to provide additional monies to staff.

Public Works: The Public Works Department has had an extremely challenging time with managing the number of vacancies they have due to the labor market and the low salary ranges we offer for various positions. This budget includes a 12.3% increase as the City struggles to keep pace with the market for skilled labor positions, rising fuel prices, and other inflationary pressures.

Because of the nearly \$400,000 increase in providing solid waste and recycling services, the City will be implementing a 50 cent increase in the Pay-As-You-Throw bag fees, which will bring in an estimated \$275,000 in revenue to help offset these increases.

Housing & Economic Development: The Housing & Economic Development Department includes one new FTE to assist with implementation of all of the new programs the City is administering with our \$46.2 American Rescue Plan Act Funding and assist with existing work. The budget also includes continued additional investment in Creative Portland and the Office of Economic Opportunity.

Parks, Recreation & Facilities: This budget includes a \$1.5M or 16.4% revenue increase due to the rebounding of recreation programming and public assembly events. The budget also includes increasing the number of Before-and-After-School program participants given high demand. The increase seen in this budget, including the corresponding increase in benefits, is fully covered by the \$1.75M increase in additional revenue generated.

Planning & Urban Development: This budget includes a \$27,000 decrease in FY23 as \$130,000 in FY22 one time expenses related to the recode and historic district study were not needed for FY23.

Police: This budget includes a 4.7% increase in funding to maintain existing service levels.

Fire: The Fire Department budget includes a nearly \$1M increase in funding. Although overtime was at all-time highs in FY22, the City will be focusing on more careful management of overtime levels in FY23. The Department is also adding two FTEs related to required additional service levels at the Portland International Jetport due to the increasing size of arriving/departing aircraft.

Parking: This budget includes a 3.6% increase and will maintain existing service levels. Parking revenues are expected to rise by \$1.8M in FY23 and have bounced back faster than anticipated. The budget includes a 50 cent increase in parking meter rates in the old port/commercial street area which is expected to generate \$316,000 in additional revenue.

Permitting & Inspections: This budget includes a 13.1% increase and addresses a City Council priority by adding a new Code Enforcement Officer to assist with the increase in workload within the office.

City Council: The Council's budget includes no significant increase. An anticipated fee for a new City Manager search firm is offset by a reduction in anticipated Charter Commission expenses in FY23.

City Clerk: This budget includes a 7.9% increase and a slight hours increase for our election assistants to ensure adequate cross training and coverage during elections.

Corporation Counsel: A reorganization of positions has led to an increase in Corporation Counsel's budget. This is necessary in order to address the high volume of work that this department has been faced with over the past several years. This will also allow them to be able to identify areas of improvement around enforcement, policies and practices, and reduce costs city-wide over time.

Executive Office: The budget includes a \$146,934 increase from FY22. Investments include increasing our half-time Sustainability Associate to a full-time position and funding for a Resilience Corps fellow through GPCOG, who will assist the Sustainability Director and Associate on fulfilling the objectives in our Climate Action Plan. The budget also includes additional sustainability/energy management funding through Engie's Total Energy & Sustainability Service.

POSITIVE BUDGET DRIVERS

Excise Tax: Excise taxes are still a significant source of revenue for the city's transportation needs. Despite rising interest rates and car prices we are projecting excise taxes to remain flat at \$10.5M for FY23.

Parking: As noted previously Parking Department revenues are increasing significantly and have already exceeded pre-pandemic levels with nearly \$10M expected to be received in FY23. This represents more than a \$1.8M increase from FY22.

Property Valuation: Property valuation is estimated to grow by \$100 million in the current year due to newly permitted and on-going construction projects and continues our upward trajectory in overall valuation. This \$85M of new property valuation creates an additional approximately \$656,000 in new tax revenue for municipal use. While this may seem like a significant amount, it represents only approximately a 0.7% overall increase to our FY22 valuation of approximately \$14.6 billion, and can only fund a fraction of the cost increases and budget challenges we face in FY23.

Credit Rating Upgrade: Earlier this month Standard & Poor's Global Ratings (S&P) raised its credit rating on all of Portland's general obligation debt up to 'AAA' from 'AA+'. This elevates the City of Portland rating to the highest available measure of creditworthiness from S&P. The highly coveted 'AAA' rating significantly reduces debt service costs on bonds issued with the rating in place and creates additional demand for City of Portland municipal bonds. The rating increase is due to continued growth in the local economy, very strong financial management and financial policies, and very well managed debt metrics. The upgrade marks the second rating increase from the S&P in the last five years. The reduction in debt service costs due to the upgrade will be significant within the City budget. An AAA rating typically reduces total interest costs on a debt issue by an estimated 10 to 15 basis points when compared to similar costs on an AA+ rated bond (savings of \$10,000 to \$15,000 per million of debt issued). The City's \$51.93M municipal bond sale last week realized an estimated savings of \$520,000 to \$780,000 due to the upgrade.

State Revenue Sharing: State revenue sharing revenue continues to increase and the State is expected to fully fund the City of Portland in FY23 at statutorily required levels. This is expected to result in an increase in excess of \$2M in funding from FY22 to FY23.

ARPA Funding: ARPA continues to be a positive budget driver for the City which will help us sustain municipal services in FY23. Five and a half million dollars in ARPA revenues are being infused into the FY23 budget under the revenue replacement category.

ADDITIONAL BUDGET CHALLENGES

In addition to the items I mentioned above regarding inflation and rising GA costs, the items outlined below are additional budget challenges we need to consider in this budget process.

Health Insurance: After a couple of years without any health insurance premium increases for employees, we are faced with having to pass on an increase to staff this year. Given I mentioned above that I'm concerned about retention of staff, I am proposing to only pass along a 2% increase in FY23.

Debt Service: Our debt service is up roughly \$4.2M overall. This includes an approximately \$1.1 million increase in debt service related to our 2001 pension obligation bonds and similarly sized increases are looming in FY24, FY25 and FY26. During last year's budget review the Finance Director presented a plan to offset these increases using savings from renegotiation of pension obligation bond ancillary costs and provide \$10M+ in property tax relief

METRO: The FY23 budget includes a 3.9% increase in our METRO contribution or an additional \$117,642, an approximately 1 cent increase to the City portion of the tax rate.

Portland Public Library: The Portland Public Library has requested a 7.7% increase in FY23 funding or \$306,575, an approximately 2 cent increase to the City portion of the tax rate.

County Tax: The FY23 budget includes a 5.8% or \$415,906 increase in Cumberland County tax assessment pushing it to more than \$7.5 million. This represents just under a 3 cent increase to the tax rate.

BALANCING THE BUDGET

At this time, the growth of non-tax revenues and property valuation results in a City side tax rate increase for municipal services of 5.5%. This means the city-side mill rate is \$6.56 per \$1,000 of assessed property value. The impact on an average homeowner with a property valued at \$350,000 would be \$119.

CONCLUSION

I would like to thank the Finance Department staff, Human Resources Director Anne Torregrossa, and Communications Director Jessica Grondin for their assistance in developing this budget recommendation and presentation, as well as the hard work and diligence of Department Heads and their staff in developing budget requests.

I'd also like to thank all City employees for the work they've done in helping us accomplish the many things we've achieved over the last several years, as well as the regular municipal services they provide each and every day. And I'd like to express my sincere gratitude for the way in which staff has continued to perform top-notch public service during the pandemic. It has been a long and ever-changing year in which we've faced many obstacles, and I'm proud of how we all worked together to keep our community strong.

Finally, I'd like to thank the City Council for advising us on your priorities and working collaboratively with staff over the last year. We look forward to reviewing this proposed budget with the Finance Committee and the full Council.

Sincerely,

Danielle P. West
Interim City Manager

**CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2023**

July 1, 2021 - June 30, 2022

July 1, 2022 - June 30, 2023

City Manager's Recommendation

	FY22	FY23 Dept Submission	FY23 City Mgr's Recomm.	FY23-CM / FY22 \$	%
CITY GENERAL FUND REVENUES					
31 Property Taxes	\$91,014,931	\$118,399,284	\$96,586,918	\$5,571,987	6.1%
31 Other Local Taxes	6,087,977	6,078,477	6,078,477	(9,500)	-0.2%
32 Licenses & Permits	6,751,336	6,827,450	7,079,950	328,614	4.9%
33 Intergovernmental Revenue	25,406,110	43,785,065	64,392,196	38,986,086	153.5%
34 Charges for Services	35,487,998	37,889,528	38,696,672	3,208,674	9.0%
35 Fines, Forfeits and Penalties	1,761,050	1,966,254	1,966,254	205,204	11.7%
36 Use of Money and Property	8,870,217	10,473,544	10,812,044	1,941,827	21.9%
39 Other Sources	36,777,265	42,175,255	43,163,239	6,385,974	17.4%
Fund Balance Use (Restoration)		-	-	-	-
Total General Fund Revenues	<u>\$212,156,884</u>	<u>\$267,594,857</u>	<u>\$268,775,750</u>	<u>\$56,618,866</u>	<u>26.7%</u>
GENERAL FUND EXPENDITURES					
100-11 City Council	\$424,240	\$431,699	\$426,699	\$2,459	0.6%
100-12 City Clerk	632,235	711,947	681,447	49,212	7.8%
100-13 Executive	830,736	971,806	977,670	146,934	17.7%
100-14 Assessor	446,739	483,268	478,268	31,529	7.1%
100-15 Finance Administration	1,204,259	1,403,340	1,320,399	116,140	9.6%
Treasury	688,701	731,669	731,669	42,968	6.2%
Total Finance	<u>1,892,960</u>	<u>2,135,009</u>	<u>2,052,068</u>	<u>159,108</u>	<u>8.4%</u>
100-16 Legal	845,052	1,020,689	1,050,737	205,685	24.3%
100-17 Human Resources Admin	1,157,467	1,381,920	1,261,163	103,696	9.0%
100-18 Parking	1,465,907	1,534,970	1,534,970	69,063	4.7%
Elm Street Garage	301,367	304,572	304,572	3,205	1.1%
Spring Street Garage	493,474	516,845	516,845	23,371	4.7%
Temple Street Garage	127,000	117,800	117,800	(9,200)	-7.2%
Total Parking/Garages	<u>2,387,748</u>	<u>2,474,187</u>	<u>2,474,187</u>	<u>86,439</u>	<u>3.6%</u>
100-19 Economic Development Admin	710,695	1,042,011	883,824	173,129	24.4%
Portland Development Corp	28,522	28,522	28,522	0	0.0%
Housing & Community Dev.	538,174	574,738	574,738	36,564	6.8%
Total Housing & Economic Dev.	<u>1,277,391</u>	<u>1,645,271</u>	<u>1,487,084</u>	<u>209,693</u>	<u>16.4%</u>
100-21 Police Administration	1,302,585	1,449,845	1,329,925	27,340	2.1%
Uniformed Operations Group	10,417,102	11,007,773	10,837,455	420,353	4.0%
Bureau Investigative Services	1,872,765	2,119,522	2,047,944	175,179	9.4%
Operations Support Services	893,343	954,425	966,425	73,082	8.2%
Dispatch Services	0	-	0	0	#DIV/0!
Jetport Security	564,068	580,738	580,738	16,670	3.0%
Total Police	<u>15,049,863</u>	<u>16,112,303</u>	<u>15,762,487</u>	<u>712,624</u>	<u>4.7%</u>

**CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2023**

July 1, 2021 - June 30, 2022

July 1, 2022 - June 30, 2023

City Manager's Recommendation

	FY22	FY23 Dept Submission	FY23 City Mgr's Recomm.	FY23-CM / FY22 \$	%
100-22 Fire Administration	647,798	769,636	769,636	121,838	18.8%
Code Enforcement & Comm Svcs	177,995	326,899	326,899	148,904	83.7%
Field Operations	15,352,104	16,201,547	15,878,547	526,443	3.4%
Operations Support Services	896,043	943,101	935,001	38,958	4.3%
Air Rescue	1,107,200	1,263,589	1,263,589	156,389	14.1%
Total Fire	18,181,140	19,504,772	19,173,672	992,532	5.5%
100-23 Dispatch Services	2,417,816.00	2,768,809	2,418,809	993	0.0%
100-24 Planning & Urban Dev. Admin	229,214	255,084	255,084	25,870	11.3%
Planning	1,369,054	1,402,283	1,316,183	(52,871)	-3.9%
Housing & Community Development	-	-	-	-	#DIV/0!
Total Planning & Urban Dev.	1,598,268	1,657,367	1,571,267	(27,001)	-1.7%
100-25 Permitting & Inspections Admin	179,556	193,366	193,366	13,810	7.7%
Inspections	1,078,915	1,254,238	1,254,118	175,203	16.2%
Housing Safety	591,019	711,794	653,111	62,092	10.5%
Business Licensing	322,894	415,683	356,150	33,256	10.3%
Total Permitting & Licensing	2,172,384	2,575,081	2,456,745	284,361	13.1%
100-29 Information Technology	2,858,804	2,947,269	2,892,962	34,158	1.2%
100-31 Public Works Administration	705,111	787,173	787,173	82,062	11.6%
Streets	1,773,724	1,906,294	1,906,294	132,570	7.5%
Solid Waste	2,413,927	2,807,094	2,807,094	393,167	16.3%
Communications	193,926	199,907	199,907	5,981	3.1%
Portland Downtown District	414,126	411,055	411,055	(3,071)	-0.7%
Winter Operations	1,383,835	1,504,853	1,504,853	121,018	8.7%
Island Services	757,211	823,097	823,097	65,886	8.7%
Traffic & Transportation Ops	1,547,308	1,667,028	1,667,028	119,720	7.7%
Transportation Engineering	441,885	484,194	484,194	42,309	9.6%
Engineering	1,268,444	1,346,075	1,346,075	77,631	6.1%
Fleet Services	3,552,126	4,264,833	4,376,633	824,507	23.2%
Total Public Works	14,451,623	16,201,603	16,313,403	1,861,780	12.9%
100-33 Parks & Recreation Admin	418,208	519,940	514,589	96,381	23.0%
Parks	819,594	1,057,088	1,057,088	237,494	29.0%
Forestry	771,079	882,017	834,291	63,212	8.2%
Athletic Facilities	919,875	942,489	942,489	22,614	2.5%
Cemeteries	823,303	805,723	785,723	(37,580)	-4.6%
Recreation	1,510,842	1,809,159	1,809,159	298,317	19.7%
Aquatics	542,260	536,670	536,670	(5,590)	-1.0%
Golf Course	1,008,813	1,102,600	1,050,902	42,089	4.2%
Golf Course Restaurant	19,660	29,660	29,660	10,000	50.9%
Ice Arena	522,891	531,153	531,153	8,262	1.6%
Public Assembly Facilities	472,515	924,265	924,265	451,750	95.6%
Concessions	389,405	532,466	532,466	143,061	36.7%
Custodial Services	878,807	1,003,164	1,003,164	124,357	14.2%
Merrill Auditorium	93,732	147,514	147,514	53,782	57.4%
Total Parks Rec & Facilities	9,190,984	10,823,908	10,699,133	1,508,149	16.4%

CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2023

July 1, 2021 - June 30, 2022

July 1, 2022 - June 30, 2023

City Manager's Recommendation

		FY23 Dept	FY23 City Mgr's	FY23-CM /	
		FY22	Submission	Recomm.	FY22 \$ %
100-35	Public Bldgs & Waterfront Admin	412,961	458,517	458,517	45,556 11.0%
	Trades	622,623	617,991	617,991	(4,632) -0.7%
	School HVAC	558,036	618,574	618,574	60,538 10.8%
	Public Safety Bldg.	299,905	317,100	317,100	17,195 5.7%
	City Hall	649,284	778,587	778,587	129,303 19.9%
	Merrill Auditorium (PB)	673,655	207,455	207,455	(466,200) -69.2%
	Hadlock Stadium	267,845	299,395	299,395	31,550 11.8%
	Expo Building	207,020	207,870	207,870	850 0.4%
	Canco Road Buildings	418,400	407,130	407,130	(11,270) -2.7%
	Other Public Buildings	272,614	321,627	321,627	49,013 18.0%
	Waterfront	1,135,799	1,504,009	1,504,009	368,210 32.4%
	Total Public Bldgs & Waterfront	5,518,142	5,738,255	5,738,255	220,113 4.0%
100-44	HHS - Administration	338,515	508,407	508,407	169,892 50.2%
	Public Health	2,356,743	2,877,587	2,877,587	520,844 22.1%
	Social Services	16,714,830	57,000,745	60,000,745	43,285,915 259.0%
	Barron Center	16,537,167	17,076,665	17,076,665	539,498 3.3%
	Total HHS	35,947,255	77,463,404	80,463,404	44,516,149 123.8%
100-47	Debt Service	48,355,413	52,546,994	52,546,994	4,191,581 8.7%
100-48	Public Library	4,006,394	4,312,969	4,312,969	306,575 7.7%
100-51	Pension	8,531,837	9,448,120	9,448,120	916,283 10.7%
100-52	Health Insurance	17,994,636	18,154,207	18,154,207	159,571 0.9%
	Workers' Comp	1,692,000	1,697,605	1,697,605	5,605 0.3%
	FICA	1,325,660	1,325,660	1,325,660	0 0.0%
	Group Life	230,240	230,240	230,240	0 0.0%
	Unemployment	100,000	100,000	100,000	- 0.0%
	Total Employee Benefits	21,342,536	21,507,712	21,507,712	165,176 0.8%
100-61	Contingent	250,000	350,000	350,000	100,000 40.0%
100-62	Liability Insurance	817,034	901,907	901,907	84,873 10.4%
100-65	Regional Transportation Program	78,480	67,939	67,939	(10,541) -13.4%
	Contributions	689,149	709,645	709,645	20,496 3.0%
	Total Memberships/Contributions	767,629	777,584	777,584	9,955 1.3%
100-67	Wage Adjustment	637,738	0	(150,000)	(787,738) -123.5%
	Total General Fund Expenditures	201,989,428	256,893,853	258,074,746	56,085,318 27.8%
100-63	County Tax	7,147,309	7,563,215	7,563,215	415,906 5.8%
100-65	Metro Assessment	3,020,147	3,137,789	3,137,789	117,642 3.9%
	Total General Fund and Assessments	\$212,156,884	\$267,594,857	\$268,775,750	\$56,618,866 26.7%

**CITY OF PORTLAND, MAINE
COMPARATIVE BUDGET PLAN FY2023**

July 1, 2021 - June 30, 2022

July 1, 2022 - June 30, 2023

City Manager's Recommendation

	FY22	FY23 Dept Submission	FY23 City Mgr's Recomm.	FY23-CM / FY22 \$	%
ENTERPRISE FUND REVENUES					
31 Property Taxes, Current Year	-	-	-	-	-
32 Licenses & Permits	\$12,600	\$8,700	\$8,700	(\$3,900)	-31.0%
33 Intergovernmental	1,951,053	5,716,660	5,716,660	3,765,607	193.0%
34 Charges for Services	36,602,681	36,602,681	38,302,827	1,700,146	4.6%
36 Use of Money and Property	19,200,733	24,484,568	24,484,568	5,283,835	27.5%
39 Other Sources	452,612	523,596	523,596	70,984	15.7%
Fund Balance	(2,160,262)	(2,221,149)	(3,893,155)	(1,732,893)	80.2%
Total Enterprise Fund Revenues	<u>\$56,059,417</u>	<u>\$65,115,056</u>	<u>\$65,143,196</u>	<u>\$9,083,779</u>	<u>16.2%</u>
ENTERPRISE FUND EXPENDITURES					
530 Fish Pier	\$421,641	\$426,809	\$427,217	\$5,576	1.3%
570 Sewer - Finance Admin	98,104	101,027	101,027	2,923	3.0%
Sewer Public Works Admin	747,715	866,856	883,910	136,195	18.2%
Sewer Operations (Districting)	2,725,639	2,981,520	2,987,120	261,481	9.6%
Sewer Communications	64,034	65,992	65,992	1,958	3.1%
Sewer Engineering	620,541	655,162	635,197	14,656	2.4%
Sewer Debt Service	8,805,095	9,234,630	9,234,630	429,535	4.9%
Sewer Fringe Benefits	1,500,808	1,509,141	1,531,681	30,873	2.1%
PWD Assessment	13,879,425	13,879,425	13,879,425	0	0.0%
Total Sewer	<u>28,441,361</u>	<u>29,293,753</u>	<u>29,318,982</u>	<u>877,621</u>	<u>3.1%</u>
571 Stormwater - Finance Admin	253,389	280,160	280,160	26,771	10.6%
Stormwater Management	1,685,091	1,854,034	1,853,709	168,618	10.0%
Debt Service	954,037	2,660,693	2,660,693	1,706,656	178.9%
Fringe Benefits	356,144	349,156	351,984	(4,160)	-1.2%
Total Stormwater	<u>3,248,661</u>	<u>5,144,043</u>	<u>5,146,546</u>	<u>1,897,885</u>	<u>58.4%</u>
583 Jetport Admin	1,094,140	1,239,982	1,239,982	145,842	13.3%
Marketing	417,390	429,390	429,390	12,000	2.9%
Fringe, Indirects & Chargebacks	4,208,328	4,619,594	4,587,702	379,374	9.0%
Field	4,235,206	4,617,834	4,617,834	382,628	9.0%
General Aviation	17,168	18,576	18,576	1,408	8.2%
Jetport Operations	2,439,490	2,773,732	2,773,732	334,242	13.7%
Terminal	6,385,111	7,619,069	7,619,069	1,233,958	19.3%
Parking	4,475,890	5,080,154	5,080,154	604,264	13.5%
Airfield Deicing	675,031	713,945	713,945	38,914	5.8%
Jetport Anticipated Surplus	-	3,138,175	3,170,067	3,170,067	#DIV/0!
Total Jetport	<u>23,947,754</u>	<u>30,250,451</u>	<u>30,250,451</u>	<u>6,302,697</u>	<u>26.3%</u>
Total Enterprise Fund Expenditures	<u>\$56,059,417</u>	<u>\$65,115,056</u>	<u>\$65,143,196</u>	<u>\$9,083,779</u>	<u>16.2%</u>
TOTAL CITY EXPENDITURES	<u>\$268,216,301</u>	<u>\$332,709,913</u>	<u>\$333,918,946</u>	<u>\$65,702,645</u>	<u>24.5%</u>

TAX RATE COMPUTATION--FY2023
City Manager's Recommendation

	General Fund	County Tax	City General Fund	Enterprise Funds	TOTAL CITY
Total Expenditures	\$261,212,535	\$7,563,215	\$268,775,750	\$65,143,196	\$333,918,946
Less: Revenues	(172,188,832)	0	(172,188,832)	(69,036,351)	(241,225,183)
Surplus	0	0	0	3,893,155	3,893,155
Tax Levy	\$89,023,703	\$7,563,215	\$96,586,918	\$0	\$96,586,918
Valuation	14,729,000,000				
Tax Rate:	-				
FY23	\$6.05	\$0.51	\$6.56	\$0.00	\$6.56
FY22	\$5.73	\$0.49	\$6.22	\$0.00	\$6.22
\$ Increase	\$0.32	\$0.02	\$0.34	\$0.00	\$0.34
% of Total Increase	5.2%	0.3%	5.5%	0.0%	5.5%

CITY OF PORTLAND, MAINE
FY2023 Non-Tax Revenue
Excludes Taxes & Surplus
City Manager's Recommendation

Department	FY21 Collected	FY22 Est (budget)	FY23 Est (budget)	FY23 Est vs FY22 Est (budget)	%
General Fund Revenues:					
City Council	\$5,500	\$5,000	\$5,000	\$0	0.0%
City Clerk	176,928	178,540	183,643	5,103	2.9%
Executive	987,507	895,724	915,794	20,070	2.2%
Assessor	883	1,000	500	(500)	-50.0%
Finance	22,929,928	20,372,904	28,763,280	8,390,376	41.2%
Legal	156,684	192,940	201,587	8,647	4.5%
Human Resources	100,211	53,692	56,388	2,696	5.0%
Parking	7,846,339	10,281,259	9,895,584	(385,675)	-3.8%
Housing & Economic Dev	1,232,690	1,277,391	1,487,084	209,693	16.4%
Police	2,544,075	2,106,238	2,350,462	244,224	11.6%
Fire	5,042,073	4,594,331	5,305,845	711,514	15.5%
Dispatch Services	-	1,116,240	1,127,544	11,304	1.0%
Planning & Development	601,190	739,313	683,322	(55,991)	-7.6%
Permitting & Inspections	5,492,551	5,112,419	5,282,589	170,170	3.3%
Information Technology	400,380	313,180	322,599	9,419	3.0%
Public Works	6,192,862	5,342,603	5,896,834	554,231	10.4%
Parks, Rec & Facilities	4,862,519	7,277,693	7,538,313	260,620	3.6%
Public Bldgs & Waterfront	1,465,887	3,595,351	2,092,379	(1,502,972)	-41.8%
HHS--Administration	11,632	-	-	-	#DIV/0!
HHS--Public Health	1,647,922	1,496,154	1,869,838	373,684	25.0%
HHS--Social Services	16,848,801	10,318,690	49,606,117	39,287,427	380.7%
HHS--Barron Center	20,344,037	22,458,574	20,852,437	(1,606,137)	-7.2%
Employee Benefits	7,014,493	7,704,810	7,046,332	(658,478)	-8.5%
Insurance	159,542	197,138	216,063	18,925	9.6%
Debt Service Reimb.	19,262,417	20,004,027	24,982,556	4,978,529	24.9%
Memberships / Other	654,516	640,265	640,265	-	0.0%
Total General Fund:	\$125,981,568	\$126,275,476	\$177,322,355	\$51,046,879	40.4%
Enterprise Funds Revenue:					
Fish Pier Authority	586,464	580,274	643,448	63,174	10.9%
Sewer	26,489,675	28,957,451	30,197,514	1,240,063	4.3%
Stormwater	6,797,771	7,417,771	7,944,938	527,167	7.1%
Jetport	25,424,383	21,264,183	30,250,451	8,986,268	42.3%
Total Enterprise Funds:	\$59,298,293	\$58,219,679	\$69,036,351	\$10,816,672	18.6%
Total City Revenue	\$185,279,862	\$184,495,155	\$246,358,706	\$61,863,551	33.5%

FY2023 CITY BUDGET SUMMARY

by category
City Manager's Recommendation

	FY22 Approp.	FY23 Proposed	\$ +/-	% +/-	% Of Total
01 Personnel--General Fund	\$84,925,475	\$91,885,290	\$6,959,815	8.2%	34.2%
--Ent Funds	7,297,822	7,866,336	568,515	7.8%	12.1%
Total	92,223,297	99,751,626	7,528,330	8.2%	29.9%
02+ Contractual--General Fund	67,969,401	112,962,381	44,992,980	66.2%	42.0%
--Ent Funds	29,660,130	31,664,589	2,004,460	6.8%	48.6%
Total	97,629,531	144,626,970	46,997,440	48.1%	43.3%
55+ Supplies--General Fund	6,171,514	6,723,586	552,072	8.9%	2.5%
--Ent Funds	1,323,351	1,286,457	(36,894)	-2.8%	2.0%
Total	7,494,865	8,010,043	515,178	6.9%	2.4%
63 Utilities--General Fund	3,715,716	3,882,434	166,718	4.5%	1.4%
--Ent Funds	1,376,332	1,535,444	159,112	11.6%	2.4%
Total	5,092,048	5,417,878	325,830	6.4%	1.6%
70 Capital--General Fund	1,019,365	775,065	(244,300)	-24.0%	0.3%
--Ent Funds	2,712,550	3,822,300	1,109,750	40.9%	5.9%
Total	3,731,915	4,597,365	865,450	23.2%	1.4%
75 Debt Svc--Total GF	48,355,413	52,546,994	4,191,581	8.7%	19.6%
--Ent Funds	9,566,838	11,702,503	2,135,665	22.3%	18.0%
Total	57,922,251	64,249,497	6,327,246	10.9%	19.2%
75 Jetport Rev Bond Debt Svc	4,122,395	4,095,500	(26,895)	-0.7%	6.3%
Jetport Surplus	0	3,170,067	3,170,067	#DIV/0!	4.9%
Total General Fund	212,156,884	268,775,750	56,618,866	26.7%	100.0%
Total Enterprise Funds	56,059,417	65,143,196	9,083,779	16.2%	100.0%
Total	\$268,216,301	\$333,918,946	\$65,702,645	24.5%	100.0%

City of Portland
Staffing FTE Change
FY23 City Manager's Recommendation

Department	FY18	FY19	FY20	FY21	FY22	FY23	+/- Chg
General Fund:							
City Council	-	-	-	-	-	-	-
City Clerk	7.8	7.9	7.9	7.9	7.9	8.6	0.7
Executive	13.0	10.5	9.5	8.5	8.5	9.5	1.0
Assessor	5.9	5.9	5.9	5.7	5.9	5.9	-
Finance	25.0	25.0	25.0	24.4	25.0	25.0	-
Legal	6.0	7.0	7.0	7.0	8.0	9.0	1.0
Human Resources	11.0	11.0	10.5	11.3	11.5	12.0	0.5
Parking	29.6	29.6	30.0	29.0	29.2	29.2	-
Housing & Economic Dev.	5.8	7.1	7.0	16.0	16.0	16.8	0.8
Police	232.3	226.3	227.0	224.0	189.0	187.0	(2.0)
Fire	229.2	226.0	226.0	224.0	224.0	226.0	2.0
Dispatch Services	-	-	-	-	36.0	35.0	(1.0)
Planning & Urban Dev.	24.0	24.0	24.0	17.0	17.0	17.0	-
Permitting & Inspections	28.0	28.0	28.5	30.8	35.0	36.0	1.0
IT	17.0	17.3	16.0	16.0	15.8	16.0	0.2
Public Works	129.0	131.0	131.5	122.1	126.5	129.0	2.5
Parks & Rec	161.5	142.0	141.7	116.4	113.7	126.7	13.0
Public Bldgs & Waterfront	-	24.5	24.5	22.0	24.0	24.4	0.4
HHS Administration	5.0	5.0	4.0	4.0	6.0	5.0	(1.0)
Public Health	25.0	27.1	28.3	32.3	31.8	38.4	6.6
Social Services	80.1	87.8	93.5	94.5	95.2	118.0	22.8
Barron Center	263.7	244.0	246.8	237.6	245.0	244.8	(0.2)
<i>Total HHS:</i>	<i>373.8</i>	<i>363.9</i>	<i>372.6</i>	<i>368.4</i>	<i>378.0</i>	<i>406.2</i>	<i>28.2</i>
General Fund Subtotal:	1,298.9	1,287.0	1,294.6	1,250.5	1,271.0	1,319.3	48.3
Enterprise Funds:							
Sewer Fund	30.0	33.0	33.0	34.0	34.0	34.0	-
Stormwater Fund	13.0	10.0	10.0	9.0	10.0	10.0	-
Jetport Fund	52.5	56.0	59.0	57.0	57.0	58.0	1.0
Enterprise Subtotal:	95.5	99.0	102.0	100.0	101.0	102.0	1.0
Total City Employees:	1,394.4	1,386.0	1,396.6	1,350.5	1,372.0	1,421.3	49.3

APRIL 2022

SUN	MON	TUE	WED	THU	FRI	SAT
					01	02
Finance Committee Meetings held remotely until further notice				Departments listed are TENTATIVE and subject to change		
03	04	05	06	07	08	09
10	11	12	13	14	15	16
	City Council Meeting 5:00			Joint City/School Finance Committee Meeting 5:00 PM Public Hearing on PPS Budget		
17	18	19	20	21	22	23
	Patriot's Day Holiday School Vacation Week	School Vacation Week	School Vacation Week	School Vacation Week	School Vacation Week	
24	25	26	27	28	29	30
	City Council Meeting 5:00 City Manager Recommended Budget Presentation			Finance Committee Meeting 5:00 PM Vote on PPS Budget City Department Budget Review: Overview, City Clerk, City Council, Assessors, Finance, IT, Debt Service		
31						

MAY 2022

SUN MON TUE WED THU FRI SAT

Finance Committee Meetings held remotely until further notice

Departments listed are TENTATIVE and subject to change

01	02 <i>City Council Meeting 5:00</i>	03	04	05 <i>Finance Committee Meeting 5:00 PM Parking, Library, Executive, Facilities & Waterfront, Public Works, Parks & Rec</i>	06	07
08	09	10	11	12 <i>Finance Committee Meeting 5:00 PM Jetport, Fire, Permitting & Inspections, Planning & Urban Development, Housing & Economic Development</i>	13	14
15 <i>City Council Meeting 5:00 City Budget 1st Read & Public Hearing</i>	16	17	18	19 <i>Finance Committee Meeting 5:00 PM Police, Dispatch, HHS, Human Resources</i>	20	21
22	23	24	25	26 <i>Finance Committee Meeting 5:00 PM Public Hearing & Vote on City Budget</i>	27	28
29	30 <i>Memorial Day Holiday</i>	31				

JUNE 2021

SUN	MON	TUE	WED	THU	FRI	SAT
Finance Committee Meetings held remotely until further notice			01	02	03	04
05	06	07	08	09	10	11
	City Council Meeting 5:00 City Budget 2nd Read, Public Hearing and Vote					
12	13	14	15	16	17	18
19	20	21	22	23	24	25
28	29	30				

City of Portland, Maine

Finance Committee's Recommended Budget



FY23 Budget

July 1, 2022 – June 30, 2023

**FY2023 BUDGET
FINANCE COMMITTEE'S RECOMMENDATION
CITY OF PORTLAND, MAINE**

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CITY OF PORTLAND, MAINE
FY2023 BUDGET SUMMARY--EXPENDITURES
Finance Committee's Recommendation

		FY22 Budget	FY23 CM Recomm.	FY23 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
GENERAL FUND EXPENDITURES							
100-11	City Council	\$ 424,240	\$ 426,699	\$ 426,699	\$ -	\$ 2,459	0.6%
100-12	City Clerk	632,235	681,447	681,447	-	49,212	7.8%
100-13	Executive	830,736	977,670	1,047,862	70,192	217,126	26.1%
100-14	Assessor	446,739	478,268	478,268	-	31,529	7.1%
100-15	Finance	1,892,960	2,052,068	2,052,068	-	159,108	8.4%
100-16	Legal	845,052	1,050,737	1,050,737	-	205,685	24.3%
100-17	Human Resources	1,157,467	1,261,163	1,261,163	-	103,696	9.0%
100-18	Parking	2,387,748	2,474,187	2,474,187	-	86,439	3.6%
100-19	Housing & Economic Development	1,277,391	1,487,084	1,487,084	-	209,693	16.4%
100-21	Police	15,049,863	15,762,487	15,762,487	-	712,624	4.7%
100-22	Fire	18,181,140	19,173,672	19,173,672	-	992,532	5.5%
100-23	Dispatch	2,417,816	2,418,809	2,418,809	-	993	0.0%
100-24	Planning & Urban Development	1,598,268	1,571,267	1,571,267	-	(27,001)	-1.7%
100-25	Permitting & Inspections	2,172,384	2,456,745	2,456,745	-	284,361	13.1%
100-29	Information Technology	2,858,804	2,892,962	2,892,962	-	34,158	1.2%
100-31	Public Works	14,451,623	16,313,403	16,313,403	-	1,861,780	12.9%
100-33	Parks, Recreation & Facilities	9,190,984	10,699,133	10,699,133	-	1,508,149	16.4%
100-35	Public Buildings & Waterfront	5,518,142	5,738,255	5,738,255	-	220,113	4.0%
100-44	HHS Administration	338,515	508,407	508,407	-	169,892	50.2%
100-44	Public Health	2,356,743	2,877,587	2,877,587	-	520,844	22.1%
100-44	Social Services	16,714,830	60,000,745	60,000,745	-	43,285,915	259.0%
107-44	Barron Center	16,537,167	17,076,665	17,076,665	-	539,498	3.3%
100-44	Health & Human Services	35,947,255	80,463,404	80,463,404	-	44,516,149	123.8%
100-47	Debt Service	48,355,413	52,546,994	52,546,994	-	4,191,581	8.7%
100-48	Library	4,006,394	4,312,969	4,312,969	-	306,575	7.7%
100-51	Pension	8,531,837	9,448,120	9,448,120	-	916,283	10.7%
100-52	Employee Benefits	21,342,536	21,507,712	21,507,712	-	165,176	0.8%
100-61	Contingent	250,000	350,000	350,000	-	100,000	40.0%
100-62	Insurance	817,034	901,907	901,907	-	84,873	10.4%
100-65	Memberships & Contributions	767,629	777,584	777,584	-	9,955	1.3%
100-67	Wage Adjustment	637,738	(150,000)	(150,000)	-	(787,738)	-123.5%
Total General Fund Expenditures		201,989,428	258,074,746	258,144,938	70,192	56,155,510	27.8%
100-63	County Tax Assessment	7,147,309	7,563,215	7,563,215	-	415,906	5.8%
100-65	Metro Assessment	3,020,147	3,137,789	3,137,789	-	117,642	3.9%
Total General Fund and Assessments		\$ 212,156,884	\$ 268,775,750	\$ 268,845,942	\$ 70,192	\$ 56,689,058	26.7%

CITY OF PORTLAND, MAINE
FY2023 BUDGET SUMMARY--EXPENDITURES
Finance Committee's Recommendation

		FY22 Budget	FY23 CM Recomm.	FY23 Fin Comm Recomm.	Changes	\$+/-	%+/-
ENTERPRISE FUND EXPENDITURES							
530-35	Fish Pier	421,641	427,217	427,217	-	5,576	1.3%
570	Sewer	28,441,361	29,318,982	29,318,982	-	877,621	3.1%
571	Stormwater	3,248,661	5,146,546	5,146,546	-	1,897,885	58.4%
583-28	Jetport	23,947,754	30,250,451	30,250,451	-	6,302,697	26.3%
Total Enterprise Fund Expenditures		\$ 56,059,417	\$ 65,143,196	\$ 65,143,196	\$ -	\$ 9,083,779	16.2%
TOTAL CITY EXPENDITURES		\$ 268,216,301	\$ 333,918,946	\$ 333,989,138	\$ 70,192	\$ 65,772,837	24.5%

		FY22 School Revised Budget	FY23 Board of Education Recomm.	FY23 City Council Recomm.	FC Changes	\$+/-	%+/-
SCHOOL DEPARTMENT EXPENDITURES							
	Public Schools	\$ 126,454,700	\$ 133,070,967	\$ 133,070,967	\$ -	\$ 6,616,267	5.2%
TOTAL CITY AND SCHOOL EXPENDITURES		\$ 394,671,001	\$ 466,989,913	\$ 467,060,105	\$ 70,192	\$ 72,389,104	18.3%

CITY OF PORTLAND, MAINE
FY2023 BUDGET SUMMARY--REVENUE
Finance Committee's Recommendation

	FY22 Budget	FY23 CM Recomm.	FY23 Fin Comm Recomm.	FC Changes	\$+/-	%+/-
CITY GENERAL FUND REVENUE						
31 Property Taxes	\$ 91,014,931	\$ 96,586,918	\$ 96,586,918	\$ -	\$ 5,571,987	6.1%
31 Other Local Taxes	6,087,977	6,078,477	6,078,477	-	(9,500)	-0.2%
32 Licenses & Permits	6,751,336	7,079,950	7,079,950	-	328,614	4.9%
33 Intergovernmental Revenue	25,406,110	64,392,196	64,392,196	-	38,986,086	153.5%
34 Charges for Services	35,487,998	38,696,672	38,696,672	-	3,208,674	9.0%
35 Fines, Forfeits and Penalties	1,761,050	1,966,254	1,966,254	-	205,204	11.7%
36 Use of Money and Property	8,870,217	10,812,044	10,882,236	70,192	2,012,019	22.7%
39 Other Sources	36,777,265	43,163,239	43,163,239	-	6,385,974	17.4%
Fund Balance Use (Restoration)	-	-	-	-	-	
Total General Fund Revenue	<u>\$ 212,156,884</u>	<u>\$ 268,775,750</u>	<u>\$ 268,845,942</u>	<u>\$ 70,192</u>	<u>\$ 56,689,058</u>	<u>26.7%</u>

ENTERPRISE FUND REVENUE						
31 Property Taxes	\$ -	\$ -	\$ -	\$ -	\$ -	0.0%
32 Licenses & Permits	12,600	8,700	8,700	-	(3,900)	-31.0%
33 Intergovernmental Revenue	1,951,053	5,716,660	5,716,660	-	3,765,607	193.0%
34 Charges for Services	36,602,681	38,302,827	38,302,827	-	1,700,146	4.6%
36 Use of Money and Property	19,200,733	24,484,568	24,484,568	-	5,283,835	27.5%
39 Other Sources	452,612	523,596	523,596	-	70,984	15.7%
Surplus	(2,160,262)	(3,893,155)	(3,893,155)	-	(1,732,893)	
Total Enterprise Fund Revenue	<u>\$ 56,059,417</u>	<u>\$ 65,143,196</u>	<u>\$ 65,143,196</u>	<u>\$ -</u>	<u>\$ 9,083,779</u>	<u>16.2%</u>

	FY22 School Revised Budget	FY23 Board of Education Recomm.	FY23 City Council Recomm.	Changes	\$+/-	%+/-
SCHOOL DEPARTMENT REVENUE						
Property Taxes	\$ 99,083,251	\$ 103,851,071	\$ 103,851,071	\$ -	\$ 4,767,820	4.8%
Local Revenues	5,390,396	5,521,956	5,521,956	-	131,560	2.4%
State Subsidy	21,211,053	21,517,550	21,517,550	-	306,497	1.4%
Surplus Use	770,000	2,180,390	2,180,390	-	1,410,390	
Total School Department Revenue	<u>\$ 126,454,700</u>	<u>\$ 133,070,967</u>	<u>\$ 133,070,967</u>	<u>\$ -</u>	<u>\$ 6,616,267</u>	<u>5.2%</u>

TAX RATE COMPUTATION--FY2023
Finance Committee's Recommendation

	General Fund	County Tax	City General Fund	Enterprise Funds	TOTAL CITY	School Dept	GRAND TOTAL
Total Expenditures	\$261,282,727	\$7,563,215	\$268,845,942	\$65,143,196	\$333,989,138	\$133,070,967	\$467,060,105
Less: Revenues	(172,259,024)	0	(172,259,024)	(69,036,351)	(241,295,375)	(27,039,506)	(268,334,881)
Surplus	0	0	0	3,893,155	3,893,155	(2,180,390)	1,712,765
Tax Levy	\$89,023,703	\$7,563,215	\$96,586,918	\$0	\$96,586,918	\$103,851,071	\$200,437,989
Valuation	14,729,000,000				48.2%	51.8%	100.0%
Tax Rate:							
FY23	\$6.05	\$0.51	\$6.56	\$0.00	\$6.56	\$7.05	\$13.61
FY22	\$5.73	\$0.49	\$6.22	\$0.00	\$6.22	\$6.77	\$12.99
\$ Increase	0.32	0.02	0.34	0.00	0.34	0.28	0.62
% of Total Increase	5.1%	0.3%	5.4%	0.0%	5.5%	4.1%	4.8%

CITY OF PORTLAND, MAINE

FY2023 Non-Tax Revenue

Excludes Taxes & Surplus

Finance Committee's Recommendation

Department	FY21 Collected	FY22 Est (budget)	FY23 Est (budget)	FY23 Est vs FY22 Est (budget)	%
General Fund Revenues:					
City Council	\$5,500	\$5,000	\$5,000	\$0	0.0%
City Clerk	176,928	178,540	183,643	5,103	2.9%
Executive	987,507	895,724	915,794	20,070	2.2%
Assessor	883	1,000	500	(500)	-50.0%
Finance	22,929,928	20,372,904	28,763,280	8,390,376	41.2%
Legal	156,684	192,940	201,587	8,647	4.5%
Human Resources	100,211	53,692	56,388	2,696	5.0%
Parking	7,846,339	10,281,259	9,965,776	(315,483)	-3.1%
Housing & Economic Dev	1,232,690	1,277,391	1,487,084	209,693	16.4%
Police	2,544,075	2,106,238	2,350,462	244,224	11.6%
Fire	5,042,073	4,594,331	5,305,845	711,514	15.5%
Dispatch Services	-	1,116,240	1,127,544	11,304	1.0%
Planning & Development	601,190	739,313	683,322	(55,991)	-7.6%
Permitting & Inspections	5,492,551	5,112,419	5,282,589	170,170	3.3%
Information Technology	400,380	313,180	322,599	9,419	3.0%
Public Works	6,192,862	5,342,603	5,896,834	554,231	10.4%
Parks, Rec & Facilities	4,862,519	7,277,693	7,538,313	260,620	3.6%
Public Bldgs & Waterfront	1,465,887	3,595,351	2,092,379	(1,502,972)	-41.8%
HHS--Administration	11,632	-	-	-	#DIV/0!
HHS--Public Health	1,647,922	1,496,154	1,869,838	373,684	25.0%
HHS--Social Services	16,848,801	10,318,690	49,606,117	39,287,427	380.7%
HHS--Barron Center	20,344,037	22,458,574	20,852,437	(1,606,137)	-7.2%
Employee Benefits	7,014,493	7,704,810	7,046,332	(658,478)	-8.5%
Insurance	159,542	197,138	216,063	18,925	9.6%
Debt Service Reimb.	19,262,417	20,004,027	24,982,556	4,978,529	24.9%
Memberships / Other	654,516	640,265	640,265	-	0.0%
Total General Fund:	\$125,981,568	\$126,275,476	\$177,392,547	\$51,117,071	40.5%
Enterprise Funds Revenue:					
Fish Pier Authority	586,464	580,274	643,448	63,174	10.9%
Sewer	26,489,675	28,957,451	30,197,514	1,240,063	4.3%
Stormwater	6,797,771	7,417,771	7,944,938	527,167	7.1%
Jetport	25,424,383	21,264,183	30,250,451	8,986,268	42.3%
Total Enterprise Funds:	\$59,298,293	\$58,219,679	\$69,036,351	\$10,816,672	18.6%
Total City Revenue	\$185,279,862	\$184,495,155	\$246,428,898	\$61,933,743	33.6%

FY2023 CITY BUDGET SUMMARY

by category

Finance Committee's Recommendation

	FY22 Approp.	FY23 Proposed	\$ +/-	% +/-	% Of Total
01 Personnel--General Fund	\$84,925,475	\$91,947,482	\$7,022,007	8.3%	34.2%
--Ent Funds	7,297,822	7,866,336	568,515	7.8%	12.1%
Total	92,223,297	99,813,818	7,590,522	8.2%	29.9%
02+ Contractual--General Fund	67,969,401	112,967,381	44,997,980	66.2%	42.0%
--Ent Funds	29,660,130	31,664,589	2,004,460	6.8%	48.6%
Total	97,629,531	144,631,970	47,002,440	48.1%	43.3%
55+ Supplies--General Fund	6,171,514	6,726,586	555,072	9.0%	2.5%
--Ent Funds	1,323,351	1,286,457	(36,894)	-2.8%	2.0%
Total	7,494,865	8,013,043	518,178	6.9%	2.4%
63 Utilities--General Fund	3,715,716	3,882,434	166,718	4.5%	1.4%
--Ent Funds	1,376,332	1,535,444	159,112	11.6%	2.4%
Total	5,092,048	5,417,878	325,830	6.4%	1.6%
70 Capital--General Fund	1,019,365	775,065	(244,300)	-24.0%	0.3%
--Ent Funds	2,712,550	3,822,300	1,109,750	40.9%	5.9%
Total	3,731,915	4,597,365	865,450	23.2%	1.4%
75 Debt Svc--Total GF	48,355,413	52,546,994	4,191,581	8.7%	19.5%
--Ent Funds	9,566,838	11,702,503	2,135,665	22.3%	18.0%
Total	57,922,251	64,249,497	6,327,246	10.9%	19.2%
75 Jetport Rev Bond Debt Svc	4,122,395	4,095,500	(26,895)	-0.7%	6.3%
Jetport Surplus	0	3,170,067	3,170,067	#DIV/0!	4.9%
Total General Fund	212,156,884	268,845,942	56,689,058	26.7%	100.0%
Total Enterprise Funds	56,059,417	65,143,196	9,083,779	16.2%	100.0%
Total	\$268,216,301	\$333,989,138	\$65,772,837	24.5%	100.0%

City of Portland
FY23 Staffing FTE Change
Finance Committee's Recommendation

Department	FY18	FY19	FY20	FY21	FY22	FY23	+/- Chg
General Fund:							
City Council	-	-	-	-	-	-	-
City Clerk	7.8	7.9	7.9	7.9	7.9	8.6	0.7
Executive	13.0	10.5	9.5	8.5	8.5	10.5	2.0
Assessor	5.9	5.9	5.9	5.7	5.9	5.9	-
Finance	25.0	25.0	25.0	24.4	25.0	25.0	-
Legal	6.0	7.0	7.0	7.0	8.0	9.0	1.0
Human Resources	11.0	11.0	10.5	11.3	11.5	12.0	0.5
Parking	29.6	29.6	30.0	29.0	29.2	29.2	-
Housing & Economic Dev.	5.8	7.1	7.0	16.0	16.0	16.8	0.8
Police	232.3	226.3	227.0	224.0	189.0	187.0	(2.0)
Fire	229.2	226.0	226.0	224.0	224.0	226.0	2.0
Dispatch	-	-	-	-	36.0	36.0	-
Planning & Urban Dev.	24.0	24.0	24.0	17.0	17.0	17.0	-
Permitting & Inspections	28.0	28.0	28.5	30.8	35.0	36.0	1.0
IT	17.0	17.3	16.0	16.0	15.8	16.0	0.2
Public Works	129.0	131.0	131.5	122.1	126.5	129.0	2.5
Parks & Rec	161.5	142.0	141.7	116.4	113.7	126.7	13.0
Public Bldgs & Waterfront	-	24.5	24.5	22.0	24.0	24.4	0.4
HHS Administration	5.0	5.0	4.0	4.0	4.0	5.0	1.0
Public Health	25.0	27.1	28.3	32.3	32.8	38.4	5.6
Social Services	80.1	87.8	93.5	94.5	96.2	118.0	21.8
Barron Center	263.7	244.0	246.8	237.6	245.0	244.8	(0.2)
<i>Total HHS:</i>	<i>373.8</i>	<i>363.9</i>	<i>372.6</i>	<i>368.4</i>	<i>378.0</i>	<i>406.2</i>	<i>28.2</i>
General Fund Subtotal:	1,298.9	1,287.0	1,294.6	1,250.5	1,271.0	1,321.3	50.30
Enterprise Funds:							
Sewer Fund	30.0	33.0	33.0	34.0	34.0	34.0	-
Stormwater Fund	13.0	10.0	10.0	9.0	10.0	10.0	-
Jetport Fund	52.5	56.0	59.0	57.0	57.0	58.0	1.0
Enterprise Subtotal:	95.5	99.0	102.0	100.0	101.0	102.0	1.0
Total City Employees:	1,394.4	1,386.0	1,396.6	1,350.5	1,372.0	1,423.3	51.3

City of Portland | Executive Department

Danielle P. West, *Interim City Manager*



To: Mayor Snyder and Portland City Councilors

From: Danielle P. West, Interim City Manager

Date: June 1, 2022

Re: Downtown Public Restroom Pilot Program

This memo shares staff plans to install three public restroom facilities in downtown Portland around July 1, 2022. These plans were shared at a public forum co-hosted by Portland Downtown, the Portland Society of Architecture, and the City (May 4, 2022) as well as at a Housing & Economic Development Committee meeting (May 17, 2022).

Background

Currently, there are four locations with permanent, public restrooms in the downtown Portland area¹, as well as one temporary restroom facility at the end of Cotton Street. During the pandemic, the temporary closure of these permanent locations highlighted a general lack of public restrooms in this area; consequences of this shortage included public health issues and the perception that Portland is not visitor-friendly.

In October 2021, the City Council allocated \$600,000 in American Rescue Plan Act (ARPA) funding to “expanding public restrooms in the city.” City staff focused their efforts primarily in the downtown Portland area, with the goal of installing new facilities by July 1, 2022.

Three factors played a significant role in the development of this plan: supply chain disruptions, cost, and the limited availability of publicly-owned land in downtown Portland.

Locations

Staff identified the following locations for restroom locations:² Central Fire (on the corner of Federal Street and Pearl Street); Monument Way (close to the intersection of



¹ Portland Public Library, Visit Portland Info Center at Ocean Gateway, Casco Bay Lines, and the Spring Street Garage. When City Hall reopens, its public restrooms will be added to the total inventory.

² Good locations would be 1) under a five-minute walk from the heart of Downtown Portland; 2) publicly-owned; 3) accessible to vehicles for maintenance; 4) an appropriate distance from individual businesses and entryways.

Free Street and Cross Street); and close to the entrance of the Fish Pier (at Commercial Street).

Design

We were fortunate to have an attractive, tried-and-tested restroom design at our disposal.



This design is the result of a collaboration between Parks Director Alex Marshall and DSO Creative Fabrication in Saco. The total cost (production and installation) of one of these structures is approximately \$30,000.

A version of this facility is currently in the field, at three locations: Deering Oaks Park (on Park Street at Forest Avenue); Eastern Promenade (at the basketball court); and on Fox Street (at the Fox Field basketball courts).

Design features of note include sharps containers, lower-leg visibility, solar-powered lighting, ventilation, ADA compliance, and signage with contact information to assist users in notifying the City when maintenance is needed.

Operations

The tanks of these facilities are emptied approximately four times each week. Interiors are cleaned up to twice daily, depending on need and ongoing evaluation.

These facilities will be accessible 24/7. Although they are unheated, they will also remain accessible through the winter.

Another benefit of the design is that they can be easily removed or relocated. Since this is a pilot program, we believe the ability to adapt based on usage, public feedback, and ongoing evaluation will be extremely valuable.

Staff also plan to install language on existing signs (at right) in the Downtown Portland area to help members of the public find their way to the nearest restroom.



Evaluation

As with any pilot program, we plan to evaluate the success of these restroom facilities on a regular basis. We remain open to making changes during and after the summer season, based on public feedback, maintenance challenges, and overall usage.

We welcome anecdotal feedback by email throughout this pilot. Members of the public are encouraged to contact citymanager@portlandmaine.gov with any questions, concerns, or ideas.

Other Efforts

We hope to make other impactful investments in public restroom facilities, using the remainder of the Council-allocated ARPA funding.

For example, the Spring Street Garage restroom is underused and unwelcoming. We believe that providing direct access from Free Street (rather than requiring members of the public to access it via the garage) would increase use, and justify other improvements to the facility (ADA compliance, additional stalls, etc.). However, our ability to provide direct access from Free Street is contingent upon cooperation from the abutting property owner, who has so far been unwilling to provide an easement.

Off-peninsula, we intend to install more vault toilets (seen in the photo at right) in parks, cemeteries, and other green spaces. These can be found today at Payson Park and Dougherty Field.



MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 25, 2022

SUBJECT: Resolve 13-21/22 Establishing a City Policy to Use Gender-Inclusive and Gender-Neutral Language in the Drafting of New Legislation or Revised Legislation, Policies, and other City Communications and Writings - Sponsored by Andrew Zarro, Councilor and Jen Thompson, Acting Corporation Counsel

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

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

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

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

The "Gender-Inclusive Language Resolution" is the result of a collaborative effort on the part of the City Council, the City Manager's Office, Corporation Counsel's Office, and the City's LGBTQ+ Liaison. Under the policy announced in this proposed resolution, all new and revised ordinances, policies, and other official writings should be drafted using language that is gender-inclusive (meaning that it accurately addresses and accounts for all gender identities, including persons who do not ascribe to strictly binary gender identities) and gender-neutral (meaning that terminology does not unnecessarily implicate any particular gender). Although this is not strictly an LGBTQ-related initiative, it does speak to many of the issues and identities that are top of mind when we celebrate Pride. It is for that reason that the Resolution is being included as part of the City's observance of Pride this year and will be read in concert with the Council's standing proclamation in recognition of Pride month.

Five affirmative votes are required for passage of a resolve after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not

limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Resolution Re_ Gender Neutral Ordinance and Policy Drafting 6.6.2022
2. Memo to Council Re_ Resolution Gender Neutral Drafting (final 06.06.2022)

Prepared by:

Date: 05/25/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**RESOLUTION ESTABLISHING A CITY POLICY TO USE GENDER-INCLUSIVE
AND GENDER-NEUTRAL LANGUAGE TO CONDUCT CITY AFFAIRS,
INCLUDING IN THE DRAFTING AND REVISION OF CITY ORDINANCES,
POLICIES, AND OTHER CITY COMMUNICATIONS**

WHEREAS, the City of Portland is committed to upholding and furthering the rights, protections, dignity, and inclusion of all its residents; and

WHEREAS; and the City of Portland recognizes that gender-neutral language is a generic term covering the use of non-sexist language, inclusive language, or gender-fair language and that the purpose of gender-neutral language is to avoid word choices which may be interpreted as biased, discriminatory or demeaning by implying that one sex or social gender is the norm; and

WHEREAS, the City recognizes that using gender-neutral language also helps reduce gender stereotyping, promotes social change, and contributes to achieving gender equality; and

WHEREAS, the City recognizes that gender-neutral language is more than a matter of political correctness and that language powerfully reflects and influences attitudes, behavior, and perceptions; and

WHEREAS, the City believes that all individuals living in or visiting the City should be treated fairly and with respect and dignity; and

WHEREAS, the use of gender-neutral language by the City can be expected to further enhance and demonstrate the City's commitment to being a safe, inclusive, diverse, and welcoming community; and

WHEREAS, ever-increasing awareness exists that language matters, and in particular with regard to the subtle and not so subtle, and intended and unintended consequences of language, including implicit or explicit bias; and

WHEREAS, linguistic conventions that differentiate and identify people by perceived gender may fail to respect the broad spectrum of sex, gender, gender identity, and gender expression of those living, working, and visiting our community;

NOW, THEREFORE, BE IT RESOLVED, that it shall be the policy of the City to conduct City affairs in a manner that uses gender-inclusive language, including non-gendered language and gender-neutral pronouns where appropriate; and

BE IT FURTHER RESOLVED that, consistent with this policy, the City Council intends to update the Portland City Code to replace instances of gender-specific language with appropriate gender-neutral language; and

BE IT FURTHER RESOLVED that, when brought forward to future Committee and Council meetings, all future additions, amendments, or other changes unspecified here to the City Code should utilize gender-neutral language, rather than gender-specific language; and

BE IT FURTHER RESOLVED, that all future proposed Resolutions, Proclamations, and Ordinances will utilize gender-neutral language, rather than gender-specific language; and

BE IT FURTHER RESOLVED, that the City Council expresses its intent to submit a Charter amendment to the voters in 2022 that will amend the City Charter in its entirety to use gender-inclusive language, including non-gendered language and gender-neutral pronouns; and the Council further requests that Corporation Counsel prepare such amendments, and that the City Clerk submit the amendments to the Council sufficiently in advance of the 2022 election to place the amendments on the 2022 ballot.

City of Portland | Office of Corporation Counsel

Jen Thompson, *Acting Corporation Counsel*



To: Mayor and Members of the Portland City Council

From: Jen Thompson, Acting Corporation Counsel and City of Portland
LGBTQ+ Liaison

Date: June 6, 2022

Re: City Policy to Use Gender-Inclusive and Gender-Neutral Language

Mayor Snyder and Members of the Portland City Council:

Councilor Zarro and I are pleased to present to you the attached proposed resolution establishing a City policy to conduct city affairs in a manner that uses gender-inclusive and gender-neutral language in the drafting of municipal legislation, policies, and other City communications and writings.

If adopted, the resolution will meaningfully demonstrate the City's commitment to upholding and furthering the rights, protections, dignity, and inclusion of all its residents by recognizing that language matters, and that linguistic conventions that are sexist and differentiate between people by perceived gender may fail to respect the broad spectrum of sex, gender, gender identity, and gender expression of those living, working, and visiting our community.

Under the policy announced in this proposed resolution, the City Council articulates its expectation that new and revised ordinances, policies, and other official writings will be drafted using language that is gender-inclusive (meaning that it accurately addresses and accounts for all gender identities, including persons who do not ascribe to strictly binary gender identities) and gender-neutral (meaning that terminology does not unnecessarily implicate any particular gender).

In addition to adopting gender-neutral drafting principles for communications and writings issued by the City, the proposed resolution also expresses the Council's intent to submit a Charter amendment to the voters in 2022 that would update the City Charter in its entirety to use gender-inclusive language, including non-gendered language and gender-neutral pronouns; and further requests that Corporation Counsel prepare such amendments and submit the amendments to the Council sufficiently in advance of the 2022 election to place the amendments on the 2022 Ballot. If adopted by voters in November, those changes will reflect a similar commitment by Portland voters to advance the principles at the heart of this resolution and to memorialize them in the City's Charter - Portland's foundational document; its Constitution.

As you consider this proposal, I want to acknowledge that its scope and co-sponsorship are a bit unusual. In the usual course, my role as legal advisor to the City would require me to recommend a more limited resolution – one that is aimed only at articulating the *City Council's* expectations around the drafting of *Council*-approved legislation and communications. Typically, I would be obliged to steer the Council away from any directives relating to operational writings and policies because those policies are strictly within the purview of the City Manager's office. However, while Council/Manager/Corp. Counsel relations are already collaborative and cooperative (even while serving distinct purposes), I am pleased to report that our usual vigilance about maintaining the distinctions between Council and Manager decision-making has proven entirely unnecessary when it comes to this particular initiative.

Upon learning of the proposal, Interim City Manager West enthusiastically embraced the principles outlined in this resolution. Further, my understanding is that Anne Torregrossa and the Human Resources Department are already working to update internal personnel and other policies to comply with the spirit and purpose of this resolution, and new union contracts are being negotiated to include gender neutral language. As such, if adopted, the changes contemplated in this resolution will comprise a truly collaborative initiative; one in which the City of Portland – through its legislative, legal, executive/operational offices, and voters alike – is articulating a unified intention to ground the City's work going forward in gender-neutral and gender-fair language, always with an eye toward fostering inclusion, dignity, and respect in the ways that we collectively communicate with one another and with all members of our community.

Finally, we are pleased to report that Equality Maine, the oldest and largest statewide organization dedicated to creating a fair and just society for lesbian, gay, bisexual, and transgender Mainers, has reviewed the resolution and is in support.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**RESOLUTION CALLING ON THE STATE TO ESTABLISH A HOMELESSNESS
MANAGEMENT TASK FORCE**

WHEREAS, the number of individuals and families seeking Emergency Shelter in Portland and in Maine has increased dramatically since the Summer of 2020 and has reached unprecedented levels; and

WHEREAS, the City of Portland is currently providing emergency shelter for approximately 1,700 people, 1,200 of whom are Asylum Seekers; and

WHEREAS, Asylum Seekers continue to arrive on a daily basis in Portland and the State of Maine; and

WHEREAS, Asylum Seekers enter the United States legally through a process established by the federal government, but have no federal resources following them in order to assist with their entry into the United States; and

WHEREAS, federal law limits the ability of newly arrived Asylum Seekers to work for at least 365 days; and

WHEREAS, legal principles relating to preemption prohibit states or local governments from enacting laws that would allow Asylum Seekers to work any sooner than federal law allows; and

WHEREAS, despite local restrictions on work authorizations, the State of Maine has made General Assistance and other public benefits available for Asylum Seekers “pursuing a lawful process,” for immigration relief; and

WHEREAS, the emergency assistance required to support newly arrived Asylum Seekers includes services and supports beyond the financial benefits contemplated by State law; and

WHEREAS, in September, 2021, the City of Portland began communicating the urgent need for additional help and coordination regarding funding for, management of, and shelter locations for all people in need of emergency shelter, including Asylum Seekers; and

WHEREAS, beginning in March 2019, Covid-19 physical distancing protocols presented significant challenges in the City’s ability to provide emergency shelter in congregate settings to individuals and families experiencing homelessness; and

WHEREAS, during the height of Covid-19 infection rates, the City utilized local hotel rooms to expand its capacity to provide emergency shelter during a time when its congregate shelters were operating at reduced capacities; and

WHEREAS, City staff resources are limited both in terms of municipal funding and human resources capacity; and

WHEREAS, operating multiple emergency shelter sites, including area hotels as well as the City’s Oxford Street Shelter and Family shelter, has long exceeded available City resources and is no longer sustainable; and

WHEREAS, the ability to choose where one resides is a choice that should be left to an individual based on each individual or family’s unique preferences rather than on the singular availability of food, shelter, and other basic necessities in a single municipality or state; and

WHEREAS, funding, the availability of temporary emergency shelter, and access to resettlement and permanent housing services are solutions that require coordination at every level of government, federal, state, regional and local alike; and

WHEREAS, all Maine municipalities, as well as county government, the Maine Legislature, the Governor’s office, state agencies such as Health and Human Services, Maine Emergency Management Agency, Maine State Housing, the Office of Policy Innovation and Future, Maine Department of Education, Maine Economic Development, and the Federal government must be involved in problem solving; and

WHEREAS, this problem solving should include, but not be limited to, review and revision of Maine’s General Assistance law in order to address inequities and lack of clarity regarding municipal responsibilities; and

WHEREAS, 79 non-governmental organizations (NGOs), with expertise in immigration services delivery and policy in Maine, also communicated a request for immediate action on May 20, 2022, and specifically agree that a state-level task force must be created to quickly identify and coordinate emergency and temporary housing and other services, identify and distribute additional state funding in support of emergency, temporary and long-term housing, ensure that resources distributed across municipalities are used effectively, and serve as a central location to gather information and data for next steps;

NOW, THEREFORE, BE IT RESOLVED that we, the City Council and the Mayor of the City of Portland, call on the Governor of the State of Maine to immediately establish a Task Force engaging a broad stakeholder group, including but not limited to elected and professional staff representatives from federal, state, county and municipal governments, state and local health and human services departments, emergency management teams, non-governmental organizations including those that work with immigrant clients and homeless populations, the legal community, and real estate developers and managers to review, address, and make improvements to state and local responses to homelessness by:

- 1) revising the State's General Assistance law to, among other things, either regionalize the administration of public benefits, or set a threshold minimum level of assistance that each individual municipality must provide;
- 2) establishing a State resettlement office to assist individuals and families experiencing homelessness to locate emergency shelter and long-term housing;
- 3) establishing a statewide emergency shelter system that will serve individuals and communities throughout the State of Maine; and
- 4) addressing issues impacting people experiencing homelessness including, but not limited to, access to mental health services, education, workforce training, and permanent housing.

Resolve 14-22/22 State Homeless Management Task Force

0 views



Lauren H <lhickey1120@gmail.com>

Jun 4, 2022, 8:28:31 AM (2 days ago)

to publiccomment@portlandmaine.gov

I strongly support Resolve 14-22/22 to Call on the State to Create a Homeless Management Task Force. I work with individuals experiencing hunger and food insecurity, which especially includes unhoused individuals and asylum seekers. I am perplexed and confused about recent declarations amongst cities in the greater Portland region as well as Governor Mills to change support systems for asylum seekers currently in hotels. I understand that cities only have so much capacity to house and support these individuals, and that there was never a long-term solution in place. It is clearly a state wide issue that needs to be discussed across city lines. I think a statewide task force is an obvious next step and I'm surprised it doesn't already exist.

Lauren Hickey
64 Clark St
District 2

MEMORANDUM
City Council Agenda Item

FROM: Adam Harr, Social Services

DATE: January 20, 2022

SUBJECT: Order 88-21/22 Amendment to Portland City Code Chapter 15 Re: Emergency Shelter License Requirements - Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, Chair

SPONSOR: Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, 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 10/18/2021

Final Action

Can action be taken at a later date: Yes Yes.

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

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

I. SUMMARY

The Health & Human Services and Public Safety Committee met on September 28, 2021 and voted 2 - 0 (Ray absent) to recommend passage to the full Council.

II. AGENDA DESCRIPTION

The Health & Human Services and Public Safety Committee met on September 28, 2021 and voted 2-0 (Ray absent) to recommend passage to the full Council. The Council voted in favor of passage 7-1 (Zarro) on November 15, 2021.

The amendment would establish licensing requirements and enforcement provisions for emergency shelters to ensure the safety of clients and staff. These include a two-tier fee structure for small and large emergency shelters, a bed density cap of 300 beds within a one-mile radius, a 1,000-foot buffer zone between shelters, a day space requirement, and exemptions for pre-existing emergency shelters.

This item must be read on two separate days. It received its first reading on November 1, 2021. On November 15, 2021, it was approved by a vote of 7-1 (Zarro). On December 6, a motion to reconsider passed 9-0, and this item was also postponed to January 19, 2022 to accommodate a workshop on this topic. On January 19, 2022 this item was postponed to June 6, 2022. Public comment has already been taken on this item.

Five affirmative votes are required for passage.

III. BACKGROUND

To address the inequitable distribution of emergency shelter beds in the city and the unsafe environments created by their concentration, such as those in the Bayside neighborhood, the committee asked staff to research shelter licensing requirements in other communities. On November 10, 2021, staff brought examples to the Health & Human Services and Public Safety Committee and presented a first draft of emergency shelter licensing requirements at the next meeting, January 12, 2021. Public comment was taken at the February 9,

2021 and the June 8, 2021 meetings. At the September 28, 2021 meeting, the committee voted 2-0 (Ray absent) to recommend passage by the City Council.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The amendment addresses the Council goals to reduce homelessness and make human dignity a top priority by insuring emergency shelters are safe and meet or exceed a minimum quality of service, such as having adequate space for clients during the day.

V. FINANCIAL IMPACT

While licensing fees will support the basic administrative implementation of this new program, there will be significant costs associated with applicant engagement, as well as ongoing oversight of and inspections related to performance standards. These inspections will require subject matter expertise that we do not currently have, along with significant staff time; as a result, a new staff member would need to be hired. The salary for this employee classification is \$65,770, plus \$23,723 for fringe benefits. In addition, this type of new position requires new equipment and resources totaling approximately \$7,000. In total, we estimate this program to carry a cost of approximately \$96,493.00, which is not currently included in the City budget.

VI. STAFF ANALYSIS AND BACKGROUND

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

VII. RECOMMENDATION

Passage.

VIII. LIST ATTACHMENTS

1. Amendment Chapter 15 Re Emergency Shelter License Requirements 11.1.2021
2. Amendment 1 to Order 88-FY22 Mayor Snyder and Councilor Zarro Re Domestic Violence Shelter Exemption 1.19.2022
3. Amendment 2 to Order 88-FY22 Councilors Dion and Ali Re Enforcement 1.19.2022
4. Amendment 3 to Order 88-FY22 Councilor Fournier Re Metro Services 1.19.2022
5. Amendment 4 to Order 88-FY22 Councilor Fournier Re Monthly Meeting Deleted 1.19.2022
6. Amendment 5 to Order 88-FY22 Councilor Fournier Re Access to Public Transit 1.19.2022
7. Fiscal Impact Note - Order 88 - Fiscal Impact Note (1)
8. Shelter Licensing Q&A
9. Shelter License Requirements
10. Shelter Spacing (1 Mile) (1)
11. Staff Recommendations on Shelter Licensing
12. Reporting and Operational Requirements Memo April.13.2021
13. Committee Request for Staff Recommendations on Shelter Licensing
14. Sec. 15-8
15. Shelter hypothetical buffers
16. Shelter hypothetical spacing
17. Licensing Examples for Emergency Shelters Memo for November 10 HHS & PS Committee Meeting
18. Shelter Licensing Public Comment
19. HHS Memo (buffers and enforcement)
20. Shelter Licensing June 8 2021 HHSPS
21. 2022 ESHAP Program Guide (1)
22. 2022 Monitoring Schedule with PO (1)
23. HQS 2022

Prepared by:

Adam Harr, Social Services

Date: 01/20/2022

Order 88-21/22

Passage: 7-1 (Zarro) on 11/15/2021

Motion to reconsider: 9-0 on 12/6/2021

Motion to postpone to January 19, 2022: 9-0 on 12/6/2021

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 15**

Re: EMERGENCY SHELTER LICENSE REQUIREMENTS

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

- 1. That Section 15-12 of the Portland City Code is hereby amended and a new Article IV. Is hereby added to read as follows:*

Sec. 15-12. Fees and expiration dates.

Sec. 15-12. Fees and expiration dates.

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

Location in Code	Description	Fee	Expiration Date
. . .			
<u>Ch. 15,</u> <u>Art.</u> <u>IV.</u>	<u>Small Emergency</u> <u>Shelter (1-40 beds)</u>	<u>\$250.00</u>	<u>July 1</u>

	<u>Large Emergency Shelter (41+ beds)</u>	<u>\$500.00</u>	<u>July 1</u>
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...

Sec. 15-44-46. Reserved.

ARTICLE IV.

15-47. Definitions.

Emergency Shelter: A facility providing temporary overnight shelter to individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

15-48. Licensing Requirements.

(a) Chapter 15 to apply. Except as otherwise provided in this Article, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Article.

(b) Operating without a license is prohibited. No individual or entity may operate an emergency shelter within the City without first obtaining a license from the City, except that any emergency shelter in operation as of the effective date of this Article must apply for and receive a license within 90 days of the effective date.

(c) Burden of proof. The applicant for any license under this Article bears the burden of proving that all qualifications for licensure have been satisfied.

(d) Current information. Any applicant or licensee must keep all information disclosed in their application current and must notify the City of any change in information within ten business days of any such change.

(e) No vested rights. No person shall have any entitlement or vested right to a license under this Article, and operating an emergency shelter is a privilege and not a right in the City.

15-49. Licensing Authority

(a) All new license applications shall be reviewed by the City Council. After a public hearing, the Council shall grant, grant with conditions, or deny the license.

(b) Except as provided by Subsection (c) below, all renewal applications shall be reviewed by the Permitting and Inspections Department. The Permitting and Inspections Director shall grant, grant with conditions, or deny the license. Except that, at the request of the City Manager or designee, or at the request of any member of the City Council or the Mayor, a renewal application shall be reviewed by the City Council in accordance with Subsection (a) above.

(c) All renewals of shelter licenses held by the City of Portland shall be reviewed by the City Council in accordance with Subsection (a) above.

15-50. Review Procedures.

The following review procedures shall apply to both initial and renewal applications:

(a) Applications shall be made in writing using a form prepared by the City for the purpose and must include all information required by this Article and by the form. Applications shall be submitted to the Permitting and Inspections Department.

(b) If the Permitting and Inspections Department determines that a submitted application is not complete, they shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Permitting and Inspections Department's request, the application may be denied administratively with no further action.

(c) Before the City Council issues its decision on an initial or renewal application, the Police Department, Fire Department, Permitting and Inspections Department, and the

Health and Human Services Department shall review the application and recommend to the City Council whether to issue, issue with conditions, or deny the license. The Departments shall review the application for the following standards:

- (1) Whether the shelter has complied with its approved operations and security plans;
- (2) Whether the operations and security plans are more likely than not to protect the public health, safety, and welfare;
- (3) Whether the operations and security plans are more likely than not to meet all performance standards and requirements in this Article; and
- (4) Whether there are any outstanding code violations at the shelter.

(d) In reviewing license applications, the City Departments and the City Council may consider the approval standards under this Article as well as other applicable local, state or federal laws and, for license renewals, the licensee's record of compliance with the same.

(e) Applications for renewal licenses shall be submitted at least thirty (30) days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.

(f) The City Council shall have the authority to impose any conditions on a license that may be reasonably necessary to insure compliance with the requirements of this Article, to address concerns about operations, or to protect the health, safety, and welfare of the public. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and this Article.

15-51. Application Submission Requirements

Each applicant for an Emergency Shelter license shall complete and file an application on the form provided by the City, together with the applicable license fee as well as the following supporting materials:

(a) Attested copies of any articles of incorporation, bylaws, operating agreement, management plan, partnership agreement or articles of association that govern the entity that will own and/or operate the emergency shelter.

(b) A corporate supplement form that identifies all owners, officers, members, managers, partners, and/or board members of the Applicant, and their ownership interests, if applicable.

(c) A description of the population to be served by the shelter.

(d) A description of the premises for which the license is sought, including a floor plan of the premises.

(e) The name and contact information for a community relations liaison, who shall be responsible for receiving and responding to inquiries from, and reasonably addressing concerns raised by, members of the public and other individuals.

(f) The name and contact information for an emergency contact, who shall respond to all non-emergency contacts by the City within 72 hours of contact, and to any emergency contact by the City within two hours of contact.

(g) Whether the applicant has experience running a shelter in Portland or elsewhere and a description of that shelter, including size, location, and population served.

(h) An operations plan describing the following:

(1) The experience and qualifications of shelter management and staff, sufficient to demonstrate that the shelter can meet its obligations under this Article, including providing appropriate services to shelter guests;

- (2) How the shelter will meet the performance standards and other requirements of this Article;
- (3) Management responsibilities;
- (4) A process for effectively resolving neighborhood concerns;
- (5) Staffing;
- (6) Controls for resident behavior and noise levels; and
- (7) Security, safety and protective measures:
 - i. On-site surveillance;
 - ii. Provisions to provide access to recordings of exterior public ways by city staff upon request;
 - iii. Safety measures;
 - iv. Access restrictions;
 - v. Environmental design, engineering or procedural measures to reduce crime, loitering and disorder in and around the facility;
 - vi. Emergency and response protocols, including but not limited to:
 - a. Medical emergencies, including overdoses;
 - b. Intruder response;
 - c. Criminal trespass guidance;
 - d. Recovery of weapons;
 - e. Recovery of illicit drugs; and

f. Incidents involving violence, serious injuries or death;

(i) The most recent MaineHousing annual monitoring report shall be provided to the City with any renewal application; and

(j) A description of the strategies to be implemented to help residents utilize public transit, as required by 15-52(d).

15-52. Performance Standards

In order to obtain a license pursuant to this Article, the Licensee shall demonstrate to the City Council that the following requirements will be met, and must maintain compliance throughout their licensure.

The Licensee shall comply with all of the following standards:

(a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

(b) On-Site Supervision. On-site supervision shall be required for any non-apartment style emergency shelter, whenever clients are present.

(c) Maine State Housing Authority Monitoring. Any Emergency Shelter shall participate in the MaineHousing monitoring program.

(d) Adequate access to and from METRO service shall be provided. The facility must implement strategies to help residents utilize public transit.

(e) The facility must provide indoor space to permit shelter guests day shelter.

(f) The facility must have centralized shelter operations on each level of the emergency shelter providing for sight lines to sleeping areas. However, a pre-existing emergency shelter, as defined in Section 15-56(a) below, shall not be required to

meet this requirement, so long as alternative measures are provided to ensure resident safety while sleeping. This requirement shall also not apply to apartment-style shelters.

(g) The facility must provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.

(h) Maximum Density of Beds. The total bed capacity for individual residents within emergency shelters in the City shall not exceed 300 beds within a 1 mile radius. Distance shall be measured between property lines of the emergency shelters in a straight line.

(i) Proximity to Other Facilities. There shall be a 1,000-foot buffer between emergency shelters. Distance shall be measured from the nearest property line of each shelter in a straight line.

(j) Monitoring Reports. Each shelter shall quarterly file a management report with the Department of Health and Human Services, which shall share the report with the other responsible City agencies, including the Police Department. The report shall contain, at a minimum, the following information:

- (1) Number of unique individuals served at the shelter;
- (2) Total number of bednights accessed at the shelter;
- (3) Number of intakes during that reporting period;
- (4) Total number of individuals who had previously been unsheltered and staying outside in Portland;
- (5) Total number of individuals who are defined as having long time stayer status;
- (6) The average length of stay;

- (7) Number of housing placements;
- (8) Record of neighborhood concerns and resolutions;
- (9) Summary of meetings with individual neighbors, neighborhood associations and businesses;
- (10) Number of Criminal Trespass Orders ("CTO") issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously;
- (11) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes; and
- (12) Any additional information requested by the Department of Health and Human Services.

(k) Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.

15-53. Review Process for Domestic Violence Shelters

(a) Due to the need for confidentiality for safety reasons, a shelter serving solely survivors of domestic violence may request a waiver of any of the provisions of this Article that may jeopardize the confidentiality of the shelter, including, but not limited to, the following:

- (1) The requirement to provide a description of the premises for which the license is sought, including a floor plan of the premises;
- (2) The limitations on the number of beds; and
- (3) The limitation on the distance between shelters.

(b) A shelter applying for this exemption must provide its request for a waiver in writing, including the reasons why a waiver is required, and how the shelter will ensure that the public health, safety, and welfare will not be negatively impacted by that waiver.

(c) At its sole discretion, the City Council may grant a requested waiver if it finds that the waiver is required to protect the confidentiality and safety of the shelter and its guests and that the public health, safety, and welfare will not be negatively impacted by the waiver.

15.54. Enforcement and Penalties

(a) This Article shall be enforced by the City Manager's designee(s) .

(b) Any municipal official with authority to enforce this or other municipal ordinances regulating Emergency Shelters shall have authority to enter the premises of an Applicant or Licensee without notice to make inspection reasonably necessary to ensure compliance with this Article, the applicant or licensee's application or license, or other applicable provisions of the City Code.

(c) Upon finding a violation of this Article, of an application, license or permit, or of any other provision of the City Code, the inspecting municipal official shall issue a notice of violation and provide a reasonable opportunity to correct that violation before issuing civil penalties, taking action to suspend or revoke a licensee's license, or taking court action against the licensee. However, there shall be an exception to this requirement where a violation poses an imminent threat to health or safety, or if the violation is a repeat violation.

(d) Each day that a violation of this Article exists shall be a civil violation subject to civil penalties. Each violation of this Article shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the violation has existed. However, the maximum amount of

civil penalties may be increased where: (i) There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or (ii) The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.

(e) The City Manager or his or her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Article.

(f) If the City is the prevailing party in any legal action to enforce this Article, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

15-55. Appeals.

(a) Appeals of the suspension or revocation of a license, or of a notice of violation issued pursuant to this Article, shall be to the City Manager within 30 days .

(b) Appeals from the grant or denial of a license by the City Council shall be taken to Superior Court.

(c) Appeals from the grant or denial of a renewal license by the Permitting and Inspections Department shall be taken to the City Council within 30 days of the decision.

15-56. Pre-existing Emergency Shelters

(a) For purposes of this Section, "pre-existing emergency shelter" shall mean (i) an emergency shelter that, as of January 31, 2021, is lawfully operating with all required permits and approvals; (ii) an emergency shelter that, as of January 31, 2021, has received conditional use approval that has not expired, or

(iii) the consolidation of the operations of the Joe Kreisler Teen Shelter at 38 Preble Street and the Preble Street Teen Center at 343 Cumberland into one 24/7 emergency shelter facility for teens at 343 Cumberland Avenue provided that there is no expansion of the number of individuals served or beds currently provided between the two existing locations.

(b) Pre-existing emergency shelters shall comply with all of the requirements of this Article, except as provided in this section.

(c) Applicability of bed density requirements in Sec. 15-52(h) :

(1) A pre-existing emergency shelter's inability to meet the maximum density of beds requirement in Sec. 15-52(h), shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.

(2) However, any expansion of a pre-existing emergency shelter shall be required to meet the maximum density of beds requirement in Sec. 15-52(h).

(3) The number of beds at any pre-existing emergency shelter shall still be counted for purposes of determining whether any proposed new shelter is eligible for licensure.

(d) Applicability of proximity requirements in Sec. 15-52(i) :

(1) A pre-existing emergency shelter's inability to meet the proximity to other facilities requirement in Sec. 15-52(i), shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.

(2) However, a pre-existing emergency shelter may not expand unless it meets the proximity to other facilities requirement in Sec. 15-52(i).

(3) Any new emergency shelter must still meet the proximity to other facilities requirement in Sec. 15-52(i) with respect to any pre-existing emergency shelter.

(e) Applicability of indoor space performance standards in Sec. 15-52(e):

(1) A pre-existing emergency shelter is not required to provide indoor space as required in Sec. 15-52(e) if it did not have such indoor space at the time of original approval.

(2) However, if there is any expansion of a pre-existing emergency shelter, that emergency shelter shall be required to add indoor space sufficient to meet the requirements of Sec. 15-52(e).

15-57. Severability

The provisions of this Article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

15-58. Reasonable Modifications

The City of Portland may make reasonable modifications to the requirements of this Article to accommodate the needs of persons with disabilities as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

**AMENDMENT 1 TO ORDER NUMBER 88-21/22
PREPARED BY CORPORATION COUNSEL
FOR MAYOR SNYDER AND COUNCILOR ZARRO
RE: SHELTER LICENSING EXEMPTION FOR DOMESTIC VIOLENCE SHELTERS**

15-47. Definitions.

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15-53. ~~Review Process~~Exemption for Domestic Violence Shelters

Shelters serving solely survivors of domestic violence with 25 beds or fewer are exempt from the provisions of this ordinance.

~~(a) Due to the need for confidentiality for safety reasons, a shelter serving solely survivors of domestic violence may request a waiver of any of the provisions of this Article that may jeopardize the confidentiality of the shelter, including, but not limited to, the following:~~

~~(1) The requirement to provide a description of the premises for which the license is sought, including a floor plan of the premises;~~

~~(2) The limitations on the number of beds; and~~

~~(3) The limitation on the distance between shelters.~~

~~(b) A shelter applying for this exemption must provide its request for a waiver in writing, including the reasons why a waiver is required, and how the shelter will ensure that the public health, safety, and welfare will not be negatively impacted by that waiver.~~

~~(c) At its sole discretion, the City Council may grant a requested waiver if it finds that the waiver is required to protect the confidentiality and safety of the shelter and its guests and that the public health, safety, and welfare will not be negatively impacted by the waiver.~~

15.54. Enforcement and Penalties

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**AMENDMENT 2 TO ORDER NUMBER 88-21/22
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR DION AND COUNCILOR ALI
RE: SHELTER LICENSING ENFORCEMENT**

Sec. 15-12. Fees and expiration dates.

...

15.54. Enforcement and Penalties

(a) ~~This Article shall be enforced by the~~The "enforcement authority" for this Article shall be the Permitting and Inspections Department. City Manager's designee(s).

(b) ~~Any municipal official with authority to enforce this or other municipal ordinances regulating Emergency Shelters~~The enforcement authority shall have authority to enter the premises of an Applicant or Licensee with 48 hours prior~~hout~~ notice to make inspection reasonably necessary to ensure compliance with this Article, the applicant or licensee's application or license, or other applicable provisions of the City Code.
Notwithstanding the foregoing, where the enforcement authority has a reasonable belief that an imminent threat to health or safety exists, the enforcement authority may enter the premises of an Applicant or Licensee without notice to make an inspection for violations of this Article.

(c) Upon finding a violation of this Article, of an application, license or permit, or of any other provision of the City Code, the inspecting municipal official shall issue a notice of violation and provide a reasonable opportunity to correct that violation before issuing civil penalties, taking action to suspend or revoke a licensee's license, or taking court action against the licensee. However, there shall be an exception to this requirement where a violation poses an imminent threat to health or safety, or if the violation is a repeat violation.

(d) Each day that a violation of this Article exists shall be a civil violation subject to civil penalties. Each violation of this Article shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the violation has existed. However, the maximum amount of civil penalties may be increased where: (i) There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or (ii) The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.

(e) The ~~City Manager~~enforcement authority or his or her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Article.

(f) If the City is the prevailing party in any legal action to enforce this Article, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

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**AMENDMENT 3 TO ORDER NUMBER 88-21/22
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR FOURNIER
RE: METRO BUS SERVICES**

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15-52. Performance Standards

In order to obtain a license pursuant to this Article, the Licensee shall demonstrate to the City Council that the following requirements will be met, and must maintain compliance throughout their licensure.

The Licensee shall comply with all of the following standards:

(a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

(b) On-Site Supervision. On-site supervision shall be required for any non-apartment style emergency shelter, whenever clients are present.

(c) Maine State Housing Authority Monitoring. Any Emergency Shelter shall participate in the MaineHousing monitoring program.

(d) ~~Adequate access to and from METRO service shall be provided. The facility must implement strategies to help residents utilize public transit~~ Adequate access to and from METRO service shall be provided. The facility shall be within a 1/4 mile of a METRO line, or shall be within 1/2 mile of a METRO line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit.

(e) The facility must provide indoor space to permit shelter guests day shelter.

...

(k) Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.

...

**AMENDMENT 4 TO ORDER NUMBER 88-21/22
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR FOURNIER
RE: MONTHLY MEETING DELETED**

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15-52. Performance Standards

In order to obtain a license pursuant to this Article, the Licensee shall demonstrate to the City Council that the following requirements will be met, and must maintain compliance throughout their licensure.

The Licensee shall comply with all of the following standards:

(a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

...

(j) Monitoring Reports. Each shelter shall quarterly file a management report with the Department of Health and Human Services, which shall share the report with the other responsible City agencies, including the Police Department. The report shall contain, at a minimum, the following information:

- (1) Number of unique individuals served at the shelter;
- (2) Total number of bednights accessed at the shelter;
- (3) Number of intakes during that reporting period;
- (4) Total number of individuals who had previously been unsheltered and staying outside in Portland;

- (5) Total number of individuals who are defined as having long time stayer status;
- (6) The average length of stay;
- (7) Number of housing placements;
- (8) Record of neighborhood concerns and resolutions;
- (9) Summary of meetings with individual neighbors, neighborhood associations and businesses;
- (10) Number of Criminal Trespass Orders ("CTO") issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously;
- (11) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes; and
- (12) Any additional information requested by the Department of Health and Human Services.

~~(k) Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.~~

...

**AMENDMENT 5 TO ORDER NUMBER 88-21/22
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR FOURNIER
RE: ACCESS TO PUBLIC TRANSPORT**

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15-52. Performance Standards

In order to obtain a license pursuant to this Article, the Licensee shall demonstrate to the City Council that the following requirements will be met, and must maintain compliance throughout their licensure.

The Licensee shall comply with all of the following standards:

(a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.

(b) On-Site Supervision. On-site supervision shall be required for any non-apartment style emergency shelter, whenever clients are present.

(c) Maine State Housing Authority Monitoring. Any Emergency Shelter shall participate in the MaineHousing monitoring program.

(d) ~~Adequate access to and from METRO service shall be provided.~~ The facility must implement strategies to help residents utilize public transit.

(e) The facility must provide indoor space to permit shelter guests day shelter.

...

(k) Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include

the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.

...

Formula for New Program Costing on Tax Rate

1) FY22 Valuation:	14,629,000,000	\$14,629,000
2) FY22 Tax Rate (Total City & School): $\text{Levy} / (\text{Valuation}/1000)$		\$12.99
(a) FY21 Tax Rate (City):		\$6.22
(b) FY21 Tax Rate (School):		\$6.77
3) FY22 Value of \$0.01 of Tax Rate (Total City & School):		\$146,290

FISCAL IMPACT NOTE	Year 1		Year 2		Year 3	
New Program Cost Data:	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
Example:						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$97,000		\$100,880		\$104,915
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$97,000	\$97,000	\$100,880	\$100,880	\$104,915	\$104,915
New Program Impact to the Tax Rate	\$0.0066	\$0.0066	\$0.0069	\$0.0069	\$0.0072	\$0.0072
New Program % Impact on Tax Rate	0.1066%	0.0510%	0.1109%	0.0531%	0.1153%	0.0552%
Tax Rate Including New Program	\$6.23	\$13.00	\$6.23	\$13.00	\$6.23	\$13.00

Notes: While licensing fees will support the basic administrative implementation of this new program, there will be new costs associated with applicant engagement and ongoing oversight of / inspections related to performance standards. These inspections will require expertise that we do not currently have, along with significant staff time; as a result, a new staff member would need to be hired. Salary estimate is approximately \$66k, plus \$24k for fringe benefits. In addition, this type of new position requires new equipment and resources totaling approximately \$7k. In total, we estimate this program to carry a cost of approximately \$97k which is not currently included in the City budget. This will add \$0.01 to the mill rate in perpetuity.

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Below, please find answers to questions asked at and following the Council workshop regarding shelter licensing (January 5, 2022). If any additional information is needed, please contact Danielle West, Interim City Manager.

1. Reason for Brunswick shelter licensing

From Brunswick Town Manager: “Despite there being two small shelters in town operated by Tedford Housing, our zoning ordinance didn’t specifically address shelters. The Council established a task force of three Councilors to address the lack of zoning language and to consider concerns being voiced publicly about the possible construction of a new, much larger shelter. As the process unfolded, it became clear that some of the concerns being addressed were not zoning issues (i.e. land use issues). This led to the creation of the licensing ordinance, essentially to address operational issues. Near the conclusion of the task force’s work, the regulations being considered were split into 1) land use regulations (i.e. lot size, density, zoning district, setbacks, etc.) and 2) operational regulations (i.e. hours of operation, on-site supervision, total beds, etc). Amendments were drafted for the zoning ordinance and the licensing ordinance was created.”

2. List of current shelters in the state

Organization Name	Project Name
Bangor Area Homeless Shelter	BAHS
Bread of Life Ministries, Inc.	Bread of Life Shelter- Augusta
Bread of Life Ministries, Inc.	HCHV/EH VA Contract Beds
Caring Unlimited Inc.	Caring Unlimited Shelter ES (DV)
City of Portland	Family Shelter
City of Portland	Oxford Street Shelter and Family Shelter
Family Violence Project	Augusta Shelter ES (DV)
Family Violence Project	Somerset Shelter ES (DV)

HOME, Inc.	Dorr House - ES
HOME, Inc.	Duplex - Orland (Sister Marie)
HOME, Inc.	Emmaus House
HOME, Inc.	St. Francis Inn
Homeless Services of Aroostook	HSA - Aroostook Bridge
Homeless Services of Aroostook	Sister Mary O'Donnell Shelter
Hope and Justice Project	Hope and Justice Project - Central Aroostook ES (DV)
Hope and Justice Project	Hope and Justice Project - Northern Aroostook ES (DV)
Hope and Justice Project	Hope and justice Project - Southern Aroostook ES (DV)
Hope Haven Gospel Mission	Hope Haven Gospel Mission
Knox/Waldo Homeless Coalition	Hospitality House
Maliseet Domestic Violence and Sexual Assault Program	Nukomiss Wig Shelter ES (DV)
Mid-Maine Homeless Shelter	Mid-Maine Homeless Shelter
Milestone Foundation Inc.	Substance Abuse Shelter
New Beginnings	New Beginnings ES
New Hope Church	New Hope Shelter - Solon
Next Step	Machias Shelter ES (DV)
Partners for Peace	DV Shelter ES (DV)
Penobscot Community Health Center Inc.	Hope House Emergency Shelter
Preble Street	Florence House - ES
Preble Street	Joe Kreisler Teen Shelter
Rumford Group Homes, Inc.	Monier Family Center
Rumford Group Homes, Inc.	Norway Family Center
Rumford Group Homes, Inc.	Rumford Family Center

Rural Community Action Ministries	Rural Community Action Ministries Homeless Shelter
Safe Voices	Annie Pearl Shelter ES (DV)
Safe Voices	Safe Voices - Trafficking Safe House (DV) (ES)
Shaw House	Youth Shelter
St. Martin de Porres	St. Catherine of Siena Women's Shelter
St. Martin de Porres	St. Martin de Porres Residence
Tedford Housing	Adult Shelter
Tedford Housing	Family Shelter
Through These Doors (formerly Family Crisis Services)	Domestic Violence Shelter ES (DV)
Trinity Evangelical Free Church	Trinity Men's Shelter - Skowhegan
Trinity Evangelical Free Church	Trinity Women and Family Shelter
Western Maine Homeless Outreach	Western Maine Homeless Outreach - Emergency Shelter
York County Shelter Programs, Inc.	York County Adult Shelter- Alfred
York County Shelter Programs, Inc.	York County Family Emergency Shelter

This information was provided by MaineHousing using the 2020 Emergency Shelter Housing Inventory Chart.

3. What reporting requirements do we already have?

City Staff (Oxford Street Shelter and Family Shelter and Family Shelter and Family Shelter) Response:

The data points listed below are already submitted in quarterly reports required by MaineHousing, the Maine State Housing Authority:

- (i) Number of unique individuals served at the shelter
- (ii) Total number of bednights accessed at the shelter
- (iii) Number of intakes during that reporting period
- (iv) Total number of individuals who had previously been unsheltered and staying outside in Portland
- (v) Total number of chronically homeless individuals accessing the shelter
- (vi) Total number of individuals who are defined as having long time stayer status
- (vii) The average length of stay

(viii) Number of housing placements

These data points can be pulled through Service Point reports, the Consolidated Annual Performance and Evaluation Report (CAPER) and Participation Reports for MaineHousing funded shelters. Domestic Violence Shelters use a separate but comparable database in order to protect confidentiality and complete the CAPER in that database. Criminal Trespass Orders are currently collected monthly for report out at Emergency Shelter and Assessment Committee (ESAC) meetings. Minimum operational requirements align with MaineHousing's eligibility requirements that emergency shelters must currently meet to receive Emergency Shelter and Housing Assistance Program (ESHAP) Funds.

Through These Doors Response:

TTD's shelter is not licensed. We have reporting requirements already for DHHS (through the Maine Coalition to End Domestic Violence/MCEDV) and MSHA. We also must adhere to MSHA quality assurance standards. We share ESAC numbers each month as well.

Milestone Response:

Milestone Recovery falls under state funding/licensing for the shelter as it is a specialized SUD shelter. This means critical incident reporting, following guidelines from them and being funded through contract as well as the possibility to bill MaineCare under the right circumstances.

Milestone is also funded and adheres to Maine Housing guidelines which align with Federal requirements from HUD.

Preble Street Response:

The Monitoring Report specified in the licensing language, I have noted/highlighted below the items we already track:

- (1) Number of unique individuals served at the shelter; ESAC monthly; CDBG quarterly
- (2) Total number of bed nights accessed at the shelter; ESAC monthly; CDBG quarterly
- (3) Number of intakes during that reporting period; ESAC monthly
- 6) The average length of stay; ESAC monthly
- (7) Number of housing placements; ESAC monthly; New starting January, ESAC requests move in date as well as total bed nights for each placement
- (10) Number of Criminal Trespass Orders ("CTO") issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously; ESAC monthly (the total # issued but no other info); also tracked internally for agency purposes
- (11) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes; frequently tracked in daily log notes but not reported
- (12) Any additional information requested by the Department of Health and Human Services. For the quarterly DHHS report, we record the total overall number served by Teen Services and goals completed by exiting youth who have completed a Service

plan. Also, DHHS has a number of requirements that we need to keep up on to maintain our license: monthly fire drills, nightly sign ins, medication protocols, etc.

4. How many beds and how many shelters in the current proposal?

556 beds across 6 emergency shelters.

5. Estimates on cost of licensing

Licensing fees in the ordinance are \$250 for a small emergency shelter (1-40 beds) and \$500 for a large emergency shelter.

6. Are other non-profits who must apply for a license required to pay a fee?

Yes. Licenses and fees are based on the activity not the corporate form of the entity. Preble Street already has an FSE, YMCA has registered their rental units, many churches, etc. have permits for various activities, etc.

7. I would like more information about the monthly meeting expectations for shelter management with the neighborhood. To me this puts an even larger burden on the shelter operators to try and find time to coordinate with multiple parties for what purpose? As suggested by one of the shelter operators I think a clear way for stakeholders, neighbors, etc to communicate praise or issue makes more sense and is more efficient with everyone's time. Meeting for the sake of meeting is not productive in my opinion.

City Staff (OSS & FS) Response:

The City of Portland's Land Use Code requires all new emergency shelters to provide a detailed Management Plan when applying for site plan approval. The Management Plan must address the following: "adequately outlining the following areas shall be provided: management responsibilities; process for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports." As a way to address neighborhood concerns, the two most recent management plans submitted to the City for approval (Preble Street Wellness Shelter and the Homeless Services Center) includes monthly neighborhood meetings. It is important to note that this is not currently a requirement for existing shelters.

Through These Doors Response:

These meetings are one of the areas about which I am most concerned. My specific concerns were included in my public comments shared prior to the workshop: The lack of clarity of this item (monthly meetings with neighbors and stakeholders) will make it very difficult to comply. For instance: Are shelters required to seek out neighbors

and convene a meeting? If requested, are shelters required to meet separately with neighbors and stakeholders on their schedule? What is the purpose of the meetings? What authority do neighbors have over shelter operations? If dispute happens, who determines resolution? What constitutes resolution? Who is considered to be a stakeholder? Will the Portland Police Chief or designee attend a monthly meeting of each shelter in Portland? We know that all shelters are likely to have at least a few neighbors that are unhappy that a shelter exists at all in their neighborhood. It seems that the unhappy neighbors will be the attendees at the meetings and those who have no issue with the shelter will not be likely to attend a monthly meeting.

Milestone Response:

Milestone recovery already attends the India Street Neighborhood Association and communicates regularly with neighbors. It's unclear if the meeting within licensing has to have a specific structure or composition. Does it need to be a formal additional meeting or if the meetings already attended, such as a neighborhood association, type of response would suffice. To my knowledge this idea is modeled after a meeting that took place at 5 Portland Street between Preble, City of Portland, DA's office, and the neighborhood association. That meeting was often just information sharing and updates.

I believe that quarterly check-ins with PD, and meetings over specific issues with the community policing team would be ideal from the PD side, rather than a standing meeting. Also, what happens when/if a community partner/neighbor doesn't attend? Is the agency responsible for stating the meeting happened and the party was absent? I believe the spirit is to foster collaboration and I think that will look different depending on the community. We support collaboration and think it is essential, just have concerns about the prescriptive nature of this.

Preble Street Response:

In terms of the expectations to meet regularly with neighborhood stakeholders, I would say that Preble Street already complies with this. That being said, I think the provider referenced in one of the Councilor's emails was right in saying that "a clear way for stakeholders, neighbors, etc. to communicate praise or issue makes more sense [than a monthly meeting] and is more efficient with everyone's time."

- 8. For the DV shelter license, how much of this is public and how much is private. The shelter location has to be disclosed to someone at the city I would imagine, how is that kept confidential throughout the process?**

They would have to request a waiver from disclosing their location. (As an alternative, the Council could consider exempting DV shelters under a certain size altogether.)

- 9. Under Enforcement and Penalties, section b, could we have a clearer understanding of "any municipal official with authority to enforce this or other**

municipal ordinances regulating emergency shelters shall have authority to enter the premises..."

HHS and Business Licensing. Fire, building inspectors, and housing safety inspectors already have the right to enter.

10. For what purpose would someone be entering with less than 24hrs notice?

To inspect for healthy and safety violations, usually based on complaints (by shelter clients, for example). (As an alternative, the Council might consider requiring 24 hours notice for all but emergencies.)

11. Can we have more specific roles identified for who would have these powers? If they are granted I would request a narrower definition of specific roles. If there is a specific purpose for why they should be allowed to do this, naming the role should not be difficult.

Code enforcement officers, who already have the right to enter and inspect for housing and building code violations, would now also inspect to ensure compliance with new licensing requirements.

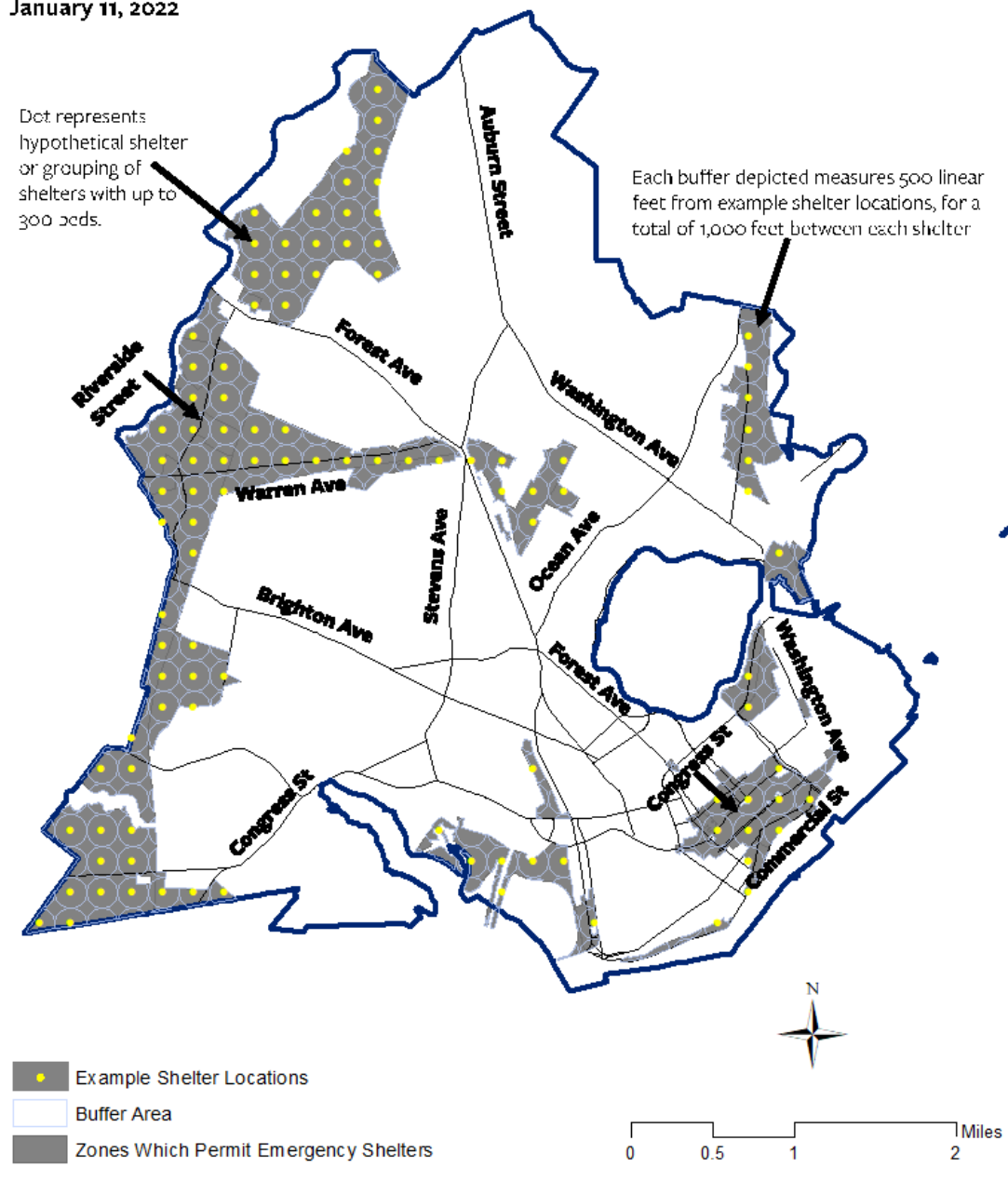
12. Under this same section, because the city operates an emergency shelter, how would this apply to our own operations?

Oxford Street would need to be licensed and comply with the same requirements.

13. Initially I believe the proposed bed max was 250 beds within a 500ft radius, what is being proposed tonight is 300 beds within a 1000ft radius, how many shelters would that allow for given the area we have currently, the existing emergency shelters and what would be allowed should this pass? (is there a map of this and how it applies on and off peninsula?) (Will be answered above by Aaron/Adam)

Emergency Shelter Spacing (1,000 Feet)

January 11, 2022



**** Finding:** Map depicts a maximum of **105** sites based upon area zoned for emergency shelters. This map does not account for existing uses, accessibility, or other site limitations.

14. We talked briefly about this in the last meeting, but I don't feel like there was a clear response. there are proposed reporting requirements, I am curious what of these requirements are already being reported by shelters for:

a) State funding and licensing?

City Staff (Oxford Street Shelter and Family Shelter and Family Shelter) Response:

See ESHAP Program Guide, the 2022 Monitoring Schedule, and Housing Quality Standards inspection annual Inspection Checklist attached.

Through These Doors Response:

TTD's shelter is not licensed. We have reporting requirements already for DHHS (through the Maine Coalition to End Domestic Violence/MCEDV) and MSHA. We also must adhere to MSHA quality assurance standards. We share ESAC numbers each month as well.

Milestone Response:

Milestone Recovery falls under state funding/licensing for the shelter as it is a specialized SUD shelter. This means critical incident reporting, following guidelines from them and being funded through contract as well as the possibility to bill MaineCare under the right circumstances.

Milestone is also funded and adheres to Maine Housing guidelines which align with Federal requirements from HUD.

Preble Street Response:

The Monitoring Report specified in the licensing language, I have noted/highlighted below the items we already track:

- (1) Number of unique individuals served at the shelter; ESAC monthly; CDBG quarterly
- (2) Total number of bed nights accessed at the shelter; ESAC monthly; CDBG quarterly
- (3) Number of intakes during that reporting period; ESAC monthly
- 6) The average length of stay; ESAC monthly
- (7) Number of housing placements; ESAC monthly; New starting January, ESAC requests move in date as well as total bed nights for each placement
- (10) Number of Criminal Trespass Orders ("CTO") issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously; ESAC monthly (the total # issued but no other info); also tracked internally for agency purposes
- (11) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes; frequently tracked in daily log notes but not reported
- (12) Any additional information requested by the Department of Health and Human Services. For the quarterly DHHS report, we record the total overall number served by Teen Services and goals completed by exiting youth who have completed a Service

plan. Also, DHHS has a number of requirements that we need to keep up on to maintain our license: monthly fire drills, nightly sign ins, medication protocols, etc.

b) What sort of hardship would this create for the shelter staff (as it would take away from direct service time)?

City Staff (Oxford Street Shelter and Family Shelter and Family Shelter) Response:

As the majority of what is required to be monitored must already be tracked for MaineHousing to receive ESHAP funding, our reporting requirements are expected to have a small impact on the workload of existing administrative staff and are not anticipated to supplant shelter or housing services.

Through These Doors Response:

We are more than happy to share reports with the City that we are already preparing for other funders. That would not create an additional burden. Any new reports would take time from direct service as there is no money to add staff hours to create such reports, even if we take the information provided to another agency and re-format it for the City.

Milestone Response:

Milestone's shelter is already operated by a tight crew. Our current staffing model is 1 supervisor and 2 shelter attendants for 34-41 clients. There are times where we only can cover with 2 staff. We don't always have capacity to pull a staff to do "extra". Any extra time is utilized to support the rest of the organization by assisting with cleaning, laundry and meal services for shelter and detox clients.

Much of the data is already collected and would mean the shelter administrator sending the report to two different places instead of one. Any additional information could create challenges in data collection from the direct care staff but also for the admin staff.

Preble Street Response:

Much of what is asked for in the Monitoring Report would be redundant and is already reported or available in other ways. Ultimately, complying with any additional reporting would create some added hardship for staff. Even though we often have Program Administrators completing these types of reports (who do not provide direct service to clients), much of their time is spent working on scheduling/programming and supporting client services. The more reporting they have on their plate, the less time they have to support the client-facing side of the work. Additional reports would also require the oversight of Management, which would detract from their ability to do other things.

That being said, some of the items we don't track would be much easier for us to gather info on than others. Quantifying the number of individuals served who have Long Term Stayer status, for instance, would be fairly easy to do and just involve some cross referencing with HMIS. Other things, like recording police calls, could be much more

likely to have a negative impact on our ability to serve clients and would most likely fall upon direct service staff working in the shelter milieu. Also, calls for service (as well as CTOs) are already tracked by PPD, so it seems that if anyone wanted this information PPD could easily provide it. I do think a request like this would place unnecessary burden upon providers.

c) And how is this data used?

These data will be used to better understand the landscape for individuals experiencing homelessness.

d) What does it inform?

The data helps us take an informed stance and advocacy on improving emergency shelter services. These include seeking programmatic changes and funding opportunities that ameliorate lives of our clients.

e) What is the intent and purpose?

Please see above.

f) What is redundant for what is already required?

City Staff (Oxford Street Shelter and Family Shelter and Family Shelter) Response:

The data points listed below are already submitted in quarterly reports required by MaineHousing, the Maine State Housing Authority:

- (i) Number of unique individuals served at the shelter
- (ii) Total number of bednights accessed at the shelter
- (iii) Number of intakes during that reporting period
- (iv) Total number of individuals who had previously been unsheltered and staying outside in Portland
- (v) Total number of chronically homeless individuals accessing the shelter
- (vi) Total number of individuals who are defined as having long time stayer status
- (vii) The average length of stay
- (viii) Number of housing placements

These data points can be pulled through Service Point reports, the Consolidated Annual Performance and Evaluation Report (CAPER) and Participation Reports for MaineHousing funded shelters. Domestic Violence Shelters use a separate but comparable database in order to protect confidentiality and complete the CAPER in that database. Criminal Trespass Orders are currently collected monthly for report out at Emergency Shelter and Assessment Committee (ESAC) meetings. Minimum operational requirements align with MaineHousing's eligibility requirements that emergency shelters must currently meet to receive Emergency Shelter and Housing Assistance Program (ESHAP) Funds.

Through These Doors Response:

The application itself is onerous. Management plan, community liaison, environment design.... these are concepts that may be familiar to an organization the size of Preble Street (which I understood at the worksheet was the model for some of this) but are not to us. It is not clear what constitutes shelter staff qualifications that will meet the City's expectations.

Milestone Response:

Most of the data points except for 6 8,9, 11, under data reporting are already collected and reported to ESAC and Mainehousing. We have no formal process for items 8,9 or K. Admin would be tasked to develop these processes and K would require even more meetings for the shelter director. Item 12, while it appears to be a form of standardized language, is far too vague. The people we serve are protected under a higher level of confidentiality and thus we may have to refuse to share certain information if requested. The data points could be forwarded from ESAC or attended by City staff. Item 11 is a challenge to report accurately. It would need to be a list of calls from PD, but we would also have to cross reference the calls as we operate two different programs out of 65 India Street and there is concern that any police call within proximity to a shelter could get blamed on them. The information could be useful to notice patterns and there is concern that the inclusion of this as a primary reporting assumes criminal behavior. If the intent is to collect and show the inadequacies in our collective mental health and substance use continuum of care, there could be some usefulness to this data point. Looking at mental health and substance use calls in general within the city are a key component when assessing the challenges within the community, City and State. Mainehousing already does inspections, audits and set standards, they also offer training and resources. The City's request to have shelters go through a license without any incentive to do so, while increasing administrative duties adds a burden to a system that is already underfunded and feeling the challenges of the opioid epidemic and COVID-19. We serve people that are underserved and over-looked, they do not need further invasion to the places they feel safe.

One possible solution could be to just require the Maine Housing metrics be the report. Since a record of the MaineHousing data is also included, that might be sufficient to meet the needs related to oversight, although as stated it does not include all the data points requested under reporting.

The police call record is of concern. The organization would now have to track that, but they are not responsible for the outcome of a police call. Similarly, emergency calls in the neighborhood can easily start being attributed to "one of your guys", when not everyone with a substance use disorder or experiencing a mental health symptom is someone we treat. This was the case a few months ago when police had to respond and restrain someone who was not "one of ours" but happened to be in front of our building and staff had to call for police response.

15. Provider on-site and day-space requirements. How is this monitored, what is the requirement for day space based on number of occupants? How does the city check on frequency of on-site provider coordination? How is this consistently enforced across shelters?

We do not have City staff capacity or expertise to ensure performance standards are maintained, as is required by the ordinance. In order to implement this part of the ordinance effectively, a new position would need to be created.

16. Adequate access to transportation needs further definition. Is the shelter expected to provide rides to bus stops? Bus passes? coaching on using public transportation?

A councilor is welcome to propose an amendment to the draft ordinance. Otherwise, we recommend discussing the intent of this and other parts of the ordinance with the Committee Chair.

Sec. 15-12. Fees and expiration dates.

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

Location in Code	Description	Fee	Expiration Date
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. . .

XXX	Small Emergency Shelter (1-40 beds)	\$250.00	July 1
	Large Emergency Shelter (41+ beds)	\$500.00	July 1

[NEW ARTICLE]

[NEW SECTION]. Definitions.

Emergency Shelter: A facility providing temporary overnight shelter to individuals experiencing homelessness in a dormitory-style or per-bed arrangement.

[NEW SECTION]. Licensing Requirements.

- (a) Chapter 15 to apply. Except as otherwise provided in this Article, the provisions of Chapter 15 shall apply to all licenses applied for and issued under this Article.
- (b) Operating without a license is prohibited. No individual or entity may operate an emergency shelter within the City without first obtaining a license from the City, except that any emergency shelter in operation as of the effective date of this Article must apply for and receive a license within 90 days of the effective date.
- (c) Burden of proof. The applicant for any license under this Article bears the burden of proving that all qualifications for licensure have been satisfied.
- (d) Current information. Any applicant or licensee must keep all information disclosed in their application current and must notify the City of any change in information within ten business days of any such change.

- (e) No vested rights. No person shall have any entitlement or vested right to a license under this Article, and operating an emergency shelter is a privilege and not a right in the City.

[NEW SECTION]. Licensing Authority

- (a) All new license applications shall be reviewed by the City Council. After a public hearing, the Council shall grant, grant with conditions, or deny the license.
- (b) Except as provided by Subsection (c) below, all renewal applications shall be reviewed by the Permitting and Inspections Department. The Permitting and Inspections Director shall grant, grant with conditions, or deny the license. Except that, at the request of the City Manager or designee, or at the request of any member of the City Council or the Mayor, a renewal application shall be reviewed by the City Council in accordance with Subsection (a) above..
- (c) All renewals of shelter licenses held by the City of Portland shall be reviewed by the City Council in accordance with Subsection (a) above.

[NEW SECTION]. Review Procedures.

The following review procedures shall apply to both initial and renewal applications:

- (a) Applications shall be made in writing using a form prepared by the City for the purpose and must include all information required by this Ordinance and by the form. Applications shall be submitted to the Permitting and Inspections Department.
- (b) If the Permitting and Inspections Department determines that a submitted application is not complete, he or she shall notify the applicant of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Permitting and Inspections Department's request, the application may be denied administratively with no further action.
- (c) Before the City Council issues its decision on an initial or renewal application, the Police Department, Fire Department, Permitting and Inspections Department, and the Health and Human Services Department shall review the application and recommend to the City Council whether to issue, issue with conditions, or deny the license. The Departments shall review the application for the following standards:
 - (i) Whether the shelter has complied with its approved operations and security plans.

- (ii) Whether the operations and security plans are more likely than not to protect the public health, safety, and welfare.
 - (iii) Whether the operations and security plans are more likely than not to meet all performance standards and requirements in this ordinance.
 - (iv) Whether there are any outstanding Code violations at the shelter.
- (d) In reviewing license applications, the City Departments and the City Council may consider the approval standards under this Ordinance as well as other applicable local, state or federal laws and, for license renewals, the Licensee's record of compliance with the same.
- (e) Applications for renewal licenses shall be submitted at least thirty (30) days prior to expiration of the existing term. Any Licensee who fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted.
- (f) The City Council shall have the authority to impose any conditions on a license that may be reasonably necessary to insure compliance with the requirements of this Ordinance, to address concerns about operations, or to protect the health, safety, and welfare of the public. Failure of any Licensee to comply with such conditions shall be considered a violation of the license and this Ordinance.

[NEW SECTION]. Application Submission Requirements

Each applicant for a Emergency Shelter license shall complete and file an application on the form provided by the City, together with the applicable license fee as well as the following supporting materials:

- (a) Attested copies of any articles of incorporation, bylaws, operating agreement, management plan, partnership agreement or articles of association that govern the entity that will own and/or operate the emergency shelter.
- (b) A corporate supplement form that identifies all owners, officers, members, managers, partners, and/or board members of the Applicant, and their ownership interests, if applicable.
- (c) A description of the population to be served by the shelter.
- (d) A description of the premises for which the license is sought, including a floor plan of the premises.

- (e) The name and contact information for a community relations liaison, who shall be responsible for receiving and responding to inquiries from, and reasonably addressing concerns raised by, members of the public and other individuals.
- (f) The name and contact information for an emergency contact, who shall respond to all non-emergency contacts by the City within 72 hours of contact, and to any emergency contact by the City within two hours of contact.
- (g) Whether the applicant has experience running a shelter in Portland or elsewhere and a description of that shelter, including size, location, and population served.
- (h) An operations plan describing the following:
 - (i) The experience and qualifications of shelter management and staff, sufficient to demonstrate that the shelter can meet its obligations under this ordinance, including providing appropriate services to shelter guests;
 - (ii) How the shelter will meet the performance standards and other requirements of this ordinance;
 - (iii) Management responsibilities;
 - (iv) A process for effectively resolving neighborhood concerns;
 - (v) Staffing;
 - (vi) Controls for resident behavior and noise levels;
 - (vii) Security, safety and protective measures:
 - (1) On-site surveillance;
 - (2) Provisions to provide access to recordings of exterior public ways by city staff upon request;
 - (3) Safety measures;
 - (4) Access restrictions;
 - (5) Environmental design, engineering or procedural measures to reduce crime, loitering and disorder in and around the facility;
 - (6) Emergency and response protocols, including but not limited to:

- a) Medical emergencies, including overdoses;
 - b) Intruder response;
 - c) Criminal trespass guidance;
 - d) Recovery of weapons;
 - e) Recovery of illicit drugs;
 - f) Incidents involving violence, serious injuries or death;
- (i) The most recent MaineHousing annual monitoring report shall be provided to the City with any renewal application; and
 - (j) A description of the strategies to be implemented to help residents utilize public transit, as required by [Section] (d).

[NEW SECTION]. Performance Standards

In order to obtain a license pursuant to this Ordinance, the Licensee shall demonstrate to the City Council that the following requirements will be met, and must maintain compliance throughout their licensure

The Licensee shall comply with all of the following standards.

- (a) Display of License. The current License shall be displayed at all times in a conspicuous location within the Premises.
- (b) On-Site Supervision. On-site supervision shall be required for any non-apartment style emergency shelter, whenever clients are present.
- (c) Maine State Housing Authority Monitoring. Any Emergency Shelter shall participate in the MaineHousing monitoring program.
- (d) Adequate access to and from METRO service shall be provided. The facility must implement strategies to help residents utilize public transit;
- (e) The facility must provide indoor space to permit shelter guests day shelter.
- (f) The facility must have centralized shelter operations on each level of the emergency shelter providing for sight lines to sleeping areas. However, a pre-existing shelter, as defined in [SECTION] below, shall not be required to meet this requirement, so long as alternative measures are provided to ensure resident safety while sleeping. This requirements shall also not apply to apartment-style shelters.

- (g) The facility must provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.
- (h) Maximum Density of Beds. The total bed capacity for individual residents within emergency shelters in the City shall not exceed 300 beds within an 1 mile radius. Distance shall be measured between property lines of the emergency shelters.
- (i) Proximity to Other Facilities. There shall be a 1,000 ft buffer between emergency shelters. Distance shall be measured from the nearest property line of each shelter in a straight line.
- (j) Monitoring Reports. Each shelter shall quarterly file a management report with the Department of Health and Human Services, which shall share the report with the other responsible City agencies, including the Police Department. The report shall contain, at a minimum, the following information:
 - (i) Number of unique individuals served at the shelter
 - (ii) Total number of bednights accessed at the shelter
 - (iii) Number of intakes during that reporting period
 - (iv) Total number of individuals who had previously been unsheltered and staying outside in Portland
 - (v) Total number of individuals who are defined as having long time stayer status
 - (vi) The average length of stay
 - (vii) Number of housing placements
 - (viii) Record of neighborhood concerns and resolutions
 - (ix) Summary of meetings with individual neighbors, neighborhood associations and businesses
 - (x) Number of Criminal Trespass Orders (“CTO”) issued, the reasons for those CTOs, the length of those CTOs, and whether the person issued the CTO has been issued a CTO previously
 - (xi) Record of police calls for service related to mental health, substance use, crime or other reasons and outcomes
 - (xii) Any additional information requested by the Department of Health and Human Services.
- (k) Shelter management will meet with and communicate monthly with neighbors and other stakeholders, that will include the Police Chief or designee, to prevent and/or respond proactively to public safety and quality of life concerns.

[NEW SECTION] Review Process for Domestic Violence Shelters

- (a) Due to the need for confidentiality for safety reasons, a shelter serving solely survivors of domestic violence may request a waiver of any of the provisions of this ordinance that may jeopardize the confidentiality of the shelter, including, but not limited to the following:
 - (i) The requirement to provide a description of the premises for which the license is sought, including a floor plan of the premises.
 - (ii) The limitations on the number of beds.
 - (iii) The limitation on the distance between shelters.
- (b) A shelter applying for this exemption must provide its request for a waiver in writing, including the reasons why a waiver is required, and how the shelter will ensure that the public health, safety, and welfare will not be negatively impacted by that waiver.
- (c) At its sole discretion, the City Council may grant a requested waiver if it finds that the waiver is required to protect the confidentiality and safety of the shelter and its guests; and that the public health, safety, and welfare will not be negatively impacted by the waiver.

[NEW SECTION] Enforcement and Penalties

- (a) This Chapter shall be enforced by the City Manager's designee(s).
- (b) Any municipal official with authority to enforce this or other municipal ordinances regulating Emergency Shelters shall have authority to enter the premises of an Applicant or Licensee without notice to make inspection reasonably necessary to ensure compliance with this Article, the applicant or licensee's application or license, or other applicable provisions of the City Code.
- (c) Upon finding a violation of this Article, of an application, license or permit, or of any other provision of the City Code, the inspecting municipal official shall issue a notice of violation and provide a reasonable opportunity to correct that violation before issuing civil penalties, taking action to suspend or revoke a licensee's license, or taking court action against the licensee. However, there shall be an exception to this requirement where a violation poses an imminent threat to health or safety, or if the violation is a repeat violation.

- (d) Each day that a violation of this Chapter exists shall be a civil violation subject to civil penalties. Each violation of this Chapter shall be subject to civil penalties in the minimum amount of \$100 and the maximum amount of \$2,500 per day that the violation has existed. However, the maximum amount of civil penalties may be increased where: (i) There has been a previous violation or judgment against the same party within the past two years for a violation of this Article, except that the maximum civil penalties may not exceed \$25,000 per day; or (ii) The economic benefit resulting from the violation exceeds the applicable penalties, except that the maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation.
- (e) The City Manager or his/her designee is authorized to cause to be instituted by the corporation counsel, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Chapter.
- (f) If the City is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.

[NEW SECTION]. Appeals

- (a) Appeals of the suspension or revocation of a license, or of a notice of violation issued pursuant to this Article, shall be to the City Manager pursuant to Sec. 15-9.
- (b) Appeals from the grant or denial of a license by the City Council shall be taken to Superior Court.
- (c) Appeals from the grant or denial of a renewal license by the Permitting and Inspections Department shall be taken to the City Council within 30 days of the decision.

[NEW SECTION]. Pre-existing Shelters

- (a) For purposes of this Section, “pre-existing emergency shelter” shall mean (i) an emergency shelter that, as of January 31, 2021, is lawfully operating with all required permits and approvals; (ii) an emergency shelter that, as of January 31, 2021, has received conditional use approval that has not expired, or (iii) the consolidation of the operations of the Joe Kreisler Teen Shelter at 38 Preble Street and the Preble Street Teen Center at 343 Cumberland into one 24/7 emergency shelter facility for teens at 343 Cumberland Avenue provided that there is no

expansion of the number of individuals served or beds currently provided between the two existing locations.

(b) Pre-existing emergency shelters shall comply with all of the requirements of this ordinance, except as provided in this section.

(c) Applicability of bed density requirements in [SECTION] (g):

- (i) A pre-existing emergency shelter's inability to meet the maximum density of beds requirement in [SECTION] (g), shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.
- (ii) However, any expansion of a pre-existing emergency shelter shall be required to meet the maximum density of beds requirement in [SECTION] (g).
- (iii) The number of beds at any pre-existing emergency shelter shall still be counted for purposes of determining whether any proposed new shelter is eligible for licensure.

(d) Applicability of proximity requirements in [SECTION] (h):

- (i) A pre-existing emergency shelter's inability to meet the proximity to **other facilities requirement in [SECTION] (h)**, shall not operate to disqualify that pre-existing emergency shelter from obtaining a license.
- (ii) However, a pre-existing emergency shelter may not expand unless it meets the proximity to other facilities requirement in [SECTION] (h).
- (iii) Any new emergency shelter must still meet the proximity to other facilities requirement in [SECTION] (h) with respect to any pre-existing emergency shelter.

(e) Applicability of indoor space performance standards in [SECTION] (e):

- (i) A pre-existing emergency shelter is not required to provide indoor space as required in [SECTION] (e) if it did not have such indoor space at the time of original approval.
- (ii) However, if there is any expansion of a pre-existing emergency shelter, that emergency shelter shall be required to add indoor space sufficient to meet the requirements of [SECTION] (e).

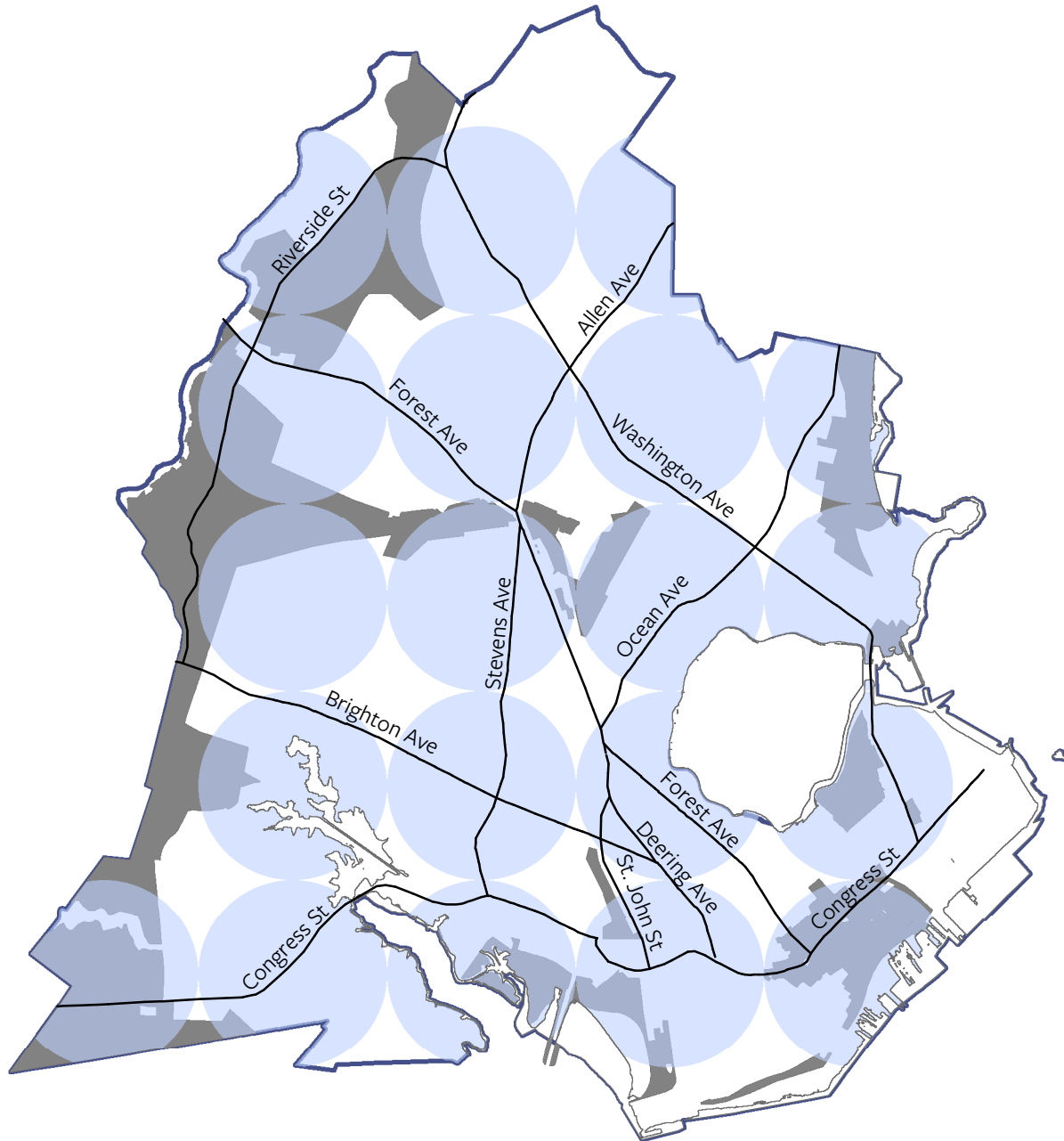
[NEW SECTION]. Severability

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

[NEW SECTION]. Reasonable Modifications

The City of Portland may make reasonable modifications to the requirements of this Article to accommodate the needs of persons with disabilities as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Shelter Spacing (1 Mile)



1/2 Mile Buffer

Zones with Emergency Shelter Conditional Use

City Boundary

0 0.5 1 2 Miles



Health & Human Services Department
Kristen Dow, Director

-

MEMORANDUM

To: Members of the Health & Human Services & Public Safety Committee

From: Kristen Dow, Director of Health & Human Services

Date: May 7, 2021

Re: Staff Recommendations for Maximum Bed Density & Shelter Buffer Zones

At the March 9, 2021 meeting of the Health & Human Services and Public Safety Committee, when reviewing the draft shelter licensing ordinance, it was requested that staff provide recommendations on *maximum density of beds* and *proximity to other shelters* (Performance Standards G & H in the document) for the May 11th, 2021 committee meeting. Since that time, staff from the Health & Human Services Department have met with area social service providers and developed a questionnaire that was sent to residents of Bayside via the Bayside Neighborhood Association. This was done to gather additional information on local concerns to better inform recommendations to the committee.

Information was gathered from social service providers in two separate meetings. The first was a meeting of shelter operators in the city, the other was through ESAC. A total of fourteen organizations were represented in these meetings. The response from area providers was unanimous in that they did not feel that they could provide a recommendation on maximum bed density *or* proximity to other shelters (buffer zone), because they are not supportive of shelter licensing at this point. It was stated that current shelters are already struggling and that placing further restrictions would cause significant issues to the current shelter system. At the ESAC meeting it was mentioned that the biggest threat is that if this is not done correctly, the risk of encampments will grow.

The questionnaire that was distributed to residents through the Bayside Neighborhood Association received a total of fourteen responses. These responses spoke heavily to the need for equitable distribution of services across the city and the existing high number of shelter beds in a one mile radius in the city. A recommendation of 250 beds in a one mile radius was given and a 2500 foot buffer zone was recommended in five different responses. In addition to equitable distribution of services, other reasons given as a need for these parameters were the ability to track and address problems with the correct agency when services are spread out, as well as the safety of shelter guests, particularly women and children.

In November of 2020 at the request of the HHS & PS Committee, staff conducted research on licensing and zoning mechanisms used to regulate privately operated emergency shelters in other municipalities. This was provided to members of the HHS & PS Committee in a November, 2020

memo. The information on buffer zones collected at that time shows a 500 foot buffer zone in several municipalities, including Brunswick, ME. Additionally, after checking with our own Permitting and Inspections Department, currently our most stringent buffer is 500 ft, between marijuana businesses and schools, which is mandated by the state. All others range from 100 to 300 feet.

With all of the above information in mind, staff would recommend a 500ft buffer between shelters with a bed density of 250 beds in a 1 mile radius. This radius allows for equitable shelter distribution throughout the City while allowing for as many as 20 plots. The potential plots would accommodate more than twice the capacity we've seen throughout the pandemic. It is also the recommendation of staff that a legacy clause be put into place to protect existing shelters.

Striking the balance between neighborhood concerns with equity and safety as well as provider concerns for access to emergency shelter services is challenging. Staff worked to strike a balance that will provide shelter options for those in need while also allowing for more equitable placement of shelters throughout the city.



CITY OF PORTLAND
Social Services Division
Aaron Geyer, Director

MEMORANDUM

TO: The Health & Human Services and Public Safety Committee

FROM: Aaron Geyer, Social Services Division Director

DATE: April 13, 2021

RE: Shelter Reporting and Operational Requirements

At the March 9, 2021 meeting, the committee requested that staff determine which data points within the Monitoring Reports emergency shelters already collect and solicited staff recommendations on basic operational requirements. For the Monitoring Reports, staff Identified which items in the list of information required in quarterly reports are already required by MaineHousing, the Maine State Housing Authority:

- (i) Number of unique individuals served at the shelter
- (ii) Total number of bednights accessed at the shelter
- (iii) Number of intakes during that reporting period
- (iv) Total number of individuals who had previously been unsheltered and staying outside in Portland
- (v) Total number of chronically homeless individuals accessing the shelter
- (vi) Total number of individuals who are defined as having long time stayer status
- (vii) The average length of stay
- (viii) Number of housing placements

These data points can be pulled through Service Point reports, the Consolidated Annual Performance and Evaluation Report (CAPER) and Participation Reports for MaineHousing funded shelters. Domestic Violence Shelters use a separate but comparable database in order to protect confidentiality and complete the CAPER in that database. Criminal Trespass Orders are currently collected monthly for report out at Emergency Shelter and Assessment Committee (ESAC) meetings. Collection of neighborhood concerns, meetings and calls for service would be additional data points not currently collected.

Staff recommend modeling minimum operational requirements to align with MaineHousing's eligibility requirements emergency shelters must currently meet to receive Emergency Shelter and Housing Assistance Program (ESHAP) Funds.

196 Lancaster Street • Portland, ME 04101 • 207-482-5131

aeg@portlandmaine.gov • www.portlandmaine.gov



Health & Human Services Department
Kristen Dow, Director

MEMORANDUM

To: Members of the Health & Human Services & Public Safety Committee

From: Kristen Dow, Director of Health & Human Services

Date: March 9, 2021

Re: Committee Request for Staff Recommendations

At the February 9th, 2021 meeting of the Health & Human Services and Public Safety Committee, when reviewing the draft shelter licensing ordinance, it was requested that staff provide recommendations on *maximum density of beds* and *proximity to other shelters* (Performance Standards G & H in the document). Staff from several city departments met to discuss the request and would like to request additional time to meet with community partners and neighborhood associations to gather additional information on these topic areas in order to bring a recommendation back to the committee.

Staff believes they can have this information collected with a recommendation ready for the May 11th, 2021 Health & Human Services Public Safety Committee meeting. Thank you for your consideration of this request.

concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, the police chief shall cause an investigation to be made of the principal officers or persons to be licensed. All such persons shall report to the Permitting and Inspections Department in writing, and copies of any such report shall be deemed a public record.

(b) Whenever a criminal background check is done prior to issuance of a license, any cost of such background check which is charged to the City by another agency shall be added to the fees to be paid by the applicant.

(Code 1968, § 901.7; Ord. No. 231-80, 12-22-80; Ord. No. 115-84, § 1, 8-6-84; Ord. No. 247-02/03, 5-19-03; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 15-8. Standards for denial, suspension or revocation.

(a) *Grounds.* In addition to any other specific provision of this Code authorizing such action, a license or permit may be denied, suspended or revoked upon a determination of the existence of one (1) or more of the following grounds:

- (1) Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; or failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable, or failure to pay any fee required hereunder;
- (2) The licensed activity, or persons on the premises for the purpose of participating in the licensed activity, or persons patronizing the licensed device have caused one (1) or more breaches of the peace; or
- (3) There is a clear danger that a breach of the peace will occur if the licensed activity is permitted; or
- (4) The licensed activity or persons patronizing the licensed premises will substantially and adversely affect the peace and quiet of the neighborhood, whether or not residential, or any substantial portion thereof;
- (5) The licensee has violated any provision of this Code in the course of the conduct of the activity or device for which the license or licenses have been applied for, or have been issued; or

- (6) The occurrence of any event subsequent to issuance of the license which event would have been a basis for denial of the license shall be grounds for revocation thereof; or
 - (7) The applicant's or licensee's real or personal property taxes, or final judgments due and payable to the city, are determined to be in arrears as of the date of the license or application; or that real or personal property taxes or final judgments due and payable to the city on account of the premises for which application has been made or a license issued have not been paid in full as of the date of the license or application. Real or personal property taxes or final judgments that are less than thirty (30) days past due at the time of the license or permit application, that are less than \$500.00, or that are determined by the City Manager or his or her designee to not be owed as per §2-203(f) shall not be considered in arrears for purposes of this section.
- (b) *Hearings.*
- (1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after a hearing.
 - (2) In the case of the suspension or revocation of a license, a hearing shall be given to the licensee and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Unexcused failure of licensee to appear at the hearing shall be deemed a waiver of the rights to said hearing.
 - (3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the Permitting and Inspections Department may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the Permitting and Inspections Department shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint

and to present evidence. The complainant shall also be notified of the hearing and given the opportunity to be heard.

- (4) All suspensions or revocations shall be upon substantial evidence and all hearings shall be conducted with substantial fairness and strict adherence to the rules of evidence shall not be required.
- (5) All hearings on suspension or revocation of licenses shall be held within thirty (30) days of delivery to licensee of the generalized statement of complaint.

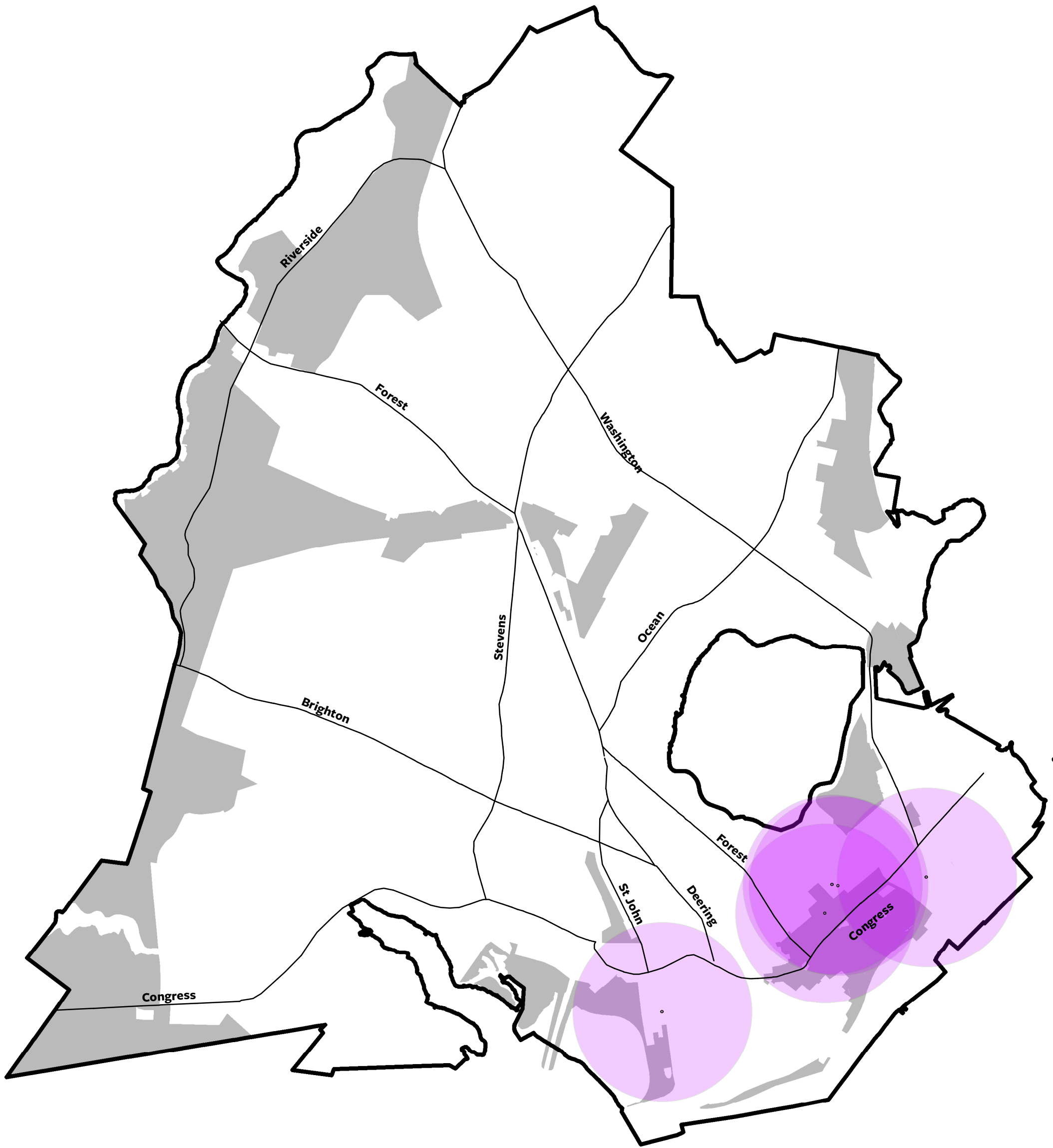
(c) *Abandoned licenses.* The applicant shall pay the issuance fee and obtain any license from the Permitting and Inspections Department within thirty (30) days after it has been approved by the Permitting and Inspections Department. Upon failure to pay the issuance fee and obtain the license within said thirty-day period, the approval shall be void and the application deemed abandoned. For good cause shown, the Permitting and Inspections Department may extend the thirty-day period provided such extension does not result in the issuance of the license being delayed more than one hundred eighty (180) days from its approval by the Permitting and Inspections Department.

(Code 1968, § 901.8; Ord. No. 231-80, 12-22-80; Ord. No. 291-83, 12-5-83; Ord. No. 562-84, §§ 4, 5, 4-23-84; Ord. No. 196-88, 11-7-88; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017; Ord. No. 220-17/18, 6-4-2018)

Sec. 15-9. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the Permitting and Inspections Department by filing a notice of appeal and the prescribed fee with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee to act as hearing designee in the appeal. The hearing designee shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the Permitting and Inspections Department may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm

Existing Shelters, Shelter Zones, and Spacing

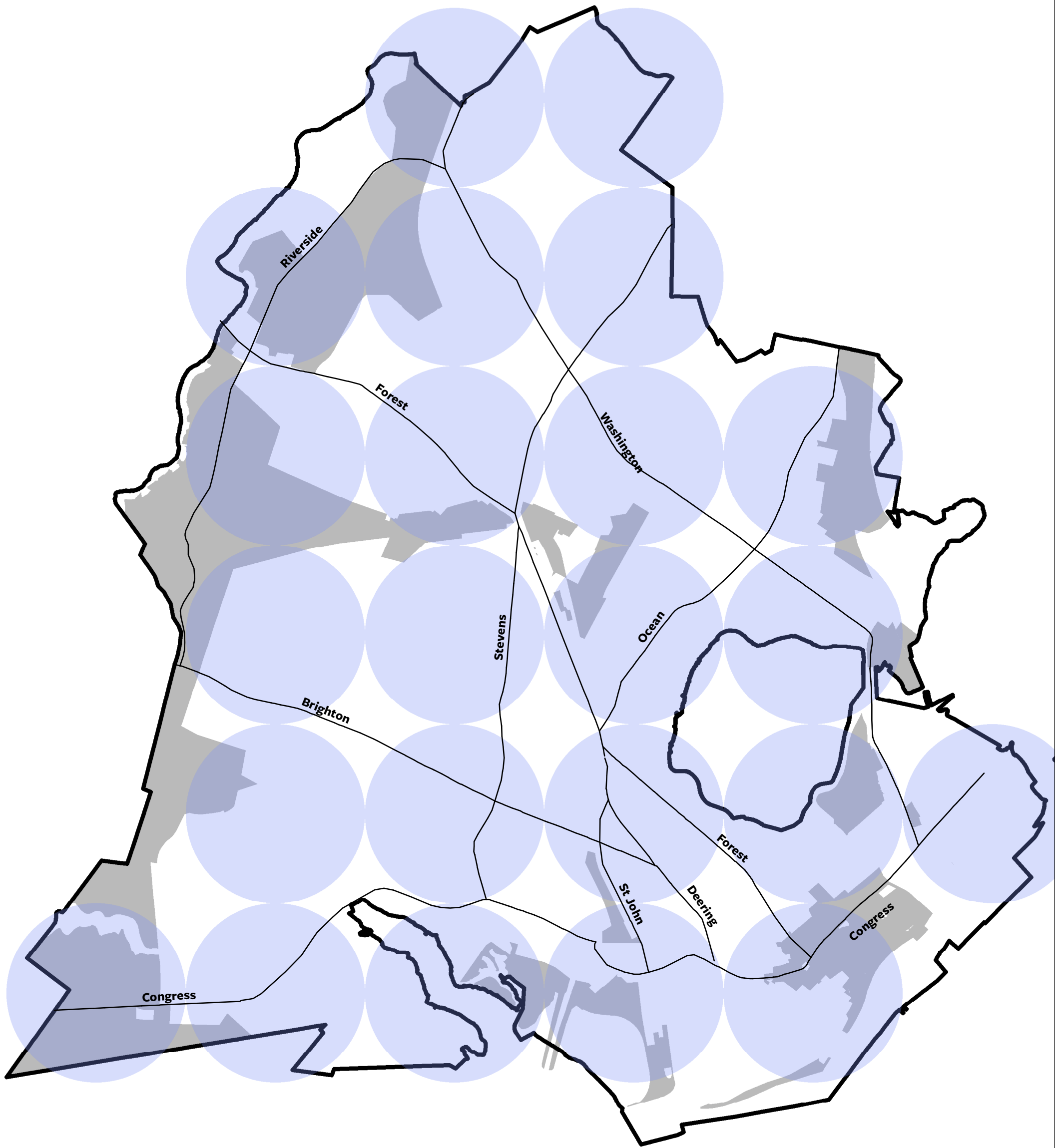


- Shelter*
- City Boundary
- Zones with Emergency Shelter Conditional Use
- 2500 Foot Buffer (Hypothetical)



* Domestic violence shelter is not indicated on this map

Hypothetical Shelter Spacing



-  Zones with Emergency Shelter Conditional Use
-  City Boundary
-  2500 Foot Radius Circle





CITY OF PORTLAND

Health & Human Services Department

Kristen Dow, Director

To: Health and Human Services and Public Safety Committee Members
From: Kristen Dow, Director of Health & Human Services
Date: November 10, 2020
RE: Licensing Examples for Emergency Shelters

At the request of Councilor Ray, staff have conducted research into other jurisdictions, as well as a review of existing City Code to consider mechanisms by which private emergency shelter operations can be regulated in order to better protect the individuals served and manage unintended consequences in the surrounding community.

Summary

While emergency shelters provide a critical service, their impact on the community can be significant, particularly when not properly planned for or in the absence of a strong partnership between a shelter operator and municipality.

To better ensure that privately run emergency shelters are operating in a manner that protects the health, safety, and welfare of individuals experiencing homelessness as well as of the public at large, City staff have compiled relevant research for the review of the Health and Human Services and Public Safety Committee.

This document contains the following:

1. Staff research on licensing and zoning mechanisms used to regulate privately operated emergency shelters in other municipalities;
2. Staff analysis of existing Portland ordinances relevant to the oversight of emergency shelters.

Lastly - it is worth noting that emergency shelters are not the only - or even the primary - source of quality-of-life consequences in Portland neighborhoods. Other sources, such as day service centers, are not addressed in this memo but are believed to have a significant impact on nearby residences and businesses.

Licensing Mechanisms

Staff identified a few municipalities that have designed a program to license homeless or emergency shelters. Of those we identified, none have set clear performance criteria to ensure safe operation or to independently enable City officials to hold shelters accountable for their or their residents' impact on nearby communities (e.g. noise, disturbance of the peace, litter, disorderly conduct, calls for service, etc.). In addition, we were unable to identify any municipalities that require emergency shelters or social service providers to deliver outreach services offsite, in the vicinity of their brick-and-mortar location. Rather, it would appear that programmatic requirements tend to be governed by private grant agreements or state licensure requirements while public safety concerns relating to guest conduct in and outside of shelter property are addressed through generally applicable ordinances or criminal laws.

Some of the requirements established in other municipalities' licensing programs are currently required by Chapter 14 of the City Code as part of the Planning Board's review and approval of emergency shelters as a conditional use. However, there are some noteworthy differences between some of these other municipal programs and the City's conditional use standards, including that Portland does not currently require:

- A mandated buffer between shelters and hospitals, schools, daycares, public buildings, or places of public gathering;
- A mandated buffer between any two shelters;
- A cap on the number of shelter beds allowed in the municipality or in any one facility;
- Restrictions on guests' length of stay.

An overview of other municipalities' licensing programs can be found below. The relevant ordinances are enclosed for further review.

- **Brunswick, ME**

Beginning in early 2019, homeless shelters in Brunswick were required to be licensed by the Town Manager or his/her designee. Existing shelters were grandfathered, and did not require licenses.

Applications for a license must include: governing documents of the owner and/or operating entity; an affidavit identifying all owners, operators, managers, or partners; evidence of all approvals, permits, and/or certificates required to operate the shelter; a description of and plans for the premises. In addition, the applicant must demonstrate that certain operational standards will be met, including hours of operation; staffing; display of license.

The ordinance limits the collective capacity for all homeless shelters in the Town of Brunswick at 85 beds, and that a buffer of at least 500' be maintained between any two shelters. Licenses are valid for a five-year term. Enforcement of licensing requirements are managed by the Town Council or its designee.

- **Phillipsburg, NJ**

Chapter 347 of Phillipsburg's Town Code requires that all operational homeless shelters obtain a license from the Town Clerk. Licenses must be renewed annually.

Shelters are restricted to the B-2 Zone, and deemed a conditional use upon the condition that it must be located immediately adjacent to a highway.

Standards for the issuance of a license include the nature and development of the surrounding property; proximity of churches, schools, public buildings, or other places of public gathering; the effect such business may have upon traffic conditions and the creation of traffic hazards; the sufficiency in number of similar entities; health, safety, and welfare of the public; and the applicant's suitability. Licensing requirements are enforced by the Building Director.

In Phillipsburg, homeless shelters may serve no more than 15 people at the same time, and stays are capped at one month per person. In addition, they are only allowed as accessories to a place of organized worship, and are not permitted principal uses.

- **Oak Lawn, IL**

The Village of Oak Lawn requires that "temporary overnight shelters" are licensed by the Village Manager, and that licenses are renewed annually. In addition, it requires that all shelters proposed in the R-3 Multi-Family Residence District receive a special use permit. License application requirements include a statement that the shelter will maintain a policy of making reasonable efforts to accommodate persons previously residing in the Village of Oak Lawn; operation guidelines; shelter capacity; and the name of the person or entity responsible for the shelter's management.

All operating entities must be not-for-profit, or operate without charge to the shelter occupants. It is also unlawful for any medical care or treatment to be provided as part of the shelter's regular accommodations or services.

Zoning Restrictions

A number of municipalities have introduced amendments to zoning law in order to reduce shelters' impact on other communities.

- **Puyallup, WA**

In 2019, the City of Puyallup passed a law restricting homeless centers to 150 parcels (~400 acres) of land, primarily in industrial zones. It also establishes a 500-foot buffer between

homeless service centers and hospitals or businesses, as well as a 1,000-foot buffer between homeless service centers and daycares or schools.

- **Monterey County, CA**

Monterey County's zoning ordinance establishes size limits, staffing requirements, and requirements related to operational plans (similar to the City of Portland's more comprehensive Master Plan), all of which are reviewed by the Director of Planning.

The zoning ordinance also caps residents' length of stay, establishes a buffer of at least 300 feet between any two shelters, and requires off-street parking.

- **Newport Beach**

California State Law requires that cities articulate their homeless populations' needs and specify where emergency shelters can be built. Newport Beach allows emergency shelters "by right" in areas designated for "private institutions" and "office-airport" zoning, and would require a conditional use permit or rezoning for any other area.

Relevant Portland City Code

Currently, the City of Portland's Land Use Code (Sec. 14-474, enclosed) establishes the use-specific standards applicants must meet as part of the Planning Board review and approval of emergency shelters as a conditional use. Among other things, this section requires a Management Plan outlining management responsibilities; processes for resolving neighborhood concerns; staffing; access restrictions; on-site surveillance; safety measures; controls for resident behavior and noise levels; and monitoring reports.

In addition, the City has in place a number of ordinances outside of Chapter 14 and state land use statutes that protect public safety, health, and welfare by regulating businesses and private individuals' actions. Examples include:

- The requirement for a community relations liaison for marijuana businesses (Chapter 35);
- The requirement for various mitigation plans for odor, waste, loitering, etc. for marijuana businesses (Chapter 35);
- The Sound Oversight Committee process for addressing noise complaints (Chapter 4);
- The disorderly house process for rental properties (Chapter 6);
- Nuisance provisions for a variety of issues (Chapter 17);
- Complaint- or violation-based review of licensees, which may result in fines or license revocation for taxis (Chapter 30);
- The City's ability to deny, revoke, or suspend any business license for cause, including a patron's single breach of the peace (Chapter 15)

Fwd: 5/11/21 HHS&PS: emergency licensing & limited moratorium

2 messages

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Sat, May 8, 2021 at 6:52 PM

For backup.

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

From: **Jim Hall** <mtjimhall@gmail.com>

Date: Sat, May 8, 2021 at 3:45 PM

Subject: 5/11/21 HHS&PS: emergency licensing & limited moratorium

To: To: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>

CC: Jon Jennings <jpj@portlandmaine.gov>, City Clerk <cityclerk@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Re: Emergency shelter licensing & limited moratorium

Dear Chair Chong, Councilors Ray and Dion,
(CC Mayor & full council, City Manager, DHHS Director)

As a resident with 25 years experience living one block downhill of the Oxford Shetler:

- I support strong licensing that ensures all parties are protected: Clients, staff, and the host community.
- I support a targeted moratorium to provide adequate time to work out all the right details.

But please tighten up code around Day Shelter — especially as the city will be creating an RFP soon.

The current licensing definition explicitly limits its domain to “overnight” emergency shelter, and provides NO GOVERNANCE on a separately created “day shelter space” category — except that this must be within 1/4 mile — which in fact creates a new loophole that could literally *double* whatever spacing / density guardrails the council deems appropriate, and actively forces exactly the kind of neighborhood foot traffic to connect basic services that necessitated such licensing rules in the first place.

Moratorium language fails to define “emergency shelter” at all, carving an even wider loophole given the presence of other weak definitions.

We must learn from (and in fact go back and repair) the unintended consequences of 2017’s conditional use language, which allowed Preble Street to spin up yet another clustering shelter on the failed assumption that inadequate infrastructure is “good enough” for Portland’s regional emergency response. When you let the applicant define their own terms, sometimes you get Orwellian fallacies such as *Day Space = Bed Space // Sight Lines = Curved Spacetime // Onsite Services = Referrals to Offsite Partners*, etc — all in service of retrofitting a building they happen to own that’s really no better suited to this use than cramming 154 poor souls head-to-toe on mats in a former garage... which I thought the city was trying to mend. And I don’t know if I need to remind you, but Preble Street’s published 5 year vision imagines additional shetlers in the area, and they are not shy about marching to their own drum against the stated values of the city.

I have already commented extensively on additional aspects of code that need to be “aligned.”. Please use the moratorium appropriately to allow yourselves the necessary time and careful attention to ensure licensing in conjunction with all other ordinance actually accomplishes what you intend.

Thanks
Jim Hall
Cedar St

--

Kristen Dow
Director of Health & Human Services
City of Portland
389 Congress Street
Portland, ME 04101

Kristen Dow <kjd@portlandmaine.gov>
 To: Adam Harr <ash@portlandmaine.gov>
 Cc: Aaron Geyer <aeg@portlandmaine.gov>

Sat, May 8, 2021 at 8:54 PM

For backup.

Kristen

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

From: **Jim Hall** <mtjimhall@gmail.com>

Date: Sat, May 8, 2021 at 7:09 PM

Subject: Re: 5/11/21 HHS&PS: emergency licensing & limited moratorium

To: To: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>

CC: Jon Jennings <jpj@portlandmaine.gov>, City Clerk <cityclerk@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Re: Staff Recommendations for Maximum Bed Density & Shelter Buffer Zones
i.e. yet another critical item on this evening's agenda

So... at a high level we appear to have 14 votes for licensing, and 14 against

However, while long-suffering residents have again and again proven willing to enter into dialog to seek consensus on reasonable parameters — 100% of providers have instead now chosen to form a cabal *against the city*. To equate even a conversation around governance with "*causing significant issues*" and leave it at that is simply irresponsible — and in fact only serves to *prove* that governance is needed in this domain. It's kind of a stupid move if you ask me, since now they'll have no input to a final draft. Assuming our councilors have spine enough to do their jobs in the face of hardball tactics.

Let's say all the industrial operators in the city circled their wagons and cried wolf that limiting noise or dust or other overspill to nearby residences in the covid economy would cause their operations undue harm. Or perhaps all the pubs in the old port would like to refuse to apply for licenses, or claim that policing fights in the streets near their services causes "significant issues" to their clients. It's patently ridiculous. Setting reasonable thresholds is the entire point of government. The social contracts of civil society certainly include appropriate governance of any high-impact use—full stop. Does anyone dare challenge the fact that ungoverned and poorly managed services on Preble Street caused a public health & safety crisis that became "*business as usual*" for years? Flat out refusing to even show up en masse provides zero solutions, and tacitly claims there's no such issue or need to talk about it.

What's worse is that social service operations are ostensibly full of the most caring people in the world — but the "*conditional empathy*" these organizations are all displaying toward their neighbors tells a conditional story about them. I so wish they had risen up to reign in their peers voluntarily when things go so clearly out of hand at 5 Portland Street— but this group has clearly proven unwilling to self-govern up to and including the present.

To be honest I am deeply afraid that the council may lose nerve to do its job properly, which is to insert some semblance of reasonable limits that actively ensure that no "*neighborhood under siege*" can EVER be possible again anywhere in this town. This is dirty politics, hiding behind "Good Works" to pretend there's no such thing as community impacts when you choose to force vulnerable people from all around the region to self-segregate into the streets of one poor neighborhood. Nothing can excuse Portland's past failure to manage these impacts — but with forgiveness we can all move forward into a future with sensible guardrails in place.

I'm not going to comment on the reduction of staff recommended buffers from 2500 to 500. You can probably guess my personal opinion about the usefulness of a 1-2 block buffer. But more importantly: I am advocating for *you* to do your jobs in our representative form of government, and make these very hard and complex decisions by keeping in mind the best available data, and all the humans under your care. If certain stakeholders refuse to participate, even after direct outreach — unfortunately the expected result is that they give up any legitimacy to complain about outcomes. As much as I feel ashamed for them adopting such indefensible posturing — I do hope you continue to move forward with licensing in a fair and balanced way that takes both me and them into account.

Thanks you

Jim Hall
Cedar St

On Sat, May 8, 2021 at 3:44 PM Jim Hall <mtjimhall@gmail.com> wrote:

Re: Emergency shelter licensing & limited moratorium

Dear Chair Chong, Councilors Ray and Dion,
(CC Mayor & full council, City Manager, DHHS Director)

As a resident with 25 years experience living one block downhill of the Oxford Shetler:

- I support strong licensing that ensures all parties are protected: Clients, staff, and the host community.
- I support a targeted moratorium to provide adequate time to work out all the right details.

But please tighten up code around Day Shelter — especially as the city will be creating an RFP soon.

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We must learn from (and in fact go back and repair) the unintended consequences of 2017’s conditional use language, which allowed Preble Street to spin up yet another clustering shelter on the failed assumption that inadequate infrastructure is “good enough” for Portland’s regional emergency response. When you let the applicant define their own terms, sometimes you get Orwellian fallacies such as *Day Space = Bed Space // Sight Lines = Curved Spacetime // Onsite Services = Referrals to Offsite Partners*, etc — all in service of retrofitting a building they happen to own that’s really no better suited to this use than cramming 154 poor souls head-to-toe on mats in a former garage... which I thought the city was trying to mend. And I don’t know if I need to remind you, but Preble Street’s published 5 year vision imagines additional shetlers in the area, and they are not shy about marching to their own drum against the stated values of the city.

I have already commented extensively on additional aspects of code that need to be “aligned.”. Please use the moratorium appropriately to allow yourselves the necessary time and careful attention to ensure licensing in conjunction with all other ordinance actually accomplishes what you intend.

Thanks
Jim Hall
Cedar St

[Quoted text hidden]

Fwd: Comments on Proposed Emergency Shelter Regulations

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Tue, May 11, 2021 at 5:59 AM

For backup

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

From: **Laura S. Underkuffler** <lu27@cornell.edu>

Date: Mon, May 10, 2021 at 10:02 PM

Subject: Comments on Proposed Emergency Shelter Regulations

To: tchong@portlandmaine.gov <tchong@portlandmaine.gov>, mdion@portlandmaine.gov <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

CC: kjd@portlandmaine.gov <kjd@portlandmaine.gov>, cdg@portlandmaine.gov <cdg@portlandmaine.gov>, jpj@portlandmaine.gov <jpj@portlandmaine.gov>, fclark@portlandmaine.gov <fclark@portlandmaine.gov>

Dear Chair Chong, Councilor Dion, and Councilor Ray:

I have read the updated Emergency Shelter Licensing Recommendations and Buffering/Spacing Suggestions. It is entirely heartening to see that the placing of additional shelters in the community, the licensing of shelters, and the extremely critical issue of day shelter space for shelter residents are all taken very seriously in this draft.

I am very glad to see the recommendation that no more than 250 beds within a 1 mile radius will be permitted. As a resident of West Bayside, which has suffered for years as the locus of just about all social services and their externalities in the City, experience has taught that this is a critically needed new rule. I understand the need to allow existing shelters to continue, and that this will not change the existing situation in Bayside for the foreseeable future. However, this new rule will hopefully reflect a basic principle of environmental justice -- that no more of what everyone agrees is a community-wide need and community-wide burden will be shifted to the lower-income, higher-minority area of Bayside.

I do not understand, however, why the space between shelters has been reduced to 500 feet in the proposed regulations. Because the average city block is 323 feet long, this reduces the required buffer between shelters to less than 2 city blocks. This is *precisely* the kind of unacceptable concentration of facilities and externalities in dense urban areas (where homes and businesses are a few feet from public streets, and from each other) that the new rules, and their extremely well-stated rationale, seek to prevent.

Finally, although I *celebrate* the new requirement that shelters provide inside day space for residents, I strongly oppose the idea that this rule can be waived if the shelter operator provides day space within 1/4 of a mile away. To be brutally honest, what good will day space 1/4 of a mile away be for the residents of a homeless shelter? How can the residents even get there? How can they get back? Are they expected to take a bus (if indeed that even exists) in the snow, driving rain, or freezing cold, or when they are ill, elderly, or otherwise bodily infirm? Many times we looked out the window of our house on Oxford Street and saw people in wheelchairs, on crutches, elderly, struggling to get to Preble Street for meals in wind and deep snow. How can day space 1/4 of a mile away possibly address the problem?

When we moved to Oxford Street, twelve years ago, and got to know some of the people who lived at the Oxford Street Shelter, we were shocked to learn that they were forced to leave at 9 am every morning, and to scavenge for a place to be all day (hanging in the Public Library, standing on public sidewalks or private driveways, sitting on guardrails around the private parking lot across the street ...). This was the expectation in rain, wind, cold, snow, and sleet. At the time, no one questioned the humanity of this arrangement, or wanted to recognize the problems that hundreds of people with no place to go in the City inevitably created. Finally, and thankfully, this deep and festering problem has been both recognized and addressed. Please do not completely eviscerate this desperately needed new requirement with a completely inadequate waiver option.

I greatly appreciate your attention to all of these matters.

Sincerely,

Laura Underkuffler
Oxford Street

--

Kristen Dow
Director of Health & Human Services
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
207-874-8633

Fwd: Emergency shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog](#)!

Please Note: Under Maine law, emails sent or received by public officials or city employees 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.

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

From: **Sarah Michniewicz** <sarahmichniewicz@icloud.com>
Date: Mon, Mar 8, 2021 at 4:38 PM
Subject: Emergency shelter licensing
To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Hello Chair Chong and Councilors Dion and Ray,

Thank you for continuing to diligently pursue emergency shelter licensing. I'm pleased that City staff is recommending outreach be conducted with neighborhood associations and the community to get feedback regarding buffers and spacing, and asking for a community survey on emergency shelter licensing.

It's refreshing but bittersweet to see support for giving neighbors a voice in the process. It's an opportunity that Bayside has never had. If you choose to vote the current recommendations out of committee at Tuesday's meeting, please require that suggested outreach for when the full council considers them.

Although staff hopes the data gathering will be complete and ready to present in May, between now and then there's still a lot at risk for this neighborhood, with nothing to stop another shelter proposal before licensing is enacted. Please do not discount that possibility. One new Bayside shelter has already been sped through in under three months, increasing the already excessive bed total by 12%, up to 451 within the suggested 1 mile radius. That's 201 (80%) more than the suggested maximum of 250. Please see the attached graphic for reference, and [this](#) BNA blog post for a comprehensive overview of shelter density in Bayside compared to the rest of the City, county, and state.

It would be indefensible to allow yet another shelter to enter the planning pipeline when the City's clear will is to first get its arms around how and where shelters are best able to serve the needs of providers, consumers, and constituents; even more so when there are vast areas in the rest of the City a shelter could be sited, even without additional zoning changes.

So I ask that as part of this licensing conversation this Committee recommend to the City Council an *immediate and complete moratorium on allowing any additional shelters or shelter beds in the Bayside neighborhood*. Although plans for eventually relocating the Oxford Street shelter are in motion, and licensing is presumably proceeding apace, nothing is certain.

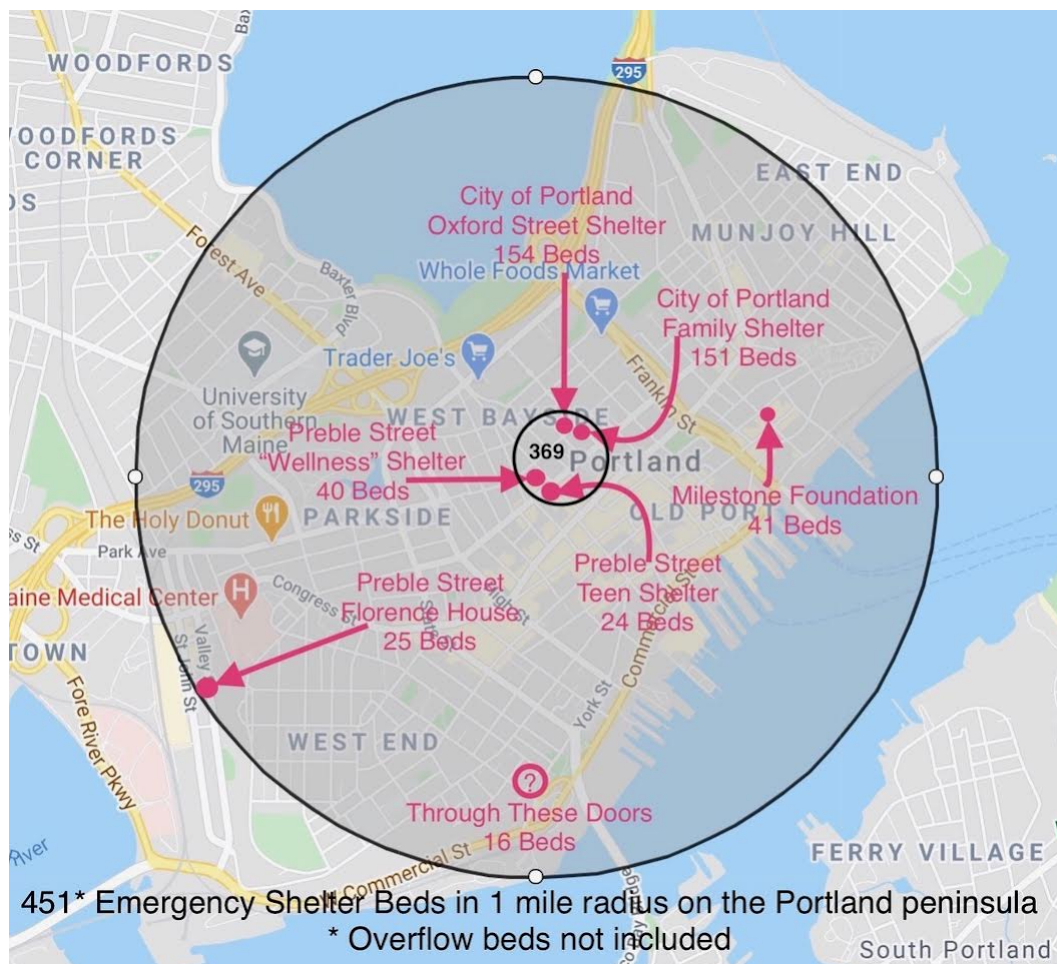
Just as a moratorium on demolitions created a pause to think about the future of Munjoy Hill, a moratorium on new shelters in Bayside will give the neighborhood and the City a safe, depressurized space in which to make fair and durable policy on the location of shelters within the community. But to allow the status quo to continue in Bayside, whilst thoughtfully engaging the rest of City about their preferences, would only serve to affirm that some neighborhoods are more equal than others.

Portland is on the cusp of finally creating a thoughtful and intentional shelter system. Please ask the City Council to enact a moratorium on any new shelters in Bayside so that we can honestly assess the City's role in addressing homelessness, and holistically decide how Portland's shelter system can best fill that role.

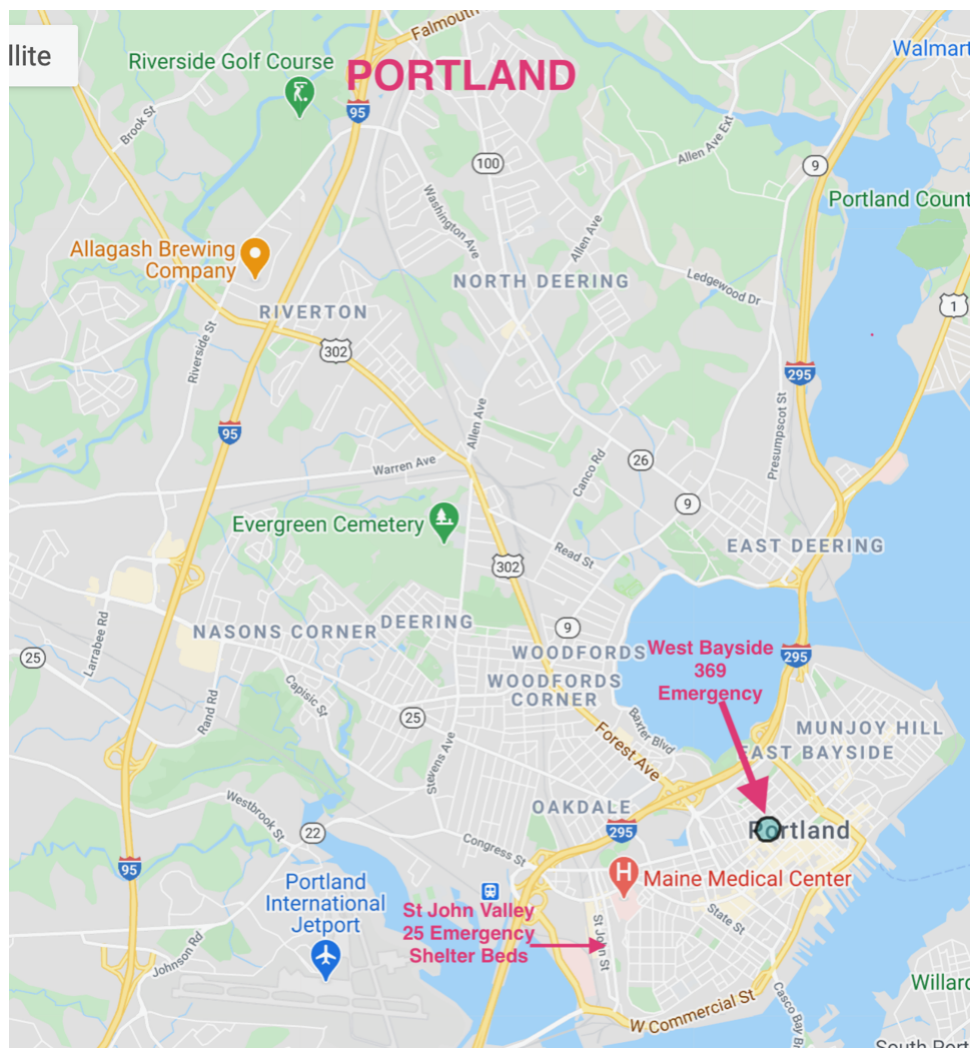
Thank you,

Sarah Michniewicz

Cedar Street, Portland







Fwd: Following up from last week - 39 Forest & Bayside moratorium

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Wed, Apr 21, 2021 at 9:02 AM

Kristen Dow
Director of Health & Human Services
City of Portland
389 Congress Street
Portland, ME 04101
207-874-8633

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

From: **Heidi Souerwine** <heidi.souerwine@gmail.com>
Date: Tue, Apr 20, 2021 at 10:39 PM
Subject: Following up from last week - 39 Forest & Bayside moratorium
To: Belinda Ray <bsr@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>
Cc: Kristen Dow <kjd@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Nick Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>

Committee members,

Just a note to say I appreciate you addressing questions after public comment at the HHS meeting last week, and your thoughtful dialogue throughout.

The discussion & presentation provided some context, which was helpful.

After thinking about it for a few days though, the fact remains: there are MANY other areas on the peninsula besides this already overloaded area. No one was questioning the need for consolidating these interconnected services under one roof. Rather, we're rightly challenging the City's planning strategy to again site more social services in the smallest area on the peninsula, when the most already exist there. This [graphic](#) provides a good snapshot of West Bayside alone. And, as Council Chong pointed out, there are numerous additional social services in the adjacent vicinity as well, immediately surrounding 39 Forest, that are not "technically" Bayside.

Committee members:

As I understand, on-peninsula was on directive, but was the specific area?

During the meeting it sounded like no other areas nor facilities were explored.
Is that correct?

Regarding Councilor Dion's request for boundary clarity re: a shelter moratorium (OR, for any social services facilities), I would challenge everyone to think strategically & holistically, and look at the **summation of similar entities nearby, whether they're technically over a line or not.**

Council Dion: Thank you for calling for safe harbor for west Bayside - it is desperately needed & it was so wonderful to hear it recognized. I hope it's easy to see that shelters are only one piece. My neighbors & I have continually stated that the neighborhood needs BALANCE from the overwhelm & 39 Forrest would continue to tip things in the wrong direction.

Councilor Chong: the moratorium would be a stop-gap, to prevent more projects from being approved in an area that is already so overwhelmed until the new licensing rules. I would plead for you to support it. One shelter has already squeaked in recently before licensing has been established.

When I think about all of this, in combination with the City Manager's CDBG proposals, it's alarming. Portland St, Cumberland Ave, Park Ave & now Forest Ave.

I know turning the corner on Bayside as the default is hard but it HAS to happen, and quickly.

Thank you for your consideration,
Heidi Souerwine
Mechanic St.

On Tue, Apr 13, 2021 at 6:17 PM Heidi Souerwine <heidi.souerwine@gmail.com> wrote:

Dear Committee members, Councilors and Mayor Snyder:

Hoping you all are able to see this. I'm a bit shocked with the lack of advanced notice for public comment tonight on an issue that will have **so much impact**. I'm hoping to try to join tonight, AND I'm also **hoping** the City isn't trying to push this through without careful thought. Regardless, I wanted to send some thoughts in writing.

I'm pleased to see the city is finally preparing to discuss a shelter moratorium in Bayside. However I'm still left questioning whether it's understood that what west Bayside needs is **balance**.

I'm concerned about a number of ideas I've seen come out recently that collectively amount to the City doubling down on the environment that created the instability in Bayside this whole time. In considering the proposal to consolidate DHHS operations at 39 Forest, and in reviewing the various elements proposed in the City Manager's CDBG funds allocation, the City would be creating the same situation along Forest Avenue that it created years ago on Portland Street.

With Portland Housing Authority & Maine Needs on Forest, the Deering Oaks gatherings, the proposed "ultra low to no barrier housing services" at Spurwink on Park, a proposed consolidated DHHS at 39 Forest, reintroducing another day space as well - it seems the City is creating another social services corridor in a different area of Bayside. And, on a much busier thoroughfare in the city with existing significant safety issues. With none of the other consolidated services moving.

For those of you that don't live anywhere nearby, the situation in that immediate area has been extremely tenuous at best for the better part of the last two years. Longtime community members, residents, & neighbors on Forest on the block between Park & Cumberland are already leaving their homes, and abandoning their businesses because they can no longer handle the environment. I would urge you all to consider how these plans benefit the fabric of the neighborhood, and whether this would be reasonable anywhere else.

It often feels defeating trying to create a life here. We want to stay, but the panic, urgency, and stress when it feels like no balance is even desired for this neighborhood, is beyond challenging.

Being a public servant is such a hard job, and I do appreciate all of you. I am hopeful for some clarity, and want to encourage thoughtful urban planning.

Thank you,
Heidi Souerwine (& Jason Tropp)
Mechanic St.

Fwd: Fw: New Homeless Shelter Licensing Standards - Legal Application and Critical Role

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
Portland, ME 04101
BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog](#)!

Please Note: Under Maine law, emails sent or received by public officials or city employees 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.

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

From: **Laura S. Underkuffler** <lu27@cornell.edu>
Date: Mon, Mar 8, 2021 at 12:08 PM
Subject: Fw: New Homeless Shelter Licensing Standards - Legal Application and Critical Role
To: Belinda Ray <bsr@portlandmaine.gov>

Hi Belinda, I used the wrong email for you! I am sorry - here is the email I previously sent. Thank you, Laura

From: Laura S. Underkuffler
Sent: Monday, March 8, 2021 5:06 AM
To: tchong@portlandmaine.gov <tchong@portlandmaine.gov>; mdion@portlandmaine.gov <mdion@portlandmaine.gov>; bray@portlandmaine.gov <bray@portlandmaine.gov>
Cc: dwchuhta@portlandmaine.gov <dwchuhta@portlandmaine.gov>; kjd@portlandmaine.gov <kjd@portlandmaine.gov>; cityclerk@portlandmaine.gov <cityclerk@portlandmaine.gov>
Subject: New Homeless Shelter Licensing Standards - Legal Application and Critical Role

Dear Counselors Chong, Dion, and Ray:

At the last public hearing on the proposed licensing standards for homeless shelters, an attorney for Maine Equal Justice objected to the Committee's decision that new shelters permitted after January 31, 2021 will be subject to the new licensing requirements.

The grounds for this objection were obscure. To the extent that some rationale was articulated, it seemed to be that because shelters in existence as of January 31, 2021 would be exempt from concentration limits, all shelters which can manage to rush to permitting between January 31, 2021 and the date of adoption of the licensing standards should be, as well. The reason given was that somehow this would be "best practice" (of some sort).

This attorney gave no legal reason for this position, because there is none. In Kittery Retail Ventures, LLC v. Town of Kittery (2004), the Maine Supreme Court unequivocally and finally held that a town can apply new regulations to existing uses and projects. Neither the submission of a development application nor the issuance of a development permit establishes vested rights, and neither the submission nor the issuance of a permit prevents a city from applying later-adopted police power regulations to that project.

Indeed, common sense dictates that this must be the case, in order to prevent a notorious problem in land use law. If entities know that proposed requirements are being considered by a city (which they always will because of public hearing requirements for any change), and (under the law) they are exempt from those new requirements if an application is made or a permit obtained, they can repeatedly defeat the city's attempt at regulation. There are two ways to deal with this problem: for the city to put everyone on notice that all applications after a certain date will be subject to the new regulations (as done here), or for the city to declare a moratorium pending adoption of the new regulations. Either avenue is expressly permitted by Maine law, as stated in the Kittery case.

The reason is this. Prohibitions against retroactivity exist to prevent unfairness to project applicants who have invested large sums of money in reliance on the absence of existing regulations, who have no notice of the pending change in the law. Where this substantial investment occurred before any notice of the pending change was given to the public, the developer could legitimately claim surprise and unfairness. (Thus the common law rule, in all states, that "vested rights" (and exemption from regulatory change) require *both* permitting *and* substantial construction.) However, where -- as here -- any applicant for a new homeless shelter is now aware of the pending adoption of licensing standards, any claim of "surprise" or "unfairness" is specious.

Indeed, if applicants could subvert new regulations every time by rushing to file permit applications before the public processes -- necessary for any adoption of new regulations -- are completed, a city would -- by definition -- be powerless to maintain any status quo while the public adoption processes finish.

Murmurings about "best practices" does not change these fundamental rules.

There is an odd twist to this attorney's remarks that I also want to address. It was stated that any licensing should focus on the health and wellbeing of people in the homeless shelters in question, and (impliedly) that consideration of impacts on others are illegitimate. What this kind of thinking ignores is that *all of us are in this together*. City government and its police power do not exist only to protect one segment of the public; they exist to represent the interests of all. Homeless shelters can exist in harmony with neighbors, as some exemplary homeless shelters now operating in Portland prove. Licensing requirements -- as now exist in other Maine cities -- are critical to the creation and maintenance of homeless shelter operations that protect *both* the homeless populations (as opposed to the criminal elements that are attracted to them) and the residential neighbors (generally low-income) that live there.

We have lived at 215 Oxford Street for 13 years. We have employed -- sometimes for years -- people who stayed at the OSS, and become lasting friends with them. I can tell you that they don't want to live in crowded and dangerous conditions, with a gauntlet of drug dealers on the street outside, any more than we do. They don't want to be relegated to sitting on curbs and parking lot barriers, or in a tiny courtyard mere feet from the street -- and being gawked at by people in passing cars. In short, they don't want to be relegated to the kind of place that the "West Bayside ghetto" has become, any more than those who are trying to scratch out an existence living in West Bayside want to live in those conditions.

The City must get control of this homeless situation, for everyone, and on multiple levels. These licensing standards are a tremendous step forward. For the first time, the City will have the legal authority to control

shelter operations and locations for the good of the homeless population and other city residents. Thank you for taking this very critical and important step.

Sincerely,

Laura Underkuffler
215 Oxford Street

Work:
J. DuPratt White Professor of Law - Property and Land Use
Cornell University

Fwd: HHS & PS Committee meeting

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:03 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

Sign up for [my newsletter](#) or visit [my blog](#)!

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

From: **K. Scott Morrison** <kscottmorrison2@gmail.com>
Date: Mon, Mar 8, 2021 at 11:00 AM
Subject: HHS & PS Committee meeting
To: <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, <bsr@portlandmaine.gov>
Cc: <knyder@portlandmaine.gov>, <sthibodeau@portlandmaine.gov>, <nmm@portlandmaine.gov>, <pali@portlandmaine.gov>, <azarro@portlandmaine.gov>, <afournier@portlandmaine.gov>, <cityclerk@portlandmaine.gov>

Good day HHS/PS city council committee members,

We've been following with significant interest your work on shelter licensing and small shelter zoning. From our perspective as 11 year Parris Street residents, shelter licensing and zoning is seriously needed and long overdue.

Your draft recommendations affirm our thoughts that the Bayside neighborhood has unfairly become the default Portland neighborhood for shelters and social services. Recommendations for a reasonable 2,500 foot spacing between facilities, and a buffer of no more than 250 beds within a 1 mile radius, are fair to neighborhoods as well as to recipients of shelter services. The recommendation that all shelters have adequate space for people to stay off the street during the day is essential for neighborhood safety.

While you continue your work we request the city council immediately enact a **moratorium** on allowing additional shelters in Bayside. Recent news that the city of Scarborough opened a new shelter managed by our Preble Street Inc. neighbors clearly demonstrates that new shelters can be established outside of Bayside. A moratorium in Bayside will help direct providers to consider other neighborhoods as locations for any needed shelter expansion or relocation. Given the statistics from our Oxford Street shelter, that upwards of 2/3 of that shelter's residents come from outside Portland, it is encouraging to hear that another municipality shares in providing shelter services.

Thank you again for your work and service to our city.

Best regards,

K. Scott and Mary Beth Morrison
[9 Parris St.](#)

Fwd: In support of Moratorium on emergency shelters in Bayside

1 message

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 12, 2021 at 12:59 PM

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

For backup.

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

From: **Heidi Souerwine** <heidi.souerwine@gmail.com>

Date: Mon, Apr 12, 2021 at 12:55 PM

Subject: In support of Moratorium on emergency shelters in Bayside

To: Kate Snyder <ksnyder@portlandmaine.gov>, Nick Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, <afournier@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <azarro@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>

Cc: Jon Jennings <jpj@portlandmaine.gov>

Mayor Snyder, Councilors:

I know this is a busy week, so I'll be brief: writing in advance of tomorrow's meeting saying I'm in support of a moratorium on emergency shelters in Bayside.

After reading the memo online this weekend it's clear to me that the City should be able to easily and confidently advocate for this. Existing ordinances have already proven to be inadequate to prevent overburdening & public harm, which is why licensing is already in progress. Please allow long-overdue processes and boundaries to be enacted before any future site locations are considered in this already overtapped area.

Thank you for your consideration!

Heidi Souerwine

Mechanic St.

--

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

Fwd: Moratorium on emergency shelters in Bayside

1 message

Jon Jennings <jpj@portlandmaine.gov>

Mon, Apr 12, 2021 at 5:58 PM

To: Adam Harr <ash@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

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

From: **Carolyn Megan** <carolynmegan@gmail.com>

Date: Mon, Apr 12, 2021 at 5:37 PM

Subject: Moratorium on emergency shelters in Bayside

To: Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, <mdion@portlandmaine.gov>, Nicholas Mavodones <NMM@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>

CC: Jon Jennings <jpj@portlandmaine.gov>

Dear Mayor Snyder and Councilors:

We are writing in support of a moratorium on shelters in Bayside and in support of implementation of the licensing process. As you know, Bayside carries the weight of shelters in the city and simply, neighbors have no way to advocate for themselves without licensing guidelines in place.

Additionally, it is the entire city's challenge and obligation for every neighborhood to support those dealing with housing, substance abuse and/or mental health challenges. A moratorium is fair and just governance to protect and to support all you constituents.

Thank you for your attention and good work,
Carolyn Megan
Michael Gelsanliter

Mechanic St
Bayside

--

Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

Fwd: open comment item tonight + CDBG plans

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Wed, Apr 14, 2021 at 11:31 AM

Kristen Dow
Director of Health & Human Services
City of Portland
389 Congress Street
Portland, ME 04101
207-874-8633

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

From: **Heidi Souerwine** <heidi.souerwine@gmail.com>
Date: Tue, Apr 13, 2021 at 6:17 PM
Subject: open comment item tonight + CDBG plans
To: Belinda Ray <bsr@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Nick Mavodones <nmm@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Dear Committee members, Councilors and Mayor Snyder:

Hoping you all are able to see this. I'm a bit shocked with the lack of advanced notice for public comment tonight on an issue that will have **so much impact**. I'm hoping to try to join tonight, AND I'm also **hoping** the City isn't trying to push this through without careful thought. Regardless, I wanted to send some thoughts in writing.

I'm pleased to see the city is finally preparing to discuss a shelter moratorium in Bayside. However I'm still left questioning whether it's understood that what west Bayside needs is **balance**.

I'm concerned about a number of ideas I've seen come out recently that collectively amount to the City doubling down on the environment that created the instability in Bayside this whole time. In considering the proposal to consolidate DHHS operations at 39 Forest, and in reviewing the various elements proposed in the City Manager's CDBG funds allocation, the City would be creating the same situation along Forest Avenue that it created years ago on Portland Street.

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For those of you that don't live anywhere nearby, the situation in that immediate area has been extremely tenuous at best for the better part of the last two years. Longtime community members, residents, & neighbors on Forest on the block between Park & Cumberland are already leaving their homes, and abandoning their businesses because they can no longer handle the environment. I would urge you all to consider how these plans benefit the fabric of the neighborhood, and whether this would be reasonable anywhere else.

It often feels defeating trying to create a life here. We want to stay, but the panic, urgency, and stress when it feels like no balance is even desired for this neighborhood, is beyond challenging.

Being a public servant is such a hard job, and I do appreciate all of you. I am hopeful for some clarity, and want to encourage thoughtful urban planning.

Thank you,
Heidi Souerwine (& Jason Tropp)

Mechanic St.

Fwd: Portland Homeless Services (HSSPS 4/13/21)

2 messages

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Apr 12, 2021 at 1:02 PM

For backup.

Kristen Dow
Director of Health & Human Services
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
207-874-8633

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

From: **Jim Hall** <mtjimhall@gmail.com>
Date: Sun, Apr 11, 2021 at 8:27 PM
Subject: Portland Homeless Services (HSSPS 4/13/21)
To: Tae Chong <tchong@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>
Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, City Clerk <cityclerk@portlandmaine.gov>

Dear Chair Chong, Councilors Ray and Dion,
(CC full council, city manager, DHHS director)

Re: Items on HSSPS Committee's 4/13/21 meeting relating to homeless services

— **DHHS co-location** —

I'm all for consolidation and facility improvements, from the perspective of administrative efficiency, service coordination, and potential program expansion (also the reason I've advocated for the homeless service center currently requesting proposals). The location on Forest between Congress & Cumberland makes a lot of sense – especially regarding the nascent on-peninsula prevention & diversion program.

My only concern is the potential for unfortunate behavior patterns that are well-documented to follow and cluster around such services. I was glad to learn that DHHS proposes to implement community security protocols in use at other locations. To be specific: **I am advocating for the types of street patrols by security professionals, and immediate response to abutter hotline calls, which have been successful at reducing negative impacts on the properties surrounding the OSS.**

— **Emergency Shelter Moratorium** —

"... a moratorium on certain emergency shelters is appropriate."

The month of February placed fully 33% of all Portland's calls for service within the quarter-mile of the Bayside Neighborhood (only a slight increase from our "normal" load). Passively allowing additional high-impact uses in this geographical location would overburden public facilities even more. In January of this year, the reviewing body for

conditional use standards enacted in 2017 found that current code is inadequate to prevent an operator with a miserable history of failing to manage community impacts from introducing new public harm in the affected area (...as Chief Clark testified: “There *will* be new impacts,” and as one board member stated: “This management plan is about as good as the paper it’s printed on”). Although Portland’s accretion of high-impact services over the decades has somehow progressed with no mechanism for municipal governance – I’m grateful that the committee is taking appropriate time to ensure success, therefore **I am advocating for a targeted moratorium to protect the Bayside Neighborhood while deliberations on licensing proceed.** This would be consistent with the Comp Plan requirement to act toward neighborhood equity in sharing both the benefits & costs of the city.

Portland (Bayside) already contributes so much more than its share in this domain, and I’m not convinced this particular municipality needs to encourage more and more “small” shelters to be sited within our boundaries in order to best serve either clients or the larger community. I would also point out that the Maine Statewide Homeless Council’s current strategy posits only 23 net new emergency beds *across the entire state* – instead following Portland’s lead in focusing on diversion, low-income housing development, rapid rehousing, retention, harm reduction, long-term-stayers, etc. In addition, at the federal level HUD Secretary Fudge has I stated that “Shelters are not the answer”. It’s worth noting that she calls out hotel use similar to temporary GA placement as a way to provide a more private and safe option than congregate settings.

I do hope that the modernization of Portland’s Regional Homeless Service Center will proceed with haste (and that LD-175 bond may eventually help defray funding), as we cannot close shelters before other programs effectively reduce need, and the region’s current facilities are woefully inadequate. I also support the model of a central intake triage collaborating with satellite specialists. But given the history and unfolding events, it could actually be appropriate to pause new shelter applications city-wide.

— Licensing Reporting Requirements —

A way to track neighborhood concerns and resolution is CRITICAL to the success of any new shelter application. If this is not required in the reporting section, it *must* be included via some other mechanism. Information about community meetings attended is less useful, at least in the case of one operator that has proven hostile to its host neighborhood. I feel that it’s important to track CTO reason and recidivism – though I agree with Councilor Dion that this portion of the report could be provided to the operator by the Police Department (thereby removing any hardship around new requirements).

Thank you for your continued important work,
Jim Hall
Cedar St

—
Maine Statewide Homeless Council Analysis
<http://www.mainehomelessplanning.org/wp-content/uploads/2021/03/CSH-Maine-Data-Analysis-for-SHC-2021-03-09.pdf>

HUD Secretary quote
<https://www.washingtonpost.com/us-policy/2021/04/08/homeless-hud-marcia-fudge/>

American Rescue Plan Act HOME Supplemental Allocations
("The first of two funding streams to address homelessness in the American Rescue Plan.")
<https://www.hud.gov/sites/dfiles/CPD/documents/HOME-ARP.pdf>

ME Non Entitlement	\$15,685,918
CNSRT-Auburn	\$ 1,700,829
CNSRT-Portland	\$ 3,594,143

LD 175 An Act To Authorize a General Fund Bond Issue To Create and Enhance Regional Homeless Shelters
<https://trackbill.com/bill/maine-legislative-document-175-an-act-to-authorize-a-general-fund-bond-issue-to-create-and-enhance-regional-homeless-shelters/1993678/>

Jon Jennings <jpj@portlandmaine.gov>

To: Kristen Dow <kjd@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Mon, Apr 12, 2021 at 2:01 PM

Backup.

[Quoted text hidden]

--

Jon P. Jennings

City Manager

[City of Portland](#)

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Fwd: Shelter Licensing & Zoning

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:58 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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

From: **Jim Hall** <mtjimhall@gmail.com>

Date: Sun, Mar 7, 2021 at 10:12 PM

Subject: Re: Shelter Licensing & Zoning

To: Tae Chong <tchong@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>

Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Pious Ail <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Andrew Zarro <azarro@portlandmaine.gov>, Jon Jennings <jpp@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Rich Bianculli <richb@portlandmaine.gov>, Jonathan Sahrbeck <sahrbeck@cumberlandcounty.org>, <cityclerk@portlandmaine.gov>

Dear HSSPS Chair Chong, Councilors Ray and Dion,

Re: Shelter Licensing & Zoning

Thanks for continuing to prioritize management of the emergency system Portland provides for the region. I'm glad to see baby steps toward county participation in their allocation of federal funds for a resettlement coordinator. And I'd like to applaud the ways staff are clearly taking to heart the public desire for better engagement and transparency, without creating inordinate delay.

Previously I've made blanket statements on the need for proactive community protections, but considering good actors like Milestone and Through These Doors, I now feel that licensing instead needs to include strong mechanisms to detect and control any specific cases where the operator needs to be compelled to respect their neighbors. It's clearly possible to manage a shelter without pissing off your community. The city shelter has also demonstrated that an honest partner can improve relations after letting impacts get out of hand. But not all actors in this space behave appropriately of their own accord.

I urge the HSSPS committee to recommend a narrow moratorium on new Bayside shelters in particular. The Bayside neighborhood needs more targeted protection than licensing can provide, and requires active healing medicine, not just passive "organic" growth. The so-called neighborhood vision of 20 years ago died on the vine, and this neighborhood is frankly still being abused. Was it right to cram the latest new, permanent emergency shelter into Bayside? Well, it technically met code, and apparently wider neighborhood context is out of scope for reviewing authorities. That leaves the city council as the only body that can produce any kind of holistic oversight.

As to more specific licensing solutions:

- Please consider a sunset provision for grandfathered operations. You've arrived at best practices with thorough research and collaboration, and it would be negligent to allow non-compliance in perpetuity just because a shelter already set up shop.
- The narrative that the proposed licensing language is too focused on neighbors is ridiculous. In the "Requirements" section (h)(vii)(6) is more explicit about internal emergency response than anything to do with community protections. The city shelter's own management model secures residential streets in an appropriate radius, and I'd like to see an explicit requirement to require this at other shelters when necessary. The phrase "around the facility" in (h)(vii)(5) appears similar to conditional use language denoting impact on "surrounding properties", which both planning and zoning have said limits their scope of consideration to abutting buildings, not overall neighborhood impacts. That wider context matters and must be considered at some stage.
- "Review Procedures" (c), (d) and (f) describe protocols only when the City Council reviews; shouldn't these include Permitting and Inspections as well?
- The current language regarding waivers for separate day space could effectively double the number of allowable shelters in a given buffer, and re-create the kind of neighborhood foot traffic that has proved so disastrous in Bayside.
- Removing metro proximity is an improvement that allows for creative strategies to help guests utilize transit in additional areas.
- Please define the domestic violence waiver better. Surely someone must review site plans, safe bed counts and such. The current language appears to give permission to site new shelters without allowing any determination of appropriate facilities. A clause calling for something like executive session seems more appropriate than an outright exemption.
- There are areas where code still needs rationalizing between shelter-specific conditional use standards and licensing. Some examples:
 - Sight-line requirements in conditional use would disallow a dorm/apartment style layout, but it's mentioned twice in licensing.
 - Buffers and densities should be described in shelter conditional use standards (e.g. see ch.14–6.5.6.K.1)
 - Conditional standards still include the loophole allowing zero day space within 1/4 mile of metro.
 - A specific amendment to January's conditional use approval required an advisory panel, and the approved plan included a 24-hour abutter hotline – while licensing requires a named community liaison – all good ideas, but not consistently applied.
 - Some conditional use requirements need clearer definition – for instance what constitutes adequate central office, sight-lines, onsite services & amenities, and day space. Preble Street's 5 Portland Street shelter was allowed to invent definitions that fit their plans, not the other way around, so it seems the current code doesn't produce the intended governance outcome. (... etc...)

I'll close by saying I'm proud of the way this city takes on more than our share when we see a regional problem that needs fixing. I'm grateful for specific attempts to correct previous failures of governance. And I can see that the HHSPS committee is committed to getting this right, and doing so in as timely a manner as possible.

Thanks,
Jim Hall
Cedar St

On Feb 8, 2021, at 9:45 PM, Jim Hall <mtjimhall@gmail.com> wrote:

To HSSPS Chair Chong, Councilors Ray and Dion,

Re: Shelter Licensing

Thank you for continuing to prioritize emergency shelter management. I'm glad to see some urgency now to complete the city's toolkit for overseeing this type of important but high-impact use.

After looking at the proposed ordinance, I have some concerns, comments, questions. I've attached a "redline" version I put together comparing last month's draft since one was not provided.

- **RENEWAL:** Under "Expiration Date"—Is "July 1" an example date, or intended as the actual ordinance (i.e. indicating that all shelters must renew by July 1st each year)? The first draft spelled out "Twelve Months" expiration. Please ensure that code does explicitly require yearly renewal.
- **PUBLIC HEARING:** Please consider requiring public hearing on renewal, not just initial application.
- **TIMING:** There are currently two dates affecting grandfathered locations – in "Licensing Requirements" (b) and "Performance Standards" (f) & (g). My reading is that a shelter use with all permits in hand as of Jan 31 but not technically "*in operation*" as of the effective date would simply need to obtain its initial license at a future date before they could begin operating. Please just make sure there's no loophole created.
- **GRANDFATHERING:** Some but not all of the language regarding shelter-specific conditional use standards is duplicated in this licensing ordinance ("management plan" etc) – but some existing shelters will have other requirements waived (e.g. to provide central office, sight lines, onsite services & amenities). I ask you to ensure that all relevant *operational* requirements *are* applied, even to grandfathered locations.
- **SUNSET:** Please consider a "sunset" for grandfathering, giving prior operations something like 5-10 years to meet ALL conditional use and licensing standards, else relocate to make all code requirements possible. There should not be an option for an inadequate facility to continue operating in perpetuity.
- **ZONING:** It would be appropriate at this time to openly acknowledge that the city is allowing (and operating) illegally zoned shelters, and lay out exactly how / when those need to come up to code.

- **AMENDMENTS:** Last month's planning approval for 5 Portland Street added several amendments creating additional conditions to the permit. and it's worth considering which of these should actually be permanent conditions. Some portion of code should definitely require a maximum allowable capacity both in terms of persons served and space used to be *set in writing*. Most of the monitoring metrics suggested by DHHS have been included in this licensing proposal, which makes conditional use language outdated.
- **ADVISORY PANEL:** This licensing proposal includes a requirement to meet monthly with neighbors – but an advisory panel with a broader array of stakeholders is a more beneficial forum. We have evidence that mere attendance at neighborhood meetings is not adequate to resolving concerns.
- **PUBLIC REPORTS:** There should be a requirement that monitoring reports be made publicly available on the operator's website.
- **CODE LANGUAGE:** I am of the opinion that the approved management plan for 5 Portland did not adequately meet code requirements in several ways - no centralized office; staff workstations will not provide sight lines to all sleeping areas; the only services actually offered "on site" will be case management and housing assistance; there is not a kitchen or pantry "for guests" (only separate production operations that will deliver meals); etc etc... Please consider whether that language needs to be clarified to better instruct the reviewing body as to intention of the law, or to spell out minimum allowable thresholds.
- **DAY SPACE:** Requirements for indoor day space should be tightened up. The current conditional use language has been copied to this licensing proposal, allowing shelters within 1/4 mile of a METRO line to ignore the need for day shelter space. Shelters with no day space force clients out into the neighborhood, and are not considered a best practice. Please consider striking the "*within 1/4 mile OR*" clause entirely – i.e. simply require all new emergency shelters to be located within 1/2 mile of metro AND provide day space AND draw up transit strategies. This is better for clients and for neighborhoods.
- **COMMUNITY PROTECTIONS:** The community must be ACTIVELY protected. Waiting for renewal to count complaints against an unspecified threshold next year is not enough. The proposed licensing language does at least mention things like "security plan", and reducing crime "around" the facility. Please explicitly require *preemptive prevention* of the right kind of neighborhood impacts, not just vague review of an undefined security plan. The proposed licensing language clearly lists many explicit requirements for *internal* safety – it needs to also include equally explicit *community* safety requirements. Please require active mitigation of known community impacts. This is especially important given the overall plan to expand small shelter zoning, which may site future emergency shelters in close proximity to residential homes.
- **THRESHOLDS:** The language around department review removed any mention of appropriate number of calls for service, public safety hazard, or life safety – despite requests from councilors to provide more definition in these areas. In my opinion this can and should operate similarly to the existing "disorderly house" ordinance. Please determine what a reasonable threshold is, enforce penalties, require oversight when necessary, and ultimately revoke the license if a shelter is unable to operate safely at the given location and capacity.

- **SUB-POPULATION:** I'm glad to see applicants will be required to describe the intended population. This language should be stronger to align with city policy and plans. Please require that intake *only* be allowed via the city's central system. I would also suggest any proposed shelter prove it will fill a gap in the existing system. Emergency shelter should not be a "competitive" business; all parties must submit to the fact that this municipality is overseeing a complex system, and has the right and responsibility to manage it appropriately.
- **STANDARDS:** This licensing proposal includes items such as requirements for crime prevention by environmental design; community relations liaison; emergency contact; emergency response protocols, etc. – which need to be included in the conditional use standards.
- **INSPECTIONS:** Last month's minutes show councilors requested that inspections should happen more than twice a year, and that there should be a method of overseeing city operations, but the new language doesn't describe this. Please consider filling this in.
- **ENFORCEMENT:** Generally, this city needs to correct course from a history of failure to actively enforce existing laws surrounding homeless services. Chapter 15.8 is largely reactive unless there is immediate danger of irrevocable harm (I would submit that in many ways irrevocable harm has already been created in the Bayside Neighborhood). The more explicit licensing can be about ways that applicants must *reduce and prevent* known adverse effects, the better.

I'm very hopeful that the full council will soon pass really strong and durable licensing that protects everyone involved – clients, staff, and the host community. I'm also hopeful that the current council & city staff may find ways to encourage other municipalities, regional bodies, the state, and even federal actors, to participate more actively. Many thanks to you and everyone in this city who goes above and beyond to provide regional services, and to ensure they are managed well.

Sincerely,
Jim Hall
Cedar St Portland

<Shelter Licensing - ANNOTATED.pdf>

Fwd: Shelter licensing general comments

2 messages

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>
Cc: Tae Chong <tchong@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:23 PM

And since I forwarded the ones Mark sent along, I should ask that these be added, too. Again, if not tonight, to the packet for this meeting and then again next month when we are more likely to vote. A couple more coming your way, Adam.

Thanks!

Best,

Belinda
Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
[Portland, ME 04101](#)
BSR@portlandmaine.gov

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

From: **Sarah Michniewicz** <sarahmichniewicz@icloud.com>
Date: Tue, Mar 9, 2021 at 3:58 PM
Subject: Shelter licensing general comments
To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>
Cc: <cityclerk@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>

Hello Chair Chong, Councilor Dion, and Councilor Ray,

Thank you once again for pursuing shelter licensing. I hope you will consider moving this on to the full council with a strong recommendation for passage, after incorporating community feedback on buffers and spacing as recommended by staff. I have a couple of thoughts and questions:

- Allowing separate day space is tantamount to replicating the untenable situation in Bayside; it would contradict the purpose of moving to a best practice model of having all resources in one site and potentially double the amount of shelter space in any given area. This reversion to a campus-style shelter would potentially increase staffing costs for providers and create unnecessary resistance in prospective neighborhoods, thus fulfilling shelter provider prophecies.

Perhaps a better approach would be to allow waivers only for existing shelters. The Oxford Street Shelter has been voluntarily providing day space since 2017 without it being required.

- Regarding waivers for domestic violence shelters, please ask staff for clarification on best practices regarding proximity of DV shelters to general population shelters and how location may effect the goals of operators and the need for confidentiality.

- At the February HHS meeting advocates recommended ditching controls such as retroactive licensing, buffers and spacing, deeming them arbitrary. It was stated that the recommendations are too focused on neighborhoods, an argument echoed by the letter you recently received from the Emergency Shelter Assessment Committee, who went further, asking you to abandon the licensing effort entirely.

If necessary, please clarify at this meeting that the purpose of municipal licensing is to benefit consumers, to be sure, but also ensure the safety of the public, mitigate impacts on abutters, and serve the interests of the City. It's frankly ridiculous to suggest otherwise, or to imply that to do so would unfairly or illegally single out emergency shelters or people experiencing homelessness.

The City has had a wonderful history of caring for people seeking shelter, and a terrible track record for supporting constituents residing near those shelters. That has improved a lot in recent years because of proactive measures taken by the City to provide day space, bathrooms and storage at the OSS. But the biggest limitation to siting shelters in neighborhoods other than Bayside remains a lack of reliable standards that benefit the entire community. Licensing is the next logical step.

Shelter operators fear difficulty siting shelters, based on the pushback from neighborhoods, whose own fears are based on the well-documented crime, disorder, and severe quality of life impacts that have come from having too many services in one area and next to no controls or recourse for mitigation. It's a feedback loop that can only be disrupted by doing something better, something that supports the entire community. Creating a licensing scheme will interrupt that cycle by giving neighborhoods confidence that shelters can be good neighbors, that excessive impacts will be addressed, and will ultimately make it easier to site shelters.

The idea that the City can, should, or will be able to effectively deal with potential impacts from emergency shelters by putting out fires is simply not an acceptable substitute for licensing. It hasn't been for the past 20 years.

No one I know expects utopia, just a fair and reasonable levels of impact. Not fair and reasonable as defined by operators, or by onlookers who insulate themselves in nearby towns that actively prohibit shelters, but fair and reasonable to an average person on an average street in an average Portland neighborhood, deserving to live their life with an average amount of urban disruption. In other words, we expect everyone to act like neighbors.

As I wrote in [this](#) letter to the editor, we must all respect each other. If shelter providers are not willing to voluntarily and proactively consider the needs of the entire community, the City must do it. You have the opportunity to turn things around, to create a framework within which shelters become welcome neighbors. Please take it.

Sincerely,

Sarah Michniewicz
Cedar Street, Portland

PS - Regarding small shelter zoning, it's worth noting that at the Maine Homelessness Planning meeting this morning, the data and recommendations that were shared lean away from increasing permanent shelter bed capacity. In fact, the State sees a current need for only 23 additional shelter beds statewide, based on current data and future predictions, even accounting for evictions and the current economic trajectory. The pandemic-related reduction in shelter beds is seen as an opportunity to not refill them, and move people into permanent housing instead.

- The data and shelter system redesign planning envisions the closing of emergency shelters as the focus on permanent, transitional, supportive, subsidized and affordable housing increases supplies, and prioritizes enhancing diversion programs to keep people out of homelessness in the first place. A specific diversion program has been developed and service hubs are being offered training to implement it.
- Data also shows that compared to other exits to permanent housing from homelessness, exit from emergency shelter has the poorest outcome, 18% compared to roughly 75% for exits via rapid rehousing, transitional housing, and supportive housing.

The slideshow from the meeting is [here](#).

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:58 AM

Here you go, Adam. I'll send the others, too. Sorry it didn't work the other way!!
[Quoted text hidden]

Fwd: Shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:59 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
[Portland, ME 04101](#)
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----- Forwarded message -----

From: **Carolyn Megan** <carolynmegan@gmail.com>

Date: Tue, Mar 9, 2021 at 11:21 AM

Subject: Shelter licensing

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>

Dear Councilors Chong, Dion and Ray:

Thank you for the time and care you have brought to the discussion of licensing shelters in Portland. This work and conversation is long overdue and is crucial for the well-being of both shelters and the neighborhoods in which they are situated. As there is no recourse for residents to be heard in expressing concerns about shelters' impact on neighborhoods, your work is timely and much needed. Additionally, the work underscores the larger visioning for how the city as whole - each neighborhood - can address issues of homelessness.

As an extension of this work, I ask that you urge the City Council to place a moratorium on any new shelters in Bayside until the city can best address Portland's shelter system as a whole.

No doubt there are difficult conversations ahead but this work is a good first start.

Thank you,
Carolyn Megan

Fwd: Shelter Licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 12:04 PM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
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----- Forwarded message -----

From: **Michael Gelsanliter** <mrgelsanliter@gmail.com>

Date: Tue, Mar 9, 2021 at 8:36 AM

Subject: Shelter Licensing

To: <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jjp@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, <ksnyder@portlandmaine.gov>, <tchong@portlandmaine.gov>

Dear Councilors and Mayor Synder,

Please justly consider a moratorium on additional new shelters in Bayside until adequate time can be given to study how shelters can best serve the greater Portland community.

The effort, time and energy should not be spent on another new Bayside Shelter when we just had one approved. In good conscience shouldn't the location of additional new shelters be more equitable around the city.

Thank you for your consideration and all your hard work,

Sincerely,

Michael Gelsanliter
32 Mechanic Street

Fwd: Shelter spacing recommendations

1 message

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Sun, May 9, 2021 at 3:56 PM

For backup

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

From: **Sarah Michniewicz** <sarahmichniewicz@me.com>

Date: Sun, May 9, 2021 at 2:55 PM

Subject: Shelter spacing recommendations

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

CC: Kristen Dow <kjd@portlandmaine.gov>, Christine Grimando <cdg@portlandmaine.gov>, Jon Jennings

<jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>

Hello Chair Chong, Councilor Dion and Councilor Ray,

I'm writing in regards to the updated emergency shelter licensing recommendations and buffer/spacing suggestions. The recommendation for no more than 250 beds in a 1 mile radius makes good sense and I'm pleased that's been supported even though Bayside will still be far over that limit for the foreseeable future.

However I don't understand how staff came to recommend a mere 500' between any two shelters. This is actually a little less than the current spacing between the Oxford Street Shelter/Family shelter area and Preble Street's teen shelter/5 Portland Street shelter area (formerly consistency utilized as 75 bed overflow site). All evidence points to that being far too dense for one area, as the memo for the shelter moratorium illustrates in detail. Please ask staff to explain this recommendation.

The rationale given in the memo is that 500' is sort of a default setting - it's the maximum buffer used in the City for a potentially high-impact use. But requiring any spacing or buffer for a given use means implicitly that there's something unique about that use that's known to cause, or suspected to cause, excessive impact. So for the 500' spacing recommendation to have any meaning staff must be able to articulate a relationship between impacts of an emergency shelter and, in the example staff gives, a marijuana business.

Additionally, this spacing recommendation has to be considered in the context of LD 1478, the proposed legislation that would legalize the behaviors that are at the heart of the disorder and police calls for service in Bayside. Though the requirement that shelters have adequate day space will certainly be helpful in regards to loitering and other concerns, it's a fact that people will continue to use the public space to engage in behaviors prohibited at shelters. 500' spacing will do next to nothing to prevent any one area from carrying an undue burden, even less so should this bill pass.

Based on what's known about the impacts of current shelter spacing and shelter demographic overlap (families, teens and adults all sheltered in one area), the spacing required in this licensing should be at least 1000', preferably 1200'-1500' in order to reflect current understanding of impacts and support the City's overall goals as an equitable provider of emergency shelter.

As to the rest of the licensing recommendations I'm pleased to see they have continued to be strong and clear. There is one worrying clause though:

Performance Standards, section e) *The facility must provide indoor space to permit shelter guests day shelter. If it would cause the shelter an undue burden to provide the indoor, the shelter may apply for a waiver of this requirement if they are able to provide alternative indoor day shelter space within ¼ mile of the shelter.*

• Please *only* make this waiver available to existing shelters. Allowing new, planned shelters this option of a "campus" approach conflicts with conditional use standards and best practices for emergency shelters, and

undermines the intent of this licensing. On multiple occasions councilors and staff have underscored the folly of pushing people out in the morning and lining them up again at night to get back in, citing it as one of the main factors contributing to the disorder and friction in Bayside. A standard that prevents that scenario shouldn't be considered an undue burden.

- Also, consider amending this section to clarify that any such alternative indoor day shelter space allowed by this waiver is subject to the licensing standards governing operations of the main overnight shelter.

Please also consider making the Pre-existing Shelters section clearer. The goal, as I understand it, is to allow shelters operating or permitted to operate as of Jan 31 2021 to maintain their standing; and to prohibit additional shelters, or relocations, or expansion of existing shelters in excess of the licensing's buffer and spacing requirements. However as written the language in this section is difficult to parse.

Thank you, I appreciate your careful attention to this important matter.

Sarah Michniewicz
Cedar Street

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Kristen Dow
Director of Health & Human Services
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
207-874-8633

Fwd: tonight's discussion - emergency shelter licensing

1 message

Belinda Ray <bsr@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Mon, Mar 15, 2021 at 11:59 AM

Belinda S. Ray (*she / her / hers*)
City Council, District 1
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From: **Heidi Souerwine** <heidi.souerwine@gmail.com>

Date: Tue, Mar 9, 2021 at 3:54 PM

Subject: tonight's discussion - emergency shelter licensing

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Cc: Kate Snyder <ksnyder@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious <pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>

Dear HHS Committee members and Councilors,

Thank you for the continued discussion, consideration of, and movement forward on our city's shelter regulations. I've been encouraged by thoughtful questions during the committee's dialogue on this topic over the past several months. It's complicated, and I know these topics are especially challenging in our current climate, so I thank you for your continued engagement, and desire for alignment.

I write in support of the more thoughtful shelter licensing and zoning policies under discussion. I think these policies help move away from the dense concentration of social services that has neither benefited individuals experiencing homelessness, nor the neighbors who wish to be in community with them.

I encourage you to take action on shelter licensing at the meeting tomorrow, and send it to the full Council. In the documents posted online I see many things I support that will be crucial to building public understanding and support for shelters around our city, and, are normal parts of licensing and zoning regulations:

1. a buffer of no more than 250 beds within a 1 mile radius.
2. spacing of 2500 feet between facilities.
3. requirement that all shelters must have adequate space for people ONSITE to be able to stay off the street during the day.
 1. I see waivers have been suggested, and I would STRONGLY recommend finding a way to limit those. Otherwise, we're setting up a scenario of ping-ponging vulnerable people between spaces, again, which goes against best practices to serve these individuals and help them overcome permanent homelessness.

However, there's one thing I don't see yet that is CRITICAL: strict rules preventing institutions from undermining this process and skirting the policies in progress:

a moratorium on any new shelters in Bayside.

Why is this so important? As you all know, one shelter has already been added to Bayside, bringing our tiny half of this neighborhood up to 451 beds within the suggested 1 mile radius. That's almost as many beds OVER (201) the suggested maximum of 250.

The City was able to do something similar for development in Munjoy Hill. Doing so right can only help you, our Council, serve our City better in making sound, thoughtful policy decisions by looking at a complete picture, absent of counterproductive pieces running in parallel.

If the City staff are recommending that before further action is taken, [outreach](#) should be conducted with neighborhood associations and shelter providers to get feedback and information (GREAT idea, wish our neighborhood had this), AND they are also recommending [community surveys](#) be conducted to hear what people think about small shelter zoning, allowing other things to proceed in tandem will undermine these efforts. and the transparency I know you all strive for.

Thank you for your diligent work, and I look forward to the discussion this evening.

Heidi Souerwine
Mechanic St.

Fwd: Updated Letter on Shelter Licensing from ESAC

3 messages

Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>

Fri, Jun 4, 2021 at 10:26 AM

For backup.

Thank you,
Kristen

Kristen Dow
Director of Health & Human Services
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
207-874-8633

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

From: **Jon Jennings** <jpj@portlandmaine.gov>
Date: Fri, Jun 4, 2021 at 10:22 AM
Subject: Fwd: Updated Letter on Shelter Licensing from ESAC
To: Kristen Dow <kjd@portlandmaine.gov>

Please add to the backup for the committee meeting.

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

From: **Pious Ali** <pali@portlandmaine.gov>
Date: Fri, Jun 4, 2021 at 10:20 AM
Subject: Re: Updated Letter on Shelter Licensing from ESAC
To: Homeless Voices for Justice <hvj@preblestreet.org>
CC: Kate Snyder <ksnyder@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Dena Libner <dlibner@portlandmaine.gov>, Katherine Jones <klj@portlandmaine.gov>

Mayor

Can we add this to the backup materials as well Thanks. I have copied the city clerk and the manager just as FYI.
Thanks

Respectfully

Pious Ali

City Councilor At-Large

City Hall

[389 Congress Street](#)

[Portland, ME 04101](#)

PALI@PortlandMaine.gov

[2078074283](tel:2078074283)

On Thu, Jun 3, 2021 at 3:21 PM Homeless Voices for Justice <hvj@preblestreet.org> wrote:

To: Portland City Council Health and Human Services and Public Safety Committee, and City Council

From: Portland's Emergency Shelter Assessment Committee

The Emergency Shelter Assessment Committee (ESAC) was formed in 1987 to monitor and respond to the emergency shelter needs of individuals who are homeless in the City of Portland. One of the ways ESAC works to accomplish this objective is by collecting, aggregating, and disseminating crucial data that illustrates the scope and magnitude of need.

ESAC recognizes that the integrity of our work relies on the accuracy of the data we share. In our March 9th letter to the City Council we wrote, "just last week four people experiencing homelessness died due to shelter occupancy limitations caused by the COVID-19 outbreak." After submission ESAC learned this information was not accurately portrayed. We take full responsibility and want to correct the record. While all of the people referenced in our letter had long histories of homelessness contributing to their deaths, their deaths were not caused by shelter occupancy limitations. We apologize for any confusion this may have caused.

Additionally, we stated that "ESAC has voted unanimously to oppose the proposed shelter licensing regulations." We wish to amend this statement to include ESAC voted unanimously to oppose the proposed shelter licensing regulations with two members abstaining.

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Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

--
Jon P. Jennings, MPA
City Manager
[City of Portland](#)
[389 Congress Street](#)
[Portland, ME 04101](#)
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

Anna Brewer <abrewer@preblestreet.org>

Mon, Jun 7, 2021 at 4:24 PM

To: "Aaron Geyer (aeg@portlandmaine.gov)" <aeg@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

From: Pious Ali <pali@portlandmaine.gov>
Sent: Friday, June 4, 2021 1:53 PM
To: Jon Jennings <jjp@portlandmaine.gov>
Cc: Dena Libner <dlibner@portlandmaine.gov>; Homeless Voices for Justice <hvj@preblestreet.org>; Kate Snyder <ksnyder@portlandmaine.gov>; Katherine Jones <klj@portlandmaine.gov>
Subject: Re: Updated Letter on Shelter Licensing from ESAC

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Thank you

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

2078074283

<http://www.portlandmaine.gov>

[Sign up to receive updates on my work](#)

On Fri, Jun 4, 2021 at 10:23 AM Jon Jennings <jjp@portlandmaine.gov> wrote:

I forwarded this to HHS staff to include in the backup for the committee.

On Fri, Jun 4, 2021 at 10:20 AM Pious Ali <pali@portlandmaine.gov> wrote:

Mayor

Can we add this to the backup materials as well Thanks. I have copied the city clerk and the manager just as FYI. Thanks

Respectfully

Pious Ali

City Councilor At-Large

City Hall

389 Congress Street

Portland, ME 04101

PALI@PortlandMaine.gov

2078074283

<http://www.portlandmaine.gov>

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From: Portland's Emergency Shelter Assessment Committee

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Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

Jon P. Jennings, MPA
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
jpj@portlandmaine.gov
www.portlandmaine.gov

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Kristen Dow <kjd@portlandmaine.gov>
To: Adam Harr <ash@portlandmaine.gov>
Cc: Aaron Geyer <aeg@portlandmaine.gov>

Mon, Jun 7, 2021 at 5:13 PM

Hi Adam,

This is a correction to an item that is currently in the HHS & PS Committee packet for tomorrow night's meeting and should also be added as backup materials.

Thank you,
Kristen

Kristen Dow
Director of Health & Human Services
City of Portland
389 Congress Street
Portland, ME 04101
207-874-8633

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

From: **Aaron Geyer** <aeg@portlandmaine.gov>
Date: Mon, Jun 7, 2021 at 4:53 PM
Subject: Fwd: FW: Updated Letter on Shelter Licensing from ESAC
To: Dow, Kristen <kjd@portlandmaine.gov>

Good Afternoon Kristen,
I wanted to send this along as an FYI from earlier today.

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

From: **Anna Brewer** <abrewer@preblestreet.org>
Date: Mon, Jun 7, 2021 at 4:47 PM
Subject: FW: Updated Letter on Shelter Licensing from ESAC
To: Aaron Geyer (aeg@portlandmaine.gov) <aeg@portlandmaine.gov>

From: Homeless Voices for Justice
Sent: Monday, June 7, 2021 2:05 PM
To: Homeless Voices for Justice <hvj@preblestreet.org>; tchong@portlandmaine.gov; Mark Dion <mdion@portlandmaine.gov>; Belinda Ray <bsr@portlandmaine.gov>
Cc: Azarro@portlandmaine.gov; afournier@portlandmaine.gov; Nicholas Mavodones <nmm@portlandmaine.gov>; Spencer Thibodeau <sthibodeau@portlandmaine.gov>; Kate Snyder <ksnyder@portlandmaine.gov>; Pious Ali

<pali@portlandmaine.gov>

Subject: RE: Updated Letter on Shelter Licensing from ESAC

Dear City Council Members,

We are emailing to make a correction to the updated ESAC letter on shelter licensing that we sent last Thursday, 6/3. The email was signed the “ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice.” However, the City of Portland and United Way of Greater Portland abstained from the vote as referenced in the body of the letter. We are emailing to correct the record, noting that the City and UWGP abstained and should be removed as signers.

Thank you,

ESAC

From: Homeless Voices for Justice

Sent: Thursday, June 3, 2021 3:21 PM

To: tchong@portlandmaine.gov; Mark Dion <mdion@portlandmaine.gov>; Belinda Ray <bsr@portlandmaine.gov>

Cc: Azarro@portlandmaine.gov; afournier@portlandmaine.gov; Nicholas Mavodones <nmm@portlandmaine.gov>; Spencer Thibodeau <sthibodeau@portlandmaine.gov>; Kate Snyder <ksnyder@portlandmaine.gov>; 'Pious Ali' <pali@portlandmaine.gov>

Subject: Updated Letter on Shelter Licensing from ESAC

To: Portland City Council Health and Human Services and Public Safety Committee, and City Council

From: Portland's Emergency Shelter Assessment Committee

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Signed,

ESAC Tri-Chairs: City of Portland, United Way, Homeless Voices for Justice

--

Aaron Geyer
Director of Social Services
[City of Portland](#)
[196 Lancaster Street](#)
Portland, ME 04101
(207) 482-5131

aeg@portlandmaine.gov

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Re: Dion Fwd: Shelter Licensing Ordinance Comments

3 messages

Belinda Ray <bsr@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:21 PM

To: Mark Dion <mdion@portlandmaine.gov>, Adam Harr <ash@portlandmaine.gov>

Cc: Tae Chong <tchong@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>

I'm forwarding this to Adam to be added to our meeting packet. Adam - I know it's late for this evening, but could you add these to the evening's packet when you get a chance so that they are a part of the public record on this?

We can't discuss this online/via email as it would be a violation of the sunshine/sunlight rules with regard to public meetings.

Thanks for forwarding these along, Mark.

Best,

Belinda
Belinda S. Ray (*she / her / hers*)
City Council, District 1
[389 Congress Street](#)
[Portland, ME 04101](#)
BSR@portlandmaine.gov

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On Tue, Mar 9, 2021 at 4:09 PM Mark Dion <mdion@portlandmaine.gov> wrote:

Tae, Belinda,

I had a meeting with small shelter operators yesterday that included an attorney from Maine Equal Justice.

I listened to their feedback and can summarize as follows:

1. Grandfathering existing shelters: a concern that the language is not sufficiently clear
2. Rationale: no expression by the Committee as to what we want to accomplish with passage of the ordinance. They believe licensing should be about assuring the "quality" of program and services rather than a tool for policing public conduct.
3. No sense of the adverse fiscal consequences that will fall upon operators as a consequence of the ordinance going into effect.

There was a lot of sentiment and given that condition I asked that they send me a more concrete collective assessment of the ordinance.

I just received that and it is attached below.

Mark

Begin forwarded message:

From: Oliver Bradeen <obradeen@milestone-recovery.org>

Subject: Shelter Licensing Ordinance Comments

Date: March 9, 2021 at 3:19:20 PM EST

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

Hi Counselor Dion,
I have attached comments regarding the Shelter Licensing Ordinance
Thank you for your time,

Memo:

Date: March 9, 2021

To: The City of Portland Health and Human Services & Public Safety Committee

From: Oliver Bradeen, Milestone Recovery on Behalf of Portland's Private Non-Profit Shelter Providers (Milestone Recovery, Preble Street and Through These Doors)

RE: City of Portland Shelter Licensing Ordinance Comments:

At the February 2021 Health and Human Services & Public Safety Committee meeting councilors suggested that they wanted to hear feedback from the providers of shelter in the city of Portland. As a preliminary response to that request we, Portland's three non-profit shelter providers, have compiled the following feedback on the shelter licensing ordinance.

We want to be clear, that this feedback is based on the February 2021 draft licensing ordinance and a brief review of the March draft posted on Friday March 5th. As the document is revised following this evening's meeting, we request that the HHS & PS committee provide a copy to shelters and other homeless service providers for review at least 2 weeks before a committee meeting where it will be discussed. This will ensure that providers who work closest with individuals experiencing homelessness have the opportunity to provide comprehensive feedback on the potential impacts of the proposed ordinance on services and clients.

Impact on Shelters:

The reporting requirements, mandated meetings and added security requirements will impact staffing. Without clear frameworks it is hard to understand the actual impact on personnel hours. At a minimum this would add duties to already overloaded staff at all levels of shelter operations.

To meet the requirements of the licensure, we may have to hire an additional staff to manage the additional data collection, meetings and engagement with the city. As I am sure you are aware, shelters are notoriously underfunded and most operate at a loss with current funding streams and have to supplement their budgets with donations. In addition, we are currently in the COVID-19 pandemic compounded by a substance use disorder epidemic. Both have already strained our shelter systems.

The cost of licensure probably seems low to the city council. Milestone is a 41 Bed Shelter, we would have an additional cost of \$500/year due to this ordinance. In order to pay for the new expense of licensure, we will have to cut corners somewhere. \$500 a year equals 5 new mats for our shelter. Once again, there is no funding stream for new mats for shelter providers and that does not include the cost of a pillow. We would much rather spend that money on improving services for our clients, than on a fee for licensure.

The ordinance, as it is currently written, takes very limited resources and forces us to prioritize the city's needs and the neighborhood concerns over the client's needs. We need to remember that people experiencing homelessness are disenfranchised, discriminated against, and have trauma histories. Experiencing homelessness itself is a trauma, one that individuals utilizing our shelters are experiencing every day. Collaborating with neighbors and the city are integral to the operation of shelters, but this is already happening out of necessity. The reality is that the problems that exist in our system of care for people experiencing homelessness are very complex, often have no solution and will not be able to remedied without further changes to the larger system, not just the shelter providers. This means that often neighbors will get answers they do not like.

Community Impact:

This licensure ordinance seeks to control neighborhood behavior. The presence of shelters does not dictate behavior in the community. This is a much larger societal problem and to scapegoat it to the shelter systems is misguided and shortsighted. We are in the midst of a substance use epidemic and during the COVID-19 pandemic, people's mental health symptoms have been exacerbated with less access to support services. The increase in mental health and substance use needs are not specific to

the population of people experiencing homelessness but impact all demographics. Often SUD and at times MH disorders lead people to homelessness. These complex issues are not going to be solved by this licensure and much of the unwanted behaviors in community are a result of a broken behavioral health treatment system and not shelter services.

We have sat in collaborative meetings with the City, Fire Department, Police Department, shelter providers, advocates, social service providers and people experiencing homelessness for years in Portland. Other communities in Maine and around the nation look to Portland as an example of community collaboration. These meetings have been filled with bright people, interdisciplinary approaches, local and state officials. Even with pooling all these resources, often challenging situations do not get navigated. The outcome is most often that we have no solution. We can give you case example after case example of how or system will fail the people who need it most. The resource that is there for people when all else fails them are our shelter systems. You don't have to like it, but our system of care has relied on shelters and law enforcement to prop the failing system up for decades. By enacting this licensure and limiting the ability to operate shelters the impact will be increased police and fire calls for service in the city, increased utilization of the emergency departments, camping will increase, and the jail will be the biggest homeless shelter in our city. The "if you build it they will come" narrative is a false one. If you look at any system in which shelter systems close, the people experiencing homelessness do not leave the area. They engage in other methods of seeking shelter, such as camping, tent cities, sleeping in doorways downtown, building temporary shelter and staying in temporary lodging. Regulating the shelters to the point that they cannot operate will negatively impact the community in a larger way than operating the shelters. Licensing shelters is not the appropriate approach to the challenges of the community. If the city wants to figure out a way to tackle the challenges it is seeing, work with ESAC, a group that has existed since 1987 and collaboratively works to end homelessness in the City of Portland.

Final thoughts:

We have many criticisms of this approach to engaging with these problems. If the goal of this ordinance is to make it impossible to operate shelters in the City of Portland, and to block new ones, then this ordinance is extremely successful. If the goal of this ordinance is to reduce the impact of shelter operations on neighbors and communities it misses the mark. It doubles down on an approach that has not been successful; trying to get social services to control community behavior that no other part of the system of care can manage and increased security/policing of individuals experiencing homelessness. We know that the approach and best practice to navigating these challenges is continuing to engage with our clients and global systems of care to foster change.

Oliver Bradeen, LCPC
Executive Director
Milestone Recovery
65 India Street
Portland, ME 04101
www.milestone-recovery.org
(207) 775-4790 ext. 114

Mark Dion
City Council / District 5
[389 Congress Street](#)
[Portland, Me 04101](#)

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Adam Harr <ash@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:29 PM

To: Belinda Ray <bsr@portlandmaine.gov>

Cc: Mark Dion <mdion@portlandmaine.gov>, Tae Chong <tchong@portlandmaine.gov>, Jon Jennings <jpj@portlandmaine.gov>, Kate Snyder <ksnyder@portlandmaine.gov>

It's up now!

Adam Harr *(he / him / his)*
Executive Assistant
Social Services Division
Health & Human Services Department
City of Portland
196 Lancaster Street
Portland, ME 04101
o: (207) 482-5144
f: (207) 775-7918
ash@portlandmaine.gov

[Quoted text hidden]

Mark Dion <mdion@portlandmaine.gov>

Tue, Mar 9, 2021 at 5:31 PM

To: Adam Harr <ash@portlandmaine.gov>

Adam I need a link for yje meeting
Councilor Dion

[Quoted text hidden]

Subject: ESAC votes unanimously on Shelter Licensing ordinance



hvj <hvj@preblestreet.org>

to tchong@portlandmaine.gov, Belinda Ray, Mark Dion

Tue, Mar 9, 2021

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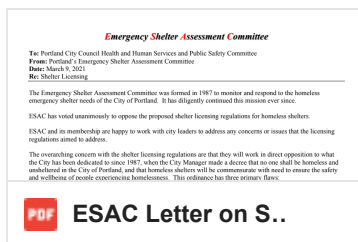
Good afternoon Chairperson Chong, Counselor Ray and Councilor Dion,

Please consider this urgent request from Portland's Emergency Shelter Assessment Committee (ESAC) recommending you vote against the proposed shelter licensing regulations. ESAC has gathered twice during the last week, discussing this issue for hours in depth. The vote was unanimous, with two abstaining votes.

As a collaboration of more than 15 organizations of homeless service providers, funders and people with lived experience that have expertise and many collective years of experience in addressing shelter needs in Portland, this position is telling. Please read the attached letter. Thank you for your consideration.

On behalf of ESAC,

Jim Devine, Homeless Voices for Justice



Emergency Shelter Assessment Committee

To: Portland City Council Health and Human Services and Public Safety Committee

From: Portland's Emergency Shelter Assessment Committee

Date: March 9, 2021

Re: Shelter Licensing

The Emergency Shelter Assessment Committee was formed in 1987 to monitor and respond to the homeless emergency shelter needs of the City of Portland. It has diligently continued this mission ever since.

ESAC has voted unanimously to oppose the proposed shelter licensing regulations for homeless shelters.

ESAC and its membership are happy to work with city leaders to address any concerns or issues that the licensing regulations aimed to address.

The overarching concern with the shelter licensing regulations are that they will work in direct opposition to what the City has been dedicated to since 1987, when the City Manager made a decree that no one shall be homeless and unsheltered in the City of Portland, and that homeless shelters will be commensurate with need to ensure the safety and wellbeing of people experiencing homelessness. This ordinance has three primary flaws:

1. It demonizes people who experience homelessness rather than supports their needs. It does this by representing them as criminals rather than people facing circumstances beyond their control, including inability to afford housing, mental illness, substance use disorder, being victims of domestic violence, or being temporarily or permanently unable to live with parents/family (unaccompanied youth).
2. It arbitrarily limits the amount of homeless resources based on geography rather than need. It does this by declaring limits on the number of people experiencing homelessness served within a square mile or other measures and it does this in a way that is discriminatory.
3. It offers grandfathering that diminishes the current homeless response, while handicapping future response, ignoring the patterns the City of Portland has seen with unmet homelessness demand, and putting homeless emergency shelter providers in an ultimately failing position to deliver emergency services as needed by the City.

All three of these will expose the City to a failed response to homelessness leading directly to homeless encampments – something counterproductive to the City and counterproductive to efforts to end homelessness.

We are dismayed that the proposed shelter licensing regulations are silent on efficiently, effectively, and ethically meeting the needs of people experiencing homelessness. They instead focused solely on how to manage a misperceived threat of people maligned and ostracized for experiencing the circumstances of homelessness.

We urge the City's Health and Human Services and Public Safety Committee to immediately terminate this proposed ordinance. We urge the City's Health and Human Services and Public Safety Committee to instead undertake efforts to meet with professional homeless service providers to develop strategies to directly and precisely address any concerns experienced by the City and its residents. The proposed ordinance would undo current efforts to end and prevent homelessness, and it would do so cruelly amid a pandemic, at a time where just last week four people experiencing homelessness died due to shelter occupancy limitations caused by a COVID-19 outbreak.

Please terminate this ordinance immediately and allow us to ensure people have safe access to emergency shelter in the City of Portland. Please help us end homelessness rather than exacerbate it.

A Collaborative of Services Providers, Consumer Groups, and Health & Human Services Agencies whose Primary Objective is to Ensure the Safety and Well-Being of Portland's Homeless.

Subject: Fwd: Shelter licensing general comments



Belinda Ray <bsr@portlandmaine.gov>
to Adam Harr, Tae Chong

Tue, Mar 9, 5:21

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

And since I forwarded the ones Mark sent along, I should ask that these be added, too. Again, if not tonight, to the packet for this meeting and then again next month when we are more likely to vote. A couple more coming your way, Adam.

Thanks!

Best,

Belinda
Belinda S. Ray (*she / her / hers*)
City Council, District 1
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

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From: **Sarah Michniewicz** <sarahmichniewicz@icloud.com>

Date: Tue, Mar 9, 2021 at 3:58 PM

Subject: Shelter licensing general comments

To: Tae Chong <tchong@portlandmaine.gov>, <mdion@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>

Cc: <cityclerk@portlandmaine.gov>, Spencer Thibodeau <sthibodeau@portlandmaine.gov>, Ali Pious

<pali@portlandmaine.gov>, Nicholas Mavodones <nmm@portlandmaine.gov>, Kate Snyder

<ksnyder@portlandmaine.gov>, <afournier@portlandmaine.gov>, <azarro@portlandmaine.gov>, Jon Jennings

<jpj@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Frank Clark <fclark@portlandmaine.gov>

Hello Chair Chong, Councilor Dion, and Councilor Ray,

Thank you once again for pursuing shelter licensing. I hope you will consider moving this on to the full council with a strong recommendation for passage, after incorporating community feedback on buffers and spacing as recommended by staff. I have a couple of thoughts and questions:

- Allowing separate day space is tantamount to replicating the untenable situation in Bayside; it would contradict the purpose of moving to a best practice model of having all resources in one site and potential double the amount of shelter space in any given area. This reversion to a campus-style shelter would



Testimony of Frank D'Alessandro, Maine Equal Justice on Proposed Shelter Licensing Ordinance.

Good afternoon Chairperson Tae Chong and counselors Belinda Ray and Mark Dion sitting as The **Health & Human Services and Public Safety Committee.**

My name is Frank D'Alessandro and I am the Litigation and Policy Director of Maine Equal Justice. We are a civil legal service organization, and we work with and for people with low income seeking solutions to poverty through policy, education and legal representation. Thank for the opportunity to offer you testimony proposed shelter licensing ordinance.

Introduction

Fundamentally, we believe that any licensing ordinance should be focused on the health, safety and care for clients accessing services and not the neighborhood concerns that occur off premises from a given shelter facility or are not tied to the provision of high-quality services to clients. We ask that this Committee and the council as a whole ground its discussion by asking how the licensing ordinance protects those needing access to shelter itself.

In addition, we have the following specific comments concerning the proposed ordinance:

I. The Proposed 1-mile buffer zone and bed cap would impact every shelter located on Peninsula in Portland.

Maine Equal Justice is particularly concerned with the proposed bed limits and distance between shelter requirements.

As the city's own experience with finding the site of the shelter at Riverton and sites for temporary shelter for Covid overflow illustrate, even without ordinances restricting shelter's location, it is very challenging to find land or buildings that work for emergency shelter. The proposed buffer zone restriction adds an artificial barrier to shelter location and relocation. The proposed licensing ordinance will make it even harder for new facilities to open where land and property is available.

Furthermore, it and will also make it difficult for shelters to be renovated, expanded, or moved. This will make it more difficult for shelters to adapt to meet the changing needs of people experiencing homelessness while making it less likely that people experiencing homelessness will have access to adequate, safe, and modern facilities which should be the goal of the licensing scheme. As the Committee is aware, the Preble Street Wellness Shelter, the Joe Kreisler Teen

Shelter, Oxford Street, the family shelter, Florence House, Milestone and the DV Shelter are all located within a mile radius. The buffer zone provision would effectively preclude creation of any new emergency shelter on the peninsula.

While we appreciate that shelters that have been approved prior to January 31, 2021 will be grandfathered in, we recommend that this date be changed to the effective date of any ordinance that is finally passed by the City Council.

II. There is a lack of clarity about when an existing shelter would have to apply for a license to improve or change their facility

The buffer zone requirement may also impact an existing shelter as there is a lack of clarity in the proposed licensing requirement about when a shelter who changes its services or facility in order to make necessary improvements or to meet a new need experienced by the homeless community would be required to submit a new application.

III. The revised proposed ordinance was correct to remove the “unacceptable number of police (and Fire) calls” provision as it could have led to unintended consequences.

We agree that it was appropriate to remove this provision as it would have served to penalize a proactive and productive relationship between city public safety staff and shelter facilities. Law Enforcement calls often stem from an inadequate mental health system or struggles with substance use, precisely the type of circumstances that often lead to homelessness. Those who might interact with law enforcement are often those who most need the services provided by a homeless shelter. The ordinance should avoid such criminalization of homelessness.

Furthermore, police call provisions can have unintended consequences. This is the case with the disorderly house designation currently in city ordinance. Under this ordinance the city is able to designate a property “disorderly” and require the landlord to evict every tenant in the building. We have seen the disorderly house ordinance applied in a manner that allows for the blanket closing down of a building and eviction of lawful tenants who are not themselves engaged in dangerous behavior. Such a provision applied to shelters could result in the unintended closing of needed shelter facilities.

For these reasons among others, we are glad that this provision has been removed.

IV. The Licensing Ordinance raises concerns of disparate impact discrimination against those who access shelter in Portland including people of color, those with disabilities, and those navigating substance use diagnoses.

Finally, according to the Maine State Housing Authority 2019 Point in Time Survey 26% of Maine’s homeless population is Black or African American, and 13% were experiencing substance

abuse issues.¹ According to the same report, there is also a high rate of persons experiencing homelessness who report a disability.

As compared to the overall population, there is a disproportionate number of people of color and those with disabilities who experience homelessness.²

As set forth above, the licensing scheme being considered will negatively impact the availability of homeless shelter and related services. It will do this by requiring a buffer zone and by overemphasizing neighborhood concerns to the detriment of people experiencing homelessness. This will deprive people who are homeless of shelter for reasons unrelated to the behaviors of the vast majority of homeless individuals.

Not only do these requirements impose inappropriate requirements upon shelters, but they will also result in a disparate impact upon both people of color and individuals who suffer from mental illness, potentially violating the Maine Human Rights Act.³

¹ https://www.mainehousing.org/docs/default-source/housing-reports/2019-point-in-time-survey.pdf?sfvrsn=6d6fb415_4

² Only about 1% of the population is Black or African-American, 4.4% of the population suffered from a mental illness.

³ https://www.maine.gov/mhrc/sites/maine.gov/mhrc/files/inline-files/What_it_is.pdf

Subject: Re: Shelter Licensing & Zoning



Jim Hall <mtjimhall@gmail.com>

Tue, Mar 9, 2:16

to Jim Hall, Tae Chong, Belinda Ray, Mark Dion, Kate Snyder, Nicholas Mavodones, Pious Ail, April Fournier, Si

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

Hi Councilors Chong, Ray and Dion,

I just learned that ESAC voted in a non-public meeting to oppose shelter licensing altogether (presumably with city staff abstaining). I disagree that creating oversight on a known high-impact use is “demonizing”, “arbitrary”, or “diminishes” response. In fact, as my comments of 3/7 point out, the current licensing proposal is much more explicit about protections inside & “around” the facilities while having almost nothing to say about overall neighborhood impacts. Voluntary behind-the-scenes meetings with city staff may be another welcome solution, but it is NOT an appropriate total response to decades of zero governance. If certain actors in this space had not put the worst externalities of homelessness “on display” while continually disrespecting the community, it would not be so hard to site new shelters in the first place. Homeless services do not need to look like “a neighborhood under siege”, but they did. Please enact oversight that ensures that can never happen again, anywhere.

Jim Hall
Cedar St

On Mar 9, 2021, at 1:47 PM, Jim Hall <mtjimhall@gmail.com> wrote:

Hi Councilors Chong, Ray and Dion,

Apologies for the late add-on. I'm sure some of you are following the Maine Statewide Homeless Council's strategic planning for a better statewide system. I just wanted to point out a few data findings presented today, which may be relevant to Portland's overall strategy regarding management of homeless services.

<http://www.mainehomelessplanning.org/wp-content/uploads/2021/03/CSH-Maine-Data-Analysis-for-SHC-2021-03-09.pdf>

- (p21 of 40) – emergency shelter has the worst record regarding exit to permanent housing, compared to rapid rehousing, transitional housing, and supportive housing (and diversion was not even considered since there is not yet a state system)
- (p29 of 40) – The data suggests adding only 23 emergency beds across the entire state, with spoken analysis pointing to geographical areas that are underserved. Discussion outlined a goal of closing emergency shelters over time as more successful programs reduce the need.

Subject: Shelter licensing



Carolyn Megan <carolynmegan@gmail.com>

Tue, Mar 9, 1'

to Tae Chong, mdion, Belinda Ray, Spencer Thibodeau, Ali Pious, Nicholas Mavodones, afournier, azarro, Jon Jen

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

Dear Councilors Chong, Dion and Ray:

Thank you for the time and care you have brought to the discussion of licensing shelters in Portland. This work and conversation is long overdue and is crucial for the well-being of both shelters and the neighborhoods in which they are situated. As there is no recourse for residents to be heard in expressing concerns about shelters' impact on neighborhoods, your work is timely and much needed. Additionally, the work underscores the larger visioning for the city as a whole - each neighborhood - can address issues of homelessness.

As an extension of this work, I ask that you urge the City Council to place a moratorium on any new shelters in Beaverton until the city can best address Portland's shelter system as a whole.

No doubt there are difficult conversations ahead but this work is a good first start.

Thank you,
Carolyn Megan

Subject: tonight's discussion - emergency shelter licensing



Heidi Souerwine <heidi.souerwine@gmail.com>

Tue, Mar 9, 3:54

to Tae Chong, mdion, Belinda Ray, Kate Snyder, Spencer Thibodeau, Ali Pious, Nicholas Mavodones, afournier,

You are viewing an attached message. City of Portland Mail can't verify the authenticity of attached messages.

Dear HHS Committee members and Councilors,

Thank you for the continued discussion, consideration of, and movement forward on our city's shelter regulations. I have been encouraged by thoughtful questions during the committee's dialogue on this topic over the past several months. It's complicated, and I know these topics are especially challenging in our current climate, so I thank you for your continued engagement, and desire for alignment.

I write in support of the more thoughtful shelter licensing and zoning policies under discussion. I think these policies help move away from the dense concentration of social services that has neither benefited individuals experiencing homelessness, nor the neighbors who wish to be in community with them.

I encourage you to take action on shelter licensing at the meeting tomorrow, and send it to the full Council. In the documents posted online I see many things I support that will be crucial to building public understanding and support for shelters around our city, and, are normal parts of licensing and zoning regulations:

1. a buffer of no more than 250 beds within a 1 mile radius.
2. spacing of 2500 feet between facilities.
3. requirement that all shelters must have adequate space for people **ONSITE** to be able to stay off the streets during the day.
 1. I see waivers have been suggested, and I would **STRONGLY** recommend finding a way to limit them. Otherwise, we're setting up a scenario of ping-ponging vulnerable people between spaces, again which goes against best practices to serve these individuals and help them overcome permanent homelessness.

However, there's one thing I don't see yet that is **CRITICAL**: strict rules preventing institutions from undermining the process and skirting the policies in progress:

a moratorium on any new shelters in Bayside.

Why is this so important? As you all know, one shelter has already been added to Bayside, bringing our tiny half of this neighborhood up to 451 beds within the suggested 1 mile radius. That's almost as many beds **OVER** (201) the suggested maximum of 250.

The City was able to do something similar for development in Munjoy Hill. Doing so right can only help you, our Council, serve our City better in making sound, thoughtful policy decisions by looking at a complete picture, absent counterproductive pieces running in parallel.

If the City staff are recommending that before further action is taken, [outreach](#) should be conducted with neighborhood associations and shelter providers to get feedback and information (GREAT idea, wish our neighborhood had this), **AND** they are also recommending [community surveys](#) be conducted to hear what people think about small shelter zoning, allowing other things to proceed in tandem will undermine these efforts. and the transparency I know you all strive for.

MEMORANDUM

TO: Health and Human Services and Public Safety Committee

FROM: Anne Torregrossa, Associate Corporation Counsel

DATE: July 8, 2021

RE: Measuring distances and enforcement

The HHS Committee raised two questions at its last meeting that I would like to address. The first related to the appropriate way to measure the distance between shelters, and the second related to how enforcement would be conducted. This memo addresses both.

MEASURING

In discussing the way that distances should be measured under the proposed shelter licensing ordinance, the Committee asked for examples of how distances are measured in other areas of the City Code. The key is to consider 1) how the distance is measured; and 2) from where the distance is measured. Here are several examples from the City Code and state law:

1. **Bottle Club Distance from Schools, etc. (§ 3-28(d))**

The three hundred (300) foot distance shall be measured from the principal entrance of the school, dormitory, church, chapel or parish house to the principal entrance of the licensed premises by the ordinary course of travel.

2. **Public Nude Activity Distance from Others and from Schools, etc. (§ 4-91(b))**

The distance must be measured from the main entrance of the premises, as measured in a straight line, without regard to intervening structures or objects.

3. **Certain Marijuana Business Distance from Schools, etc. (§ 14-6.4.10(B)(1))**

Distance shall be measured from nearest property line of the respective marijuana-related use and the property line of the lot containing the public school, private school, or public preschool program.

4. **Certain Marijuana Business Distance from Residential Properties (§ 14-6.4.10(B)(2))**

Distance shall be measured from the nearest outer wall of the building housing the marijuana cultivation, manufacturing, or testing facility to the nearest applicable residential zone boundary. If the marijuana-related facility leases a room or suite of rooms within a building, including, without limitation, individual units within a shopping plaza or shopping mall, the nearest outer wall of the room or suite of rooms within which the facility is located shall constitute the nearest outer wall of the building housing that facility.

5. **Entertainment License Holders from Each Other in Downtown Entertainment Overlay District (§ 14-8.2.3)**

A business with an entertainment license as required or authorized by Chapter 4, Section 4-51(a) of the City of Portland Code of Ordinances within the Downtown Entertainment Overlay Zone may not be located within 100 feet of another business with an entertainment

license, as measured along or across public ways from the main entrance or entrances of each.

6. Liquor Licensee Distance from Schools, etc. (28-A M.R.S. § 701)

The distance must be 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.

ENFORCEMENT

There was a great deal of concern about how enforcement would be conducted in connection with shelter licensing. Hopefully, this brief overview of how the City currently conducts enforcement – and how it would conduct enforcement moving forward – will assuage some of the concerns raised.

With respect to certain City ordinances, as well as state laws enforced by the City, City inspectors already have the authority and jurisdiction to inspect existing shelters. By way of example, this would include the Building, Life Safety, and Fire Codes. Currently, the Fire Department and Permitting and Inspections Department conduct inspections of a variety of commercial and residential buildings, and their jurisdiction extends to all buildings in the City, including existing shelters. When the City conducts an inspection and finds violation of a code or statute, the inspector issues a Notice of Violation and Order to Correct (NOV). The NOV gives the owner or responsible party time to correct the violations that are commensurate with difficulty that correcting the violation poses and the threat that allowing the violation to continue poses. For example, missing smoke alarms might have a much shorter timeframe for correction than installing a full sprinkler system in a building. It is only after the owner or responsible party does not take any action will the City proceed to civil penalties or legal action.

One exception to this process is where a building or violation poses an imminent threat to safety, in which case a building might be posted against occupancy, or similar steps taken. Also, if a violation is a frequently repeated violation then the City might proceed directly to civil penalties or court action.

Licensing inspections proceed in the same manner. For example, the City's Health Inspectors regularly inspect City licensed restaurants for compliance with City Code and state statute. Again, a notice of Imminent Health Hazard (IHH) would be issued for any violations found during an inspection and the licensee would be given time to remedy the deficiency. Generally, a restaurant would not be shut down or otherwise impacted while they are correcting the deficiency, unless the deficiency posed an immediate threat to health and safety. Civil penalties, license suspension or revocation, or other legal action would not move forward unless the licensee did not comply with the City's orders.

The City's goal in enforcement has always been compliance, and City inspectors spend significant time and energy working with property and business owners to help them come into compliance. A very, very small percentage of violations end in civil penalties, license suspension or revocation, or other negative impact on the property or business owner. All of those are business

or owners who have been given numerous opportunities to voluntarily comply and have either refused or dragged their feet so long that it becomes clear that compliance is not forthcoming.

The same principles would be applied to shelter licensee inspections. Inspections would be based on City Code, state statute, or conditions of approval in the licensee's license. This would include their operating plan. The inspector's criteria would not be subjective, but would be based only on the code, statute, or license. Unless a violation posed an imminent threat, a license would be given notice and an opportunity to correct any violations. Civil penalties, license suspension or revocation, or other legal action would only be taken for those licensees who refused to correct violations or repeatedly showed the same violations to the point that the licensee is clearly not meeting their obligations.



CITY OF PORTLAND
Social Services Division
Aaron Geyer, Director

MEMORANDUM

TO: The Health & Human Services and Public Safety Committee

FROM: Aaron Geyer, Social Services Division Director

DATE: June 8, 2021

RE: Shelter Licensing Reporting Requirements and Definitions

At the last meeting, Councilor Dion asked if referrals to a different shelter were included in the list of reporting requirements and expressed interest in pairing down the list in order to increase efficiency. Referrals to other shelters are not currently included. Shelter to shelter referrals currently occur informally as a mechanisms to maximize beds across our shelter continuum and provide the best possible options for guests. Adding a shelter referral reporting requirement would be complicated to get accurate reporting given the nightly cross over that occurs.

In an effort to streamline the reporting requirements, I recommend eliminating (v) "total number of chronically homeless individuals accessing the shelter" with (vi) "total number of individuals who are defined as having long time stayer status" due to the overlap with individuals who meet both criteria. I also recommend Eliminating (xi) Crisis Calls for services, as those calls in large part could be captured in (xiii) police calls for service.

Below are two definitions the committee requested, but please note: eliminating (xi) completely removes the term "crisis calls for service" from the proposed ordinance:

- Long Term Stayer - An individual staying over 180 days in shelters (or outdoors) within a 365 day period (not necessarily consecutive).
- Crisis Calls for services- Calls placed to crisis line (774-HELP) and those to the Behavioral Health team within the Police Dept.

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Emergency Shelter and Housing Assistance Program (ESHAP)

2022 Program Guide & Application

Agency Name:

Date:

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Program Guide

Overview & Purpose

The mission of MaineHousing is to assist Maine people in obtaining and maintaining quality affordable housing and services suitable to their housing needs. In carrying out this mission, MaineHousing provides leadership, maximizes resources, and promotes partnerships to develop and implement sound housing policy.

MaineHousing uses funds from certain federal and state resources to give grants to agencies for a variety of activities to assist people who are experiencing homelessness or who are at risk of experiencing homelessness. MaineHousing has allocated resources to the Emergency Shelter and Housing Assistance Program (ESHAP) to be distributed according to the Funding Formula Allocation outlined in Section 4 of MaineHousing's Homeless Solutions Rule (the "Rule"). The Rule is available electronically at:

<http://www.mainehousing.org/docs/default-source/msha-rules/19--homeless-solutions-rule.pdf>.

This program guide and application outlines the process through which these funds will be distributed, the parameters of the activities that they can support, and the process to apply for funding. Capitalized terms have the same meaning as in the Rule unless context indicates otherwise.

ESHAP grantees can receive funding through the three funding components that make up the award: the Shelter Operations Share, the Housing Stabilization Share and the Performance Share. MaineHousing also allocates Rapid Re-housing and permanent rental subsidies to ESHAP Shelters through vouchers. These vouchers are: Stability Through Engagement Program/Tenant Based Rental Assistance (STEP/TBRA) Vouchers and Home to Stay/Housing Choice Vouchers (HTS/HCV). Each of these vouchers have Administrative Plans which detail their usage and are available electronically at

<https://www.mainehousing.org/docs/default-source/rental/2021-hcv-administrative-plan.pdf> and

<https://www.mainehousing.org/docs/default-source/homeless/homeless-initiatives/step/step-resources/step-administrative-plan.pdf>

All ESHAP funds must be targeted to individuals and families that meet the definition of homeless outlined in 24 CFR § 576.2. MaineHousing has designed ESHAP and tailored its monitoring of ESHAP to ensure its grantees are in compliance with all listed funding sources. Housing vouchers and subsidies are always subject to the availability of funds.

MaineHousing has also made Supportive Housing Repair Program Funds available to current ESHAP grantees in good standing. The purpose of this funding is to assist Emergency Shelters in addressing physical plant deficiencies and/or issues in need of correction. Application to this funding must be made separately and details are available at

<https://www.mainehousing.org/docs/default-source/development/2021-final-supportive-housing-emergency-shelter-repair-program-guide---updated-3-2021687c2d36-1658-41af-8fab-9049b6b834d2.pdf>

Funding Allocation & Eligible Activities

ESHAP funds will be distributed as follows:

Shelter Operations Share:

An amount equal to 45% of the Funding Formula Allocation will be disbursed among Emergency Shelters, 3 such that each Emergency Shelter will receive a percentage equal to its Bed Capacity divided by a number

equal to the total Bed Capacity available statewide for the calendar year. Bed Capacity for the 2022 ESHAP operations share is based on the last pre-pandemic HIC, 2020. Agencies will receive scheduled payments on a quarterly basis.

Eligible Activities: The costs of maintenance (including minor or routine repairs), rent, security, fuel, equipment, insurance, utilities, food, furnishings, supplies and staff necessary for the operation of the Emergency Shelter.

Disbursement: Quarterly

Housing Stabilization Share:

An amount equal to 45% of the Funding Formula Allocation will be disbursed among eligible agencies, such that each agency providing staffing for Rapid Re-housing, Housing First and Housing Stabilization services operated by the agency will be eligible to receive a percentage equal to the agency's number of Clients Assessed and Stabilized, divided by the total number of Clients Assessed and Stabilized statewide in the previous quarter. Agencies are reimbursed for costs on a quarterly basis.

Eligible Activities: Navigator staffing, including at least one staff designated and trained as the Primary Navigator for your agency. The Primary Navigator should attend, or complete e-learning training, specific to navigator services. This person will be the primary point of contact regarding Navigator services for the ESHAP grantee. The Primary Navigator will coordinate messaging from MaineHousing staff to the rest of their agency in regards to navigator services and program delivery requirements.

Additional Criteria: Although each agency will have a Primary Navigator, other staff within the agency may provide navigator services to eligible households that can be reimbursable through the Housing Stabilization Share. Navigator services must be provided for by the agency receiving the funds. Eligible households must meet the criteria under paragraph (1) of the "homeless" definition in 24 CFR § 576.2 or under paragraph (4) of the "homeless" definition and live in an emergency shelter or other place described in paragraph (1) of the "homeless" definition. Navigator services must include assessment with housing prioritization tools, 30 day check-ins and Housing Stability Plans, as well as housing navigation and stabilization services.

Assessments

Clients may be assessed if they have experienced homelessness for 15 of the previous 90 days, using the common assessment tools which are designated by MaineHousing and the Maine Continuum of Care. Clients whose assessment results deem them ineligible for ESHAP services should not be enrolled, while clients with eligible assessment results will be entered into the agency's ESHAP program. Documentation of enrollment or non-enrollment should be retained in the client file. Detailed information about the common assessment tool and appropriate housing interventions are provided in the Navigator Services Guide found under the ESHAP heading at

<https://mainehousing.org/partners/partner-type/homeless-service-providers/homeless-initiatives>.

Monthly Check-Ins and Housing Stability Plans

Every client enrolled in ESHAP services must have a Housing Stability Plan based on the needs found in the common assessments. The Housing Stability Plan should be updated during at 30 day check-in to assess the progress and address any additional needs. A new Housing Stability Plan should be created every 90 days.

Housing Navigation and Stabilization

Clients should be given Housing Stabilization services after their enrollment in ESHAP. The Navigators should apply for appropriate subsidies and housing based on the assessment result recommendations for the client. All documentation of housing work including housing applications, mainstream and housing referrals, documentation applications, leases, etc. should be kept in the client's file to show on-going navigation efforts. Documentation that clients were offered an opportunity to participate in housing counseling through the RentSmart curriculum should be present in the client file. After the client is housed, on-going Housing Stabilization services are expected to continue for no less than one year. Clients who are not receiving subsidy through a STEP or Home to Stay voucher have the option to opt out of Housing Stabilization services; any decision to opt out must be noted in the client file.

Ending Services

If a client is terminated from the program, the client should be provided with a letter clearly stating the reason for the termination and the process to appeal the decision. A copy of the termination letter and any other appeal documentation must be included in the client file.

Protections under VAWA: Sub-recipients are exempt from service and stability plan requirements if the Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) prohibits that recipient or sub-recipient from making its shelter or housing conditional on the participant's acceptance of services.

Disbursement: Quarterly

Performance Share:

An amount equal to 10% of the Funding Formula Allocation will be allocated among Emergency Shelters that in the previous 6 months had 15% or fewer clients who exited to permanent housing return to homelessness based on performance indicator data in HMIS (or elsewhere for providers of services to victims of domestic violence). The percentage of funding an Emergency Shelter receives will be equal to the number of clients served by that provider divided by the total number of clients served by all of the Emergency Shelters that meet this performance measure in the applicable 6 month period.

Eligible Activities: Any purpose consistent with the provider's mission, and not otherwise prohibited by state or federal regulations.

Disbursement: The Performance Share is awarded semi-annually with the Operations and Stabilization disbursements. The share is based on performance in January 1- June 30, and July 1 to December 31. The data utilized is from the six-month period that just concluded.

Housing Voucher Rental Subsidies

Staff providing navigator services will additionally have access to a set aside of Stability Through Engagement Program/Tenant Based Rental Assistance Vouchers (STEP/TBRA) and Home To Stay Housing Choice Vouchers (HTS HCV) rental subsidies as resources remain available. Please refer to the Navigator Services Process Guide available electronically at <http://mainehousing.org/partners/partner-type/homeless-service-providers/homeless-initiatives> for detailed information regarding expectations and processes for the navigator role, which is integral to utilizing the voucher resources.

Stability Through Engagement Program/Tenant Based Rental Assistance (STEP/TBRA)

STEP/TBRA guidelines, funding sources, and governing regulations are detailed in the STEP/TBRA Administrative Plan located at https://mainehousing.org/docs/default-source/homeless/homeless-initiatives/step/step-resources/step-administrative-plan.pdf?sfvrsn=42f78f15_2. Providers may access STEP/TBRA only to the extent that the resources remain available. Units funded through STEP/TBRA must be accessed through the Maine CoC Coordinated Entry Process once it is developed. Grantees will use the funds for rental assistance, utility deposits and security deposits to rapidly re-house homeless families and individuals.

Housing Choice Vouchers (HCV)

Home to Stay Housing Choice Vouchers (HTS HCV) will be administered according to federal regulations and MaineHousing policies detailed in the current Administrative Plan for Section 8 Housing Choice Voucher and Project Based Voucher Programs.

MaineHousing makes the final decision on program eligibility, which requires a determination that the current or past behavior of household members does not include activities which are prohibited by HUD or MaineHousing. Upon admission, each family will be required to pay between 30% to 40% of their adjusted total household income for rent in accordance with the individual vouchers administrative plans. All subsidies are only available as funding permits.

ESHAP Eligible Applicants

To be eligible to receive ESHAP funds, an Applicant must:

- be a non-profit corporation in good standing in the State of Maine qualified for tax exemption under 501(c)(3) of the Internal Revenue Code or a municipal corporation;
- be eligible in accordance with the HEARTH Act;
- be a provider of homeless services with at least one (1) year of experience providing emergency housing, street outreach, Homeless Prevention, or Rapid Re-housing activities;
- be a regular and active participant in the Maine Continuum of Care, in accordance with its governance charter and performance criteria;
- have board and or advisory board representation from Persons Experiencing Homelessness or formerly experiencing homelessness who are involved in policy or planning of the organization;
- participate in Coordinated Entry Process by entering into an Agency Participation Agreement (or equivalent for Domestic Violence and Youth Coordinated Entry Systems) for sharing data and administering housing prioritization and assessment tools in accordance with any CoC Coordinated Entry Written Standards and other policies and procedures documents;
- have the administrative and financial management capacity necessary to administer and to account for the use of the applicable grant in accordance with the funding requirements;
- operate in accordance with the homelessness strategy outlined in the Maine Consolidated Plan;
- meet the objectives of ESHAP;
- participate in and meet the performance and reporting requirements of the Homeless Management Information System (HMIS) or a comparable database if the Applicant serves victims of domestic violence;
- not engage in any explicitly religious activities, such as worship, religious instruction, or proselytization, as part of the activities and services funded with any grant for activities or services

covered by this rule; and if religious activities are offered, they must be offered at a separate time or location from the activities and services covered by this rule; and participation in those religious activities must be voluntary for persons receiving assistance with ESHAP funds;

- operate its programs free from discrimination on the basis of age, race, color, religion, national origin, physical or mental disability, sexual orientation, or gender in accordance with applicable federal and state fair housing laws; comply with Section 504 of the Rehabilitation Act of 1973, which prohibits disability discrimination in programs that receive HUD funds; and
- comply with MaineHousing requirements.

To be eligible to receive Shelter Operations or Performance Share Funds, an Applicant must also:

- provide access 365 days per year to assist Persons Experiencing Homelessness meet basic emergency shelter needs;
- provide adequate sleeping space or beds, and clean and functioning shower and toilet facilities;
- provide safe and nutritious food, including breakfast or access to breakfast and, if open 24 hours, also provide lunch and dinner or access to lunch and dinner;
- treat all guests with dignity and respect, regardless of religious or political beliefs, cultural background, disability, gender identity or sexual orientation;
- provide shelter and housing services based upon a Rapid Re-housing or Housing First approach;
- have admittance and stay policies that are appropriate for the population served and do not create unnecessary barriers to guests staying;
- provide linkages and access to community resources such as health care, job readiness and employment services, Mainstream Resources, and educational services to assist guests in achieving housing stability;
- assess guests for housing prioritization and services to enable mobility to permanent housing with adequate supports;
- inform guests of their rights and responsibilities, including specific shelter policies and house rules;
- accept eligible persons regardless of their ability to pay or their eligibility for reimbursement or actual reimbursements from any third party source, including local, municipal, state, or federal funding sources;
- have no lease requirements for guests;
- if serving families with children, provide space other than open dormitory style and do not require involuntary family separation for admission;
- provide separate accommodations for male and female consumers consistent with their gender identity;
- protect the privacy and confidentiality of guests and their personal information;
- provide training, policies, procedures and regular maintenance to encourage, improve, and maintain the health and safety of guests, volunteers and staff;
- post fire, disaster, and other emergency procedures in a conspicuous place and review the procedures with each guest;
- maintain a daily and confidential census of shelter clients including precise sleeping locations;
- operate in compliance with all applicable federal, state and local codes, laws and regulations; and
- have written standards in the form of agency specific policies and procedures that address the following areas: access to shelter services, residential rights and responsibilities; program, personnel

and facility operations; health and safety; food preparation and distribution; case management services; staff training; and HMIS or comparable database; coordination of services; non-discrimination; grievance and termination; whistleblower protections; and computer protocols; and

- make RentSmart tenant based educational training available to eligible ESHAP participants.

Monitoring Compliance and Technical Assistance

MaineHousing will review for program compliance at least every two years at reasonable times and may copy and examine all of a grantee's records other than medical or other confidential client information protected by privacy laws except as required by the federal award pursuant to 2 CFR section 200.336. Grantees will maintain records sufficient to meet monitoring and auditing requirements of MaineHousing and HUD including, without limitation, daily rosters and client files. Grantees will adhere to uniform administrative requirements as outlined in the code of federal regulations 2 CFR section 200, and retain program records for no less than 5 years after participation ends. Grantees will maintain timesheets for staff salaries being charged to ESHAP that specify the amount of time spent on ESHAP activities. MaineHousing will inspect the shelter physical plant for compliance with 24 CFR 576.403 (b) and other MaineHousing requirements.

MaineHousing staff will provide grantees with training, technical assistance, monitoring and oversight to ensure program integrity.

Funding is subject to a grantee's compliance with this guide, a grant agreement with MaineHousing, and with all applicable federal, state and local laws and ordinances as may be amended from time to time including, without limitation, the Rule, the Maine Housing Authorities Act, 30-A M.R.S.A., §4701, et. seq., as amended: and the McKinney-Vento Act, as amended by the HEARTH Act.

MaineHousing will review the performance of each grantee in carrying out its responsibilities at least every two years and as otherwise determined by MaineHousing. In conducting performance reviews, MaineHousing will rely primarily on information obtained from the records and reports from grantees, as well as information from monitoring reviews, audit reports, and HMIS or comparable data bases. If MaineHousing determines that a grantee has not complied with a program requirement, MaineHousing will give the grantee notice of this determination. MaineHousing will offer technical assistance and give the grantee an opportunity to demonstrate, within the time prescribed by MaineHousing, that grantee has complied with program requirements. If the grantee fails to demonstrate to MaineHousing's satisfaction that the activities were carried out in compliance with program requirements, MaineHousing may take one or more of the following actions:

- provide additional technical assistance and training opportunities;
- instruct the grantee to submit and comply with proposals for action to correct, mitigate, and prevent noncompliance with program requirements;
- suspend disbursement of funds for some or all activities;
- reduce or terminate the remaining grant and reallocate those funds to other grantees;
- disqualify grantee from participation in the Performance Share or future ESHAP; and
- require grantee to repay grant funds.

Application

Application Process

The Applications are due no later than Monday, **November 24th, 2021 by 5pm**. If you have questions as you prepare your Application, please e-mail SHLTAPP@mainehousing.org.

Uploading and submitting the Application and any supporting documents must be completed online; just click on the following secure link: <https://mainehousing.sharefile.com>. Upload to the following path: Shared Folders/Homeless Initiatives/Your Shelter/2022/Program Guide and Application. Applications may be submitted as two documents; the application as one document (filled electronically), and the attachments as a second. Applications not submitted as prescribed will not be reviewed. The application is electronically fillable; please utilize electronic signatures for all required signatures when submitting the filled application. Please note that the documents submitted with your ESHAP Application are used for the purpose of monitoring your shelter's compliance with ESHAP.

Applications that, in MaineHousing's sole judgment, are incomplete and/or missing required documents will not be eligible for consideration. For an application to be considered complete, it must contain the following and be uploaded to your ShareFile Folder;

1. Complete answers for Application questions 1 – 12;
2. a completed Emergency Shelter Minimum Threshold Requirements review (see below);
3. the following attachments uploaded and with electronic signatures;
 - Attachment A: Certificate Regarding Lobbying;
 - Attachment B: Homeless Experience Consumer Participation Certification;
 - Attachment C: Minimum Data Requirements Certification;
 - Attachment D: Applicant Conflict of Interest Disclosure and Acknowledgement Form;
 - Attachment E: Certificate of Local Approval for Nonprofit Organizations;
 - Attachment F: Homeless Initiatives Contact Form;
 - Attachment G: Documentation of 501c3 Status;
 - Attachment H: Most recent audit within the last 12 months completed by an outside firm and accompanying management letter. (A133 or comparable);
 - Attachment I: Corporate Resolution from Board of Directors to approve application submission;
 - Attachment J: An organizational chart showing titles and lines of authority for all individuals with any role in approving or recording of financial transactions;
 - Attachment K: List of agency board of directors outlining who each member represents and;
4. any listed policy that has been revised or edited since the previous grant application or all listed policies and procedures if your agency did not apply for ESHAP funding in 2021.

MaineHousing will use the following process to determine which applicants are eligible for funding:

MaineHousing staff will review each application to ensure that it is complete, including the submission of the required attachments. Only complete applications, which have included all required attachments, will be considered. Staff will determine if the application meets minimum threshold requirements.

Applicants who are eligible for funding will be issued a Grant Agreement specifying terms and conditions of the funding award. Once successful applicants receive this notification they will be expected to submit:

1. a signed HMIS Agency Participation Agreement if you are a new ESHAP recipient for the 2022 program year;
2. a certification of Local Approval verifying that the municipality in which the program will run will not be seeking any funds from the Emergency Solutions Grant program to perform similar activities.

A Grant Agreement will not be fully executed until all certification and any other documents that may be required by MaineHousing have been received. Applicants who do not meet threshold requirements will be notified in writing.

Grantee	2022 Audit	PO- Primary Contact
Preble Street	March 9, 2022	Tia
KCHC	March 16, 2022	Linda
RCAM	March 23, 2022	Tia
BAHS	March 30, 2022	Linda
Next Step	April 6, 2022	Tia
PCHC	April 13, 2022	Linda
Shaw House	April 20, 2022	Tia
COP-OSS	April 27, 2022	Linda
Home Inc.	May 4, 2022	Tia
Family Violence Project	May 11, 2022	Linda
Mid-Maine Homeless Shelter	May 18, 2022	Tia
Safe Voices	May 25, 2022	Linda
Homeless Services of Aroostook	June 1, 2022	Tia
Rumford Group Homes	June 8, 2022	Linda
COP-FS	June 15, 2022	Tia
New Beginnings	June 22, 2022	Linda
Partners for Peace	June 29, 2022	Tia
YCSPi	July 6, 2022	Linda
Tedford	July 13, 2022	Tia
Through These Doors	July 20, 2022	Linda
BOLM	August 3, 2022	Tia
Milestone	August 10, 2022	Linda
Hope and Justice Project	August 17, 2022	Tia
Western Maine Community Action	August 24, 2022	Linda
Caring Unlimited	August 31, 2022	Tia
New Hope	September 7, 2022	Linda

Northern Lighthouse	September 14, 2022	Tia
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Inspection Checklist

Housing Choice Voucher Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(Exp. 07/31/2022)

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Assurances of confidentiality are not provided under this collection.

This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program.

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of the name and address of both family and the owner is mandatory. The information is used to determine if a unit meets the housing quality standards of the Section 8 rental assistance program. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family participation.

Name of Family		Tenant ID Number	Date of Request (mm/dd/yyyy)
Inspector		Neighborhood/Census Tract	Date of Inspection (mm/dd/yyyy)
Type of Inspection Initial ☐ Special ☐ Reinspection ☐	Date of Last Inspection (mm/dd/yyyy)		PHA

A. General Information			Housing Type (check as appropriate) ☐ Single Family Detached ☐ Duplex or Two Family ☐ Row House or Town House ☐ Low Rise: 3, 4 Stories, Including Garden Apartment ☐ High Rise; 5 or More Stories ☐ Manufactured Home ☐ Congregate ☐ Cooperative ☐ Independent Group Residence ☐ Single Room Occupancy ☐ Shared Housing ☐ Other
Inspected Unit		Year Constructed (yyyy)	
Full Address (including Street, City, County, State, Zip)			
Number of Children in Family Under 6			
Owner			
Name of Owner or Agent Authorized to Lease Unit Inspected		Phone Number	
Address of Owner or Agent			

B. Summary Decision On Unit (To be completed after form has been filled out)			
☐ Pass ☐ Fail ☐ Inconclusive	Number of Bedrooms for Purposes of the FMR or Payment Standard	Number of Sleeping Rooms	

Inspection Checklist					Final Approval Date (mm/dd/yyyy)
Item No.		Yes Pass	No Fail	In-Conc.	
1.	Living Room				
1.1	Living Room Present				
1.2	Electricity				
1.3	Electrical Hazards				
1.4	Security				
1.5	Window Condition				
1.6	Ceiling Condition				
1.7	Wall Condition				
1.8	Floor Condition				

* Room Codes: 1 = Bedroom or Any Other Room Used for Sleeping (regardless of type of room); 2 = Dining Room or Dining Area;
3 = Second Living Room, Family Room, Den, Playroom, TV Room; 4 = Entrance Halls, Corridors, Halls, Staircases; 5 = Additional Bathroom; 6 = Other

Item No.	1. Living Room (Continued)	Yes Pas	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
1.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				Not Applicable	
2. Kitchen						
2.1	Kitchen Area Present					
2.2	Electricity					
2.3	Electrical Hazards					
2.4	Security					
2.5	Window Condition					
2.6	Ceiling Condition					
2.7	Wall Condition					
2.8	Floor Condition					
2.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				Not Applicable	
2.10	Stove or Range with Oven					
2.11	Refrigerator					
2.12	Sink					
2.13	Space for Storage, Preparation, and Serving of Food					
3. Bathroom						
3.1	Bathroom Present					
3.2	Electricity					
3.3	Electrical Hazards					
3.4	Security					
3.5	Window Condition					
3.6	Ceiling Condition					
3.7	Wall Condition					
3.8	Floor Condition					
3.9	Lead-Based Paint Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?				Not Applicable	
3.10	Flush Toilet in Enclosed Room in Unit					
3.11	Fixed Wash Basin or Lavatory in Unit					
3.12	Tub or Shower in Unit					
3.13	Ventilation					

Item No.	4. Other Rooms Used For Living and Halls	Yes Pass	No Fail	In- Conc.	Comment	Final Approval Date (mm/dd/yyyy)
4.1	Room Code* and Room Location ☐	(Circle One) Right/Center/Left	(Circle One) Front/Center/Rear	____ Floor Level		
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint				☐ Not Applicable	
	Are all painted surfaces free of deteriorated paint?					
	If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?					
4.10	Smoke Detectors					
4.1	Room Code* and Room Location ☐	(Circle One) Right/Center/Left	(Circle One) Front/Center/Rear	____ Floor Level		
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint				☐ Not Applicable	
	Are all painted surfaces free of deteriorated paint?					
	If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?					
4.10	Smoke Detectors					
4.1	Room Code* and Room Location ☐	(Circle One) Right/Center/Left	(Circle One) Front/Center/Rear	____ Floor Level		
4.2	Electricity/Illumination					
4.3	Electrical Hazards					
4.4	Security					
4.5	Window Condition					
4.6	Ceiling Condition					
4.7	Wall Condition					
4.8	Floor Condition					
4.9	Lead-Based Paint				☐ Not Applicable	
	Are all painted surfaces free of deteriorated paint?					
	If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?					

Item No.	4. Other Rooms Used For Living and Halls	Yes Pass	No Fail	In-Conc.	Comment	Final Approval Date (mm/dd/yyyy)
4.1	Room Code * and Room Location	(Circle One) Right/Center/Left			(Circle One) Front/Center/Rear _____ Floor Level	
4.2	Electricity/Illumination	☐	☐	☐		
4.3	Electrical Hazards	☐	☐	☐		
4.4	Security	☐	☐	☐		
4.5	Window Condition	☐	☐	☐		
4.6	Ceiling Condition	☐	☐	☐		
4.7	Wall Condition	☐	☐	☐		
4.8	Floor Condition	☐	☐	☐		
4.9	Lead-Based Paint				Not Applicable	
	Are all painted surfaces free of deteriorated paint?	☐	☐	☐		
	If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?	☐	☐	☐		
4.10	Smoke Detectors	☐	☐	☐		
4.1	Room Code* and Room Location	(Circle One) Right/Center/Left			(Circle One) Front/Center/Rear _____ Floor Level	
4.2	Electricity/Illumination	☐	☐	☐		
4.3	Electrical Hazards	☐	☐	☐		
4.4	Security	☐	☐	☐		
4.5	Window Condition	☐	☐	☐		
4.6	Ceiling Condition	☐	☐	☐		
4.7	Wall Condition	☐	☐	☐		
4.8	Floor Condition	☐	☐	☐		
4.9	Lead-Based Paint				Not Applicable	
	Are all painted surfaces free of deteriorated paint?	☐	☐	☐		
	If not, do deteriorated surfaces exceed two square feet per room and/or is more than 10% of a component?	☐	☐	☐		
4.10	Smoke Detectors	☐	☐	☐		
5. All Secondary Rooms (Rooms not used for living)						
5.1	None Go to Part 6	☐	☐	☐		
5.2	Security	☐	☐	☐		
5.3	Electrical Hazards	☐	☐	☐		
5.4	Other Potentially Hazardous Features in these Rooms	☐	☐	☐		

Item No.	6. Building Exterior	Yes Pass	No Fail	In - Conc.	Comment	Final Approval Date (mm/dd/yyyy)
6.1	Condition of Foundation					
6.2	Condition of Stairs, Rails, and Porches					
6.3	Condition of Roof/Gutters					
6.4	Condition of Exterior Surfaces					
6.5	Condition of Chimney					
6.6	Lead Paint: Exterior Surfaces Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed 20 square feet of total exterior surface area?				Not Applicable	
6.7	Manufactured Home: Tie Downs					
7. Heating and Plumbing						
7.1	Adequacy of Heating Equipment					
7.2	Safety of Heating Equipment					
7.3	Ventilation/Cooling					
7.4	Water Heater					
7.5	Approvable Water Supply					
7.6	Plumbing					
7.7	Sewer Connection					
8. General Health and Safety						
8.1	Access to Unit					
8.2	Fire Exits					
8.3	Evidence of Infestation					
8.4	Garbage and Debris					
8.5	Refuse Disposal					
8.6	Interior Stairs and Common Halls					
8.7	Other Interior Hazards					
8.8	Elevators					
8.9	Interior Air Quality					
8.10	Site and Neighborhood Conditions					
8.11	Lead-Based Paint: Owner's Certification				Not Applicable	

If the owner is required to correct any lead-based paint hazards at the property including deteriorated paint or other hazards identified by a visual assessor, a certified lead-based paint risk assessor, or certified lead-based paint inspector, the PHA must obtain certification that the work has been done in accordance with all applicable requirements of 24 CFR Part 35. The Lead -Based Paint Owner Certification must be received by the PHA before the execution of the HAP contract or within the time period stated by the PHA in the owner HQS violation notice. Receipt of the completed and signed Lead-Based Paint Owner Certification signifies that all HQS lead-based paint requirements have been met and no re-inspection by the HQS inspector is required.

C. Special Amenities (Optional)

This Section is for optional use of the HA. It is designed to collect additional information about other positive features of the unit that may be present. Although the features listed below are not included in the Housing Quality Standards, the tenant and HA may wish to take them into consideration in decisions about renting the unit and the reasonableness of the rent. Check/list any positive features found in relation to the unit.

D. Questions to ask the Tenant (Optional)**1. Living Room**

- ☐ High quality floors or wall coverings
- ☐ Working fireplace or stove Balcony, patio, deck, porch Special windows or doors
- ☐ Exceptional size relative to needs of family
- ☐ Other: (Specify)

2. Kitchen

- ☐ Dishwasher
- ☐ Separate freezer
- ☐ Garbage disposal
- ☐ Eating counter/breakfast nook
- ☐ Pantry or abundant shelving or cabinets
- ☐ Double oven/self cleaning oven, microwave
- ☐ Double sink
- ☐ High quality cabinets
- ☐ Abundant counter-top space
- ☐ Modern appliance(s)
- ☐ Exceptional size relative to needs of family
- ☐ Other: (Specify)

3. Other Rooms Used for Living

- ☐ High quality floors or wall coverings
- ☐ Working fireplace or stove Balcony, patio, deck, porch Special windows or doors
- ☐ Exceptional size relative to needs of family
- ☐ Other: (Specify)

4. Bath

- ☐ Special feature shower head
- ☐ Built-in heat lamp
- ☐ Large mirrors
- ☐ Glass door on shower/tub
- ☐ Separate dressing room
- ☐ Double sink or special lavatory
- ☐ Exceptional size relative to needs of family
- ☐ Other: (Specify)

5. Overall Characteristics

- ☐ Storm windows and doors
- ☐ Other forms of weatherization (e.g., insulation, weather stripping) Screen doors or windows
- ☐ Good upkeep of grounds (i.e., site cleanliness, landscaping, condition of lawn)
- ☐ Garage or parking facilities
- ☐ Driveway
- ☐ Large yard
- ☐ Good maintenance of building exterior
- ☐ Other: (Specify)

6. Disabled Accessibility

Unit is accessible to a particular disability. ☐ Yes ☐ No
Disability

1. Does the owner make repairs when asked? Yes ☐ No ☐
2. How many people live there?
3. How much money do you pay to the owner/agent for rent? \$ _____
4. Do you pay for anything else? (specify) _____
5. Who owns the range and refrigerator? (insert O = Owner or T = Tenant) Range _____ Refrigerator _____ Microwave ☐
6. Is there anything else you want to tell us? (specify) Yes ☐ No ☐

E. Inspection Summary/Comments (Optional)

Provide a summary description of each item which resulted in a rating of "Fail" or "Pass with Comments."

Tenant ID Number	Inspector	Date of Inspection (mm/dd/yyyy) Address of Inspected Unit
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Type of Inspection	Initial	Special	Reinspection
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Item Number	Reason for "Fail" or "Pass with Comments"	Rating
-------------	---	--------

Continued on additional page Yes ☐ No ☐

Vote to support shelter licensing 1 view



Heidi Souerwine <heidi.souerwine@gmail.com>

Nov 15, 2021, 12:41:56 PM

to publiccomment@portlandmaine.gov, Kate Snyder, Belinda Ray, Pious Ali, Nick Mavodones, Tae Chong, afournier@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov

Dear Councilors and Mayor Snyder,

I am writing in support of the shelter licensing recommendations and asking you to do likewise.

In reviewing the proposed licensing, it's clear to me that the City should be able to easily and confidently support this. Existing ordinances have already proven to be inadequate to create a productive, safe, and positive environment for shelter clients and those trying to access services while experiencing homelessness.

I appreciate the hard work that the City staff has done to adjust the licensing to accommodate feedback from the community and social service providers. I participated in the HHS committee meetings before it was unanimously voted out of committee, and watched how well all the needed and desired components were balanced.

This licensing is an important part of repairing public trust and helping our citizenry whole-heartedly support care and programming for our unhoused neighbors. If we want more people and neighborhoods to support shelters, we need this licensing.

Thank you for your time,
Heidi Souerwine
Mechanic St.

Groups

New conversation

My groups

Recent groups

All groups

Favorite groups

Starred conversations

Public Comment

Conversations

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Members

About

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Search conversations withi...

Portland
Maine

Public Comment Order 88-21/22 1 view

Oliver Bradeen

<obradeen@milestone-recovery.org>
to publiccomment@portlandmaine.gov, ksnyder@portlandmaine.gov, bsr@portlandmaine.gov, Tchong@portlandmaine.gov, Azarro@i

Attached you will find my written public comment for Order 88-21/22 related to the shelter licensing. I had more to say ir
I thank you for your time and your efforts on this matter.

Respectfully,
Oliver Bradeen, LCPC
Executive Director
Milestone Recovery
65 India Street
Portland, ME 04101
www.milestone-recovery.org
(207) 775-4790 ext. 114





EXECUTIVE DIRECTOR
Oliver Bradeen, LCPC

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DETOXIFICATION PROGRAM
HOME TEAM**
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Tel: 207.775.4790 Fax: 207.775.5231

EXTENDED CARE PROGRAM
28 Portland Avenue
Old Orchard Beach, ME 04064
Tel: 207.934.5231 Fax: 207.934.5139

www.milestone-recovery.org

11/15/2021

To: Mayor Snyder and the Portland City Council

Re: Order 88-21/22: Emergency Shelter Licensing

My name is Oliver Bradeen, I am the executive director of Milestone Recovery located at 65 India Street, Portland. Milestone operates a 41 bed emergency shelter for men with substance use disorder. I am writing today to share Milestone Recovery's opposition to the proposed small shelter licensing. During Milestone Recovery's August Board meeting the Board voted, with one abstention, to take a formal stance of opposition of the City's proposed shelter licensing. This vote was in response to the understanding that the proposed shelter licensing would be in direct conflict with the mission and the work of Milestone Recovery.

I have attended every HHS committee meeting where shelter licensing was on the agenda since starting my position at Milestone Recovery in October 2020. During that time, there have been exhaustive discussions about shelter licensing. However, in all the discussion I was never able to get an answer to one key question: what is this ordinance trying to accomplish? Shelter licensing does not help to improve the functionality of shelter for the clients that receive services, nor does it solve any larger public safety or community issues. It simply limits the amount of shelter beds allowed within a radius, effectively moving any new shelters off the peninsula. While I understand that East Bayside has been an unmanageable situation for years, it is not solely result of the shelter operators' decisions but demonstrates the strain on our social service system within Portland and the State of Maine. We need a sweeping comprehensive overhaul of our housing and treatment systems. Shelter licensing does not move us in the correct direction.

Shelters are expensive to operate and are underfunded. Milestone's shelter has been consistently understaffed over the past several years and COVID-19 has created unprecedented staffing shortages. We are continuing to operate to the best of our capacity but adding responsibilities to shelter operations beyond the current requirements from Maine Housing is an extra burden that comes with no increased funding. We are not a business that can simply increase revenues by producing more products to offset the costs of staffing and operations. Many of the reporting measures are already covered in Maine Housing reports, but some are not, and it will require reporting to both Maine Housing, City and for Milestone to the Office of Behavioral Health as we also have contract funds and oversight by State regulators. The shelter providers have been painted as non-profits seeking to avoid oversight and accountability. The reality for Milestone is that we are already accountable to Maine

Housing and to the Office of Behavioral Health to operate our shelter. Both entities provide oversight because they are both sources of funding and thus want to ensure their money is being spent on quality program that is meeting the requirements and to protect clients we serve through oversight.

Throughout this process the HHS committee has attempted to engage the shelter providers and I appreciate their efforts. I believe in collaborating with our partners in the city, even when we disagree on the path forward. Through the process of trying to find middle ground with the HHS committee and City staff, Milestone Recovery continually stated that we disagree with the principles of the shelter licensing ordinance. We did however contribute our opinions on how to engage with the restrictions put in place. I am appreciative that the HHS committee did listen to the request to raise the bed limit to 300 beds, which by my math leads to creating the capacity for 8 beds to be created within the existing shelter providers should they need it. I was disappointed that the buffer remained 1,000ft. It was lowered from its higher number, but the HHS staff report recommended a buffer of 500 feet stating that 500 feet was the current most restrictive buffer zone in the city ordinances and that was for marijuana retailers. Creating the largest buffer zones within the city ordinance for shelter operators continue to perpetuate negative stereotypes and discrimination against shelter providers and the clients they serve.

What I've heard throughout the shelter focused processes over the last year is a goal for the rest of Maine support their unhoused neighbors instead of sending them to Portland. The small shelter licensing sends the opposite message. It says that shelters are unmanageable and not good neighbors unless you restrict them via licensing. The takeaway from the limitations on bed density and proximity perpetuates the discriminatory thinking that if you put people who are unhoused together you will see increased crime, danger and "ruin the neighborhood." Milestone Recovery has been operating the shelter at 65 India Street in Portland since 1998. We have made it part of our work to be good neighbors and engage with the community.

Milestone Recovery is about practical solutions that reduce homelessness and support people with substance use disorders. For this reason, Milestone Recovery spoke in favor of the homeless service center at the November 1st City Council meeting. It is part of why Milestone Recovery endorsed option C for the Nov 2nd ballot question regarding smaller shelters. While smaller shelters sound like a good idea, it is a logistical and operational nightmare and would have resulted in years more of planning while people continue to suffer. The shelter licensing proposed will impact existing shelters. It may not impact us initially, but it restricts our ability to expand our capacity if the bed density limit is reached as well as limits us to expanding to day space prior to expanding any capacity for overnight beds. It will also impact our staffing hours as we will have to direct staff hours to meet all the requirements within the licensing. The only other Maine municipality that licenses their emergency shelter is Brunswick. The Tedford shelter in Brunswick has faced challenges due to the licensing imposed by Brunswick. It has made their ability to move to a new shelter that will serve the community better more difficult and created unnecessary barriers. I am concerned that shelter licensing could be used to impede or delay resources that would meet the need of the community.

A report I received from 11/7/21 estimated 500 people are staying in hotels and motels in the greater Portland area as part of GA, OSS, and other emergency rental programs. Our need seems higher than ever, and our energy being put on creating more barriers to shelter is not one that moves us towards a solution or

EMERGENCY SHELTER
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Portland, ME 04101
Tel: 207.775.4790 Fax: 207.775.5231

EXTENDED CARE PROGRAM
28 Portland Avenue
Old Orchard Beach, ME 04064
Tel: 207.934.5231 Fax: 207.934.5139

www.milestone-recovery.org

reducing the amount of people that are unhoused. Our focus should be on created more affordable and supportive housing and supporting our existing shelters. I hope we can move forward and turn our energy to engaging with the comprehensive plans within the Homeless Service Center and Maine Housings statewide plan for emergency shelter. I urge you to vote against the small shelter licensing and instead focus Portland's efforts on impactful changes to our city's response system and to continue showing support for our unhoused neighbors.

Respectfully submitted,

Oliver Bradeen

**EMERGENCY SHELTER
DETOXIFICATION PROGRAM
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Portland, ME 04101
Tel: 207.775.4790 Fax: 207.775.5231

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Old Orchard Beach, ME 04064
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www.milestone-recovery.org

Correction re discussion of Order 88-21/22 1 view



Sarah Michniewicz <sarahmichniewicz@me.com>

Nov 16, 2021, 7:28:05 PM

to publiccomment@portlandmaine.gov, cityclerk@portlandmaine.gov

Hello Councilors and Mayor Snyder,

I'm writing to correct a misstatement Interim Chief Gorham made during last night's discussion of Order 88-21/22, Emergency Shelter Licensing. Chief Gorham indicated that he believed I attend meetings between shelter providers and the police department – I do not, nor do any other BNA members (nor, I imagine, do any members of the general public).

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Sincerely,
Sarah

Shelter Licensing 1 view



Anne Pringle <oldmayor@maine.rr.com>

Nov 15, 2021, 2:36:42 PM

to Mavodones, Nick, Ray, Belinda, Snyder, Kate, Chong, Tae, Ali, Pious, Thibodeau, Spencer, Fournier, April, Dion, Mark, Zarro, Andrew, West, Danielle, Dow, Kristen, Geyer, Aaron, publiccomment@portlandmaine.gov

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Neal Street

12/6/21 Council Meeting (Order 88-21/22) 1 view



Jim Hall <mtjimhall@gmail.com>

Nov 22, 2021, 8:50:37 AM (11 days ago)

to trevor4tomorrow@gmail.com, victorialyn12@gmail.com, roberto4portland@gmail.com, Kate Snyder, Nick Mavodones, Pious Ali, April Fournier, Belinda Ray, Tae Chong, Mark Dion, Andrew Zarro, publiccomment@portlandmaine.gov

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(CC current council)

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REFERENCES:

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11/1/21 Council

<https://portlandme.civicclerk.com/Web/Player.aspx?id=1912&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=32758

11/15/2021 Council

<https://portlandme.civicclerk.com/Web/Player.aspx?id=1896&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=32760

11/17/21 PPH article (reconsideration request)

<https://www.pressherald.com/2021/11/17/portland-council-to-reconsider-approval-of-shelter-licensing-program/>

12/6/21 Public Comment: Reconsideration of Order 88-21/22

0 views



Jim Hall <mtjimhall@gmail.com>

11:00 AM (1 hour ago)

to Kate Snyder, Jen Thompson, trevorrow4tomorrow@gmail.com, victorialyn12@gmail.com, roberto4portland@gmail.com, Pious Ali, April Fournier, Tae Chong, Mark Dion, Andrew Zarro, publiccomment@portlandmaine.gov, Danielle West-Chuhta, City Clerk

RE: 12/6/21 Reconsideration of Order 88-21/22

Thanks Mayor,
CC returning & incoming councilors

You've been extremely helpful in explaining the council's reconsideration procedures. However, I may have lost track of the underlying issue. My attempts to understand what constitutes a "*next*" meeting and such all were predicated on an assumption that this is actually a "reconsideration" coming from a majority supporter of Order 88. Which I don't in fact believe it is.

Three councilors *lost* a motion to postpone Order 88. Now two of them have stated in various public forums that the only reason they subsequently joined the majority was to force postponement from their minority position. That may not break any letter of the law, but it's a loophole at best.

A conscientious vote (as suggested by the vote on whether to hold a workshop) would have clearly gone 5-3 in favor, not 7-1 with two immediate "reconsiderations." The choice to wait 15 minutes after adjournment to avoid the provision for reconsideration at the same meeting also reads as inauthentic.

I'd appreciate hearing Corporation Counsel's opinion on this. Often when such things make it to press, they've included a statement of their professional interpretation. Councilors may not always agree with those findings, but it will certainly be helpful for the public to at least hear the neutral guidance of the domain experts.

So Mayor – I'm asking if you would please **request that a representative from Corporation Counsel's Office** attend the substantive meeting of the newly inaugurated council on 12/6, and **provide legal guidance on what the council's reconsideration rule is there for**. And as Corp Counsel often advises on perception as well as strict legality, I'm also requesting to hear an interpretation as to **whether the current situation risks any appearance of impropriety**. I would argue that tactical vote changes very much do.

I'm also concerned that although this maneuver forcing re-litigation of settled law came from a strong desire to schedule a *workshop* before voting on the ordinance — that a workshop is not even a direct result of invoking this procedure. So I'm asking – if the incoming council does in fact pass the motion to reconsider (and the mayor has the option), would you please use your role as facilitator to immediately make that motion yourself, to postpone to the next council meeting, and schedule a workshop this month? That way, at least we know the intended path is available.

TO COUNCILORS

I'm holding out hope that the incoming council agrees its perceived good faith would likely be undermined should its very first act be to immediately kill outright the years of collaborative work represented here. But I'm not convinced that accepting reconsideration then rubber-stamping looks so good either. As I'm sure you are aware, some social-service providers have consistently argued the city should not make policy at *all* in regards to their operations.

I hope you will do all you can to demonstrate respect for the work of your colleagues AND your predecessors, for the sake of the greater good, and strive to repair civil discourse even if you may have specific line items you want to amend later.

Please focus on building up your *own* work rather than re-litigating the work of others. Set your own goals this month – you already have the authority to assess appropriate amendments on ANY ordinance adopted in prior sessions, like this shelter licensing.

Please withdraw or reject the motion to reconsider order 88, or barring that, at least do all you can to guarantee that a workshop makes it on the calendar this month. And if this should come back from workshop amended, I hope the council will allow public comment on any changes.

Thanks,
Jim Hall
Cedar St

P.S.

(1) Because there's a chance the council may vote *directly* on whether to re-adopt Order 88 at this meeting, I'm including a very high-level summary of my advocacy FOR shelter licensing.

- Municipal oversight of local emergency response is a universally recognized best practice
- Three decades of reactive practice with no policy have revealed flaws and gaps that only a proper governance scheme can heal

Emergency shelters that close at 7am and force people back onto the streets to find food or rehousing assistance *need* to become a thing of the past!

(2) I am also strongly advocating that if Order 88 were to be postponed or rejected – that you adopt Order 111-21/22 extending the targeted moratorium, which was explicitly put in place to allow time for licensing to complete.

Vote to support shelter licensing 1 view



Heidi Souerwine <heidi.souerwine@gmail.com>

Nov 15, 2021, 12:41:56 PM

to publiccomment@portlandmaine.gov, Kate Snyder, Belinda Ray, Pious Ali, Nick Mavodones, Tae Chong, afournier@portlandmaine.gov, mdion@portlandmaine.gov, azarro@portlandmaine.gov

Dear Councilors and Mayor Snyder,

I am writing in support of the shelter licensing recommendations and asking you to do likewise.

In reviewing the proposed licensing, it's clear to me that the City should be able to easily and confidently support this. Existing ordinances have already proven to be inadequate to create a productive, safe, and positive environment for shelter clients and those trying to access services while experiencing homelessness.

I appreciate the hard work that the City staff has done to adjust the licensing to accommodate feedback from the community and social service providers. I participated in the HHS committee meetings before it was unanimously voted out of committee, and watched how well all the needed and desired components were balanced.

This licensing is an important part of repairing public trust and helping our citizenry whole-heartedly support care and programming for our unhoused neighbors. If we want more people and neighborhoods to support shelters, we need this licensing.

Thank you for your time,
Heidi Souerwine
Mechanic St.

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Portland
Maine

Public Comment Order 88-21/22 1 view

Oliver Bradeen

<obradeen@milestone-recovery.org>
to publiccomment@portlandmaine.gov, ksnyder@portlandmaine.gov, bsr@portlandmaine.gov, Tchong@portlandmaine.gov, Azarro@i

Attached you will find my written public comment for Order 88-21/22 related to the shelter licensing. I had more to say ir
I thank you for your time and your efforts on this matter.

Respectfully,
Oliver Bradeen, LCPC
Executive Director
Milestone Recovery
65 India Street
Portland, ME 04101
www.milestone-recovery.org
(207) 775-4790 ext. 114





EXECUTIVE DIRECTOR
Oliver Bradeen, LCPC

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11/15/2021

To: Mayor Snyder and the Portland City Council

Re: Order 88-21/22: Emergency Shelter Licensing

My name is Oliver Bradeen, I am the executive director of Milestone Recovery located at 65 India Street, Portland. Milestone operates a 41 bed emergency shelter for men with substance use disorder. I am writing today to share Milestone Recovery's opposition to the proposed small shelter licensing. During Milestone Recovery's August Board meeting the Board voted, with one abstention, to take a formal stance of opposition of the City's proposed shelter licensing. This vote was in response to the understanding that the proposed shelter licensing would be in direct conflict with the mission and the work of Milestone Recovery.

I have attended every HHS committee meeting where shelter licensing was on the agenda since starting my position at Milestone Recovery in October 2020. During that time, there have been exhaustive discussions about shelter licensing. However, in all the discussion I was never able to get an answer to one key question: what is this ordinance trying to accomplish? Shelter licensing does not help to improve the functionality of shelter for the clients that receive services, nor does it solve any larger public safety or community issues. It simply limits the amount of shelter beds allowed within a radius, effectively moving any new shelters off the peninsula. While I understand that East Bayside has been an unmanageable situation for years, it is not solely result of the shelter operators' decisions but demonstrates the strain on our social service system within Portland and the State of Maine. We need a sweeping comprehensive overhaul of our housing and treatment systems. Shelter licensing does not move us in the correct direction.

Shelters are expensive to operate and are underfunded. Milestone's shelter has been consistently understaffed over the past several years and COVID-19 has created unprecedented staffing shortages. We are continuing to operate to the best of our capacity but adding responsibilities to shelter operations beyond the current requirements from Maine Housing is an extra burden that comes with no increased funding. We are not a business that can simply increase revenues by producing more products to offset the costs of staffing and operations. Many of the reporting measures are already covered in Maine Housing reports, but some are not, and it will require reporting to both Maine Housing, City and for Milestone to the Office of Behavioral Health as we also have contract funds and oversight by State regulators. The shelter providers have been painted as non-profits seeking to avoid oversight and accountability. The reality for Milestone is that we are already accountable to Maine

Housing and to the Office of Behavioral Health to operate our shelter. Both entities provide oversight because they are both sources of funding and thus want to ensure their money is being spent on quality program that is meeting the requirements and to protect clients we serve through oversight.

Throughout this process the HHS committee has attempted to engage the shelter providers and I appreciate their efforts. I believe in collaborating with our partners in the city, even when we disagree on the path forward. Through the process of trying to find middle ground with the HHS committee and City staff, Milestone Recovery continually stated that we disagree with the principles of the shelter licensing ordinance. We did however contribute our opinions on how to engage with the restrictions put in place. I am appreciative that the HHS committee did listen to the request to raise the bed limit to 300 beds, which by my math leads to creating the capacity for 8 beds to be created within the existing shelter providers should they need it. I was disappointed that the buffer remained 1,000ft. It was lowered from its higher number, but the HHS staff report recommended a buffer of 500 feet stating that 500 feet was the current most restrictive buffer zone in the city ordinances and that was for marijuana retailers. Creating the largest buffer zones within the city ordinance for shelter operators continue to perpetuate negative stereotypes and discrimination against shelter providers and the clients they serve.

What I've heard throughout the shelter focused processes over the last year is a goal for the rest of Maine support their unhoused neighbors instead of sending them to Portland. The small shelter licensing sends the opposite message. It says that shelters are unmanageable and not good neighbors unless you restrict them via licensing. The takeaway from the limitations on bed density and proximity perpetuates the discriminatory thinking that if you put people who are unhoused together you will see increased crime, danger and "ruin the neighborhood." Milestone Recovery has been operating the shelter at 65 India Street in Portland since 1998. We have made it part of our work to be good neighbors and engage with the community.

Milestone Recovery is about practical solutions that reduce homelessness and support people with substance use disorders. For this reason, Milestone Recovery spoke in favor of the homeless service center at the November 1st City Council meeting. It is part of why Milestone Recovery endorsed option C for the Nov 2nd ballot question regarding smaller shelters. While smaller shelters sound like a good idea, it is a logistical and operational nightmare and would have resulted in years more of planning while people continue to suffer. The shelter licensing proposed will impact existing shelters. It may not impact us initially, but it restricts our ability to expand our capacity if the bed density limit is reached as well as limits us to expanding to day space prior to expanding any capacity for overnight beds. It will also impact our staffing hours as we will have to direct staff hours to meet all the requirements within the licensing. The only other Maine municipality that licenses their emergency shelter is Brunswick. The Tedford shelter in Brunswick has faced challenges due to the licensing imposed by Brunswick. It has made their ability to move to a new shelter that will serve the community better more difficult and created unnecessary barriers. I am concerned that shelter licensing could be used to impede or delay resources that would meet the need of the community.

A report I received from 11/7/21 estimated 500 people are staying in hotels and motels in the greater Portland area as part of GA, OSS, and other emergency rental programs. Our need seems higher than ever, and our energy being put on creating more barriers to shelter is not one that moves us towards a solution or

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reducing the amount of people that are unhoused. Our focus should be on created more affordable and supportive housing and supporting our existing shelters. I hope we can move forward and turn our energy to engaging with the comprehensive plans within the Homeless Service Center and Maine Housings statewide plan for emergency shelter. I urge you to vote against the small shelter licensing and instead focus Portland's efforts on impactful changes to our city's response system and to continue showing support for our unhoused neighbors.

Respectfully submitted,

Oliver Bradeen

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4/13/2021 HHS Meeting

<https://portlandme.civicclerk.com/Web/Player.aspx?id=2193&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=35147

5/11/2021 HHS Meeting

<https://portlandme.civicclerk.com/Web/Player.aspx?id=2194&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=35148

6/8/2021 HHS Meeting

<https://portlandme.civicclerk.com/Web/Player.aspx?id=2195&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=35149

7/13/2021 HHS Meeting

<https://portlandme.civicclerk.com/Web/Player.aspx?id=2196&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=35150

9/28/2021 HHS Meeting

<https://portlandme.civicclerk.com/Web/Player.aspx?id=3133&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=40197

11/1/21 Council

<https://portlandme.civicclerk.com/Web/Player.aspx?id=1912&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=32758

11/15/2021 Council

<https://portlandme.civicclerk.com/Web/Player.aspx?id=1896&key=-1&mod=-1&mk=-1&nov=0>
https://townhallstreams.com/stream.php?location_id=42&id=32760

11/17/21 PPH article (reconsideration request)

<https://www.pressherald.com/2021/11/17/portland-council-to-reconsider-approval-of-shelter-licensing-program/>

12/6/21 Public Comment: Reconsideration of Order 88-21/22

0 views



Jim Hall <mtjimhall@gmail.com>

11:00 AM (1 hour ago)

to Kate Snyder, Jen Thompson, trevorrow4tomorrow@gmail.com, victorialyn12@gmail.com, roberto4portland@gmail.com, Pious Ali, April Fournier, Tae Chong, Mark Dion, Andrew Zarro, publiccomment@portlandmaine.gov, Danielle West-Chuhta, City Clerk

RE: 12/6/21 Reconsideration of Order 88-21/22

Thanks Mayor,
CC returning & incoming councilors

You've been extremely helpful in explaining the council's reconsideration procedures. However, I may have lost track of the underlying issue. My attempts to understand what constitutes a "*next*" meeting and such all were predicated on an assumption that this is actually a "reconsideration" coming from a majority supporter of Order 88. Which I don't in fact believe it is.

Three councilors *lost* a motion to postpone Order 88. Now two of them have stated in various public forums that the only reason they subsequently joined the majority was to force postponement from their minority position. That may not break any letter of the law, but it's a loophole at best.

A conscientious vote (as suggested by the vote on whether to hold a workshop) would have clearly gone 5-3 in favor, not 7-1 with two immediate "reconsiderations." The choice to wait 15 minutes after adjournment to avoid the provision for reconsideration at the same meeting also reads as inauthentic.

I'd appreciate hearing Corporation Counsel's opinion on this. Often when such things make it to press, they've included a statement of their professional interpretation. Councilors may not always agree with those findings, but it will certainly be helpful for the public to at least hear the neutral guidance of the domain experts.

So Mayor – I'm asking if you would please **request that a representative from Corporation Counsel's Office** attend the substantive meeting of the newly inaugurated council on 12/6, and **provide legal guidance on what the council's reconsideration rule is there for**. And as Corp Counsel often advises on perception as well as strict legality, I'm also requesting to hear an interpretation as to **whether the current situation risks any appearance of impropriety**. I would argue that tactical vote changes very much do.

I'm also concerned that although this maneuver forcing re-litigation of settled law came from a strong desire to schedule a *workshop* before voting on the ordinance — that a workshop is not even a direct result of invoking this procedure. So I'm asking – if the incoming council does in fact pass the motion to reconsider (and the mayor has the option), would you please use your role as facilitator to immediately make that motion yourself, to postpone to the next council meeting, and schedule a workshop this month? That way, at least we know the intended path is available.

TO COUNCILORS

I'm holding out hope that the incoming council agrees its perceived good faith would likely be undermined should its very first act be to immediately kill outright the years of collaborative work represented here. But I'm not convinced that accepting reconsideration then rubber-stamping looks so good either. As I'm sure you are aware, some social-service providers have consistently argued the city should not make policy at *all* in regards to their operations.

I hope you will do all you can to demonstrate respect for the work of your colleagues AND your predecessors, for the sake of the greater good, and strive to repair civil discourse even if you may have specific line items you want to amend later.

Please focus on building up your *own* work rather than re-litigating the work of others. Set your own goals this month – you already have the authority to assess appropriate amendments on ANY ordinance adopted in prior sessions, like this shelter licensing.

Please withdraw or reject the motion to reconsider order 88, or barring that, at least do all you can to guarantee that a workshop makes it on the calendar this month. And if this should come back from workshop amended, I hope the council will allow public comment on any changes.

Thanks,
Jim Hall
Cedar St

P.S.

(1) Because there's a chance the council may vote *directly* on whether to re-adopt Order 88 at this meeting, I'm including a very high-level summary of my advocacy FOR shelter licensing.

- Municipal oversight of local emergency response is a universally recognized best practice
- Three decades of reactive practice with no policy have revealed flaws and gaps that only a proper governance scheme can heal

Emergency shelters that close at 7am and force people back onto the streets to find food or rehousing assistance *need* to become a thing of the past!

(2) I am also strongly advocating that if Order 88 were to be postponed or rejected – that you adopt Order 111-21/22 extending the targeted moratorium, which was explicitly put in place to allow time for licensing to complete.

Portland shelters & human trafficking 0 views



Avery Yale Kamila <avery.kamila@gmail.com>

5:55 AM (6 hours ago)

to publiccomment@portlandmaine.gov

Dear Honorable City Council Members,

Thank you for all the work you are doing to address the complicated issue of unhoused people seeking shelter in Portland. I understand the council will reconsider the licensing of shelters at the meeting tonight. I hope in your deliberations you will consider the drive thru human trafficking situation the current unlicensed shelters have created.

Because Preble Street Resource Center closed their day shelter when the pandemic began, which was just when our unhoused neighbors needed a day shelter the most, the human trafficking situation on Portland's streets has grown much, much worse. As you know, unhoused people are encamped outside of the former day shelter on Oxford Street between Preble and Portland streets (this is where one unhoused man recently tried to commit "suicide by cop"). Outside of the Oxford Street Shelter a similar situation develops on the Oxford Street sidewalk (and surrounding sidewalks) each day. All of these vulnerable people are then exposed to the human traffickers and other predators who come through every day. The predators don't even need to get out of their vehicles.

I know a number of people experiencing homelessness. One woman recently told me that in most cities a unit of sex costs \$100 and a unit of illegal drugs costs \$25. However, she told me, on Oxford Street it is reversed: Sex costs \$25 and drugs \$100. This means the unhoused experiencing addiction need to traffic themselves four times to obtain the substances they are addicted to. Pricing is a function of supply and demand. Because the city lacks licensing rules for shelters and has no day shelter, there are so many trafficking victims in one spot that the price for each has dropped. Without licensing, the city has allowed Oxford Street to function as an open-air human trafficking corridor.

This is unacceptable.

Not only are our unhoused neighbors being exploited on a daily basis due to the current unregulated situation, but students attending Portland High School and Baxter High School must navigate through this area daily as must the hundreds of young children staying at the family shelter.

I've discovered that very few Portland residents are aware of the human trafficking that is happening every day and night on Oxford Street. I urge you to adopt licensing rules that will protect the most vulnerable people in our city and eliminate the drive thru human trafficking corridor that the city currently facilitates with its lack of licensing. Thank you for considering my comments.

Sincerely,
Avery

Avery Yale Kamila, AOLCP
Co-founder
Portland Protectors
PO Box 4242
Portland, ME 04101
207-780-0915
www.facebook.com/portlandprotectors

Please add to packet Fwd: Question regarding reconsideration of shelter licensing

0 views



Sarah Michniewicz <sarahmichniewicz@me.c...> Dec 3, 2021, 4:49:12 PM (2 days ago)
to publiccomment@portlandmaine.gov, cityclerk@portlandmaine.gov

Please add this letter to the to packet for Monday's council meeting.

Thanks!
Sarah

Begin forwarded message:

From: Sarah Michniewicz <sarahmichniewicz@me.com>
Subject: Question regarding reconsideration of shelter licensing
Date: December 3, 2021 at 1:41:38 PM EST
To: jlt@portlandmaine.gov
Cc: dwest@portlandmaine.gov, Mayor Kate <ksnyder@portlandmaine.gov>, Belinda Ray <bsr@portlandmaine.gov>, Kristen Dow <kjd@portlandmaine.gov>, Heath Gorham <frankg@portlandmaine.gov>

Hello Interim Corporation Counsel Thompson,

Last week I had a meeting with Councilor Ali that brought up some concerns and I'd like your thoughts. We discussed his rationale for requesting reconsideration of Order 88. As you know he and Councilor Fournier have stated that they chose to vote in the affirmative specifically in order to join the majority thereby securing the opportunity to ask for reconsideration of a vote which would have otherwise passed with a clear 5 - 3 majority.

I suggested to Councilor Ali that requesting reconsideration of an inauthentic vote is an improper use of reconsideration, in contrast to Councilor Zarro's apparently genuine desire to reconsider his majority vote on the historic district. Councilor Ali's response was that "if it was not appropriate Corporation Counsel would not have allowed it." This struck me as presumptive and I'd like to hear directly from you whether this is indeed your interpretation of council rules regarding reconsideration.

Counsel's opinion on this matter is important since the appearance of impropriety is corrosive to public confidence in the council's decision-making process and may open the door for challenges to past decisions. The City has repeatedly expressed its interest in maintaining the integrity of its governance; for example former Corporation Counsel West recently opined on the potential appearance of conflict of interest should plaintiffs on the clean elections lawsuit participate in Council deliberations on the matter.

If it is your opinion that council members will be misusing reconsideration I hope you will advise as such at Monday's meeting and outline potential consequences of the new council proceeding to set such a precedent.

I also ask that on Monday you and other staff will articulate to the council the legal rationale for the Bayside shelter moratorium and strongly recommend its extension for another 180 days, *regardless of whether the passed licensing ordinance is overturned, postponed to a workshop, or otherwise delayed*. The conditions of overburden for which the moratorium was enacted have unambiguously not been mitigated (i.e. the Oxford Street Shelter will not relocate for at least another 12-18 months; a [new shelter](#) by a Bayside social service

provider is being planned and promoted; police and emergency calls for service remain disproportionately high; etc.).

No measures or policies to mitigate the acknowledged overburden have yet been enacted or implemented since the need was memorialized in the moratorium's whereas clauses, and the overburden has not resolved organically. As such, won't the City will impliedly remain responsible for addressing those conditions satisfactorily via other means should licensing fail to be enacted?

Thank you for your attention to this issue. I look forward to hearing from you.

Best,
Sarah

Timothy McNamara <tionamara1@hotmail.com>
to publiccomment@portlandmaine.gov

11:23 AM (1 hour ago)

Dear City Council Members,

I write to request that the Council vote NO on reconsidering the shelter licensing vote.

The time for shelters to operate under a City wide set of guidelines is NOW!

Guidelines for shelter operations are critical to the safety and well-being of those receiving services, those providing services and those living, working or traveling through neighborhoods where a shelter might be located.

Thank you.

Tim McNamara

Valley Street Portland

Anne Pringle <oldmayor@maine.rr.com>

Dec 5, 2021, 9:16:24 PM (15 hours ago)

to publiccomment@portlandmaine.gov

Mayor Snyder and Members of the Council,

On November 15, I submitted a public comment supporting shelter licensing, having followed the issue closely and attended numerous meetings over the year that this issue was under consideration by the then-Council.

As a former elected official, I am disturbed that the reconsideration process appears to be being used to thwart a legitimate public policy vote already taken. Any member of the prior Council could have formally requested the Mayor to schedule a workshop on the issue. But, apparently, no request for a workshop was ever made. And of course, Councilors were free to attend or view the tapes of the many HHS/PS Committee meetings over which the licensing recommendations were developed. Several Councilors, not a member of the Committee, availed themselves of this opportunity.

So why is the Council now considering punting the already well-considered and well-debated issue to a brand new Council? Frankly, the reconsideration effort disrespects a lengthy public process and sends a message that the new Council, despite expressed support for "transparency" and "accessibility", appears to be dismissing an open and extensive public process during which significant public comment was made by a broad segment of the engaged and affected communities and considered by the Committee.

This is not a good start for the new Council.

Please vote against this reconsideration motion and respect the past process...

Anne Pringle
Neal Street

Sent from my iPad

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 24, 2022

SUBJECT: Order 259-21/22 Zoning Map Amendment for Riverton Park Campus from R-5 Residential to R-5a Residential and B-2 Community Business - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair

SPONSOR: The Portland Planning Board, Brandon Mazer, Vice 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 5/16/2022

Final Action 6/6/2022

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

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

PRESENTATION: Brandon Mazer, Vice-Chair, Planning Board; Kevin Kraft, Deputy Director, Planning and Urban Development (5 minutes)

I. SUMMARY

Zoning map amendment to rezone the Riverton Park Campus and surrounding parcels from R-5 Residential to R-5a Residential and B-2 Community Business.

II. AGENDA DESCRIPTION

On April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find the proposed zoning map amendment to be consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the Zoning Map amendment.

Portland Housing Development Corporation and Portland Housing Authority seek a zoning map amendment to rezone the Riverton Park Campus at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 Community Business. Additional parcels along Forest Avenue and Riverside Street are included in the proposed map amendment in order to create a contiguous R-5a and B-2 zone.

The zoning map amendment would increase density allowing for additional residential and commercial development, including affordable housing development in a transit accessible location.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Portland Housing Development Corporation and the Portland Housing Authority are seeking a zoning map amendment to rezone the Riverton Park Campus at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 community Business. Additional parcels along Forest Avenue are included in the proposed map amendment in order to create a contiguous R-5a zone and B-2 zone.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Planning Board unanimously voted 5-0 (Stanley, Barker recused) to recommend this zoning map amendment to the City Council intending for final approval and adoption. The intent of the proposed zoning actions is to facilitate redevelopment of the existing Riverton Park campus. The intended result would amend the city zoning map, which furthers City Council goals including fostering sustainable growth by providing the opportunity for a complete neighborhood by allowing a mixture of uses within a residential neighborhood, and increasing services provided within a walking and transit radius. The zoning change would increase density allowing for additional residential and commercial development, including affordable housing development in a transit accessible location.

V. FINANCIAL IMPACT

The proposed amendment will have no financial impact to the City.

VI. STAFF ANALYSIS AND BACKGROUND

Included in the City Council packet would be the City Council Report.

VII. RECOMMENDATION

At a public hearing on April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find that the proposed zoning map amendment is consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the Zoning Map amendment for the area of land that includes 2 Riverton Drive, 1837 Forest Avenue, 1838 Forest Avenue, 705 Riverside Street, 707 Riverside Street, and 723 Riverside Street.

VIII. LIST ATTACHMENTS

1. Amendment to Zoning Map for Riverton Park campus 5.16.2022
2. Riverton Dr. - 2 (City Council Report)
3. 1. Riverton Dr. - 2 (Staff Attachments)
4. 2. Riverton Dr. - 2 (Drawings)
5. 3. Riverton Dr. - 2 (Public Comment)
6. 2022 Council memo re zoning (259-21_22).docx

Prepared by:

Date: 05/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

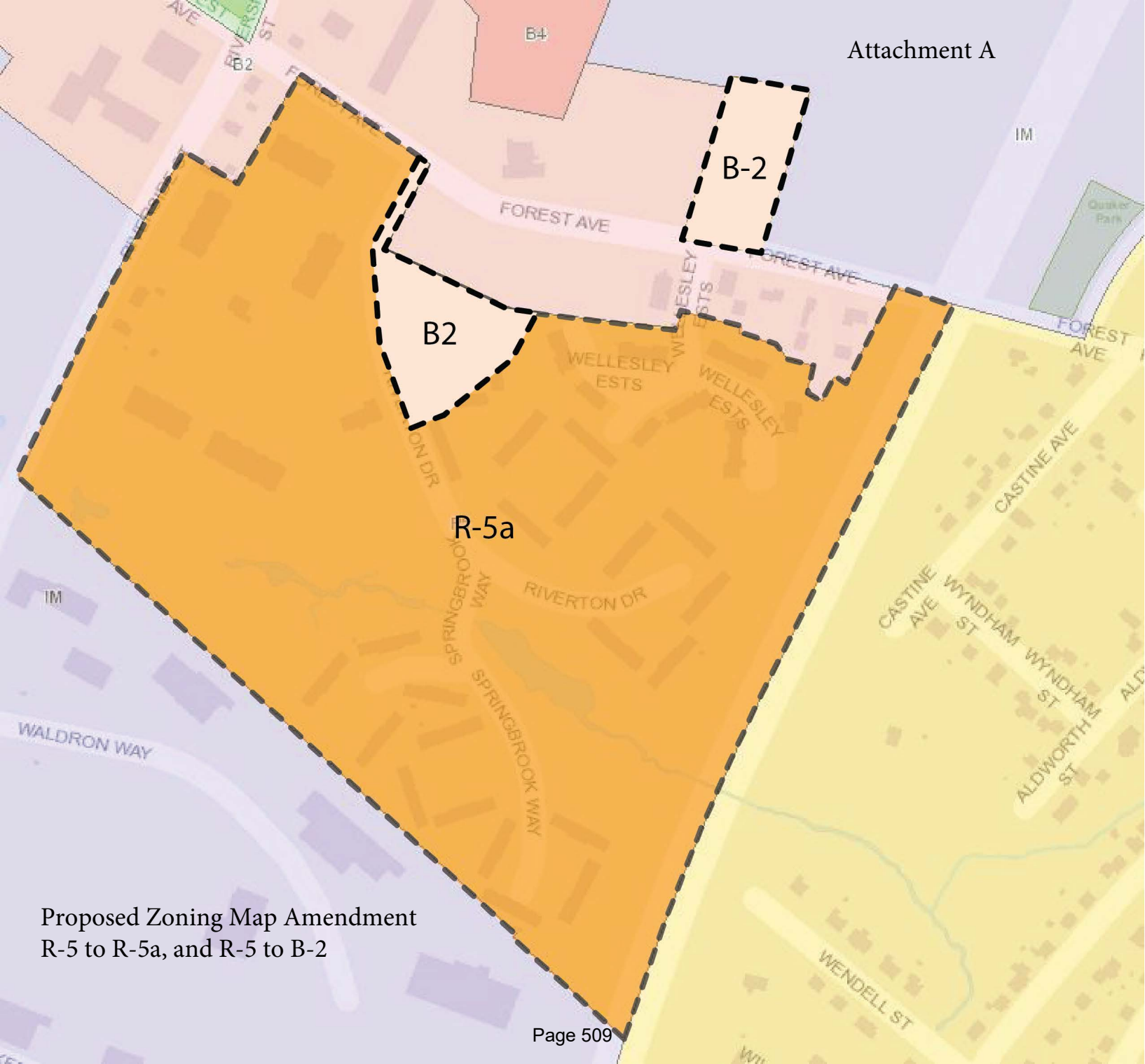
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO ZONING MAP
RE: RIVERTON PARK CAMPUS AND SURROUNDING PARCELS
FROM R-5 RESIDENTIAL TO R-5A AND B-2**

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

That the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the attached map change amendment and specifically rezoning property on the Riverton Park campus and surrounding parcels from R-5 Residential to R-5a and B-2as shown in the bordered areas in the map attached hereto on the following page.



Proposed Zoning Map Amendment
R-5 to R-5a, and R-5 to B-2

PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE



2 Riverton Drive
ZN-001811-2021
Portland Housing Development Corporation

Submitted to:	Mayor and City Councilors	Prepared By:	Charles Tetelman, Planner
Council Hearing Date:	May 16, 2022 and June 6, 2022	Date:	April 21, 2022

I. INTRODUCTION

Portland Housing Development Corporation submitted a zoning map amendment to rezone the Riverton Park Campus located at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 Community Business. In addition to the zoning map amendment the applicant is seeking zoning text amendments to *Table 6-A: Permitted and Conditional Uses in Residential Zones* and *Table 7-A: Residential Zone Dimensional Standards* to allow places of assembly with minimum lot area requirements in R-5a Residential zones. Together, the requested actions would facilitate the rehabilitation and redevelopment of the existing Riverton Park campus to include additional residential units, place of assembly space, and retail in the Riverton neighborhood.

On April 12, 2022 the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to recommend to the City Council adoption of the zoning map amendment (Attachment A), which includes 2 Riverton Drive, 1837 Forest Avenue, 705 Riverside Street, 707 Riverside Street, and 723 Riverside Street and the zoning text amendments (Attachments B) to *Table 6-A: Permitted and Conditional Uses in Residential Zones* to allow places of assembly in R-5a Residential zones and *Table 7-A: Residential Zone Dimensional Standards* to add a minimum lot area requirement for Places of Assembly of less than 10,000 square feet of a one-half-acre and, for Places of Assembly greater than 10,000 square feet, a minimum lot size of one acre.

The Planning Board found the proposed zoning map and text amendments to be consistent with the city's Comprehensive Plan, *Portland's Plan 2030*. Together, these actions will facilitate the rehabilitation and redevelopment of the existing Riverton Park campus to include additional dwelling units, place of assembly space, and retail along Forest Avenue, which is a priority corridor with access to METRO local service route 2. The Planning Board believes that the proposed amendments which would facilitate the applicant's preliminary plan and advances many of the shared goals expressed throughout the Comprehensive Plan.

The project area is located near the confluence of Forest Avenue, a priority corridor listed in the Comprehensive Plan, and Riverside Street. The intersection of these streets is listed in the Comprehensive Plan as a priority node to evaluate. The Board notes that the proposed zoning map and text amendments would foster sustainable growth by increasing the number of dwelling units per acre in a location proximate to transit, with access to commercial services and open space. The zoning changes would address community priorities for affordable housing, economic development, sustainability, and increasing the amount of neighborhood services by allowing construction of new housing at approximately two to four times greater density than currently permitted under the existing R-5 zone, including deed restricted

workforce and low-income housing, and supporting job growth by expanding the existing B-2 zone, which would allow for additional commercial and institutional uses in the area.

II. BACKGROUND

The Riverton Park property currently includes 25 residential buildings consisting of 141 townhome apartments as well as an administrative office building. Built approximately 50 years ago, this residential community has provided affordable housing for Portland residents for several generations. Although the buildings and premises have been maintained over the last half century, the Riverton Park homes are in need of rehabilitation and redevelopment. Portland Housing Authority (PHA) seeks to improve the Riverton Park complex and ensure healthy, safe, accessible, energy-efficient, and affordable housing. The Zoning Map and Text amendments would facilitate future development and renovation at the Riverton Park campus, which would be subject to future site plan review.

III. EXISTING CONDITIONS AND SURROUNDING AREA

The proposed zoning map amendment is within the Riverton Park development (Chart 327, Block B, Lot 12, 2 Riverton Drive), with Riverton Drive as the internal road connecting with Forest Avenue to the north. The site currently consists of 25 residential buildings, 141 townhome apartments, and an administrative building.

In addition to the applicant's property, the immediate vicinity west of Interstate 95 contains a mix of residential and commercial uses along Forest Avenue and Riverside Street. Residential uses include single family homes and larger apartment complexes, such as Wellesley Estates and Terrace Pond Apartments, which immediately abuts Riverton Park to the west. Businesses in the area include a Hannaford grocery store, a gas station with convenient store, auto repair, restaurants, and breweries. Riverton Trolley Park is located across Riverside Street roughly 0.25 mile to the north and includes a baseball field, passive open space, and trails. The project area is located near the confluence of Forest Avenue, a priority corridor listed in the Comprehensive Plan, and Riverside Street. The intersection of these streets is listed in the Comprehensive Plan as a priority node to evaluate. Beyond the intersection of Riverside Street and Forest Avenue, Riverside Street includes a mix of light, medium, and heavy industrial zones.

METRO transit routes near the site include the Greater Portland METRO Local service Route 2 and the Lakes Region Bus route. The nearest transit stops to the applicant's site are along Forest Avenue near the intersection of Riverton Drive and Forest Avenue. A new METRO bus shelter will be constructed as part of a prior site plan approval located at 1884 Forest Avenue.

IV. PROPOSED MAP AMENDMENT

Portland Housing Development Corporation submitted a zoning map amendment to rezone the Riverton Park Campus located at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 Community Business. In addition to the applicant's site, the Planning Board is also recommending that 705 Riverside Street, 707 Riverside Street, and 723 Riverside Street be rezoned from R-5 to R-5a and that 1837 Forest Avenue be rezoned from R-5 to B-2.

Extending the R-5a and B-2 zones would not have a negative impact on any of the parcels included within the zones:

The applicant owned site, 2 Riverton Drive (CBL 327 B012), is an approximately 741,775 square foot lot. The site currently consists of 25 residential buildings, 141 townhome apartments, and an administrative building.

705 Riverside Street (CBL 324 A004001) is an approximately 5,463 square foot lot facing Riverside Street and is currently improved with a single family home. Because the lot size is less than the required minimum lot area of 6,000 square feet for residential properties in the R-5 zone the site is legally nonconforming. The site will continue to be legally nonconforming under the R-5a zone.

707 Riverside Street (CBL 324 A005001) is an approximately 8,603 square foot lot facing Riverside Street. 707 Riverside Street is improved with a single family home.

723 Riverside Street (CBL 324 A002001) is an approximately 546,439 square foot lot with frontage on Riverside Street and Forest Avenue and is immediately adjacent to the applicant's site. The lot contains a Planned Residential Unit Development (PRUD), Terrace Ponds Apartment complex, which includes five residential buildings.

1837 Forest Avenue (CBL 327A A002) is an approximately 53,060 square foot lot with frontage on Forest Avenue. The lot contains a two story religious building utilized by the Portland Friends Meeting. Places of assembly uses are allowed only as conditional uses in the R-5 zone and are a permitted use in the B-2 zone.

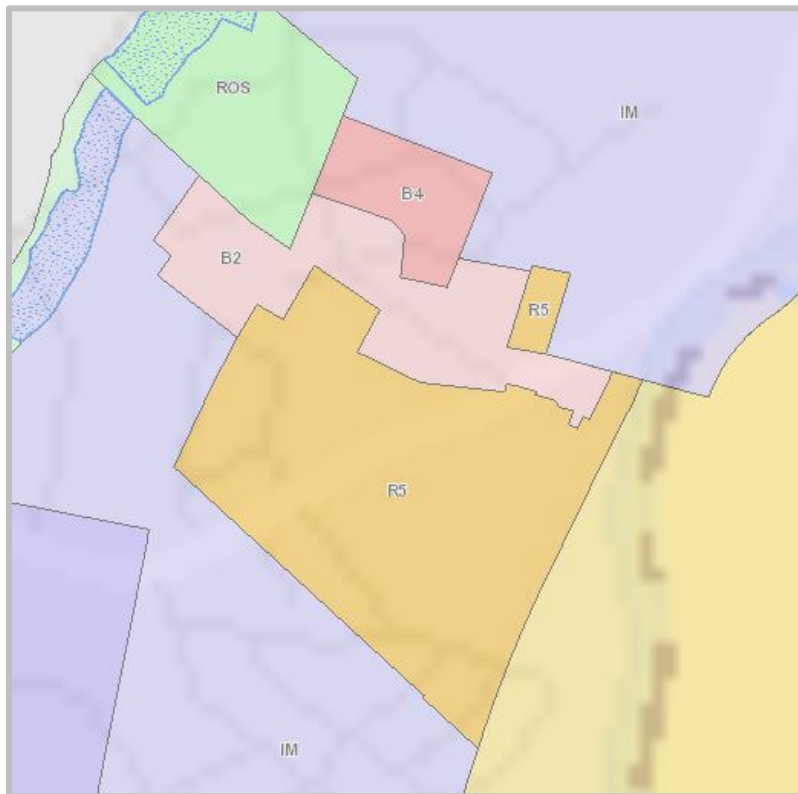


Figure 1 Existing Zoning

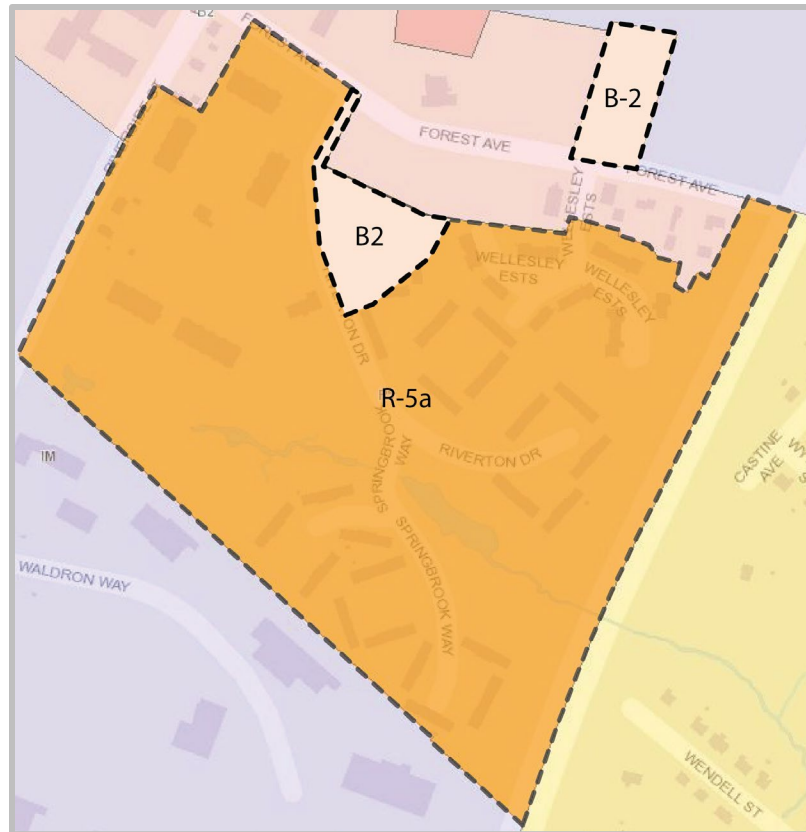


Figure 2 Proposed Zoning Map Amendment

R-5 Residential Zone

The existing zoning at 2 Riverton Drive is entirely R-5 Residential. The purpose of the R-5 Residential zone is to:

“To provide appropriate areas of the city for medium-density residential development characterized by single-family, two-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially-sized parcels.”

The proposed rezoning will allow for higher density residential development that extends beyond the scope of the R-5 Residential zone. The R-5 zone has a minimum lot area per dwelling unit of 3,000 square feet while the R-5a zone has a minimum lot area per dwelling unit of 1,600 square feet. Both R-5 and R-5a zones allow buildings up to a maximum height of 35 feet. In addition, multifamily projects in the R-5a zone are required to apply the PRUD dimensional standards specified in Table 7-B. The minimum net land area per dwelling unit for PRUDs in the R-5a zone is 1,600 square feet, which can be reduced down to 800 square feet per dwelling unit when utilizing affordable housing bonuses. Building heights for PRUDs in the R-5a zone are permitted up to a max of 55 feet. Furthermore, to promote development of low- and moderate-income development any PRUD project in which more than 50 percent of the units are low-income or workforce units for rent or for sale may utilize the following density bonuses outlined in Section 18.2.4:

1. Minimum lot area per dwelling unit is reduced by 50%;

2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review;
3. Minimum building setbacks may be reduced to 10 feet;
4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements;
5. Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review; and
6. The Planning Board's Design Manual, design standards, and guidelines with respect to PRUDs shall apply in full to PRUDs utilizing this subsection.

The proposed R-5a Residential zone generally permits the same uses that are allowed today under the R-5 zone, however, multi-family, intermediate care facilities, and long-term extended care facilities would be permitted uses as opposed to conditional uses.

R-5a Residential Zone

The purpose of the R-5a Residential zone is to:

“To provide for moderate-density residential development in off-peninsula locations that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.”

B-2 Community Business Zone

The purpose of the B-2 Community Business zone is to:

“...provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing, and services serving the adjoining neighborhoods and the larger community. The variety, sites, and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1/B-1b zones. The zone provides a broad range of goods and services with a mixture of large and small buildings, such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. The zone should provide locations for moderate to high-density housing in urban neighborhoods along arterials.”

B-2 zones allow a mixture of uses, including housing and commercial uses at higher densities. B-2 zones permit residential development and have a minimum lot area per dwelling unit of 1,000 square feet or 435 square feet if a building includes an active street frontage. Building heights in the B-2 zone are 45 feet, except 50 feet if first floor is in commercial use, and 65 feet on lots >5 acres if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft. In addition, projects that include workforce or low-income housing may take advantage of density and height bonuses as described in Section 18.2.4 of the Land Use Code.

With the applicant's intention of constructing a multi-use building, the proposed B-2 lot towards the entrance of Riverton Drive off of Forest Avenue would allow for a variety of uses that support future redevelopment of Riverton Park. The B-2 zone matches the surrounding zoning context along forest Avenue and parts of Riverside Street and is appropriate for this transit accessible location.

Table 2 - Zoning Requirements	R-5	R-5a	B-2
Lot Size (min)	6,000 sq. ft. to 5 ac. (depending on use)	6,000 sq. ft. to 2 ac. (depending on use)	
Density (min)	3,000 sq. ft. (lot area per dwelling unit)	1,600 sq. ft. (lot area per dwelling unit)	1,000 sq. ft. (off- peninsula) 450 sq. ft. (if active street frontage)
Street Frontage (min)	50 ft.	50 ft.	20 ft.
Front Yard (min)	20 ft.	25 ft.	
Front Yard (max)			10 ft.
Rear Yard (min)	5 ft.	5 ft.	10 ft. (principal 5 ft. (accessory))
Side Yard (max)	14 ft.	16 ft.	None (principal) 5 ft. (accessory)
Side Yard (Side Street, min)	15 ft.	20 ft.	
Stepbacks (above 35 ft. when property line abuts a residential zone)			5 ft. (side) 15 ft. (rear)
Lot Coverage (max)	40%	30%	
Impervious Area (max)			None (residential) 80% (other uses)
Lot Width (min)	60 ft. (90 ft. for multiplex)	60 ft.	
Building Height (max)	35 ft.	35 ft.	45 ft. 50 ft. (if first floor is in commercial use) 65 ft. (in lots >5 ac.)
Floor Area (max)			10,000 sq. ft. (laboratory and research facilities, warehousing)

TABLE 7-B: PRUD DIMENSIONAL STANDARDS

	R-3	R-5	R-5a³
Lot area¹ (min.)	3 ac.	2 ac.	2 ac. ⁴
Net land area per dwelling unit (min.)	6,500 SF	3,000 SF	1,600 SF ^{4,5}
Units per building (max.)	PRUD < 5 ac.: 2 PRUD > 5 ac.: 6	12	
Average number of units per building (max.)	PRUD > 5 ac.: 5		
Structure height (max.)	35 ft.	35 ft.	55 ft.
Building length (max.)	Without garages: 100 ft. With integral garages: 140 ft.	140 ft.	
Length of accessory garage structure (max.)		60 ft.	
Building setback from external subdivision property lines (min.)	3 or fewer D.U. in building: 25 ft. 4 or more D.U. in building: 35 ft.	Bldg. Length 100 ft. or less: 25 ft. Bldg. Length >100 ft.: 35 ft.	Bldg. Length 100 ft. or less: 25 ft. Bldg. Length >100 ft.: 35 ft.
Distance between detached PRUD dwelling units (min.)	16 ft.		
Common recreation open space area² (min.)	300 SF/D.U.	300 SF/D.U.	200 SF/D.U. ⁴
Habitable space elevation	No habitable space in a PRUD shall be below grade, except basements that are a part of and below above-ground units.		

V. PROPOSED TEXT AMENDMENT

The applicant proposes a text amendment to *Table 6-A: Permitted and Conditional Uses in Residential Zones* to allow places of assembly in R-5a Residential zones as a conditional use and *Table 7-A: Residential Zone Dimensional Standards* to add a minimum lot area requirement for Places of Assembly of less than 10,000 square feet of a one-half-acre and, for Places of Assembly greater than 10,000 square feet, a minimum lot size of one acre. The text amendment to Table 7-A matches the existing dimensional requirements for Places of Assembly in R-5 zones.

The two proposed text changes associated with this application are shown below:

- 1) A text amendment to “Table 6-A: Permitted and Conditional Uses in Residential Zones” shown in the table below.

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

		R-1	R-2	R-3	R-4	R-5/R-5a	R-6/R-6a	Use Standards
Residential	Single-family dwellings	●	●	●	●	●	●	
	Two-family dwellings				●	●	●	
	Multi-family dwellings			●		● ^{1/2}	●	6.5.6 (G)
	Multiplex				●	● ¹		6.4.12
	Congregate care facilities					● ²		
	Handicapped family units	●	●	●	●	●	●	
	Planned Residential Unit Developments			● ⁴		● ⁴		
	Special needs independent dwelling units				●	● ¹	●	
Institutional	Lodging houses					● ¹³	●	6.4.9
	Sheltered care group homes	●	●	●	●	●	●	6.5.6 (K)
	Elementary, middle, and secondary schools	●	●	●	●	● ¹	●	6.5.6 (F)
	Governmental uses	●	●	●	●	●	●	
	Hospitals			●		● ¹	●	
	Intermediate care facilities	●	●	●		● ^{1/2}	●	
	Long-term and extended care facilities	●	●	●		● ^{1/2}	●	6.5.6 (F)
	Places of assembly (<10,000 SF)	●	●	●	●	● ¹	●	
	Places of assembly (>10,000 SF)	●	●	●	●	● ¹	●	
	Preschool facilities	●	●	●	●	●	●	6.5.6 (I)
	Post-secondary schools		●			● ¹	●	6.5.6 (F)

- 2) A text amendment to “Table 7-A: Residential Zone Dimensional Standards” shown in the table below.

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2,3}	R-5a ⁴	R-6 ^{6,7}	R-6a ¹³
Lot area (in ft.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	15 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly <10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	5 ac.	5 ac.	10,000 SF	
	Place of assembly >10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	1 ac.	15,000 SF	
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ⁹	6,000 SF/2 ac. max ²	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	

VI. COMPREHENSIVE PLAN CONSISTENCY

Portland's Plan 2030

The map and text amendments support a number of elements outlined in *Portland's Plan 2030* and align with Portland's comprehensive plan by fostering sustainable growth by increasing the number of dwelling units per acre in a location proximate to transit, with access to services and open space. The zoning changes would address community priorities for affordable housing, economic development, sustainability, and increased neighborhood services by allowing construction of new housing at approximately two to four

times greater density than currently permitted under the R-5 zone, including deed restricted workforce and low-income housing, and support job growth by expanding the existing B2 zone. The proposed actions also help the city achieve its goals with respect to at least five areas of *Portland's Plan 2030*, environmental, housing, economy, recreation and open space, and future land use:

Environmental:*Support Sustainable Land Use & Transportation Policies*

“Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.”

Housing:*Remove Housing Barriers*

“Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas.”

Promote Sustainability

“Encourage energy efficiency in new construction and rehabilitation of our housing stock.”

Support Age-Friendly Housing Options

“Create, promote, and facilitate safe, affordable, and practical housing solutions that will meet the evolving needs of Portland’s residents as they age.”

Adapt Affordable Housing

“Assess the capacity of existing affordable housing developments, many of which were built over four decades ago, to adapt to current best practices by improving energy efficiency and physical and social connections to surrounding neighborhoods.”

“Pursue new opportunities for increased energy efficiency, increased densities, mixed incomes, and greater connectivity to surrounding neighborhoods.”

“Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents”

Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.”

“Pursue policies to enable people who work in Portland to have the option to live in Portland.”

Economy:*Support Local Business Retention & Recruitment*

“Pursue policies that create, nurture, and retain local businesses.”

“Support job creation and business growth through public initiatives, and private, institutional, and regional partnerships.”

Recreation & Open Space:

Ensure Equity

“Pursue opportunities, in collaboration with partners, to create new open spaces in areas that are currently underserved.”

“Distribute community gardens, playgrounds, fields, public art, historic resources, and other program elements where the demand and need are greatest, and periodically assess demands and needs.”

Future Land Use*Priority Nodes & Corridors*

“Priority nodes and corridors indicate areas that would be appropriate for new development to provide needed housing, businesses, and services proximate to transit, or areas that otherwise warrant some examination of potential for positive change in form and/or function.”

VII. PUBLIC COMMENT

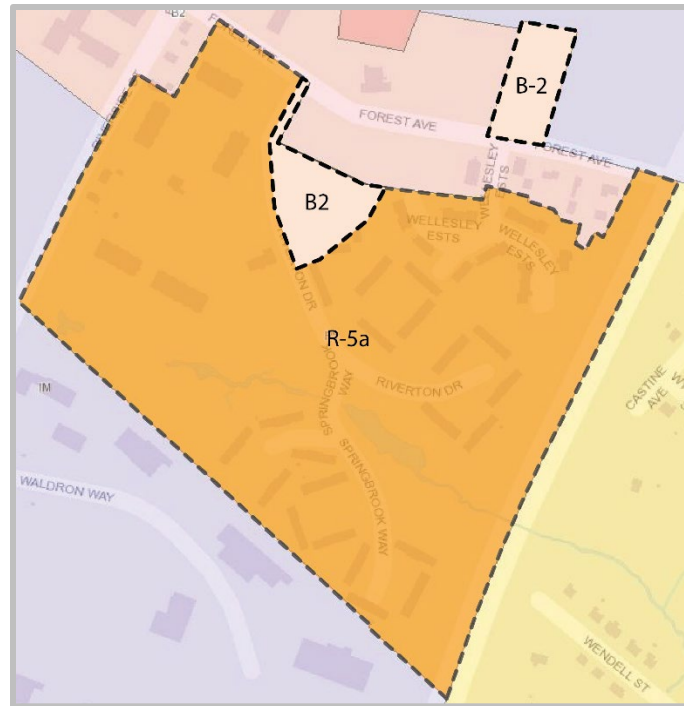
The applicant held a neighborhood meeting on Wednesday, February 2, 2022. Invitations for the meeting were sent to property owners within 500 feet of the proposed development and residents on the “interested parties” list. There were no attendees for the meeting.

One public comment has been submitted to the Planning & Urban Development Department.

VIII. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed Zoning Map Amendment and Text Amendments at a hearing on April 12, 2022. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously 5-0 (Stanley, Barker recused) to find that the following Zoning Map Amendment and Text Amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:

1. Zoning Map Amendment for the area of land that includes 2 Riverton Drive, 1837 Forest Avenue, 705 Riverside Street, 707 Riverside Street, and 723 Riverside Street as shown below:



2. Text Amendments to Land Use Code *Table 6-A: Permitted and Conditional Uses in Residential Zones* to allow Places of Assembly in R-5a Residential zones and *Table 7-A: Residential Zone Dimensional Standards* to add a minimum lot area requirement for Places of Assembly of less than 10,000 square feet of a one-half-acre and, for Places of Assembly greater than 10,000 square feet, a minimum lot size of one acre.

IX. ATTACHMENTS

Staff Attachments

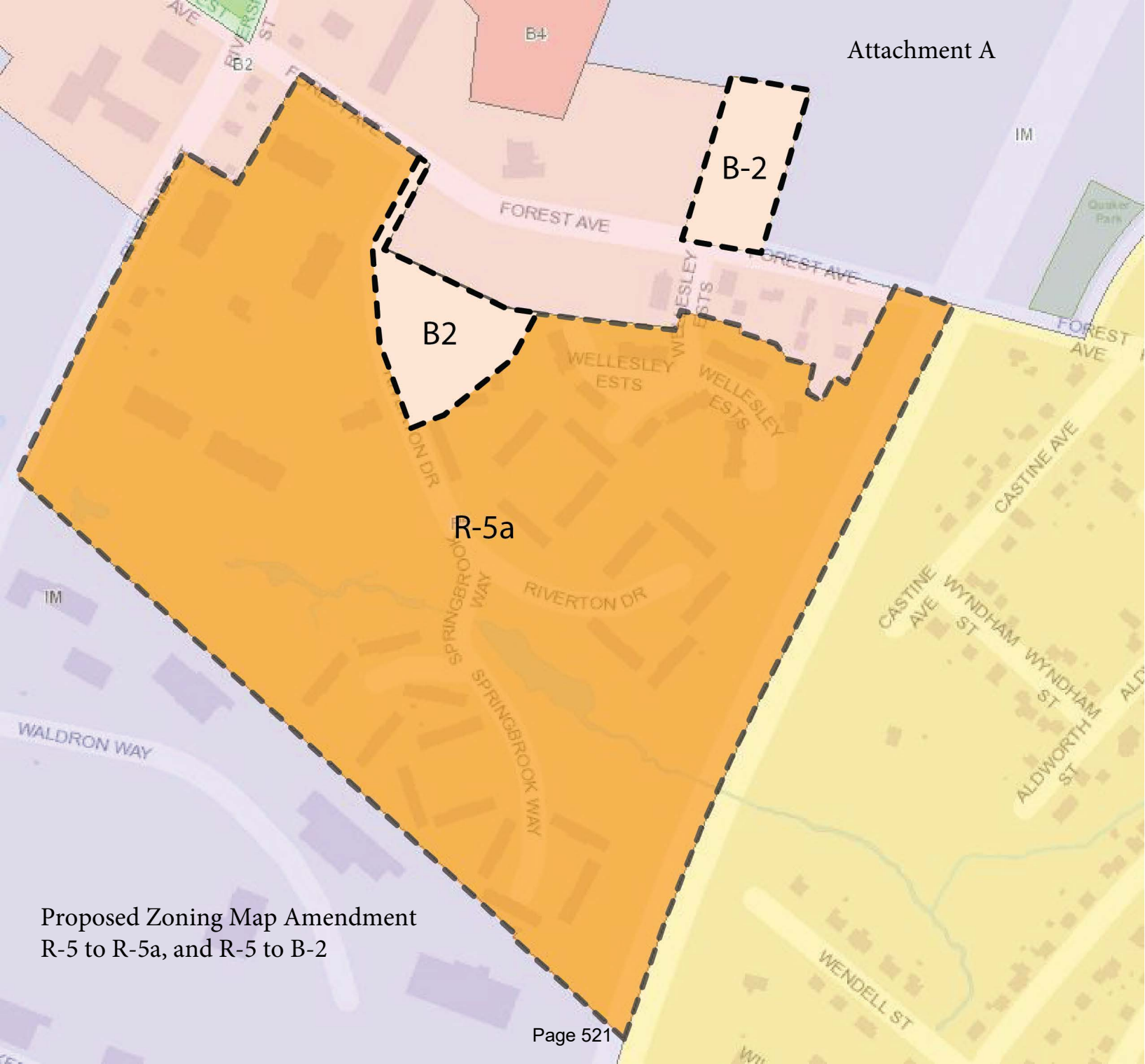
- A. Proposed Zoning Map Amendments
- B. Proposed Text Amendments

Drawings

- Plan 1. PHDC Future Site Plan and Rezone Areas

Public Comment

- PC 1. George Rheault (4.12.22)



Proposed Zoning Map Amendment
R-5 to R-5a, and R-5 to B-2

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

		R-1	R-2	R-3	R-4	R-5/R-5a	R-6/R-6a	Use Standards
Residential	Single-family dwellings	●	●	●	●	●	●	
	Two-family dwellings				●	●	●	
	Multi-family dwellings			○		○ ¹ /● ²	●	6 5 6 (G)
	Multiplex				○	● ¹		6 4 12
	Congregate care facilities					● ²		
	Handicapped family units	●	●	●	●	●	●	
	Planned Residential Unit Developments			● ⁴		● ⁴		
	Special needs independent dwelling units				●	● ¹	●	
	Lodging houses					○ ^{1,3}	●	6 4 9
	Sheltered care group homes	○	○	○	○	○	○	6 5 6 (K)
Institutional	Elementary, middle, and secondary schools	○	○	○	○	○ ¹	○	6 5 6 (F)
	Governmental uses	●	●	●	●	●	●	
	Hospitals			○		○ ¹	○	
	Intermediate care facilities	○	○	○		○ ¹ /● ²	○	
	Long-term and extended care facilities	○	○	○		○ ¹ /● ²	○	6 5 6 (F)
	Places of assembly (<10,000 SF)	○	○	○	○	○ ¹	○	
	Places of assembly (>10,000 SF)	○	○	○	○	○ ¹	○	
	Preschool facilities	○	○	○	○	○	○	6 5 6 (I)
	Post-secondary schools		○			○ ¹	○	6 5 6 (F)
	Bed and breakfasts						●/○ ⁵	6 4 4
Comm.	General offices (<5,000 SF)						○	6 5 6 (C)
	Hostels						●/○ ⁶	6 4 8
	Agriculture	●	●					
Other	Cemeteries	○	○		●		●	
	Off-street parking			○	○	○ ¹	○	6 5 6 (H)
	Parks and open spaces	●	●	●	●	●	●	
	Raising of domesticated animals	○						6 5 6 (J)
	Solar energy system (minor)	●	●	●	●	●	●	6 4 16
	Utility substations	○	○	○	○	○	○	6 5 6 (L)

¹ In the R-5 zone only.² In the R-5a zone only.³ Conversions of existing two-family or multiplex structures into lodging houses are permitted as a conditional use, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.⁴ Must consist of horizontally or vertically attached dwelling units, or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15.⁵ Permitted if a conversion of a structure existing as of 3/3/97 to up to four guest rooms and conditional if a conversion of the same to five to nine rooms.⁶ Permitted if for no more than 10 overnight transient guests and conditional if for between 11 and 20 overnight transient guests. An owner, manager, or operator shall be a permanent resident of the building.

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2,3}	R-5a ⁴	R-6 ^{6,7}	R-6a ¹³
Lot area (m in.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	15 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly	<10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	5 ac.	5 ac.	10,000 SF
		>10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	1 ac.	15,000 SF
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ³	6,000 SF ² ac. max ⁵	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	
	Lot area per dwelling unit (m in.)	15,000 SF	10,000 SF	6,500 SF	3,000 SF	3,000 SF	1,600 SF	725 SF	
	Lot area per rooming unit (m in.)					1,000 SF		250 SF ⁹	
Lot area per multiplex unit (m in.)					3,000 SF for first 3, 6,000 SF thereafter	4,500 SF			
Lot area per SNIDU ¹ (m in.)					2,400 SF	3,600 SF			
Street frontage (m in.)		75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	
Lot width (m in.)		100 ft.	80 ft.	65 ft.	60 ft.	60 ft. 90 ft. for multiplex	60 ft.	20 ft.	
Front setback (m in.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	5 ft.	
		Or average depth of adjacent front yards							
Rear setback (m in.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	10 ft.	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Side setback (m in.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.		<45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.	5 ft. ¹⁰	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		>45 ft. in height: 15 ft.
	On side street (m in.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	



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OWNER

RIVERTON PARK
COMMUNITY CENTER –
MAINTENANCE BUILDING
2 RIVERTON DRIVE
PORTLAND, MAINE 04103

CONCEPT PLAN
10.14.2021

CWS PROJECT NUMBER: 15.021

REVISIONS

NO.	DATE	DESCRIPTION

DRAWING NUMBER
C1.0

SCALE: AS SHOWN
DATE: 1/12/2019

1/12/2019 10:00 AM C:\PROJECTS\Riverton Park\Drawings\Site Plan\Site Plan.dwg User: J. Martin Plot: 1/12/2019 10:00 AM

Page 524

George Rheault

to Planning, Christine, Kevin, James, Abigail, me, ctetelman

Once again, it appears that the Portland Housing Authority is going to be bullied into UNDER BUILDING a prime 21st-century housing opportunity. We all know the PHA does not bite the hands that feed it but without clear political cover from city staff who in turn look to the City Council/City Manager for similar political affirmation, the PHA will only propose incremental baby steps when what Portland needs are kangaroo leaps. When looking at the 2015 PHA "Strategic Vision" document, it would appear that the PHA has steered away from even implementing that excessively conservative plan for a rejuvenation of "Riverton Park."

Below are my questions that the staff memo from the Department of Urban Prevention appears to have left unanswered.

- 1.) With respect to the required neighborhood meeting, did PHA advertise this meeting in any way to the tenants of the existing property or the tenants of the nearby rental properties (Terrace Pond Apartments (TPA) & Wellesley Estates(WE)? Planning meeting notices typically only are sent to the address of the property-owner of record thus leaving tenants without effective notice of any kind.
- 2.) What is the unit count (including by bedroom type) for the TPA and WE complexes and when did occupancy of these apartment complexes begin?
- 3.) What was the existing zoning for the area when the TPA and WE complexes were constructed? Did they require a re-zoning of the area in order for them to be built at the time?
- 4.) Have city officials (DPW specifically) officially endorsed the proposed extension of Pinewood Drive to Waldron Way and, if not, where does the city's review of this idea currently stand? Will this potential increase in traffic in this direction require any traffic signal improvements at the intersection of Riverside Street & Waldron Way? Is the roundabout idea proposed in the 2015 Strategic Vision a dead idea now?
- 5.) Do city officials have any information regarding the commencement of construction of the 17 units approved for the 1844 Forest Avenue location?
- 6.) With respect to the ground floor retail space contemplated for the 4-story building, did the PHA take into consideration the multi-tenant retail building under construction next-door? While assessing the viability of a retail space is always a guess, it would seem that a retail space would need to attract customers BEYOND the immediate PHA complex in order to be successful and of course such a retail complex would likely have to compete with the new retail spaces being created on the other side of the fence at
- 7.) Taken together with the PHA complex, this area (hemmed in by the Turnpike and busy Forest Avenue, would suggest a much HIGHER density analysis than mild (and lame) upgrades to R-5A and B-2. While auto-centric due to its remoteness from the traditional city core, this area in its CURRENT form is actually a VERY dense residential zone. Have staff analyzed this area versus the recent intensive apartment construction completed at Clark's Pond, South Portland (just beyond the Home Depot location)? There are a lot of similarities but yet staff seem to be foregoing a great re-zoning opportunity (irrespective of whether the PHA itself could take advantage of a major up-zoning here).
- 8.) The Planning Board should request a complete "before and after" analysis of unit counts, sq footage and bedroom layout types. It appears that the "net" NEW impact is not 35 overall new units but 32 since the rehabilitation of the 21 buildings not eyed for demolition currently contain 127 units but AFTER renovation will only contain 124 units per the PHA submission (it is not clear what is changing internally in the various buildings to cause a loss of 3 units). In any event, while plans may change, the Board should ensure the public (and City Council) fully understands what the current "once-finished" goal is here. It very much appears that the PHA is spending a ton of time and energy with only very modest new housing to show for it.
- 9.) The Planning Board should request an analysis of the "off-peninsula" and "on-peninsula" distinctions in the zones under discussion for this application. Do they have any business being there and if so, are they accurately calibrated when recognizing the extreme housing scarcity being experienced in our region and appropriately set if the actual goal is to reach housing abundance instead?



MEMORANDUM

To: Mayor Snyder and Members of the City Council

From: Jen Thompson, Acting Corporation Counsel

Date: Jun 6, 2022

Subject: Overview of Legal Framework for Zoning and Zoning Amendments

—

In anticipation of the Council's consideration of Order 259-21/22, which proposes changes to the City's zoning ordinance, this memorandum contains an overview of the legal framework that will govern the Council's action on that item. The framework outlined below is contained in State law and is, therefore, generally applicable to all zoning enactments. This memo and its discussion of the applicable legal standard is not specific to any one property, application, or proposal. Instead, it is intended to serve as general guidance for the Council and as information for the public.

For guidance on the application of the legal framework to this particular proposal, please see the Planning Board's Report and Recommendation. Additionally, Corporation Counsel's office is prepared to offer guidance to the City Council on the application of the legal framework to this particular proposal should questions arise.

I. Overview of the Process of Zoning

Broadly speaking, the act of "zoning" land in Maine is done through the adoption of a "zoning ordinance." Under Maine law, a "zoning ordinance" is "a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district." 30-A M.R.S.A. § 4301(15-A). Common examples of district/zone-specific regulations include: use restrictions, setback requirements, lot size requirements, etc.

Under Maine law, because the City of Portland has created a Planning Board and authorized that Board to serve as its reviewing authority for matters relating to land use and development, in order for a zoning ordinance to be valid, it must first be developed by the Planning Board at a public hearing. After the Planning Board has worked to develop a zoning ordinance, it is presented to the Council for its consideration.

Ultimately, zoning ordinances must be adopted by the Council. When adopting or amending zoning ordinances, the Council is acting in its legislative capacity. Because of the legislative nature of zoning enactments, both the Planning Board (in making its recommendations) and the Council have relatively broad discretion when making their decisions. There are, however, some important requirements outlined in state statute to help guide the Board and the Council when undertaking zoning. Specifically, under state law, any municipal “zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body . . .” 30-A M.R.S. § 4352(2)(emphasis added).

II. The “Consistency” Standard

The Maine Law Court has interpreted the term *consistent* to mean that the proposed zoning regulation must be “in basic harmony with . . .” the City’s comprehensive plan. *Consistency* does not mean, however, that a project has to be the “best possible use” for a site/location. See *Vella v. Town of Camden*, 677 A.2d 1051, 1053 (Me. 1996) (citing *LaBonta, et al. v. City of Waterville*, 528 A.2d 1262, 1265); see also *City of Old Town v. Dimoulas*, 2002 ME 133, ¶ 20, 803 A.2d 1018, 1024.

Comprehensive Plans are understood to be “a compilation of policy directives and goals” for the development of the City. Among other things, the policies outlined in the City’s Comprehensive Plan address the City’s infrastructure, commercial/business development, transportation resources, industry, and commerce and residential housing. See [Portland’s Plan 2030](#). Since these goals and policies can sometimes compete and/or conflict with one another, it is the Planning Board’s/City Council’s task to balance and accommodate the many goals and policies contained in the Plan in a way that advances the City’s overall best interests. See *Adelman v. Town of Baldwin et al.*, 2000 ME 91, ¶ 24, 750 A.2d 577, 585-586 (citations omitted); see also LaBonta, 528 A.2d at 1265.

The Law Court further clarified the consistency analysis in *Remmel v. City of Portland*, 2014 ME 114, ¶¶ 13-14, 102 A.3d 1168, 1172 and the Council’s broad discretion to determine when a proposed rezoning is consistent with the Comprehensive Plan. According to the Court in *Remmel*, it is not

necessary that a proposed zoning amendment comply strictly with every portion of the Plan. As the Court explained:

A zoning or rezoning action need not perfectly fulfill the goals of a comprehensive plan; it may be in basic harmony with the plan so long as it “strikes a reasonable balance among the municipality’s various zoning goals” or “overlap[s] considerably” with the plan.

Importantly, “a municipality may conclude that a rezoning action is consistent with the comprehensive plan when it is in harmony with some provisions of the plan, even if the action appears inconsistent with other provisions of the plan.” *Id.*

III. Decision Making

Again, whether to adopt zoning regulations is a legislative decision, the details of which are to be developed by the Planning Board and enacted by the City Council. Therefore, whenever a zoning proposal comes before the Council for its consideration, it will be important for the Council to:

1. carefully consider whether and how the proposed zoning satisfies the broad policy objective(s) contained in the Comprehensive Plan; and
2. in its deliberations, specifically outline the ways in which the proposal is or is not consistent with the Plan.

The recommendations provided by the Planning Board are intended to assist the Council in that effort by outlining in detail the Board’s assessment of “consistency” based on its in-depth and comprehensive experience with the Plan, land use development throughout the City, the City’s land use ordinances, etc. The Council is not, however, bound by the Planning Board’s recommendations or assessment and is free to make its own determination as to whether a particular zoning proposal is or is not consistent with the Comprehensive Plan.

In taking action on a proposal, the Council can:

- adopt the proposal as presented (after concluding that it is consistent with the Comprehensive Plan);
- it can decline to adopt the proposal (after concluding that it is not consistent with the Comprehensive Plan); or

- if the Council determines that amendments to the proposal would bring it more in line with the Comprehensive Plan and the Council's objectives, it can request that the Planning Board develop an amendment and provide a recommendation on an amended proposal.

Public Comment: Order 259 - 21/22 - Public Housing Expansion Directly Adjacent to New Gas Station & Strip Mall

0 views



George Rheault <george.rheault@gmail.com>

9:02 AM (2 hours ago)

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Dena Libner, Danielle West-Chuhta, Christine Grimando, Mary Davis

A few months after rejecting, by an 8-1 vote, housing opportunities adjacent to Riverton Trolley Park, the City Council is now poised to approve a re-zoning proposal to support 35 units of affordable housing directly up against a new 8-pump gas station and strip mall made possible by a 2009 rezoning of the area.

Once again, the Portland Housing Authority (PHA) is the perfect partner for underbuilding housing opportunities in our community and ensuring that whatever meager housing it does create is placed in the least desirable areas right up against pollution-spewing automobile activity.

It is disgraceful that the PHA plans placed in the City Council packet (taken from the Planning Board packet) are allowed to depict the gas station site (currently under construction) as a heavily forested green oasis - hiding from the public the reality of what is being accomplished here.

While our city leaders and city staff pull out all the stops to heap even more environmental privileges onto affluent single-family homeowners all over the city by blocking quality housing proposals, they shamelessly "celebrate" small incremental housing expansions in places no one would willingly live if they had the means to choose otherwise.

[illegible]

George Rheault
Portland Maine

MEMORANDUM
City Council Agenda Item

FROM: Kevin Kraft
Deputy Director - Planning and Urban Development

DATE: May 24, 2022

SUBJECT: Order 260-21/22 Amendment to the Portland City Code Chapter 14 Re: Permitted and Conditional Uses in Residential Zones and Allowing Places of Assembly as a Conditional Use in the R-5a zone - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair

SPONSOR: The Portland Planning Board, Brandon Mazer, Vice-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 5/16/2022

Final Action 6/6/2022

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

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

PRESENTATION: Brandon Mazer, Vice-Chair, Planning Board; Kevin Kraft, Deputy Director, Planning and Urban Development (5 minutes)

I. SUMMARY

Zoning text amendment to Land Use Code Table 6-A to allow Places of Assembly as a conditional use in the R-5a zone and Table 7-A to add a minimum lot area requirement for Places of Assembly of less than 10,000 square feet of a one-half-acre and, for Places of Assembly greater than 10,000 square feet, a minimum lot size of one acre.

II. AGENDA DESCRIPTION

On April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find that the proposed text amendment to Section 6, Table 6-A to allow Places of Assembly as a conditional use in the R-5a zone and Section 7, Table 7-A to add a minimum lot area requirement for Places of Assembly in the R-5a zone is consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the text amendments.

This is a companion order to the Order above. Portland Housing Development Corporation and Portland Housing Authority seek a zoning text amendment to Section 6, Table 6-A, and Section 7, Table 7-A. The proposed text amendments would add Places of Assembly as a conditional use in R-5a zones with a minimum lot area requirement of one-half-acre for Places of Assembly of less than 10,000 square feet and a minimum lot size of one acre for Places of Assembly greater than 10,000 square feet. The proposed text amendments would facilitate the future development of a community center as part of the larger Portland Housing Authority renovation of the existing 141-unit Riverton Park campus.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Portland Housing Development Corporation and Portland Housing Authority seeks a zoning text amendment to Land Use Code Table 6-A to allow Places of Assembly as a conditional use in R-5a zones and Table 7-A to add a minimum lot area requirement for Places of Assembly to facilitate future development of a community center as part of a larger renovation of the existing 141-unit Riverton Park campus.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Planning Board unanimously voted 5-0 (Stanley, Barker recused) to recommend this zoning text amendment to the City Council intending for final approval and adoption. The intended result would introduce Places of Assembly as a conditional use in R-5a zones, which furthers City Council goals including fostering sustainable growth by providing the opportunity for a complete neighborhood by allowing a mixture of uses within a residential neighborhood, and increasing services provided within a walking and transit radius.

V. FINANCIAL IMPACT

The proposed code amendment will have no financial impact to the City.

VI. STAFF ANALYSIS AND BACKGROUND

Included in the City Council packet would be the City Council Report.

VII. RECOMMENDATION

At a public hearing on April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find that the proposed text amendment to allow places of assembly as a conditional use in the R-5a zone and Table 7-A to add a minimum lot area requirement for Places of Assembly is consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the text amendment.

VIII. LIST ATTACHMENTS

1. Ch. 14 Amending Two Tables to Allow Places of Assembly 5.16.2022
2. Riverton Dr. - 2 (City Council Report)
3. 1. Riverton Dr. - 2 (Staff Attachments)
4. 2022 Council memo re zoning (260-21_22).docx

Prepared by:

Kevin Kraft

Deputy Director - Planning and Urban Development

Date: 05/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14
RE: ALLOWING PLACES OF ASSEMBLY AS A CONDITIONAL USE IN THE R-5A
ZONE**

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

*That Chapter 14, Section 6, Table 6-A and Section 7, Table
7-A are hereby amended to read as follows, on the following
page:*

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

		R-1	R-2	R-3	R-4	R-5/R-5a	R-6/R-6a	Use Standards
Residential	Single-family dwellings	●	●	●	●	●	●	
	Two-family dwellings				●	●	●	
	Multi-family dwellings			○		○ ¹ /● ²	●	6.5.6 (G)
	Multiplex				○	● ¹		6.4.12
	Congregate care facilities					● ²		
	Handicapped family units	●	●	●	●	●	●	
	Planned Residential Unit Developments			● ⁴		● ⁴		
	Special needs independent dwelling units				●	● ¹	●	
	Lodging houses					○ ^{1,3}	●	6.4.9
	Sheltered care group homes	○	○	○	○	○	○	6.5.6 (K)
Institutional	Elementary, middle, and secondary schools	○	○	○	○	○ ¹	○	6.5.6 (F)
	Governmental uses	●	●	●	●	●	●	
	Hospitals			○		○ ¹	○	
	Intermediate care facilities	○	○	○		○ ¹ /● ²	○	
	Long-term and extended care facilities	○	○	○		○ ¹ /● ²	○	6.5.6 (F)
	Places of assembly (<10,000 SF)	○	○	○	○	○ ¹	○	
	Places of assembly (>10,000 SF)	○	○	○	○	○ ¹	○	
	Preschool facilities	○	○	○	○	○	○	6.5.6 (I)
	Post-secondary schools		○			○ ¹	○	6.5.6 (F)
	Bed and breakfasts						●/○ ⁵	6.4.4
Comm.	General offices (<5,000 SF)						○	6.5.6 (C)
	Hostels						●/○ ⁶	6.4.8
	Agriculture	●	●					
Other	Cemeteries	○	○		●		●	
	Off-street parking			○	○	○ ¹	○	6.5.6 (H)
	Parks and open spaces	●	●	●	●	●	●	
	Raising of domesticated animals	○						6.5.6 (J)
	Solar energy system (minor)	●	●	●	●	●	●	6.4.16
	Utility substations	○	○	○	○	○	○	6.5.6 (L)

¹ In the R-5 zone only.² In the R-5a zone only.³ Conversions of existing two-family or multiplex structures into lodging houses are permitted as a conditional use, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.⁴ Must consist of horizontally or vertically attached dwelling units, or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15.⁵ Permitted if a conversion of a structure existing as of 3/3/97 to up to four guest rooms and conditional if a conversion of the same to five to nine rooms.⁶ Permitted if for no more than 10 overnight transient guests and conditional if for between 11 and 20 overnight transient guests. An owner, manager, or operator shall be a permanent resident of the building.

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2,3}	R-5a ⁴	R-6 ^{6,7}	R-6a ¹³
Lot area (m i.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	15 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly	<10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	5 ac.	5 ac.	10,000 SF
		>10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	1 ac.	15,000 SF
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ³	6,000 SF ² ac. max ⁵	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	
	Lot area per dwelling unit (m i.)	15,000 SF	10,000 SF	6,500 SF	3,000 SF	3,000 SF	1,600 SF	725 SF	
	Lot area per rooming unit (m i.)					1,000 SF		250 SF ⁹	
Lot area per multiplex unit (m i.)					3,000 SF for first 3, 6,000 SF thereafter	4,500 SF			
Lot area per SNIDU ¹ (m i.)					2,400 SF	3,600 SF			
Street frontage (m i.)		75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	
Lot width (m i.)		100 ft.	80 ft.	65 ft.	60 ft.	60 ft. 90 ft. for multiplex	60 ft.	20 ft.	
Front setback (m i.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	5 ft.	
		Or average depth of adjacent front yards							
Rear setback (m i.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	10 ft.	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Side setback (m i.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.		<45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.	5 ft. ¹⁰	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		>45 ft. in height: 15 ft.
	On side street (m i.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	

PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE



2 Riverton Drive
ZN-001811-2021
Portland Housing Development Corporation

Submitted to:	Mayor and City Councilors	Prepared By:	Charles Tetelman, Planner
Council Hearing Date:	May 16, 2022 and June 6, 2022	Date:	April 21, 2022

I. INTRODUCTION

Portland Housing Development Corporation submitted a zoning map amendment to rezone the Riverton Park Campus located at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 Community Business. In addition to the zoning map amendment the applicant is seeking zoning text amendments to *Table 6-A: Permitted and Conditional Uses in Residential Zones* and *Table 7-A: Residential Zone Dimensional Standards* to allow places of assembly with minimum lot area requirements in R-5a Residential zones. Together, the requested actions would facilitate the rehabilitation and redevelopment of the existing Riverton Park campus to include additional residential units, place of assembly space, and retail in the Riverton neighborhood.

On April 12, 2022 the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to recommend to the City Council adoption of the zoning map amendment (Attachment A), which includes 2 Riverton Drive, 1837 Forest Avenue, 705 Riverside Street, 707 Riverside Street, and 723 Riverside Street and the zoning text amendments (Attachments B) to *Table 6-A: Permitted and Conditional Uses in Residential Zones* to allow places of assembly in R-5a Residential zones and *Table 7-A: Residential Zone Dimensional Standards* to add a minimum lot area requirement for Places of Assembly of less than 10,000 square feet of a one-half-acre and, for Places of Assembly greater than 10,000 square feet, a minimum lot size of one acre.

The Planning Board found the proposed zoning map and text amendments to be consistent with the city's Comprehensive Plan, *Portland's Plan 2030*. Together, these actions will facilitate the rehabilitation and redevelopment of the existing Riverton Park campus to include additional dwelling units, place of assembly space, and retail along Forest Avenue, which is a priority corridor with access to METRO local service route 2. The Planning Board believes that the proposed amendments which would facilitate the applicant's preliminary plan and advances many of the shared goals expressed throughout the Comprehensive Plan.

The project area is located near the confluence of Forest Avenue, a priority corridor listed in the Comprehensive Plan, and Riverside Street. The intersection of these streets is listed in the Comprehensive Plan as a priority node to evaluate. The Board notes that the proposed zoning map and text amendments would foster sustainable growth by increasing the number of dwelling units per acre in a location proximate to transit, with access to commercial services and open space. The zoning changes would address community priorities for affordable housing, economic development, sustainability, and increasing the amount of neighborhood services by allowing construction of new housing at approximately two to four times greater density than currently permitted under the existing R-5 zone, including deed restricted

workforce and low-income housing, and supporting job growth by expanding the existing B-2 zone, which would allow for additional commercial and institutional uses in the area.

II. BACKGROUND

The Riverton Park property currently includes 25 residential buildings consisting of 141 townhome apartments as well as an administrative office building. Built approximately 50 years ago, this residential community has provided affordable housing for Portland residents for several generations. Although the buildings and premises have been maintained over the last half century, the Riverton Park homes are in need of rehabilitation and redevelopment. Portland Housing Authority (PHA) seeks to improve the Riverton Park complex and ensure healthy, safe, accessible, energy-efficient, and affordable housing. The Zoning Map and Text amendments would facilitate future development and renovation at the Riverton Park campus, which would be subject to future site plan review.

III. EXISTING CONDITIONS AND SURROUNDING AREA

The proposed zoning map amendment is within the Riverton Park development (Chart 327, Block B, Lot 12, 2 Riverton Drive), with Riverton Drive as the internal road connecting with Forest Avenue to the north. The site currently consists of 25 residential buildings, 141 townhome apartments, and an administrative building.

In addition to the applicant's property, the immediate vicinity west of Interstate 95 contains a mix of residential and commercial uses along Forest Avenue and Riverside Street. Residential uses include single family homes and larger apartment complexes, such as Wellesley Estates and Terrace Pond Apartments, which immediately abuts Riverton Park to the west. Businesses in the area include a Hannaford grocery store, a gas station with convenient store, auto repair, restaurants, and breweries. Riverton Trolley Park is located across Riverside Street roughly 0.25 mile to the north and includes a baseball field, passive open space, and trails. The project area is located near the confluence of Forest Avenue, a priority corridor listed in the Comprehensive Plan, and Riverside Street. The intersection of these streets is listed in the Comprehensive Plan as a priority node to evaluate. Beyond the intersection of Riverside Street and Forest Avenue, Riverside Street includes a mix of light, medium, and heavy industrial zones.

METRO transit routes near the site include the Greater Portland METRO Local service Route 2 and the Lakes Region Bus route. The nearest transit stops to the applicant's site are along Forest Avenue near the intersection of Riverton Drive and Forest Avenue. A new METRO bus shelter will be constructed as part of a prior site plan approval located at 1884 Forest Avenue.

IV. PROPOSED MAP AMENDMENT

Portland Housing Development Corporation submitted a zoning map amendment to rezone the Riverton Park Campus located at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 Community Business. In addition to the applicant's site, the Planning Board is also recommending that 705 Riverside Street, 707 Riverside Street, and 723 Riverside Street be rezoned from R-5 to R-5a and that 1837 Forest Avenue be rezoned from R-5 to B-2.

Extending the R-5a and B-2 zones would not have a negative impact on any of the parcels included within the zones:

The applicant owned site, 2 Riverton Drive (CBL 327 B012), is an approximately 741,775 square foot lot. The site currently consists of 25 residential buildings, 141 townhome apartments, and an administrative building.

705 Riverside Street (CBL 324 A004001) is an approximately 5,463 square foot lot facing Riverside Street and is currently improved with a single family home. Because the lot size is less than the required minimum lot area of 6,000 square feet for residential properties in the R-5 zone the site is legally nonconforming. The site will continue to be legally nonconforming under the R-5a zone.

707 Riverside Street (CBL 324 A005001) is an approximately 8,603 square foot lot facing Riverside Street. 707 Riverside Street is improved with a single family home.

723 Riverside Street (CBL 324 A002001) is an approximately 546,439 square foot lot with frontage on Riverside Street and Forest Avenue and is immediately adjacent to the applicant's site. The lot contains a Planned Residential Unit Development (PRUD), Terrace Ponds Apartment complex, which includes five residential buildings.

1837 Forest Avenue (CBL 327A A002) is an approximately 53,060 square foot lot with frontage on Forest Avenue. The lot contains a two story religious building utilized by the Portland Friends Meeting. Places of assembly uses are allowed only as conditional uses in the R-5 zone and are a permitted use in the B-2 zone.

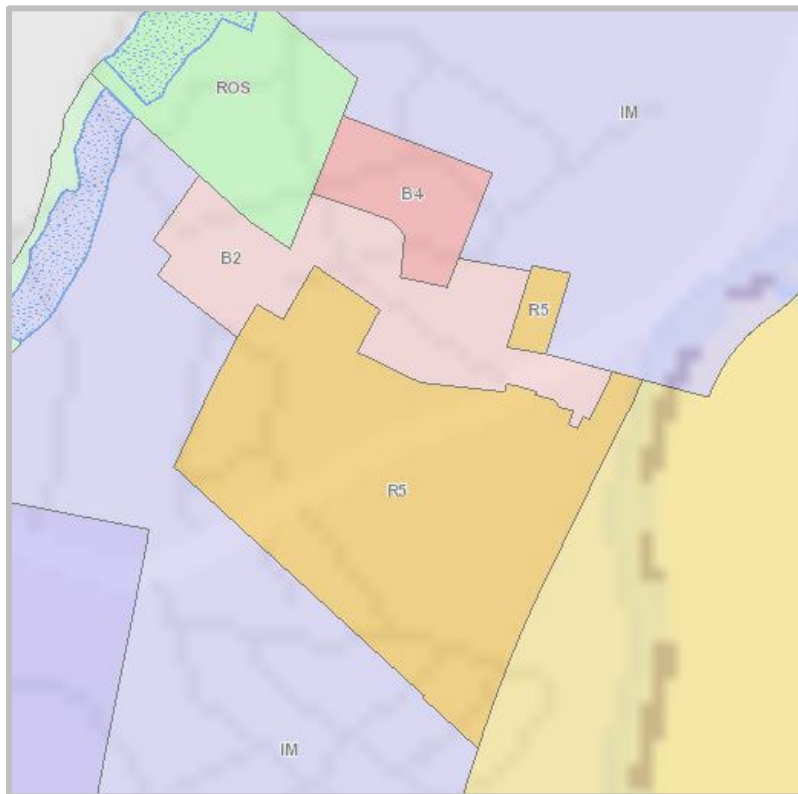


Figure 1 Existing Zoning

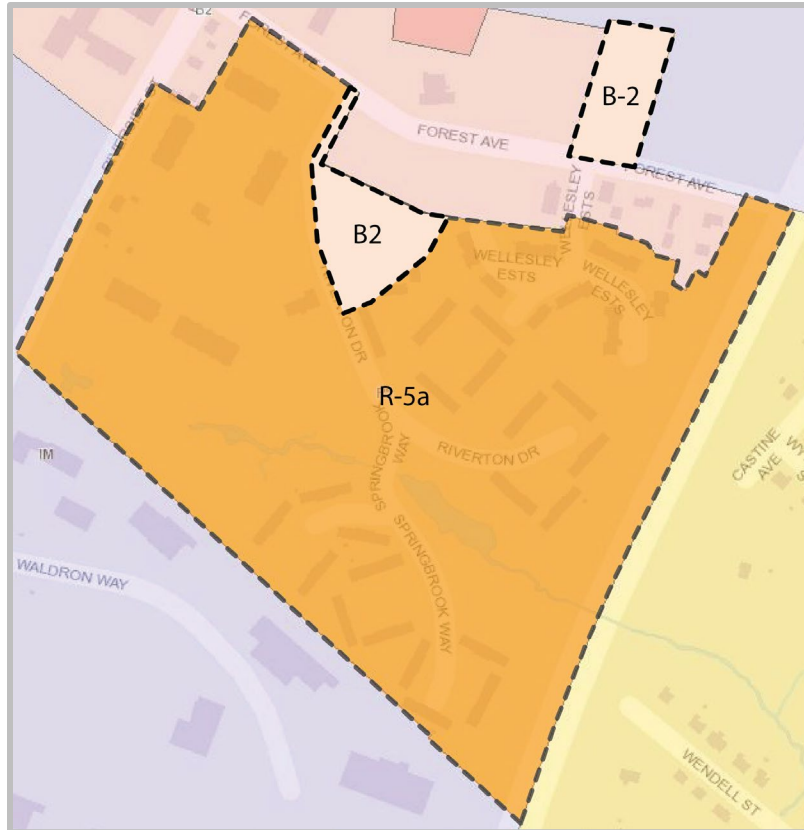


Figure 2 Proposed Zoning Map Amendment

R-5 Residential Zone

The existing zoning at 2 Riverton Drive is entirely R-5 Residential. The purpose of the R-5 Residential zone is to:

“To provide appropriate areas of the city for medium-density residential development characterized by single-family, two-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially-sized parcels.”

The proposed rezoning will allow for higher density residential development that extends beyond the scope of the R-5 Residential zone. The R-5 zone has a minimum lot area per dwelling unit of 3,000 square feet while the R-5a zone has a minimum lot area per dwelling unit of 1,600 square feet. Both R-5 and R-5a zones allow buildings up to a maximum height of 35 feet. In addition, multifamily projects in the R-5a zone are required to apply the PRUD dimensional standards specified in Table 7-B. The minimum net land area per dwelling unit for PRUDs in the R-5a zone is 1,600 square feet, which can be reduced down to 800 square feet per dwelling unit when utilizing affordable housing bonuses. Building heights for PRUDs in the R-5a zone are permitted up to a max of 55 feet. Furthermore, to promote development of low- and moderate-income development any PRUD project in which more than 50 percent of the units are low-income or workforce units for rent or for sale may utilize the following density bonuses outlined in Section 18.2.4:

1. Minimum lot area per dwelling unit is reduced by 50%;

2. Maximum number of units and maximum length of buildings do not apply but may be set through site plan review;
3. Minimum building setbacks may be reduced to 10 feet;
4. The PRUD may cross public rights of way provided that the right of way does not count towards minimum lot size nor towards any open space requirements;
5. Minimum recreation open space area is reduced to 200 square feet per dwelling unit of common area designated for recreational purposes by the residents. Minimum contiguous size and setbacks do not apply and shall be set through site plan review; and
6. The Planning Board's Design Manual, design standards, and guidelines with respect to PRUDs shall apply in full to PRUDs utilizing this subsection.

The proposed R-5a Residential zone generally permits the same uses that are allowed today under the R-5 zone, however, multi-family, intermediate care facilities, and long-term extended care facilities would be permitted uses as opposed to conditional uses.

R-5a Residential Zone

The purpose of the R-5a Residential zone is to:

“To provide for moderate-density residential development in off-peninsula locations that can provide a unique residential living experience with a high degree of natural site amenities; and to provide areas of the city in the general proximity of the peninsula that have the capability for adequate municipal services, including traffic corridors with adequate traffic capacity, that can appropriately accommodate a more intensive use of land than other lower-density zoned land and be compatible with surrounding neighborhoods; and to increase affordable housing opportunities in off-peninsula locations by providing a moderate-density zone.”

B-2 Community Business Zone

The purpose of the B-2 Community Business zone is to:

“...provide appropriate locations for the development and operation of community centers offering a mixture of commercial uses, housing, and services serving the adjoining neighborhoods and the larger community. The variety, sites, and intensity of the permitted commercial uses in the B-2 zone are intended to be greater than those permitted in the B-1/B-1b zones. The zone provides a broad range of goods and services with a mixture of large and small buildings, such as grocery stores, shops and services located in major shopping centers and along arterial streets. Such establishments should be readily accessible by automobile, by pedestrians and by bicycle. Development in the B-2 zone should relate to the surrounding neighborhoods by design, orientation, and circulation patterns. The zone should provide locations for moderate to high-density housing in urban neighborhoods along arterials.”

B-2 zones allow a mixture of uses, including housing and commercial uses at higher densities. B-2 zones permit residential development and have a minimum lot area per dwelling unit of 1,000 square feet or 435 square feet if a building includes an active street frontage. Building heights in the B-2 zone are 45 feet, except 50 feet if first floor is in commercial use, and 65 feet on lots >5 acres if required side and rear setbacks are increased by 1 foot for each foot of height over 45 ft. In addition, projects that include workforce or low-income housing may take advantage of density and height bonuses as described in Section 18.2.4 of the Land Use Code.

With the applicant's intention of constructing a multi-use building, the proposed B-2 lot towards the entrance of Riverton Drive off of Forest Avenue would allow for a variety of uses that support future redevelopment of Riverton Park. The B-2 zone matches the surrounding zoning context along forest Avenue and parts of Riverside Street and is appropriate for this transit accessible location.

Table 2 - Zoning Requirements	R-5	R-5a	B-2
Lot Size (min)	6,000 sq. ft. to 5 ac. (depending on use)	6,000 sq. ft. to 2 ac. (depending on use)	
Density (min)	3,000 sq. ft. (lot area per dwelling unit)	1,600 sq. ft. (lot area per dwelling unit)	1,000 sq. ft. (off- peninsula) 450 sq. ft. (if active street frontage)
Street Frontage (min)	50 ft.	50 ft.	20 ft.
Front Yard (min)	20 ft.	25 ft.	
Front Yard (max)			10 ft.
Rear Yard (min)	5 ft.	5 ft.	10 ft. (principal) 5 ft. (accessory)
Side Yard (max)	14 ft.	16 ft.	None (principal) 5 ft. (accessory)
Side Yard (Side Street, min)	15 ft.	20 ft.	
Stepbacks (above 35 ft. when property line abuts a residential zone)			5 ft. (side) 15 ft. (rear)
Lot Coverage (max)	40%	30%	
Impervious Area (max)			None (residential) 80% (other uses)
Lot Width (min)	60 ft. (90 ft. for multiplex)	60 ft.	
Building Height (max)	35 ft.	35 ft.	45 ft. 50 ft. (if first floor is in commercial use) 65 ft. (in lots >5 ac.)
Floor Area (max)			10,000 sq. ft. (laboratory and research facilities, warehousing)

TABLE 7-B: PRUD DIMENSIONAL STANDARDS

	R-3	R-5	R-5a³
Lot area¹ (min.)	3 ac.	2 ac.	2 ac. ⁴
Net land area per dwelling unit (min.)	6,500 SF	3,000 SF	1,600 SF ^{4,5}
Units per building (max.)	PRUD < 5 ac.: 2 PRUD > 5 ac.: 6	12	
Average number of units per building (max.)	PRUD > 5 ac.: 5		
Structure height (max.)	35 ft.	35 ft.	55 ft.
Building length (max.)	Without garages: 100 ft. With integral garages: 140 ft.	140 ft.	
Length of accessory garage structure (max.)		60 ft.	
Building setback from external subdivision property lines (min.)	3 or fewer D.U. in building: 25 ft. 4 or more D.U. in building: 35 ft.	Bldg. Length 100 ft. or less: 25 ft. Bldg. Length >100 ft.: 35 ft.	Bldg. Length 100 ft. or less: 25 ft. Bldg. Length >100 ft.: 35 ft.
Distance between detached PRUD dwelling units (min.)	16 ft.		
Common recreation open space area² (min.)	300 SF/D.U.	300 SF/D.U.	200 SF/D.U. ⁴
Habitable space elevation	No habitable space in a PRUD shall be below grade, except basements that are a part of and below above-ground units.		

V. PROPOSED TEXT AMENDMENT

The applicant proposes a text amendment to *Table 6-A: Permitted and Conditional Uses in Residential Zones* to allow places of assembly in R-5a Residential zones as a conditional use and *Table 7-A: Residential Zone Dimensional Standards* to add a minimum lot area requirement for Places of Assembly of less than 10,000 square feet of a one-half-acre and, for Places of Assembly greater than 10,000 square feet, a minimum lot size of one acre. The text amendment to Table 7-A matches the existing dimensional requirements for Places of Assembly in R-5 zones.

The two proposed text changes associated with this application are shown below:

- 1) A text amendment to “Table 6-A: Permitted and Conditional Uses in Residential Zones” shown in the table below.

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

		R-1	R-2	R-3	R-4	R-5/R-5a	R-6/R-6a	Use Standards
Residential	Single-family dwellings	●	●	●	●	●	●	
	Two-family dwellings				●	●	●	
	Multi-family dwellings			●		● ^{1/2}	●	6.5.6 (G)
	Multiplex				●	● ¹		6.4.12
	Congregate care facilities					● ²		
	Handicapped family units	●	●	●	●	●	●	
	Planned Residential Unit Developments			● ⁴		● ⁴		
	Special needs independent dwelling units				●	● ¹	●	
Institutional	Lodging houses					● ^{1,3}	●	6.4.9
	Sheltered care group homes	●	●	●	●	●	●	6.5.6 (K)
	Elementary, middle, and secondary schools	●	●	●	●	● ¹	●	6.5.6 (F)
	Governmental uses	●	●	●	●	●	●	
	Hospitals			●		● ¹	●	
	Intermediate care facilities	●	●	●		● ^{1/2}	●	
	Long-term and extended care facilities	●	●	●		● ^{1/2}	●	6.5.6 (F)
	Places of assembly (<10,000 SF)	●	●	●	●	● ¹	●	
	Places of assembly (>10,000 SF)	●	●	●	●	● ¹	●	
	Preschool facilities	●	●	●	●	●	●	6.5.6 (I)
	Post-secondary schools		●			● ¹	●	6.5.6 (F)

- 2) A text amendment to “Table 7-A: Residential Zone Dimensional Standards” shown in the table below.

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2,3}	R-5a ⁴	R-6 ^{6,7}	R-6a ¹³
Lot area (in ft.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	15 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly <10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	5 ac.	5 ac.	10,000 SF	
	Place of assembly >10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	1 ac.	15,000 SF	
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ⁹	6,000 SF/2 ac. max ²	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	

VI. COMPREHENSIVE PLAN CONSISTENCY

Portland's Plan 2030

The map and text amendments support a number of elements outlined in *Portland's Plan 2030* and align with Portland's comprehensive plan by fostering sustainable growth by increasing the number of dwelling units per acre in a location proximate to transit, with access to services and open space. The zoning changes would address community priorities for affordable housing, economic development, sustainability, and increased neighborhood services by allowing construction of new housing at approximately two to four

times greater density than currently permitted under the R-5 zone, including deed restricted workforce and low-income housing, and support job growth by expanding the existing B2 zone. The proposed actions also help the city achieve its goals with respect to at least five areas of *Portland's Plan 2030*, environmental, housing, economy, recreation and open space, and future land use:

Environmental:*Support Sustainable Land Use & Transportation Policies*

"Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation."

Housing:*Remove Housing Barriers*

"Evaluate whether current zoning allows for new development consistent with historic patterns of form, density, and/or use, as well as whether it allows for priority growth areas."

Promote Sustainability

"Encourage energy efficiency in new construction and rehabilitation of our housing stock."

Support Age-Friendly Housing Options

"Create, promote, and facilitate safe, affordable, and practical housing solutions that will meet the evolving needs of Portland's residents as they age."

Adapt Affordable Housing

"Assess the capacity of existing affordable housing developments, many of which were built over four decades ago, to adapt to current best practices by improving energy efficiency and physical and social connections to surrounding neighborhoods."

"Pursue new opportunities for increased energy efficiency, increased densities, mixed incomes, and greater connectivity to surrounding neighborhoods."

"Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents"

Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods."

"Pursue policies to enable people who work in Portland to have the option to live in Portland."

Economy:*Support Local Business Retention & Recruitment*

"Pursue policies that create, nurture, and retain local businesses."

"Support job creation and business growth through public initiatives, and private, institutional, and regional partnerships."

Recreation & Open Space:

Ensure Equity

“Pursue opportunities, in collaboration with partners, to create new open spaces in areas that are currently underserved.”

“Distribute community gardens, playgrounds, fields, public art, historic resources, and other program elements where the demand and need are greatest, and periodically assess demands and needs.”

Future Land Use*Priority Nodes & Corridors*

“Priority nodes and corridors indicate areas that would be appropriate for new development to provide needed housing, businesses, and services proximate to transit, or areas that otherwise warrant some examination of potential for positive change in form and/or function.”

VII. PUBLIC COMMENT

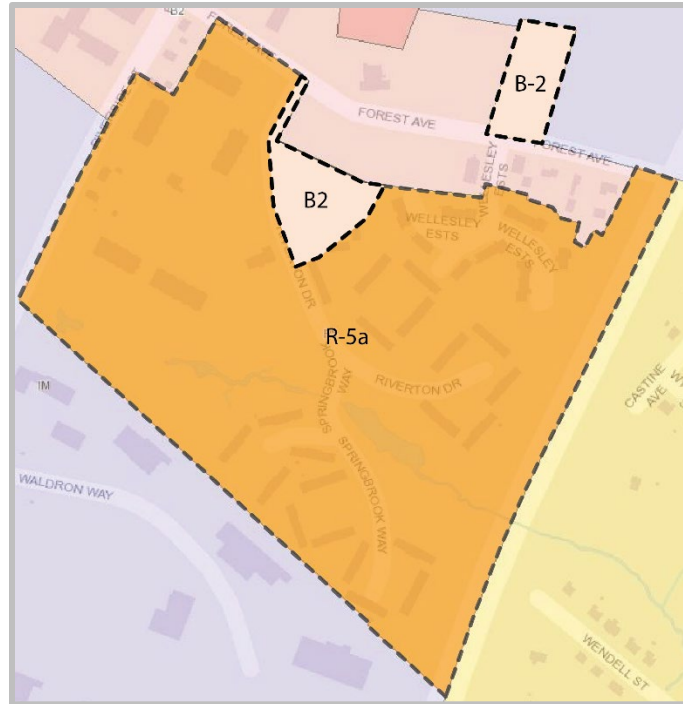
The applicant held a neighborhood meeting on Wednesday, February 2, 2022. Invitations for the meeting were sent to property owners within 500 feet of the proposed development and residents on the “interested parties” list. There were no attendees for the meeting.

One public comment has been submitted to the Planning & Urban Development Department.

VIII. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed Zoning Map Amendment and Text Amendments at a hearing on April 12, 2022. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously 5-0 (Stanley, Barker recused) to find that the following Zoning Map Amendment and Text Amendments are consistent with the Comprehensive Plan and recommended adoption to the City Council:

1. Zoning Map Amendment for the area of land that includes 2 Riverton Drive, 1837 Forest Avenue, 705 Riverside Street, 707 Riverside Street, and 723 Riverside Street as shown below:



2. Text Amendments to Land Use Code *Table 6-A: Permitted and Conditional Uses in Residential Zones* to allow Places of Assembly in R-5a Residential zones and *Table 7-A: Residential Zone Dimensional Standards* to add a minimum lot area requirement for Places of Assembly of less than 10,000 square feet of a one-half-acre and, for Places of Assembly greater than 10,000 square feet, a minimum lot size of one acre.

IX. ATTACHMENTS

Staff Attachments

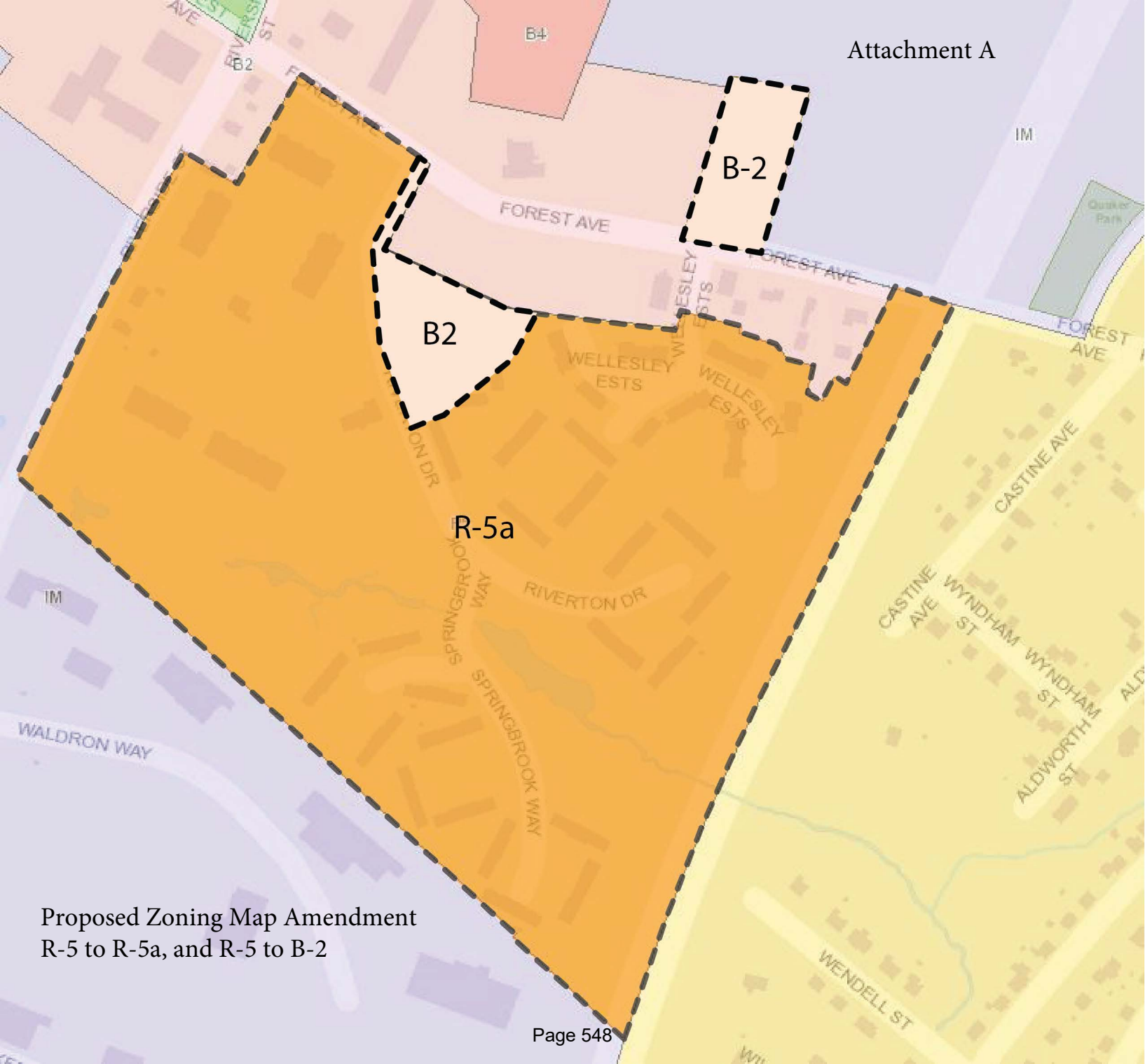
- A. Proposed Zoning Map Amendments
- B. Proposed Text Amendments

Drawings

- Plan 1. PHDC Future Site Plan and Rezone Areas

Public Comment

- PC 1. George Rheault (4.12.22)



Proposed Zoning Map Amendment
R-5 to R-5a, and R-5 to B-2

TABLE 6-A: PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

		R-1	R-2	R-3	R-4	R-5/R-5a	R-6/R-6a	Use Standards
Residential	Single-family dwellings	●	●	●	●	●	●	
	Two-family dwellings				●	●	●	
	Multi-family dwellings			○		○ ¹ /● ²	●	6.5.6 (G)
	Multiplex				○	● ¹		6.4.12
	Congregate care facilities					● ²		
	Handicapped family units	●	●	●	●	●	●	
	Planned Residential Unit Developments			● ⁴		● ⁴		
	Special needs independent dwelling units				●	● ¹	●	
	Lodging houses					○ ^{1,3}	●	6.4.9
	Sheltered care group homes	○	○	○	○	○	○	6.5.6 (K)
Institutional	Elementary, middle, and secondary schools	○	○	○	○	○ ¹	○	6.5.6 (F)
	Governmental uses	●	●	●	●	●	●	
	Hospitals			○		○ ¹	○	
	Intermediate care facilities	○	○	○		○ ¹ /● ²	○	
	Long-term and extended care facilities	○	○	○		○ ¹ /● ²	○	6.5.6 (F)
	Places of assembly (<10,000 SF)	○	○	○	○	○ ¹	○	
	Places of assembly (>10,000 SF)	○	○	○	○	○ ¹	○	
	Preschool facilities	○	○	○	○	○	○	6.5.6 (I)
	Post-secondary schools		○			○ ¹	○	6.5.6 (F)
	Bed and breakfasts						●/○ ⁵	6.4.4
Comm.	General offices (<5,000 SF)						○	6.5.6 (C)
	Hostels						●/○ ⁶	6.4.8
	Agriculture	●	●					
Other	Cemeteries	○	○		●		●	
	Off-street parking			○	○	○ ¹	○	6.5.6 (H)
	Parks and open spaces	●	●	●	●	●	●	
	Raising of domesticated animals	○						6.5.6 (J)
	Solar energy system (minor)	●	●	●	●	●	●	6.4.16
	Utility substations	○	○	○	○	○	○	6.5.6 (L)

¹ In the R-5 zone only.² In the R-5a zone only.³ Conversions of existing two-family or multiplex structures into lodging houses are permitted as a conditional use, provided that the lodging house shall not be located within 500 ft. of another as measured along street lines.⁴ Must consist of horizontally or vertically attached dwelling units, or a series of such dwelling units, with all land owned and used in common. PRUDs shall be subject to review and approval by the Planning Board under Article 15.⁵ Permitted if a conversion of a structure existing as of 3/3/97 to up to four guest rooms and conditional if a conversion of the same to five to nine rooms.⁶ Permitted if for no more than 10 overnight transient guests and conditional if for between 11 and 20 overnight transient guests. An owner, manager, or operator shall be a permanent resident of the building.

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2,3}	R-5a ⁴	R-6 ^{6,7}	R-6a ¹³
Lot area (m in.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	15 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly	<10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	5 ac.	5 ac.	10,000 SF
		>10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	1 ac.	15,000 SF
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ³	6,000 SF ² ac. max ⁵	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	
	Lot area per dwelling unit (m in.)	15,000 SF	10,000 SF	6,500 SF	3,000 SF	3,000 SF	1,600 SF	725 SF	
	Lot area per rooming unit (m in.)					1,000 SF		250 SF ⁹	
Lot area per multiplex unit (m in.)					3,000 SF for first 3, 6,000 SF thereafter	4,500 SF			
Lot area per SNIDU ¹ (m in.)					2,400 SF	3,600 SF			
Street frontage (m in.)		75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	
Lot width (m in.)		100 ft.	80 ft.	65 ft.	60 ft.	60 ft. 90 ft. for multiplex	60 ft.	20 ft.	
Front setback (m in.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	5 ft.	
		Or average depth of adjacent front yards							
Rear setback (m in.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	10 ft.	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Side setback (m in.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.		<45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.	5 ft. ¹⁰	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		>45 ft. in height: 15 ft.
	On side street (m in.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	



MEMORANDUM

To: Mayor Snyder and Members of the City Council

From: Jen Thompson, Acting Corporation Counsel

Date: Jun 6, 2022

Subject: Overview of Legal Framework for Zoning and Zoning Amendments

—

In anticipation of the Council's consideration of Order 260-21/22, which proposes changes to the City's zoning ordinance, this memorandum contains an overview of the legal framework that will govern the Council's action on that item. The framework outlined below is contained in State law and is, therefore, generally applicable to all zoning enactments. This memo and its discussion of the applicable legal standard is not specific to any one property, application, or proposal. Instead, it is intended to serve as general guidance for the Council and as information for the public.

For guidance on the application of the legal framework to this particular proposal, please see the Planning Board's Report and Recommendation. Additionally, Corporation Counsel's office is prepared to offer guidance to the City Council on the application of the legal framework to this particular proposal should questions arise.

I. Overview of the Process of Zoning

Broadly speaking, the act of "zoning" land in Maine is done through the adoption of a "zoning ordinance." Under Maine law, a "zoning ordinance" is "a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district." 30-A M.R.S.A. § 4301(15-A). Common examples of district/zone-specific regulations include: use restrictions, setback requirements, lot size requirements, etc.

Under Maine law, because the City of Portland has created a Planning Board and authorized that Board to serve as its reviewing authority for matters relating to land use and development, in order for a zoning ordinance to be valid, it must first be developed by the Planning Board at a public hearing. After the Planning Board has worked to develop a zoning ordinance, it is presented to the Council for its consideration.

Ultimately, zoning ordinances must be adopted by the Council. When adopting or amending zoning ordinances, the Council is acting in its legislative capacity. Because of the legislative nature of zoning enactments, both the Planning Board (in making its recommendations) and the Council have relatively broad discretion when making their decisions. There are, however, some important requirements outlined in state statute to help guide the Board and the Council when undertaking zoning. Specifically, under state law, any municipal “zoning ordinance must be pursuant to and consistent with a comprehensive plan adopted by the municipal legislative body . . .” 30-A M.R.S. § 4352(2)(emphasis added).

II. The “Consistency” Standard

The Maine Law Court has interpreted the term *consistent* to mean that the proposed zoning regulation must be “in basic harmony with . . .” the City’s comprehensive plan. *Consistency* does not mean, however, that a project has to be the “best possible use” for a site/location. See *Vella v. Town of Camden*, 677 A.2d 1051, 1053 (Me. 1996) (citing *LaBonta, et al. v. City of Waterville*, 528 A.2d 1262, 1265); see also *City of Old Town v. Dimoulas*, 2002 ME 133, ¶ 20, 803 A.2d 1018, 1024.

Comprehensive Plans are understood to be “a compilation of policy directives and goals” for the development of the City. Among other things, the policies outlined in the City’s Comprehensive Plan address the City’s infrastructure, commercial/business development, transportation resources, industry, and commerce and residential housing. See [Portland’s Plan 2030](#). Since these goals and policies can sometimes compete and/or conflict with one another, it is the Planning Board’s/City Council’s task to balance and accommodate the many goals and policies contained in the Plan in a way that advances the City’s overall best interests. See *Adelman v. Town of Baldwin et al.*, 2000 ME 91, ¶ 24, 750 A.2d 577, 585-586 (citations omitted); see also LaBonta, 528 A.2d at 1265.

The Law Court further clarified the consistency analysis in *Remmel v. City of Portland*, 2014 ME 114, ¶¶ 13-14, 102 A.3d 1168, 1172 and the Council’s broad discretion to determine when a proposed rezoning is consistent with the Comprehensive Plan. According to the Court in *Remmel*, it is not

necessary that a proposed zoning amendment comply strictly with every portion of the Plan. As the Court explained:

A zoning or rezoning action need not perfectly fulfill the goals of a comprehensive plan; it may be in basic harmony with the plan so long as it “strikes a reasonable balance among the municipality’s various zoning goals” or “overlap[s] considerably” with the plan.

Importantly, “a municipality may conclude that a rezoning action is consistent with the comprehensive plan when it is in harmony with some provisions of the plan, even if the action appears inconsistent with other provisions of the plan.” *Id.*

III. Decision Making

Again, whether to adopt zoning regulations is a legislative decision, the details of which are to be developed by the Planning Board and enacted by the City Council. Therefore, whenever a zoning proposal comes before the Council for its consideration, it will be important for the Council to:

1. carefully consider whether and how the proposed zoning satisfies the broad policy objective(s) contained in the Comprehensive Plan; and
2. in its deliberations, specifically outline the ways in which the proposal is or is not consistent with the Plan.

The recommendations provided by the Planning Board are intended to assist the Council in that effort by outlining in detail the Board’s assessment of “consistency” based on its in-depth and comprehensive experience with the Plan, land use development throughout the City, the City’s land use ordinances, etc. The Council is not, however, bound by the Planning Board’s recommendations or assessment and is free to make its own determination as to whether a particular zoning proposal is or is not consistent with the Comprehensive Plan.

In taking action on a proposal, the Council can:

- adopt the proposal as presented (after concluding that it is consistent with the Comprehensive Plan);
- it can decline to adopt the proposal (after concluding that it is not consistent with the Comprehensive Plan); or

- if the Council determines that amendments to the proposal would bring it more in line with the Comprehensive Plan and the Council's objectives, it can request that the Planning Board develop an amendment and provide a recommendation on an amended proposal.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 24, 2022

SUBJECT: Order 261-21/22 Amendment to the Portland City Code Chapter 35 Re: Panic Alarms and Retail License Revisions - Sponsored by Jen Thompson, Acting Corporation Counsel

SPONSOR: Jen Thompson, Acting Corporation Counsel

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 5/16/2022

Final Action 6/6/2022

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

Does this item involve a new contract with the City: This amendment was drafted and reviewed by the Office of Corporation Counsel/

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

I. SUMMARY

II. AGENDA DESCRIPTION

Proposed revisions to subpart (a) of Ch. 35-36 (Security Requirements) would remove the requirement to maintain a door and window burglary alarm system at all fixed locations for a marijuana business. The provision retains a requirement for an intrusion alarm system that includes a panic button that can transmit its signal via City of Portland AES system directly to the City Dispatch Center. These changes address problems with false alarms and unnecessary costs.

This item must be read on two separate days. It received its first reading on May 16, 2022. Staff recommends that this item be postponed to June 22, 2022. Five affirmative votes are required to postpone.

III. BACKGROUND

Door and window burglary alarm systems were initially required at marijuana businesses, in part, because there was the potential for them to have an unusually high amount of cash on premises. This was because some financial institutions were reluctant to accept deposits from marijuana retailers. The retailers have overcome this obstacle, and now their on-premises cash reserves do not typically exceed those of other retail establishments.

The burglary alarm systems often trigger false alerts, which are costly for the retailers and which put an unnecessary strain on City resources. Retaining other security requirements for marijuana businesses, including the intrusion alarm with panic button and electronic and video monitoring, will meet safety needs while removing the door and window alarms eliminates unnecessary costs.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not

limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Ch. 35 Amendment Re Panic Alarms and Retail Licenses 5.16.2022

Prepared by:

Date: 05/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

AMENDMENT TO PORTLAND CITY CODE CHAPTER 35
RE: PANIC ALARMS AND RETAIL LICENSE REVISIONS

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

*That the Portland City Code Chapter 35, Sections 35-14 and
35-36 are hereby amended to read as follows:*

35-14. Licensing Procedure.

...

(f) Allocation of retail licenses. Retail licenses shall be
considered as follows:

...

5. If the application is tentatively approved, the applicant will have one year from tentative approval to open the retail business, including obtaining all final state and local approvals, building permits and approvals, certificates of occupancy, and any other local approvals or permits necessary to operate~~criteria~~. If the applicant fails to meet the one-year deadline, it forfeits its tentative approval. The applicant may reapply, but any second or subsequent application will be treated as a new application. This paragraph shall not be construed to require a licensee to make retail sales.

...

7. ~~Except for licenses issued pursuant to Sec. 35-43(i)(1),~~
~~Licensees~~ who have a medical marijuana retail license may convert to an adult use retail license, so long as they meet the requirements for such license and pay the licensing fees. Licensees who have an adult use retail license may convert to a medical marijuana retail license, so long as they meet the requirements for such license and pay the licensing fees. ~~An applicant~~

licensee who chooses to convert its license will be treated as a renewal license, and not a new applicant for purposes of the dispersal requirement. Applicants with a pending application for a medical marijuana retail license may convert to an adult use retail application. Applicants with a pending application for an adult use retail license may convert to an application for a medical marijuana retail application. An applicant who chooses to convert its application will not be treated as a new applicant for purposes of the dispersal requirement outlined in Sec. 35-43.

...

35-36. Security Requirements.

All marijuana businesses must implement the following minimum security requirements, which shall also be incorporated into a security plan.

(a) Building security. All fixed locations for a marijuana business shall have the following:

1. Exterior lighting sufficient to deter nuisance activity and facilitate surveillance but not disturb neighbors.
2. A new or existing intrusion alarm system that is professionally monitored by a third party monitoring company and maintained in good working condition. The intrusion alarm system must include a panic button(s) that has the capability of transmitting its signal via City of Portland AES system directly to the City Dispatch Center.~~Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are connected to a new or existing AES system, and are professionally monitored and maintained in good working condition.~~
3. Interior electronic monitoring, video cameras, ~~and panic buttons.~~ Electronic monitoring and video camera recording records must be maintained for at least 14 days and must be made available to an authorized representative of the City upon request.

...

BE IT FURTHER ORDERED, that, notwithstanding the provisions of 1 M.R.S. § 302, the above amendment to Section 35-14 (Licensing Procedure) shall apply retroactively to include any and all actions and proceedings pending on May 18, 2020 or thereafter.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 24, 2022

SUBJECT: Resolve 12-21/22 Approving the City Council Code of Ethics - Sponsored by the Rules Committee, Councilor Andrew Zarro, Chair

SPONSOR: City Council Rules Committee, Councilor Andrew Zarro, 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 action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

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

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

I. SUMMARY

II. AGENDA DESCRIPTION

The City Council Rules Committee met on April 11 and May 2, 2022, to review and revise a draft City Council Code of Ethics intended to address such issues as conflicts of interest and use of public resources. On May 2, 2022, the committee voted 4-0 to forward the attached Code of Ethics to the full Council for its approval.

This item must be read on two separate days. It received its first reading on May 16, 2022. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

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

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Resolve Adopting the City Council Code of Ethics 5.16.2022
2. City Council Code of Ethics as approved by the Rules Committee 5.2.2022

Prepared by:

Date: 05/24/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

RESOLUTION ADOPTING THE CITY COUNCIL CODE OF ETHICS

RESOLVED, that the City Council of the City of Portland, Maine, in the City Council assembled, does hereby adopt the Code of Ethics, as attached hereto, as the Code of Ethics of the City Council.

RULES OF PROCEDURE OF THE CITY COUNCIL

As Amended ~~December 6, 2021~~April 11, 2022

Rule 1. Regular Meetings and Council Workshop Sessions

- A. The regular meetings of the Council shall be held in the room known as the City Council Chamber or such other room as deemed appropriate in City Hall in one session at 5:00 p.m. on the first and third Mondays of each calendar month. When said Monday is a holiday or an election day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date or the time of any regular meeting may be changed by an order passed at a previous meeting of the Council or by warrant for a special meeting called in lieu of a regular meeting; provided however, that said change in date will still provide for two regular meetings in one month. Unless otherwise changed by an order passed at a preceding meeting or by the calling of a special meeting at a different time or place, for like purposes, the Council shall also regularly meet at 6:00 PM on the first Monday of December of each year for the purpose of the inauguration of Portland City Council, the swearing in of Councilors-elect, filling Council committees, adopting rules and orders, and transacting such other business as it may deem appropriate. The public hearing of any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration. The Council deliberation and action on any item shall not commence after 10:00 p.m. of the day of said regular meeting unless five (5) members consent to such consideration.
- B. With proper notice, workshop sessions of the City Council may be called by five (5) members of the City Council, the

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

Rule 2. Quorum; Adjourned Meetings

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

Rule 3. Enactments

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

Rule 4. Ordinance; Style

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

Rule 5. Order and Resolve; Style

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

Rule 6. Readings

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

Rule 7. Reading on Two Separate Days; Waiver

No ordinance, no appropriation resolve, and no order authorizing the expenditure of \$50,000.00 or more shall be passed until it has been read on two separate days, except when the requirement of reading on two separate days has been dispensed with by a vote of seven (7) of the members.

Rule 8. Yeas and Nays Taken; When

The yeas and nays shall be taken upon the passage of all ordinances and orders authorizing the expenditure of money in the amount of \$50,000.00 or more and entered upon the record of the proceedings of the Council by the Clerk. The yeas and nays shall be taken on the passage of an order or resolve when called for by any member.

Rule 9. Ordinances; Effective When

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

Rule 10. Order, Resolve; Effective When

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

Rule 11. Emergency Ordinances, Orders and Resolves

The Council may, by vote of seven (7) of its members, pass emergency ordinances, orders, or resolves to take effect at the time indicated therein, but such emergency ordinances, orders or resolves shall contain a section in which the emergency is set forth and defined, provided, however, that the declaration of such emergency by the Council shall be conclusive.

Rule 12. Item for Meetings; Filed When

No ordinance, order, resolve, or other document shall be in order for action at any regular meeting of the Council unless such ordinance, order, resolve, or other document shall appear on the Council Agenda.

Items for the Agenda should to the maximum extent possible be received in the office of the City Manager on or before close of the work day ten (10) days prior to the scheduled Council meeting.

Each item for the Agenda shall be submitted with an electronic agenda request form. The form shall have a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy.

Rule 13. Sponsorship.

Items listed on the Council agenda shall be sponsored as follows:

A. The Mayor shall sponsor any proclamations or resolutions; provided, however, that any Councilor may request the opportunity to sponsor a proclamation that is not deemed "standing" hereunder; and

B. The City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items.

C. For purposes of this Section, "standing" proclamations shall include, but not be limited to mean annual holidays, existing anniversaries of prominent events, or proclamations or resolutions that have come before the Council at least two (2) times in the last five (5) years.

Rule 14. Presiding Officer to Chair Meetings

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

Rule 15. Preserve Order Decide All Questions of Order

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

Rule 16. Declare Votes; Cause Return of Votes

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

Rule 17. Debate; Rules of

When a question is under debate, the Presiding Officer shall receive no motion but to adjourn, or for the previous question, or to lay on the table, or to postpone to a date certain, or to refer to a committee or some administrative official, or to amend, or to postpone indefinitely, or to call the question; which several motions shall have precedence in the order in which they stand arranged.

Rule 18. Motion to Adjourn; Lay on Table

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

Rule 19. Reconsideration

When a vote is passed, it shall be in order for any member who voted ~~in the majority~~ on the prevailing side, ~~or in the negative on a tie vote~~ to move a reconsideration thereof, at the time, or the next stated meeting, but not afterwards, and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next stated meeting unless an item to that effect is contained in the agenda for such next stated meeting or unless seven (7) of the members consent to such reconsideration.

A citizen petition, or zone change petition, once presented to and finally acted upon by the Council shall not again be received by the Council in the same or substantially the same form for a period of one (1) year next succeeding the Council's final action on the original petition. A member voting on the prevailing side ~~with the majority~~ on the original petition, however, shall be privileged to reintroduce such a petition in accordance with the requirements of this rule.

A liquor license or special entertainment permit, or an amendment proposed by the licensee to an existing license or permit that has been denied by the Council shall not be received

by the Council in the same or substantially the same form for one (1) year from the date of such action unless a shorter period is required by state law.

All other items, once presented to and finally acted upon by the Council, shall not again be offered or received by the Council in the same or substantially the same form within a given Council year (i.e. December - December).

Rule 20. Failure to Pass for Lack of Required Votes

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

Rule 21. Motion for Previous Question

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

Rule 22. Manner of Speaking

When a member is about to speak at a Council meeting, ~~he or she shall rise in his or her~~ that member shall rise in place, if physically able to do so, to be recognized and may afterward, while either sitting or standing, sit to ~~and~~ respectfully address the Presiding Officer. All comments by a member under this Rule shall be confined, confine confining himself or

~~herself~~ to the question under debate, and shall avoid personalities.

Rule 23. Length of Statements by Members

During the deliberation on any item and associated amendments, each member shall limit his or her remarks and/or questions, but not including responses to his or her questions, to a total of five (5) minutes. In the event that an item is divided or amended, each member shall be entitled to an additional five (5) minutes of remarks and/or questions. For purposes of clarity, this shall not apply to Councilor questions posed to staff or others prior to the "public comment" portion of any item.

Rule 24. Not to Interrupt

No member speaking shall be interrupted by another, but by a call to order by the Presiding Officer, a point of order by any member or to correct a mistake.

Rule 25. Breach of Rules and Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, that member may, on motion, be required to make satisfaction therefor, and shall not be allowed to vote, or speak, except by way of excuse, until he or she has done so.

Rule 26. Member Excused From Voting; When

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

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

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

Rule 27. Motion to be Reduced to Writing; When

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

Rule 28. Division of a Question

Any member may move that a question be divided.

Rule 29. Motion for Referral

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

Rule 30. Priority of Business

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

Rule 31. Suspension of Rules; Amendment or Repeal

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

Rule 32. Procedure for Addressing Council

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

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

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

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

4. Persons wishing to address the Council on an item not appearing on the Council agenda shall only do so at the ~~6:00~~5:00 p.m. public comment period reserved on the Council agenda for non-agenda items. Such public comment period shall not extend beyond ~~7:00~~5:45 p.m.; provided, however, that upon a vote of a majority of the Council, the public comment period may be reopened at the end of end of the Council's consideration of all other agenda items, excepting adjournment. Notwithstanding the foregoing, the public comment period reserved on the Council agenda for non-agenda items shall not be reopened after 11 p.m.

5. Any person wishing to address the Council shall signify such desire and, when recognized by the Presiding Officer, such person shall give his or her first and last name and address-city of residence, and/or district, organization or individual represented, if any, designate the subject matter on which he or she desires to address the Council, respectfully address only the Presiding Officer, and avoid personalities.

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

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

8. Persons addressing the Council on an item prior to start of deliberation on such item by the Council shall be permitted to speak only once on an item, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer may grant an extension of this three (3) minute requirement. Such persons shall also confine their remarks to the merits of the pending item. No members of the public shall comment on more than three (3) items, excluding any comment provided pursuant to number 4 above, at any Council meeting unless the Rules of the Council are suspended to allow for comment on each such additional item.

9. The Presiding Officer shall limit or cut off any commentary that is not germane or that is ~~scurrilous, abusive, or not in accord with good order and decorum~~ abusive or disrespectful. No clapping, cheering, jeering, or booing will be tolerated.

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

Rule 33. Parliamentary Proceedings

In all cases where the parliamentary proceedings are not determined by the foregoing rules, "Robert's Rules of Order" (Newly Revised, 11th Edition) shall be taken as authority to decide the course of the proceedings.

A list of debatable and non-debatable motions is hereby incorporated for reference in Appendix A, attached hereto.

Rule 34. Council Committees

At the commencement of the municipal year members shall be appointed to the following standing Committees, each Committee, except the Housing & Economic Development Committee and the Health & Human Services and Public Safety Committee, which shall have four (4) members, to consist of three (3) members of the Council:

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

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

Rule 35. Council Committees; How Chosen

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

Rule 36. Council Committees; Public Comment

The public will be given an opportunity to comment on any item under consideration by the below-named standing Council Committees prior to a final Committee action on that item. Any person addressing the Committee on an item shall be permitted to speak only once on an item, shall give his or her first and last name and ~~address~~-city of residence, and/or district,

organization or individual represented, if any, and shall limit their remarks on each item to three (3) minutes. From time to time, the Presiding Officer of a Committee may extend this period of time pursuant to Rule 31(8). These requirements for public comment shall apply to the following Committees:

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

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

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

Rule 37. Smoking at Meetings

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

Rule 38. Confidentiality

No Councilor shall intentionally disclose or discuss information known to be confidential to or with any person not otherwise authorized or privileged to receive that information, including representatives of the media. For the purpose of this rule, "information known to be confidential" includes

information in any form that has been designated, to the knowledge of the Councilor, as confidential by an employee or agent of the City of Portland, and that is within one or more of the exceptions to the definition of "public record" in the State's Freedom of Access law.

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

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

CITY OF PORTLAND

CODE OF ETHICS

§ 1. Declaration of policy and statement of purpose.

The purpose of City government is to serve the public interest. City officials shall treat their office as a tangible representation of the public trust granted to each Councilor. Citizens shall have a fair and equal opportunity to express their views to City officials. Therefore, the City's powers and resources are to be used for the benefit of the common good rather than any official's personal benefit. The principles of equitable and fair municipal governance shall include but are not limited to honesty, trust, integrity, transparency, individual and collective behavior that promotes responsibility, accountability, mutual respect, and commitment to the City and its constituents. Council action shall promote the ability of residents to exercise their rights by effectively communicating information that is understandable, accessible and culturally responsive, thereby assuring residents a path to meaningful participation in the proceedings of the Council and the meetings of its various Committees.

In keeping with the policies and obligations outlined in State statutory and decisional law, the City's Charter, Code of Ordinances, and personnel policies, it is recognized that high moral and ethical standards among city officials are essential to the integrity of the City's government and to the trust and confidence of the people of Portland in their governing body. Though there are several existing policies that require City Councilors, appointees, and staff to be fair and impartial and to act with integrity, by adopting this Code of Ethics, the City Council demonstrates its commitment to always work toward improving standards of public service and promoting the community's faith and confidence in the Council's work. In recognition of these goals, a Code of Ethics is hereby established for members of the Portland City Council, beginning with this statement of values.

A. Trust. The purpose of City government is to serve the public. City officials treat their office as a public trust. Citizens have a fair and equal opportunity to express their views to City officials. Therefore, the City's powers and resources are used for the benefit of the public rather than any official's personal benefit. City officials ensure public respect by avoiding even the appearance of impropriety. The long-term benefit to the public as a whole is held above all other considerations, including serving important individuals and special interests. The public interest, however, includes protecting the rights of under-represented minorities. Administrators implement policies in good faith, as equitably and economically as possible, regardless of their personal views. Whistle-blowing is appropriate for unlawful or improper actions. City officials devote City resources, including paid time, working supplies, and capital assets, to benefit the public. Political campaigns are not conducted on City time or property.

B. Objectivity. City officials' decisions are based on the merits of the issues. Judgment is independent and objective. City officials avoid financial conflict of interest and do not accept benefits or gifts of any kind from anyone and, in

particular, from people requesting to affect decisions. If an individual official's financial or personal interests will be specifically affected by a decision, the official withdraws from participating in the decision. City officials avoid bias or favoritism and they respect cultural differences as part of decision-making. Intervention on behalf of constituents or friends is limited to assuring fairness of procedures, clarifying policies or improving service for citizens.

- C. **Accountability.** Open government allows citizens to make informed judgments and to hold officials accountable. City officials exercise their authority with open meetings and public records, facilitating open discussion. Officials who delegate responsibilities also follow up to make sure the work is carried out efficiently and ethically. Campaigns for election should allow the voters to make an informed choice on appropriate criteria.

Standards of Conduct.

§ 2. Statutory standards.

There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an integral part of this code. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics and shall apply to all City Councilors, whenever applicable as if more fully set forth therein:

- A. 17 M.R.S.A. § 3104, Conflicts of interest; purchases by the state.
- B. 17-A M.R.S.A. § 456, Tampering with public records or information.
- C. 17-A M.R.S.A. § 602, Bribery in official and political matters.
- D. 17-A M.R.S.A. § 603, Improper influence.
- E. 17-A M.R.S.A. § 604, Improper compensation for past action.
- F. 17-A M.R.S.A. § 605, Improper gifts to public servants.
- G. 17-A M.R.S.A. § 606, Improper compensation for services.
- H. 17-A M.R.S.A. § 607, Purchase of public office.
- I. 17-A M.R.S.A. § 608, Official oppression.
- J. 17-A M.R.S.A. § 609, Misuse of information.
- K. 17-A M.R.S.A. § 903, Misuse of entrusted property.
- L. 21-A M.R.S.A. § 504, Persons ineligible to serve.
- M. 30-A M.R.S.A. § 2605, Conflicts of interest.
- N. 30-A M.R.S.A. § 5122, Interest of public officials, trustees or employees.

§ 3. Conflicts of interest.

- A. Deliberation and vote prohibited. No City Councilor shall, in such capacity, participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before the council or any council committee in which the councilor or a member of the councilor's immediate family has a financial or special interest or the appearance of a financial or special interest, other than an interest held by the public generally.
- B. Disclosure of conflict. Any City Councilor who believes that the councilor or a member of the councilor's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before the council or a council committee to which the councilor has been appointed shall disclose the nature and extent of such interest, and the City Clerk or the Clerk's designee shall make a record of such disclosure. Such disclosure shall be made no later than the date of the first meeting of the City Council or committee thereof at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the City Councilor is present. Additionally, any City Councilor, who believes that any fellow City Councilor or a member of such fellow City Councilor's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before the Council or a committee thereof shall disclose the nature and extent of such interest, and the City Clerk or the Clerk's designee shall make a record of such disclosure.
- C. Determination of conflict. Notwithstanding the language of Rule 26 of the Council's Rules of Procedure, once the issue of conflict has been raised relative to an individual City Councilor or committee member and disclosure has been made as provided above, such individual's fellow City Councilors or committee members shall review the facts as disclosed to them and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each City Councilor or committee member present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual Councilor's or committee member's alleged conflict of interest.
 - (1) All votes of conflict of interest questions shall be recorded. A majority vote shall determine the question, but a vote by committee may later be reviewed by the full City Council upon the City Council's consideration of the same agenda item.
 - (2) Upon determination that a conflict of interest in fact exists, the City Councilor or committee member concerned shall be excused from participating in discussion, deliberation or vote on the relevant agenda item.
- D. Avoidance of appearance of conflict. To avoid the appearance of a violation of this section, once any individual City Councilor is determined to have a conflict of interest in respect to any agenda item and once all conflict of interest questions relating to the agenda item concerned have been determined as provided in

Subsection C above, said individual shall immediately remove themselves from the meeting room. The City Councilor shall not return to the Councilor's regular seat as a member of the body until deliberation and action on the item is completed. If the item has not been finally resolved when the conflict of interest is first determined, said individual shall not be present for any subsequent action on the agenda item. Nothing herein shall require an individual Councilor to remove themselves for any item contained on a consent agenda on which there is no deliberation if the individual's conflict has been determined by the other members and the right to abstain from voting on the item has been granted.

- E. Personal interest. Nothing herein shall be construed to prohibit any City Councilor, from representing their own personal interest by appearing before the Council on any such agenda item.
- F. Municipal budget.
 - (1) Notwithstanding the provisions of § 4 below, no City Councilor shall abstain from or be prohibited from voting on the municipal budget when it comes before the Council on a Council agenda for approval.
 - (2) If during the Council discussion of the approval of the municipal budget the Council decides to deliberate upon a line item of the budget on which a councilor has been previously determined to have a conflict or has previously abstained, then the Councilor shall not participate in the deliberations on that particular line item. Upon the conclusion of any such deliberation, the Councilor shall continue to participate in other budget deliberations and vote on the municipal budget.
 - (3) It is the intent of this provision that all Councilors shall participate in the deliberation and vote on the municipal budget when it is presented to the Council for approval, but that no Councilor shall participate in a deliberation on or vote on any specific provision in the municipal budget for which the Councilor has previously been determined to have a conflict or has previously abstained.

§ 4. Abstention; exercising the right to abstain.

Any City Councilor who believes that they or a member of their immediate family has a special or financial interest, other than an interest held by the public generally, in any agenda item before the Council or any of its committees may, after disclosure of the nature and extent of such interest, publicly state their intent to abstain from participation in the deliberation or vote, or otherwise taking part in the decision making process on the agenda item. However, the City Council may by motion and vote determine that there is no conflict and that the City Councilor, board member or commission member shall not be permitted to abstain from participating and voting on the agenda item.

§ 5. Certain privileges or exemptions prohibited.

No councilor shall use the member's position to secure special privileges or exemptions for the councilor, their spouse, child, parents, other persons or employers. Nor shall any councilor accept anything of value that may tend to influence the councilor in the discharge of the councilor's duties, or which could have influenced the councilor in the discharge of their past duties.

§ 6. Incompatible employment or activity prohibited.

No councilor shall engage in or accept private employment or render services for private individuals or entities or engage in any business or professional activity when the employment, service or activity is incompatible with the proper discharge of the councilor's official duties, or when it would require or induce the councilor to disclose confidential information acquired by reason of their official position.

§ 7. Contracts, purchases and employment.

In keeping with Article VIII, Section 1 of the City's Charter, no member of the City Council shall:

- A. Have a substantial financial interest, direct or indirect, in any contract entered into by or on behalf of the City of Portland except their employment contract, or in the sale to or by the city of any land, materials, supplies or services when such officer exercises on behalf of the city any function or responsibility with respect to such contract or sale.
- B. Purchase or accept anything from the city other than those items or services which are offered to the public generally, and then only upon the same terms and under the same procedures offered to and used for the general public. This shall not include those items or services which are received as compensation, or as a part of such person's employment contract, or which are necessary for the performance of such person's duties.
- C. Accept or receive from any person, firm, or corporation acting under a franchise, contract, or license from the city, any frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm, or corporation any service upon terms more favorable than those granted to the public generally.

§ 8. Misuse of City resources.

Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the city, councilors shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

§ 9 Coercive political solicitation.

A city councilor shall not use the councilor's position to make threats or promises for the purpose of trying to get anyone to do any political activity or make a political contribution.

§ 10 Political solicitation of vendors, contractors, and licensees.

A city councilor shall not ask any person or entity that does or intends to do business with the municipality or that has or is seeking a license, permit, grant, or benefit from the City or that has done business with the City during the previous twelve months to make any political contribution or engage in any political activity.

§11. Conduct of councilors.

City councilors will hereafter conduct themselves according to the following rules of conduct as they pertain to work for and on behalf of the City of Portland:

- A. A councilor shall always represent that opinions stated are the councilor's own and do not necessarily represent those of the council unless the council has voted and passed an ordinance, resolution or motion that so states the expressed policy.
- B. A councilor shall not use their office for personal gain, especially financial gain, including particularly the acceptance of any gifts and gratuities.
- C. A councilor shall not make false statements on which the council, city staff or other agencies rely to establish policy or make important decisions. A councilor violates this rule if they knows it is untrue, or if the person has knowledge that would lead a reasonable person of ordinary prudence to conclude that the statement is untrue.

§ 12. Violation and penalties.

The following procedure will be implemented by a standing council ethics committee, appointed annually with the other standing committees and with four (4) members, when an alleged violation of the rules stated herein occurs:

- A. Any councilor who believes that another councilor has violated the council ethics rules, whether by personal knowledge or by a substantiated report of any member of the public, shall submit a written statement of the purported violation to the council ethics and administration committee.
- B. The committee shall review the violation in executive session to determine whether adequate reasons exist to bring formal charges. If the accused councilor is a member of the committee, the accused councilor shall remove him/her/themself from the committee and the council shall substitute another councilmember for the review.
- C. The committee shall come to one of the following conclusions:

1. There is insufficient evidence to conclude that any particular violation has occurred. In this case, the committee shall keep any records confidential unless otherwise prohibited by applicable law; or

2. There may have been a violation, in which case the committee may call for full review by the council in executive session.

D. If the committee concludes there may have been a violation, the council shall select one of its members to present its findings at a public hearing of the City Council. The accused councilor shall neither conduct the meeting during the hearing nor shall the member present the findings.

The council shall give the accused council member adequate time to prepare a case and to present the case at the public hearing. Both the council and accused member shall present their own cases but they may be accompanied by counsel during the proceedings. The council presenter and the accused councilor may present witnesses who shall present their evidence upon oath.

After hearing the evidence, the council shall determine whether the purported violation was major, minor or whether there is insufficient evidence to determine that a violation occurred. If the council determines that a violation occurred, they shall also establish a penalty commensurate with the violation.

§ 10. Findings open to public – Exceptions.

The record of the committee's findings and other records made or filed under this chapter shall be open to public inspection unless such designation is inconsistent with some other provision of law.

§ 11. Initiation of appropriate action.

If the findings of the committee disclose a violation of this chapter, Corporation Counsel shall initiate appropriate action to effectuate the purposes of this chapter.

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: May 5, 2022

SUBJECT: Order 276-21/22 Approving a Three-Year Extension of the Signatory Airline Operating Agreement and Lease at the Portland International Jetport - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Danielle P. West, Interim City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 6/6/2022

Final Action 6/6/2022

Can action be taken at a later date: No , the current Signatory Agreement expires on June 30, 2022 and action at a later City Council meeting would not be effective until after the expiration date of the agreement.

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

PRESENTATION: Paul Bradbury, Airport Director, will introduce as needed and be available to answer any Council questions on this item.

I. SUMMARY

The Portland International Jetport requests approval of an amendment to extend its Signatory Airline Operating Agreement by three years to June 30, 2025.

II. AGENDA DESCRIPTION

The Portland International Jetport issues a single uniform operating agreement and airlines executing this agreement are designated as Signatory Airlines at the Jetport. The Jetport currently has six Signatory Airlines: American, Delta, FedEx, JetBlue, Southwest, and United. Airlines executing this operating agreement must provide a minimum annual landed weight, lease a preferential use gate, and lease office/ticket counter space throughout the term of the agreement.

The current Signatory Airline Operating Agreement and Lease at the Portland International Jetport was approved by the Council in 2016 with a five-year term from July 1, 2016 through June 30, 2021 and extended by the Council in 2021 by one year through June 30, 2022. The Jetport and our signatory airlines are now recommending a three-year extension of this agreement through June 30, 2025.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes following public comment. If that is approved, five affirmative votes are required for passage after public comment.

III. BACKGROUND

The extension of this agreement will allow the Jetport and its signatory airline partners to continue to operate in what has been a mutually beneficial business relationship over the past six years. This agreement provides for guaranteed minimum payments by the airlines through the three-year term of this agreement for landing fees and terminal rent. The pandemic has caused substantial hardship and uncertainty for our signatory airline partners and the Jetport. Although the industry is recovering, some uncertainty remains, so the airlines and the

Jetport have opted to proceed with a shorter three-year term as opposed to the original agreement's five-year term.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Portland International Jetport connects the region to the national air transportation system and, in doing so, plays an important role in supporting the City Council's economic development goals. Approval of the Signatory Airline Operating Agreement and Lease will allow the Jetport to lock in a commitment from its carriers for a guaranteed minimum level of air carrier activity or payment throughout the term of the agreement.

V. FINANCIAL IMPACT

Approval of a three-year extension of the Portland International Jetport's Signatory Airline Operating Agreement and Lease will provide a commitment to operate service at the Jetport by its signatory carriers through June 30, 2025. The agreement provides a commitment by signatory airlines to cover the operating expenses associated with the gate concourse, outbound baggage screening, and baggage claim portions of the terminal building. Additionally, it provides a commitment to cover half of the Jetport's airfield operating costs through landing fees. For FY22 these revenues are budgeted at \$7.21 million, which equates to approximately 37% of the Jetport's operating revenues.

VI. STAFF ANALYSIS AND BACKGROUND

Approval of a three-year extension to the Signatory Airline Operating Agreement and Lease will allow airlines to commit to operating at the Jetport through June 30, 2025. This extension, although shorter than the past five-year term, provides continuity of operations with no lapse in service by our airline signatory partners. It is critical in this time of many business uncertainties, especially within aviation, that we extend the agreement and provide some certainty for the Jetport and our airline partners.

VII. RECOMMENDATION

Jetport staff recommends the City Council approve a three-year extension to the Airline Operating Agreement and Lease at the Portland International Jetport.

VIII. LIST ATTACHMENTS

1. 3-Year Extension Signatory Airline Agreements for Jetport 6.6.2022
2. PWM Airline Signatory Lease Form 04222016_Clean
3. Second Amendment of PWM Signatory lease clean for Council 05132022

Prepared by:

Paul Bradbury, Jetport Director

Date: 05/05/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING A THREE-YEAR EXTENSION TO THE SIGNATORY
AIRLINE OPERATING AGREEMENT AND LEASE AT THE PORTLAND
INTERNATIONAL JETPORT**

ORDERED, that a three-year extension to the July 1, 2016 signatory airline operating and lease agreement, as amended by the First Amendment dated July 1, 2021, with airlines at the Portland International Jetport is hereby approved substantially in the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or her designee to execute said document for each airline electing to be a signatory and any other related documents necessary or convenient to carry out the intent of said documents.

CITY OF PORTLAND, MAINE
DEPARTMENT OF AVIATION
AND TRANSPORTATION



SIGNATORY AIRLINE
OPERATING AGREEMENT AND LEASE
AT THE
PORTLAND INTERNATIONAL JETPORT



MAY 19, 2016

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**PORTLAND INTERNATIONAL JETPORT
AIRLINE OPERATING AGREEMENT AND
TERMINAL BUILDING LEASE**

THIS AGREEMENT AND LEASE (hereinafter referred to as the "Agreement"), entered into this _____ day of _____, 2016, by and between the CITY OF PORTLAND, a body politic and corporate, located in the County of Cumberland, State of Maine (hereinafter "City"), and «Airline Name», a corporation organized and existing under the laws of the State of «State» (hereinafter "Airline"), with a principal office located at _____.

WITNESSETH:

WHEREAS, City owns and operates Portland International Jetport (hereinafter "Airport" or "Jetport") and

WHEREAS, City has the right to lease premises and facilities at the Airport and to grant rights, licenses, and privileges on and in connection therewith, and

WHEREAS, Airline desires to lease from City certain premises and facilities and acquire certain rights, licenses, and privileges in connection with its use of the Airport, and City is willing to lease and grant the same to Airline in accordance with the terms, provisions, and conditions hereinafter set forth in this Agreement;

WHEREAS, Airline is engaged in the business of commercial transportation of persons, property, cargo, express, and mail by air and is certified or otherwise authorized by the United States Government to engage in such business; and

NOW, THEREFORE, for and in consideration of the mutual covenants, agreements, and conditions contained herein, the parties hereto agree as follows:

ARTICLE 1 DEFINITIONS

Section 1.01 Definitions

The following words and phrases, wherever used in this Agreement, shall, for the purpose of this Agreement, have the following meanings:

1. "Aircraft Arrival" means any aircraft arrival at the Airport, including, without limitation, scheduled, charter, or any other flights operated by an Air Transportation Company. Aircraft Arrivals exclude flights which are forced to return and "land" at the Airport because of meteorological conditions, mechanical or operating causes, or for a similar emergency or precautionary reason.

2. "Airline" means «Airline Name», a corporation organized and existing by virtue of the laws of «State».

3. "Airport" or "Jetport" means Portland International Jetport, as shown on Exhibit A, "Airport Layout and Cost Center Plan", and as it may be modified or expanded from time to time in accordance with this Agreement.

4. "Airport Cost Centers" means the following cost centers, more fully depicted on Exhibit A, to be used in accounting for Airport revenues and expenses and for calculating and adjusting certain rentals, fees, and charges described herein as they now exist or may hereafter be modified, changed, or developed with the approval of the Majority in Interest, as applicable, (also referred to herein as "MII") as more particularly described below:

a. Direct Cost Centers

- ☐ "Terminal Building" means the passenger terminal building, its curbside, and landscaped areas adjacent to the Terminal Building (also referred to in City Budget documents as "Jetport Terminal")
- ☐ "Airport Airfield" means the airfield at the Airport, including runways, taxiways, aprons, approach and runway protection zones, safety areas, infield areas, City-owned landing and navigational aids, perimeter fences and gates, service roads, airfield maintenance facility, airfield drainage system, and land areas at the Airport required by or related to aircraft operations (landings, take-offs, and taxiing) (also referred to in City Budget documents as "Jetport Field").

- "General Aviation Terminal" means the hangars, buildings, and exclusively leased apron areas occupied by the Airport's fixed base operators, corporate/private aircraft operators, and cargo operators (also referred to in City Budget documents as "Jetport GAT"). During the term of this Agreement, the City may rename this cost center.

b. Indirect Cost Centers, including all personnel, services, equipment, and facilities used to provide support to the Airport for the following services:

- "Jetport/City Administration"
- "Police and Security"
- "Aircraft Rescue and Fire Fighting"
- "Roadways" (which means the terminal frontage, access and circulation roads).

5. "Air Transportation" means the carriage of persons, property, cargo, express, or mail by aircraft.

6. "Air Transportation Company" means any person which engages in the carriage of persons, property, cargo, express, or mail by aircraft.

7. "Bonds" means airport revenue bonds, general obligation bonds, or any other similar or substitute financing instrument that might be issued for Airport purposes under and pursuant to authorizing legislation.

8. "Capital Improvement Program" means a program of Capital Improvements as outlined on Exhibit B, attached hereto and made part hereof, or any hereafter approved.

9. "Capital Improvements" means any single item costing more than \$50,000 (net of grants-in-aid as filed with the FAA as a project Pre-application for funding) that is acquired, purchased, and/or constructed by City to improve, maintain, preserve, or develop the Airport. Capital Improvements shall include but not be limited to (1) the acquisition of land or easements; (2) the purchase of machinery, equipment or rolling stock; (3) the planning, engineering, design, and construction of new

facilities; (4) the renovation of existing facilities, or (5) the performance of any extraordinary, nonrecurring major maintenance of existing facilities. The City shall amortize the cost over the useful life of the capital improvement.

10. "Code Share Airline" means an Air Transportation Company which operates any aircraft at the Airport and has a marketing agreement with a Signatory Airline for shared ticketing in which its passenger tickets for travel to and from the Airport are written designating the Signatory Airline code.

11. "Common Use Space" means any City owned or controlled facilities, including but not limited to ticket counters, baggage make-up, baggage claim, outbound baggage, security screening, gate areas and aprons, holding rooms and loading bridges used for providing services to the traveling public, unless such space or spaces are specifically included in an airline's exclusive use space in the Terminal Building.

12. "Consumer Price Index or CPI" The Consumer Price Index, all Urban Consumers, Northeast Urban, base period 1982-84, published by the U.S. Department of Labor, Bureau of Labor Statistics or successor index if the CPI is discontinued. For purposes of this Agreement, all changes to the CPI shall be calculated based on the change in the CPI during the 12 months immediately preceding the month of adjustment. The referenced Consumer Price Index may be located at: <http://data.bls.gov/cgi-bin/surveymost/> (United States Department of Labor).

13. "Department" means the Department of Aviation and Transportation of the City of Portland, or successor department thereto which includes the Airport.

14. "Deplaned Passenger" means all local disembarking, interline transfer, and intraline transfer revenue passengers of all Air Transportation Companies and of other airlines handled by Airline at the Airport.

15. "Director" means the Director of the Portland International Jetport, or his or her duly authorized designee.

16. "Enplaned Passenger" means all local boarding, interline transfer, and intraline transfer passengers of all Air Transportation Companies and of other airlines handled by Airline at the Airport

pursuant to Section 3.02, Paragraph G. "Passengers" means and includes all those who are reported to the DOT on form 298-C, T-100, or similar form.

17. "Equipment and Capital Outlay" means any single item required by the City for the operation of the Airport and not included in Maintenance and Operating Expenses, costing \$50,000 or less (net of grants in-aid) . In the event that in any fiscal year, the aggregate amount of expenditures for equipment and capital outlays exceeds \$250,000, then each such item proposed thereafter in that fiscal year shall be subject to approval of the MII pursuant to the process for approval of Capital Improvements in Section 5.02.

18. "FAA" means the Federal Aviation Administration of the U.S. Department of Transportation or any federal agencies succeeding to its jurisdiction.

19. "FIS" means the Federal Inspection Services at the Airport used by agencies of the United States government for the inspection of passengers and their baggage, and for the exercise of their responsibilities with respect to movement of persons and property to and from the United States. The FIS shall not include aircraft parking aprons, loading bridges, holdroom, ticket counters or facilities for handling baggage after federal inspection.

20. "Fiscal Year" means the City's Fiscal Year, which is the twelve-month period commencing July 1 and extending to June 30 of the following year, or such other twelve-month period as may be adopted for the operation of the Airport.

21. "Hazardous Material or Materials" means any hazardous or toxic substances, materials, or wastes, including, but not limited to, those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto, or such substances, materials, and wastes that are or become regulated under any law applicable to the Airport including, without limitation, any material, waste or substance which is petroleum or a petroleum distillate, asbestos, polychlorinated biphenyls, or which is defined as a "hazardous waste" pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901, *et seq.* or defined as a "hazardous substance" pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, *et seq.*

22. "International Arrivals Area" means that area in the Terminal Building designated for U.S. Government federal inspection services for the processing of arriving international passengers.

23. "Leased Premises" means the areas in the Terminal Building leased to or used by Airline under this Agreement, comprised of the following categories (Exhibit C), as further described in Section 4.01, and as they may be modified in the Expanded Terminal:

- a. "Exclusive Use Space"-- space leased exclusively to Airline.
- b. "Common Use Space"-- space used by Airline in common with all other airlines using the space.
- c. "Preferential Use Gate" – gate or gates equipped with either a regional boarding bridge or a full-service boarding bridge and associated boarding counters and assigned to Airline by the Director, to be used on a preferential basis by Airline as provided in paragraph 29 below.
- d. "Preferential Use Ticket Counter" –ticket counter(s) and queuing area(s) in the Expanded Terminal and assigned to Airline by Director to be used on a preferential basis by Airline as provided in paragraph 29 below.

24. "Maintenance and Operating Expenses" (or "M&O Expenses") means, for any Fiscal Year, all reasonable expenses necessary to maintain, repair, operate and administer the Airport, including, but not limited to, bad debt expense, taxes and assessments, if any, and expenses for defending, settling, or satisfying litigation.

25. "Majority-in-Interest" ("MII") means, for the Airport Airfield Cost Center, fifty percent (50%) in number of all Signatory Airlines which, in the aggregate, paid fifty percent (50%) or more of Landing Fees (see Section 6.05) paid by all Signatory Airlines for the preceding Fiscal Year, and for the Terminal Building Cost Center (see paragraph 4 and Exhibit A) fifty percent (50%) in number of all Signatory Airlines which, in the aggregate, paid fifty percent (50%) or more of the terminal building rentals paid by all Signatory Airlines for the preceding Fiscal Year. Solely for the purpose of determining a Majority-in-Interest, no airline shall be deemed to be a Signatory Airline (a) so long as any Event of Default with respect to such airline has occurred and is continuing, (b) airline has been a Signatory Airline for less than six months, or (c) Airline operates less than one daily weekday (M-F)

flight. For the Terminal Building Cost Center, Signatory Airlines must be leasing and occupying terminal space in order to vote on MII projects.

26. "Maximum Gross Landed Weight" means the maximum landed weight that each aircraft operated by Airline at the Airport is certified by the FAA to land, as recited in Airline's flight manual governing that aircraft.

27. "Non-signatory Airline" means an airline that has not entered into a Signatory Airline Operating Agreement And Lease with the City.

28. "Person" means an individual, corporation, partnership, limited liability company, association or any entity, however formed.

29. "Preferential" means Airline's use of gate(s), ticket counters, queuing areas, and boarding bridges on a non-exclusive, preferential basis. Airline shall have priority in using gate(s), ticket counters, queuing areas, and bridges assigned to it by the Director on a preferential basis to accommodate its flights; however, the Director may authorize other airlines to use Airline's preferentially assigned aircraft gate(s), ticket counters, queuing areas, or bridges in periods when not in use by Airline, pursuant to Section 4.03. In the Expanded Terminal, Airline's ticket counter and queuing areas shall also be available on a Preferential basis.

29.5 "Regional Gates" shall mean the gates designated as Gates 2a, 2b and 2c in the Terminal Building, which gates shall be considered as one gate for cost center purposes.

30. "RON" or "Long Term Parking" shall mean Remain Overnight or Remain on Gate and shall apply to any aircraft approved to occupy a gate or parking position in excess of five (5) hours.

31. "Rules and Regulations" means those written rules, regulations, policies, and procedures that have been established by City or the Department, which are reasonable and non-discriminatory, for the orderly and efficient use of the Airport by airlines and other tenants and users of the Airport as the same may be amended, modified, or supplemented from time to time.

32. "Service Provider" means any company permitted by the City to provide aircraft services in accordance with ground and passenger handling services for a carrier(s).

33. "Signatory Airline" means an airline providing scheduled Air Transportation of passengers, property, cargo, express, and/or mail by air to and from the Airport that has executed this Agreement with the City covering the use and occupancy of facilities at the Airport.

a. Class 1 Signatory Airline means a Signatory Airline that has a minimum annual landed weight of 24,000,000 pounds. Class 1 Signatory Airlines must lease no less than five hundred (500) square feet of Exclusive Use Space, have Preferential use of at least one gate, and Preferential use of ticket counters and queuing areas.

b. Class 2 Signatory Airline means a Signatory Airline that has a minimum annual landed weight of 12,000,000 pounds. Class 1 Signatory Airlines must lease no less than one hundred fifty (150) square feet of Exclusive Use Space.

34. "Terminal Building Subcost Centers" means areas within the Terminal Building to be used for calculating and adjusting Terminal Building rental rates described herein, as shown on Exhibit D, as such areas now exist or, subject to the approval of MII, may hereafter be modified or developed, including:

- a. Terminal Space - Common Use Space
- b. Terminal Space – Exclusive Use
- c. Terminal Space – Preferential Use
- d. International Arrivals Area
- e. Public Space

35. "Terminal" or "Terminal Building" means the Jetport building depicted in Exhibit C.

36. "Total Airline Landed Weight" means the sum of the Maximum Certificated Gross Landing Weights for all Aircraft Arrivals of an airliner over a stated period of time.

37. "Total Airline Landed Weight of the Signatory Airlines" means the sum of the Maximum Certificated Gross Landing Weights for all Aircraft Arrivals of all Signatory Airlines over a stated period of time.

38. "Unassigned Facilities" means facilities which are available for lease.

Section 1.02 Cross-References

References in the text of this Agreement to articles, sections, or exhibits pertain to articles, sections, or exhibits of this Agreement, unless otherwise specified.

ARTICLE 2

TERM

Section 2.01 Term

This Agreement shall become effective on the date of execution and continue for a term of five (5) years, subject to prior termination as provided in Section 14 herein.

Section 2.02 Holding Over

Should Airline use the Leased Premises without the written consent of City after this Agreement has expired or terminated, Airline shall be deemed a tenant at sufferance during the period of such use and subject to fees, charges, and provisions as set forth in this Agreement, other than Article II "Term". In such event, City and Airline shall have all of the remedies provided under applicable laws.

ARTICLE 3

RIGHTS AND SPECIFIC PRIVILEGES

Section 3.01 Use of the Airport

Airline, its employees, passengers, guests, patrons, agents, independent contractors, suppliers, and invitees shall have the right to the use (in common with other duly authorized users) of those portions of the Airport and appurtenances, together with all facilities, improvements, equipment, and services that have been or may hereafter be provided for their common use at or in connection

with the Airport, subject to the Rules and Regulations. In addition, Airline shall have the right to exclusive use of areas so designated as its Exclusive Use premises and its Preferential Use areas as provided in Section 4.01.

Section 3.02 Specific Rights of Airline at the Airport.

Airline shall have the right, subject to limitations and conditions contained in this Agreement and in addition to all rights elsewhere granted in this Agreement, to use the Airport for the following purposes, subject to the Rules and Regulations:

- A. The operation of its commercial transportation system by aircraft for the carriage of persons, property, cargo, express, and mail, including all activities reasonably necessary to such operation.
- B. The landing, taking off, flying over, taxiing, pushing, towing, loading, unloading, deicing, repairing, maintaining, conditioning, servicing, parking, storing, and testing of aircraft or other equipment owned or operated by Airline.
- C. The sale of Airline tickets, documentation of Airline shipments, handling of Airline reservations, and the loading and unloading of persons, property, cargo, express, and mail at the Airport by such motor vehicles or other means of conveyance as Airline may desire to use in the operation of its Air Transportation system. However, City reserves the right to require any ground transportation commercial carrier (including Airline, except for such ground transportation as Airline or its nominee may provide solely for the benefit of its employees) regularly transporting persons to and from the Airport to first secure and thereafter hold a valid lease, license, or other agreement with City for the right to carry persons to and from the Airport and shall pay City such rentals, fees and/or percentages of the fares of such ground transportation commercial carrier for such right as City may set. City further reserves the right to approve the location and type of any ticket dispensing machines which are outside of Airline's exclusive leased space
- D. Airline may use the Leased Premises for the training of Airline persons and testing of Airline's aircraft and other equipment at the Airport, provided that such training and testing are

limited to that incidental to Airline's Air Transportation business. Flight training shall be undertaken by Airline only to the extent permitted by and subject to the Rules and Regulations.

E. Airline may use the Leased Premises for the servicing by Airline, or by its suppliers of materials or Service Providers, of aircraft and other equipment operated by Airline with line maintenance or other materials or supplies, at its assigned aircraft parking positions or other aircraft parking positions designated by the Director. Department reserves the right at any time to designate other locations reasonably accessible from the Terminal Building for performance of aircraft maintenance and service activities if City believes that such activities would interfere with aircraft operations of other airlines in the Terminal Building. Aircraft engine run-ups shall not be allowed between the hours of 10 p.m. and 7 a.m., except when necessary due to an extraordinary and non-recurring circumstance. Aircraft engine run-ups shall be performed only in specific engine run-up area, as designated by Director.

F. Subject to Sections 304(F) herein, the purchase of Airline's requirements of personal property or services, including fuel, lubricants, food, beverage, and other passenger supplies, and any other materials and supplies used by Airline, from any person or company of Airline's choice for services to be performed for Airline that are incidental to the operation of Airline's Air Transportation business. Nothing herein shall restrict City from levying a reasonable and non-discriminatory concession fee on any person or company for conducting non-air transportation business at the Airport.

G. The sale, disposal, and exchange of Airline's aircraft, engines, accessories, oil, lubricants, other equipment, and materials or supplies to Code Share Airlines and Air Transportation Companies that Airline may ground handle at the Airport, and such sales, disposal or exchanges are not subject to the City's right to charge and collect fees or commissions for such sales, disposals or exchanges. Such sale, disposal, and exchange to any other Air Transportation company shall be subject to the City's right to charge and collect reasonable and non-discriminatory fees or commissions for such sales or exchanges, except for such sales under extraordinary, nonrecurring circumstances. Such right shall not be construed as authorizing the conduct of a separate regular business by Airline, but as permitting Airline to

perform only those functions that are incidental to the operation of its Air Transportation business

H. The installation and operation of Airline's standard corporate identifying signs and graphics on Airline's Exclusive Leased Premises; provided, however, all other signs and graphics shall be subject to the prior written approval of City.

I. The installation, maintenance, and operation of such radio, communication, meteorological, and aerial navigation equipment and facilities at suitable locations on the Airport, including computer equipment at passenger check in counters in the terminal building, as may be necessary for Airline's operations; provided that such equipment and facilities do not interfere with other airline or Airport communication, meteorological, or aerial navigation systems. The location of such equipment and facilities, method of installation and type of equipment shall be subject to the prior written approval of City and shall conform to all applicable federal, state, and local requirements.

J. The provision of baggage porter skycap service and curbside airline baggage check-in. Airline may arrange with other airlines to provide such services or may provide such services on its own behalf.

K. The use of City-owned passenger loading bridges at Airline's preferentially assigned gate(s) or ticket counter(s) subject to the following:

Airline has the right to assess and collect reasonable charges from others for the use of any systems, equipment (including passenger loading bridges) or furnishings purchased and installed by Airline.

L. The right to the use of the International Arrival Area, subject to availability and payment of then-current use charges.

M. The rights and privileges granted Airline under this Agreement with respect to the performance of ground services and activities in connection with its Air Transportation operation at the Airport may be exercised by Airline only for and on behalf of Airline for its regularly scheduled service or unscheduled service or Code Share Airline(s) and Airline shall

not be subject to the payment of fees or commissions in performing ground services for such Code Share Airline(s). However, City has the right to charge Airline reasonable and non-discriminatory fees or commissions for such ground services to Air Transportation companies that are not Code Share Airline(s).

Section 3.03 Employee Parking Facilities

City shall develop or cause to be developed for Airline's employees working at the Airport an area or areas for common vehicular parking facilities at locations reasonably convenient to the Terminal Building. Such facilities shall be located in an area designated by City. A reasonable fee, which does not exceed the cost of providing the vehicular parking facility, for the use of such facilities shall be charged to Airline or its employees by City or City's contracted parking manager. The current charge is \$15.00 per month for full-time employees based at Portland, \$7.00 per month for part-time employees based at Portland, and \$30.00 per month for all employees based elsewhere, which charges are below the City's current costs of providing the facility. Such fees may be adjusted annually beginning July 1, 2016, so long as they do not exceed the cost of providing the vehicular parking facility.

Section 3.04 Limitation on Use by Airline

In connection with the exercise of its rights under this Agreement, Airline:

- A. Shall not do or permit to be done anything at or about the Airport that may interfere with the effectiveness or accessibility of the water system, drainage and sewage system, fire protection system, sprinkler system, alarm system, fire hydrants and hoses, heating or ventilation system, air conditioning system, electrical system, natural gas, or other Airport systems installed or located on or within the Leased Premises or the Airport.
- B. Shall not do or permit to be done any act or thing upon the Airport that will invalidate or conflict with any fire or other casualty insurance policies covering the Airport or any part thereof.
- C. Shall not dispose of nor permit any employee, agent or contractor to dispose of any waste material taken from, or products used with respect to, its aircraft into the sanitary or storm sewers at the Airport or any other location on the Airport (whether liquid or solid), including but

not limited to Hazardous Materials, unless such waste material or products first be properly treated by equipment installed with the approval of City and any other administrative body having appropriate jurisdiction or are otherwise disposed of in compliance with applicable Environmental Laws.

D. Shall not keep or store, during any twenty-four (24) hour period, Hazardous Materials, including but not limited to, hazardous articles and materials such as flammable liquids and solids, corrosive liquids, compressed gasses, and magnetized or radioactive materials on the Airport in excess of Airline's working requirements during said twenty-four (24) hour period, except when the following conditions are met: (1) in accordance with standards established by the National Board of Fire Underwriters, any such liquids having a flash point of less than one hundred degrees (100°) Fahrenheit shall be kept and stored in safety containers of a type approved by the Underwriters Laboratories; (2) said material shall be under the control and care of designated Airline personnel; (3) said material shall be packaged and handled in compliance with applicable U.S. Department of Transportation, Environmental Protection Agency, and/or other such applicable regulations for transport and pretransport of hazardous articles and materials; and (4) said materials shall be stored in special storage areas designated by the Director while on the Airport.

E. Shall not install fuel storage tanks and/or pumping facilities for use in fueling any aircraft at the Airport without prior written approval of City.

F. Shall not maintain nor operate in the Terminal Building or elsewhere at the Airport a cafeteria, restaurant, bar or cocktail lounge for the purpose of selling or dispensing food or beverages to the public or to its employees or passengers; nor shall Airline in any manner otherwise provide for the sale or dispensing of food and beverages at the Airport, except that the Airline may provide vending machines solely for the sale of hot and cold beverages, food, and confections to Airline employees in areas not accessible to the general public. Airline may, by separate agreement with the City and to the extent it does not conflict with any pre-existing terminal concession agreements or extensions thereof, engage in the sale of food or beverages at any "V.I.P. Room" or similar private club at the Airport.

G. Shall comply with the FAA-approved Airport Security Plan as amended from time to time for the Airport. Any fines and/or penalties levied against the City for security violations at Portland International Jetport caused by Airline or any of its officers, employees, agents, or suppliers while under its control, shall be due and payable to the City by Airline.

H. It is understood and agreed that City reserves the right to charge a fee reflecting the City's reasonable costs of controlling access to restricted areas in the event that any government agency, having jurisdiction over airport, imposes a Security Mandate which increases the cost of providing access to the restricted areas. Airline shall have a thirty (30) day comment period prior to the effective date of any new fee proposed by City for controlling access to restricted areas.

I. Except as provided in Section 3.02, paragraph H, for standard corporate signs and graphics, Airline shall not engage in any form of advertising in its Leased Premises without the approval of the Director.

J. Airline acknowledges and agrees that de-icing is allowed only at the Jetport's de-icing capture ramp and shall only be performed by de-icing vendors meeting the Jetport's minimum standards.

Section 3.05 Airport Use Summary

A. At the request of City, Airline shall file an Airport Use Summary, herein referred to as the "Summary," with the Director within 30 days of the date hereof. Department shall provide Airline with a Summary report form requesting information specified below in regard to Airline's operation at the Airport. Airline shall maintain a current summary on file with the Director.

B. Accordingly, the Summary shall provide the following, subject to updates which are required to reflect any material changes:

1. Names, addresses, e-mail, and telephone numbers of Airline officials responsible for station operations, flight operations, properties, and facilities.
2. The current and proposed schedules of Airline's flight activity at the Airport. Airline shall make reasonable effort to notify the Director of significant schedule changes or the

addition of flights at the Airport prior to or no later than, when the public announcement thereof is made.

3. The description of Airline's fleet and identification of the class of Airline's aircraft that will serve the Airport. Airline shall provide reasonable notice of the introduction of an aircraft that is not being operated by Airline at the Airport on the date of this Agreement.

4. The identification of all of Airline's Code Share Airlines and the contact information as described in Paragraph 1 above for such Code Share Airlines and a copy of their scheduled flights.

4. The identification of Airline's anticipated facilities requirements at the Airport.

ARTICLE 4

PREMISES

Section 4.01 Premises in the Terminal Building

A. Categories of space.

Airline shall lease the areas in the terminal building on an Exclusive, Preferential, and Common Use basis as follows, as more particularly delineated on Exhibit C, and as may hereafter be modified, changed or developed by mutual agreement between City and Airline.

1. Exclusive Use Space
 - ☐ Office
 - ☐ Baggage office
2. Preferential Use Space
 - ☐ Airline Gates
 - ☐ Ticket counter and queuing areas
3. Common Use Space
 - ☐ Holdrooms
 - ☐ Baggage claim
 - ☐ Outbound baggage
 - ☐ Security screening

B. Space in the Terminal Building.

Airline shall lease or use the areas in the Terminal building as shown on Exhibit C. Exhibit C may be amended from time to time by mutual agreement of the parties as evidenced by the signature of an Airline representative and the Director on the replacement Exhibit C.

Section 4.02 Aircraft Parking Positions and Holdrooms

Airline agrees to work together with other airlines to park aircraft and ground service equipment in a safe manner. In the event of a dispute, the Director will be the final arbiter of the dispute.

Section 4.03 Accommodation of Airline and Other Airlines

A. To maximize the use of all facilities at the Airport and to facilitate the entry of new airlines, as well as the expansion of present airlines (hereinafter referred to as "requesting airlines"), Airline agrees, upon the request of Director, to accommodate such requesting airlines in its use of the preferentially assigned gate(s) or counter(s). To ensure compliance with this obligation and to provide open access and uniform treatment for all airline tenants, the following procedure is hereby established.

1. In order to secure the use of the terminal facilities, a requesting airline may:
 - a. Arrange to use City-controlled terminal space, common use space, and non-preferentially assigned gates (if any) or ticket counter(s) on a permit basis, or if no such space or gate(s) or ticket counters are available, then
 - b. Contact Airline and other airlines to request the use of such airline's preferentially assigned gate(s) or ticket counter(s) in accordance with this section.
2. In the event the requesting airline has demonstrated to City that it has contacted all airline lessees and has pursued all reasonable efforts to secure accommodations without success, such requesting airline shall notify the Director of its desire to be accommodated in the Terminal Building.

3. The Director shall then notify all airlines in writing that, if requesting airline is not accommodated within fifteen (15) days from the receipt of said notice, Director shall select one of the airlines to comply with the request for accommodation.
4. At the end of said fifteen (15) day period, if requesting airline has not been accommodated, Director will select Airline or another airline to accommodate the requesting airline, taking into consideration such factors as current utilization of preferentially assigned gate(s) or ticket counter(s), schedule compatibility, union work rules, competitive relationships, etc. In that event, Director shall send written notice to such airline (the "accommodating airline") to begin accommodating the requesting airline within thirty (30) days from the receipt of said notice. Director's judgment shall be final.
5. Unless Director rescinds such selection within said thirty (30) day period, the accommodating airline shall accommodate the requesting airline by sharing its preferentially assigned gate(s) or ticket counter(s), subject to the following conditions:
 - a. In case of a conflict between schedules of the accommodating airline and the requesting airline, the accommodating airline shall have preferential use of its preferentially assigned gate or ticket counter.
 - b. The accommodating airline may assess the requesting airline reasonable fees and charges under an appropriate contract for services rendered to, or premises shared with, requesting airline, which fees and charges shall be limited to Airline's direct and indirect costs plus a reasonable allowance for administration and profit not to exceed 25% of such costs. The accommodating airline shall have the right to require the requesting airline to indemnify it against liability arising out of such use.

Airline agrees that, if requested to accommodate another airline pursuant to this section, it will effect such accommodation on a timely, good faith basis and in a reasonable and equitable manner.

B. Without utilizing the above process, City reserves the right to reassign one or more of Airline's Preferentially assigned gate(s) (and/or ticket counter(s) and queuing area(s) in the Expanded Terminal) to another Signatory Airline(s) if: (1) Airline's scheduled average gate utilization falls below two [2] flights per gate per weekday (M-F); and (2) City determines that there is a reasonable need for the Preferential use of such gate(s) (and/or preferential ticket counter(s) or queuing area(s) in the Expanded Terminal) by another Signatory Airline(s).

Section 4.04 Use of City-Owned Passenger Loading Bridges

A. City-owned passenger loading bridges shall be made available to all airlines serving the Airport on a common use basis, unless assigned for preferential use.

B. The use of City-owned passenger loading bridges by Airline shall be subject to the following terms and conditions:

1. The bridges shall be operated only by employees or agents of Airline which shall be responsible for ensuring that all such employees or agents are trained and qualified to operate the bridges. City reserves the right to audit and evaluate such training and qualifications.
2. Airline shall be solely responsible for any and all damages, claims or injuries which may be caused by the operation of the bridges by its employees, agents, or servants, and shall defend, indemnify, and hold the City harmless for such operations in accordance with Section 11.02.
3. Airline shall be solely responsible for any damage to bridges caused by the action of its employees, agents or servants to the extent such damage is not collected under City's insurance, including without limitation, any deductible under such insurance.
4. City, during the term of this Agreement, shall maintain and keep in good repair the loading bridges referred to herein, and the cost of such maintenance shall be solely payable by the preferential use airline. Airline is responsible for promptly reporting to City any repair or maintenance which is needed to the loading bridges.

5. City shall maintain and keep in good repair a handicapped lift for use by Airline, but City prefers that all flights be handled through the passenger loading bridges which are handicapped accessible. Airline shall be responsible for operation of the handicapped lift, and for the training of employees and agents in the use of such lift and for leaving it after use in condition to be used by others. Airline is responsible for promptly reporting to City any repair or maintenance which is needed to the lift.

Section 4.05 Requirement to Remain in Confines of Exclusive Use Space

With respect to Exclusive Use Space, Airline shall at all times occupy and use only that space within the confines of its Exclusive Use Space. City shall notify Airline in writing of any infraction of this provision for the first offense. Failure of Airline to remain within the confines of its Exclusive Use Space shall be a breach of this Agreement, pursuant to Section 13.01 hereafter.

Section 4.06 Surrender of the Premises

A. Airline covenants and agrees that on expiration of the term of this Agreement, or on earlier termination as hereinafter provided, or on reassignment of the Leased Premises as hereunder provided, including but not limited to relocation to the Expanded Terminal, it will peaceably surrender possession of the Leased Premises hereunder in the same condition received, reasonable wear and tear, original construction defects, structural problems, acts of God, fire, and other casualties excepted, and City shall have the right to take possession of said Leased Premises. City shall not be required to give notice to quit possession at the expiration date of the term of this Agreement.

B. Airline shall have the right, on expiration, reassignment or early termination and within thirty (30) calendar days thereafter, to remove or dispose of all trade fixtures and equipment and other personal property installed or placed by Airline at its expense, in, on, or about the Airport, subject to any valid lien that City may have thereon for unpaid rents or fees. Airline shall repair, at its expense, any damage to the Leased Premises or the Terminal Building resulting from such removal. Airline agrees to reimburse City for any net costs incurred by City if City elects to remove or dispose of Airline's property after such thirty (30) day period.

C. Any and all property not removed by Airline within the said thirty (30) day period shall, at the option of City, thereupon become a part of the land on which it is located, and title thereto shall thereupon vest in City unless otherwise agreed to in writing by the parties.

Section 4.07 Access

A. Subject to the provisions hereof, other applicable Rules and Regulations, and such restrictions as City may impose with respect to Airline's use of Leased Premises, City hereby grants to Airline, its affiliates, Code Share Airlines, its agents, suppliers, employees, baggage handlers, contractors, passengers, guests, and invitees, the right and privilege of free and unrestricted access, ingress, and egress to Airline's Leased Premises and to public areas and public facilities of the terminal building.

B. The ingress and egress provided for in Section 4.07(A) shall not be used, enjoyed, or extended to any person engaging in any activity or performing any act or furnishing any service for or on behalf of Airline that Airline is not authorized to engage in or perform under the provisions hereof, unless expressly authorized in writing by City.

C. City shall have the right at any time or times to close, relocate, reconstruct, change, alter, or modify any such means of access provided for Airline's use pursuant to this Agreement or otherwise, either temporarily or permanently, provided that reasonable notice to Airline and a reasonably convenient and adequate means of access, ingress, and egress shall exist or be provided in lieu thereof. City shall suffer no liability by reason thereof and such action shall in no way alter or affect any of Airline's obligations under this Agreement.

D. Airline agrees that all of its tenants, subtenants, patrons, invitees, agents, employees, servants or independent contractors must be authorized by the City prior to entry in restricted areas. Airline agrees that no person authorized by the City to enter a restricted area by virtue of this Agreement shall permit any person who is not otherwise authorized to enter a restricted area unless such unauthorized person is, at all times while in the restricted area, in the company of an authorized person.

E. Airline understands and agrees that, in the event the Federal Aviation Administration or the Department of Homeland Security or Transportation Security Administration assesses a civil penalty

against the City or Airport for any violation of Transportation Security Administration Regulation 14 CFR Parts 1520 and CFR Part 1542 or any successor or additional regulation pertaining to security at the Airport, as a result of any act or failure to act on part of Airline, its tenants, subtenants, patrons, agents, servants, employees, invitees, or independent contractors, Airline shall, upon demand of City, immediately reimburse the City in the amount of the civil penalty assessed. Airline is permitted to pass on such costs to its tenants and subtenants.

ARTICLE 5

CONSTRUCTION OF CAPITAL IMPROVEMENTS

Section 5.01 Capital Improvements

City may undertake certain Capital Improvements at the Airport as more particularly described on Exhibit B. City and Airline agree that these Capital Improvements shall be constructed substantially in accordance with Exhibit B.

By execution of this Agreement, Airline evidences its willingness and intent to pay the rentals, fees, and charges established hereunder for use of the Airport and occupancy of the facilities to be developed as a result of Capital Improvements described on Exhibit B. In accordance with the provisions of and procedures established under Articles 6 and 7 of this Agreement, said rentals, fees, and charges will be established, in part, to amortize the cost of planning, constructing, and financing Capital Improvements.

Section 5.02 Additional Capital Improvements

A. From time to time during the term of this Agreement, City may undertake Capital Improvements to the Airport in addition to those described in Exhibit B. Airport Director shall notify Signatory Airlines of the estimated purchase price/construction cost and schedule of such additional Capital Improvements and the schedule of costs to be added to the rate base, pursuant to Article 7, for Capital Improvements that are to be included in the next year's rental requirements.

The notice shall include, for each additional Capital Improvement, the following:

1. A description of the proposed Capital Improvements, together with cost estimates.
2. A statement of justification.
3. The allocation of the costs thereof within the Airport.

4. The Director's preferred means of financing.
5. Impact on airline rates and charges.

B. Within a reasonable time, but no sooner than fifteen (15) days after the notice is issued, Director shall, at the request of the Airline or at his or her own desire, convene a meeting to review and discuss any proposed Capital Improvement(s) and means of financing the cost thereof. The Capital Improvement (s) shall be deemed approved unless (1) within thirty (30) calendar days after the meeting or (2) sixty (60) calendar days after the notice is issued if no meeting is held, concurrence is specifically withheld, in writing, by a Majority-in-Interest of the Signatory Airlines, stating the reason(s) for such non concurrence. If said proposed Capital Improvement is contingent upon receipt of an Airport Improvement Program or other grant or funding source, then Airlines' approval shall be conditional upon approval of said grant or funding source. City shall not proceed with such Capital Improvement until such approval is granted. Nothing herein shall limit the City's right to proceed with a Capital Improvement which shall not be included in the Airline's rate base.

C. If concurrence on a Capital Improvement is specifically withheld as set forth in Section 5.02(B); Director shall have the option to convene a second meeting of the Signatory Airlines. The second meeting shall be held within thirty (30) calendar days after receipt of notice of non-concurrence from the Signatory Airlines, upon notice by Director. At the second meeting, City shall respond to any questions raised during the first meeting and the stated reason(s) for non-concurrence and shall ask for reconsideration of the Capital Improvement. Upon reconsideration, the proposed Capital Improvement shall be deemed approved unless, within 30 calendar days after such second meeting, concurrence is specifically withheld, in writing, by a Majority-in-Interest of the Signatory Airlines, stating the reason(s) for such non-concurrence.

D. Notwithstanding the foregoing, City may include the direct cost of a Capital Improvement (amortized over its useful life) in the calculation of the Terminal Building rental rate or Landing Fee Rate of the Signatory Airlines, if such Capital Improvement is necessary or prudent to:

1. Maintain and operate the Airport to ensure compliance with any rule, regulation, or order of any federal, state, or other governmental agency that has jurisdiction over the operations of the Airport.

2. Satisfy judgments against City rendered by a court of competent jurisdiction.
3. Repair casualty damage net of insurance proceeds to Airport property.

Section 5.03 Majority-in-Interest Approval

Airline approval of proposed Capital Improvements described in Section 5.02 applies to projects in the Airport Airfield and Terminal Building only. City may undertake any Capital Improvement that it wishes not to include in the airline rate base.

Section 5.04 Approved Capital Improvements

A. The Capital Improvements listed on Exhibit B hereof are consistent with the 2016 Airport Master Plan and have been reviewed and approved by Airline and other Signatory Airlines as provided by Section 5.01 herein. It is agreed and understood that the initiation of Capital Projects will be activity based. At the time the Airport Master Plan is updated, all Capital Improvements may be reviewed by Signatory Airlines. City shall use its best efforts to obtain federal and state grants-in-aid for such Capital Improvements. Airline understands and agrees that all costs shown on Exhibit B are based on 2016 preliminary engineer's estimates, and Airline agrees that all such costs are subject to adjustment by the engineer's estimates at the time of project design. Any increase in the total project cost which exceeds the amount of the grant application shall be subject to MII approval.

B. Terminal Building bond assurances:

1. Airline hereby irrevocably elects not to claim depreciation or an investment credit for federal income tax purposes with respect to any portion of the Terminal Building (or any other property financed with the proceeds of any tax-exempt bond issued by the City to finance improvements leased to the airlines). The Airline will take all actions necessary to make this election binding on all its successors in interest under the Agreement. This election shall be irrevocable. Furthermore, the Airline covenants that no portion of the Terminal Building (or any other property financed with the proceeds of any tax-exempt bond issued by the City to finance

improvements leased to the Airline) will be removed by the Airline upon the termination of the Lease.

2. The Airline does not have any option to purchase the Terminal Building. In the event that the Airline obtains such a purchase option, the option will not permit the Airline to purchase the Terminal Building other than at fair market value (as of the time such option is exercised).

ARTICLE 6

REPORTS, RENTALS, CHARGES, AND FEES

Section 6.01 General

In return for use of the premises, facilities, rights, licenses, and privileges granted hereunder and for the undertakings of City, Airline agrees to pay City during the term of this Agreement, without deduction or set-off, certain rentals, charges, and fees to be calculated as set forth herein.

Section 6.02 Monthly Activity Report

Airline shall furnish to City on or before the tenth (10th) day of each month, an accurate report of Airline's operations at the Airport during the preceding month, setting forth all data necessary to calculate the rentals, fees, and charges due under this Agreement. Said report shall include, but shall not necessarily be limited to: (1) Airline's total number of Aircraft Arrivals for the month by type of aircraft, the Maximum Gross Landed Weight of each aircraft, and the Total Airline Landed Weight for the month; (2) the total number of Enplaned Passengers and Deplaned Passengers including a breakdown of passenger totals for each class of aircraft (Jet, Regional Jet, Propeller); (3) the number of arriving international passengers using the International Arrivals Area; and (4) the amount of cargo freight, mail, and express for such month. Airline shall include in its report the activities for any nonscheduled or charter which is handled by or uses the Leased Premises of Airline. Airline agrees to cooperate with City in establishing procedures for electronic submission of reports required in this Section.

Section 6.03 Terminal Building Rentals

A. Airline shall pay to City for its Exclusive Use, Common Use, and Preferential Use Space in the Terminal Building, as set forth in Section 4.01 and Exhibit C, monthly rentals based on annual rental rates to be calculated each Fiscal Year, as set forth in Section 7.04.

B. Rentals for Exclusive Use Space:

1. All Class 1 Signatory Airlines shall lease no less than five hundred (500) square feet of Exclusive Use space, the rent for which shall be determined by multiplying the square footage of the airline's Exclusive Use Space by the exclusive use terminal rent per square foot.
2. All Class 2 Signatory Airlines shall lease no less than one hundred fifty (150) square feet of Exclusive Use Space, the rent for which shall be determined by multiplying the square footage of the airline's Exclusive Use Space by 112.5% of the exclusive use terminal rent per square foot.

C. Rentals for Common Use Space and Preferential Use Space shall be determined in accord with the following formula:

- 20% of the cost of the space is divided evenly among the number of gates and allocated to each airline based upon the number of assigned gates. The three Regional Gates are considered one gate. However, if assigned to different airlines, the total cost of the regional gates would be divided by three, and then allocated to each airline based upon the number of assigned Regional Gates.
- 80% of the cost of the space is divided proportionally among the signatory airlines, based upon the proportion of each airline's number of annual Enplaned Passengers to the Airport's total number of annual Enplaned Passengers. For Non-signatory Airlines, the proportion of the airline's number of Enplaned Passengers to the Airport's total number of Enplaned Passengers is to be determined using the 12-month rolling period ending with the month for which rent is being paid.

D. Rentals for Preferential Use Ticketing Counter(s), queuing and kiosks in the Expanded Terminal shall be determined by multiplying the square footage by the preferential use terminal rent per square foot.

E. Common Use Outbound and Inbound Baggage space rental shall be divided among the signatory airlines, based upon the proportion of each airline's number of annual Enplaned Passengers to the Airport's total number of annual Enplaned Passengers. For Non-signatory Airlines, the proportion of the airline's number of Enplaned Passengers to the Airport's total number of Enplaned Passengers is to be determined using the 12-month rolling period ending with the month for which rent is being paid.

F. Code Share Airline(s) shall be counted as a single airline (with Airline) for purposes of prorating the allocations.

Section 6.04 Electricity Charges

Airline shall pay all charges for electrical power for electrical power units in its Exclusive Use Space and preferentially assigned passenger loading bridges for the amount of electricity used by Airline and arrived at through separate metering directly to the electric utility company.

Section 6.05 Landing Fees

A. Class 1 Signatory Airlines shall pay to City a monthly landing fee to be determined by multiplying the number of one thousand (1,000) pound units of Total Airline Certified Landed Weight for the airline during the month by the then-current Landing Fee Rate established pursuant to Section 7.05 herein ("Class 1 Signatory Landing Fee"). Notwithstanding the foregoing, Airline agrees to pay to City a minimum Class 1 Signatory Airline landing fee based upon an annual landed weight of twenty-four million (24,000,000) pounds MGLW. Said payments shall be made within 30 days of the end of each calendar year in which Airline's annual landed weight is less than 24,000,000 pounds (pro-rated for any period less than one year at the beginning or end of this Agreement). Said payment shall be calculated as follows: 24,000 pounds x the Landing Fee Rate (which is expressed per thousand pounds).

B. Class 2 Signatory Airlines shall pay to City a premium monthly landing fee, to be determined by multiplying the number of one thousand (1,000) pound units of Total Airline Certified Landed Weight for Airline during the month by 112.5% of the then-current Landing Fee Rate established pursuant to Section 7.05 herein ("Class 2 Signatory Landing Fee"). Notwithstanding the foregoing, Class 2 Signatory Airlines shall pay to City a minimum landing fee based upon an annual landed weight of twelve million (12,000,000) pounds MGLW. Said payments shall be made within 30 days of the end of each calendar year in which the airline's annual landed weight is less than 12,000,000 pounds (pro-rated for any period less than one year at the beginning or end of this Agreement). Said payment shall be calculated as follows: 12,000 pounds x 112.5% of the Landing Fee Rate.

C. A Code Share Airline will pay either a Class 1 or Class 2 Signatory Airline Landing Fee, depending on which class of Signatory Airline the Code Share Airline has a code share agreement with, provided that the Signatory Airline agrees in writing with the City to assume full financial responsibility for such Code Share Airline's landing fee in the event of non-payment by the Code Share Airline. If not, the Code Share Airlines shall pay the premium landing fee for Non-signatory Airlines described in paragraph E below.

D. The class of passenger carrier airlines which are designated as Air Taxi/Commercial Operators which file the FAA Form 1800-31 (the carriers who are exempted from paying PFC's at the Airport) which provide scheduled daily passenger service shall be charged a signatory landing fee if they sign this Agreement. Such Carrier airlines will not have MII voting powers nor will they be required to pay a minimum landed weight as listed in 6.05 B. Additionally, should this class of Carrier at any time be 60 days delinquent in paying its fees, Carrier may be subject to paying the Non Signatory landing fee for a period which shall include two months after account is current.

E. Non-Ssignatory airlines will pay to City a premium monthly landing fee to be determined by multiplying the number of one thousand (1,000) pound units of Total Airline Certified Landed Weight for Airline during the month by 125% of the then-current Landing Fee Rate established pursuant to Section 7.05 herein ("Non-signatory Airline Landing Fee").

F. Charter airlines will pay landing fee rates, as set by the Director, subject to change from time to time. At no time will the charter airlines' landing fee rate be less than the Non-signatory Airline Landing Fee.

Section 6.06 International Arrivals Area Charges

Airline shall pay amounts for the use of the common-use FISs Area as set forth by Airport Rule or Regulation.

Section 6.07 Trash Collection

City with its own forces, or by contract, shall provide for appropriate and adequate waste removal and recycling, the cost of which shall be reimbursed to the City, calculated as follows: forty (40) percent of the monthly cost shall be borne by the City and other tenants; the remaining sixty (60) percent of the monthly cost will be prorated among the Signatory Airlines based on their percentage of total passenger boardings for the month.

Section 6.08 Payment Provisions/Interest on Overdue Amounts

Exclusive Use Terminal Building rentals and City-owned loading bridge charges for preferentially assigned gates, and in the Expanded Terminal for the preferentially assigned ticket and queuing areas, shall be due and payable the first day of each month, in advance. City shall provide an invoice for such monthly charge. All other fees and charges shall be due and payable on invoice within thirty (30) days of the date of the invoice. The acceptance by City of any payment made by Airline shall not preclude City from identifying the accuracy of computations in Airline's Monthly Activity Report, submitted to City as provided in Section 6.02, or from recovering any additional payment actually due from Airline.

Any payment not received by the due date shall accrue interest at the rate of eighteen percent (18%) per year calculated on a monthly basis at the rate of one and one-half of a percent (1.50%) per month from the due date until paid in full.

Section 6.09 Taxes and Other Charges

The Airline shall pay all taxes and governmental charges of any kind whatsoever that may be lawfully assessed against the Airline or the City, with respect to the Leased Premises or any

improvements thereon, during the term of this Agreement, including any extensions or option periods granted thereto.

The Airline in good faith may contest any tax or governmental charge; provided that the Airline may not permit such tax or governmental charge to remain unpaid during the period of such contest and any appeal therefrom unless, in the opinion of counsel satisfactory to the City, such action will not adversely affect any right or interest of the City and is not in violation of any applicable law or ordinance.

Section 6.10 Passenger Facility Charge

A. City shall have the right to assess airline passengers a passenger facility charge (PFC) for the use of the Airport in accordance with the requirements of 14 CFR Part 158. Airline shall collect on behalf of and remit to the Department any such charges in accordance with the requirements of 14 CFR Part 158. Any charges collected by the Airline shall, pending remittance to City, be held in trust for the benefit of City. City shall have the right to use all such passenger facility charges collected in any lawful manner.

B. Airline and City shall be bound by and shall observe all of the provisions of 14 CFR Part 158 as they apply to either or both parties.

C. If any extension of this Agreement makes the term of this Agreement five (5) years or more, this Agreement shall not apply to any part of the Airport funded in whole or in part with passenger facility charge revenue and exclusively leased to a Signatory Airline.

D. If Airline fails to remit PFC revenue to the City within the time limits established by federal regulation, Airline shall be deemed to be in default pursuant to Section 13.01.

Section 6.11 Records of Airline

Airline shall keep and maintain a complete and adequate set of all of the records required under Section 6.02, for the use of the Airport and payment of fees required under this Agreement for the preceding Fiscal Year, and shall make such records available for inspection by City or its authorized representative at any and all reasonable hours and times.

Section 6.12 No Other Fees and Charges

Except as provided in this Agreement, no further rentals, fees, or charges shall be charged against or collected from Airline, its passengers, employees, shippers and receivers of freight and express, suppliers of material, contractors or furnishers of services, by City for the premises, facilities, rights, licenses, and privileges granted to Airline in this Agreement. However, City expressly reserves the right to assess and collect reasonable and non-discriminatory fees for inflight catering, vending (other than in Airline's Exclusive Use Space), ground transportation, and other services provided (1) by Airline for another airline (other than a Code Share Airline and other than for services provided on an extraordinary, nonrecurring basis to other Signatory Airlines) and (2) for Airline by other concessionaires, vendors and operators.

Section 6.13 Right of Set Off

The City shall have the right to set off any past due amount(s) by applying all or a portion of current payments to such past due amount(s). Past due amounts may include sums due on prior agreements, this Agreement, or for usage of the Airport as a non signatory airline. In the event the City exercises the right, it shall notify Airline. Airline shall be responsible for immediately submitting such a sum as will reflect the total amount needed to satisfy current amounts due.

Section 6.14 Security Deposit

A. Airline agrees to pay a security deposit to City subject to the following conditions:

Unless Airline has provided regularly scheduled weekday passenger or cargo flights to and from the Airport for the eighteen (18) months prior to Airline's execution of this Agreement (or prior to the assignment of the Agreement to Airline) without committing an act or omission that would have been an Event of Default under Section 13.01 of this Agreement, the City shall have the right to require Airline to provide to City an irrevocable letter of credit, or other surety acceptable to City, ("Security Deposit") in an amount equal to three (3) months estimated fees and charges payable by Airline under Article 6 of this Agreement, to guarantee the faithful performance by Airline of its obligations under this Agreement and the payment of all fees and charges due hereunder. Airline shall be obligated to maintain such Security Deposit in effect until the expiration of eighteen (18) consecutive months (including any period prior to Airline's execution of this Agreement or prior to the assignment of this Agreement to Airline during which Airline provided regularly scheduled passenger flights to and from the Airport) during

which Airline commits no Event of Default under Section 13.01 of this Agreement (and for any such prior period, no act or omission that would have been such an Event of Default hereunder). City shall provide Airline with written notice that Airline must provide the Security Deposit required hereunder and Airline shall provide the Security Deposit within ten (10) days of issuance of the notice. Such Security Deposit shall be in such form as shall be acceptable to City in its reasonable discretion. In the event that any such Security Deposit shall be for a period of less than the full period required by this Agreement, or if such Security Deposit is canceled, Airline shall provide a renewal or replacement Security Deposit for the period following the expiration or cancellation of such Security Deposit previously provided at least sixty (60) days prior to the date on which such previous Security Deposit expires or at least sixty (60) days prior to the effective date of such cancellation. The City's rights under this Section 6.14 shall be in addition to all other rights and remedies provided to the City under this Agreement.

B. If Airline shall commit an Event of Default under Section 13.01 in the payment of any fees due under this Agreement, the Department shall have the right, by written notice to Airline given at any time, to impose or reimpose the requirements of Section 6.1 4(A) on Airline. In such event, Airline shall within ten (10) days from its receipt of such written notice, provide the Department with the required Security Deposit and shall thereafter maintain such Security Deposit in effect until the expiration of a period of eighteen (18) consecutive months during which Airline commits no Event of Default under Section 13.01 of this Agreement. The Department shall have the right to reimpose the requirements of Section 6.14(A) on Airline each time Airline commits such an Event of Default during the term of this Agreement. The Department's rights under Section 6.14(B) shall be in addition to all other rights and remedies provided to the Department under this Agreement. City will also have the option to charge non-signatory landing fee rates if carrier does not comply with Section 6.14(A). above when required to do so.

ARTICLE 7

CALCULATION OF RENTALS, CHARGES, AND FEES

Section 7.01 Rentals, Charges, and Fees

Rentals, charges, and fees will be reviewed and recalculated annually based on the principles and procedures set forth in this Article 7, and set by October 1 of each calendar year.

Section 7.02 Accounting Records

A. City shall maintain accounting records that will document the following items for each of the Airport Cost Centers: (1) revenues, (2) Maintenance and Operating Expenses, (3) annual debt service on Bonds, (4) amortization of the cost of Capital Improvements financed by City from other than Bonds or grants-in-aid, (5) Equipment and Capital Outlays, (6) any annual funding requirements pursuant to the applicable bond requirements, and (7) any other funding requirements imposed by law or judgments.

B. City shall provide to Airline its annual budget and any supplemental financial data required to assess the adequacy of rates and charges established under this Agreement.

Section 7.03 Coordination Procedures—Budget Review and Calculation of Rentals, Charges, and Fees

A. On or before September 1 or as soon thereafter as possible prior to the beginning of each annual adjustment on October 1, City shall submit to Airline the following reports:

1. The Airport's annual budget for the most recent past two, current and the next immediate Fiscal Years, including all estimated Airport Operating Revenues; estimated Maintenance and Operating Expenses; estimated annual debt service on Bonds; expenditures for Equipment and Capital Outlays; and expenditures for Capital Improvements for the Airport, all allocated to Airport Cost Centers as provided herein on a consistent basis from year to year.
2. The adjustment of Allowable Airfield M&O Expenses in accordance with Section 7.06.
3. City's calculation of proposed airline rentals, charges, and fees for the Fiscal Year, based on the procedures set forth in this Agreement.

4. City's calculation of the annual adjustment for the immediately prior Fiscal Year's budget versus the actual rentals, charges, and fees for said Fiscal Year.

B. Within thirty (30) calendar days after receipt of the reports, a meeting shall be held between Director and the Signatory Airlines to discuss the proposed rentals, charges, and fees. Director shall give due consideration to any comments and suggestions of Airline regarding the annual budget for the calculations of the proposed rentals, charges, and fees.

C. The City shall adopt a rates and charges schedule that may, in the discretion of City, include revisions made as a result of Director's discussions with Airline. City shall promptly furnish Airline with a copy of the final calculation of rentals, charges, and fees.

D. Prior to the adoption of a new rates and charges schedule in accordance with Section 7.03(C), the rentals, charges, and fees in effect during the preceding Fiscal Year shall continue in effect until the City has finalized the calculation of the rentals, charges, and fees in accordance therewith, to be effective October 1.

Section 7.04 Calculation of Terminal Building Rental Rates

Terminal building rental rates for each Terminal Building Subcost Center shall be calculated for each Fiscal Year in the following manner, as illustrated on Exhibit E:

A. City's estimated total "Terminal Building Cost" for each Terminal Building Subcost Center shall be calculated by totaling the following amounts:

1. The total of estimated direct Maintenance and Operating Expenses allocable to the Terminal Building Subcost Center (allocated on the basis of space; provided, however, that for Airline Exclusive Use Space, the airlines are directly responsible for the provision and cost of janitorial service and electricity).
2. Indirect Maintenance and Operating Expenses allocable to the Terminal Building Subcost Center pursuant to Section 7.07.
3. Equipment and Capital Outlays allocable to the Terminal Building Subcost Center (allocated on the basis of space). Any single Equipment and Capital Outlay item which is

in excess of \$50,000 (net of grants-in-aid received) shall be amortized over its useful life, but not less than a two (2) year period by the City.

4. The annual amortization on the amount of any expenditures made by City before July 1 of the adjustment year for Capital Improvements or Equipment and Capital Outlays placed in service which were not disapproved by an MII in the Terminal Building Subcost Center that are funded by City from funds other than Bonds, grants in-aid, or Passenger Facility Charges shall be computed at interest (based on the rate of interest of an A rated municipal bond for a comparable purpose at the time of expenditure at another small-hub airport) using economic lives for each capital item determined by City in accordance with generally accepted accounting practices.

5. The difference between the actual Terminal Building Cost and the budgeted Terminal Building Cost for the prior Fiscal Year.

6. The estimated amount of any assessment, judgment, or settlement payable by the City relating directly to the Airport or its operations and allocable to the Terminal Building Subcost Center.

B. The estimated Terminal Building Cost for each Terminal Building Subcost Center for the Fiscal Year shall then be divided by the total amount of space in the Subcost Center to determine an average rental rate per square foot.

Section 7.05 Calculation of Landing Fee Rates

A Landing Fee Rate per one thousand (1,000) pounds of landed weight shall be calculated in each Fiscal Year in the following manner, as illustrated on Exhibit F. For purposes of calculating each year's estimated Landing Fee, the City will use, at its option and within its discretion, either A) the prior year's total landed weight or B) the Airlines' estimated total landed weight for the coming year, if such estimates are submitted to the City no later than August 1st of each year.

A. City's estimated total Airfield Cost for the Fiscal Year shall be calculated by totaling the following amounts:

1. The total of estimated direct Allowable Airfield M&O Expenses calculated pursuant to Section 7.06.
2. Indirect Maintenance and Operating Expenses allocable to the Airport Airfield calculated pursuant to Section 7.07.
3. Equipment and Capital Outlays allocable to the Airport Airfield. Any single Equipment and Capital Outlay item which is in excess of \$50,000 (net of grants-in-aid received) shall be amortized over its useful life but, not less than a two (2) year period by the City.
4. The pro rata portion of annual debt service on Bonds allocable to the Airport Airfield.
5. The annual amortization on the amount of any expenditures made by City before July 1 of the adjustment year for Capital Improvements or Equipment and Capital Outlays placed in service which were not disapproved by an MII in the Airport Airfield that are funded by City from funds other than Bonds, grants in-aid, or Passenger Facility Charges shall be computed at interest (based on the rate of interest of an A rated municipal bond for a comparable purpose at the time of expenditure at another small-hub airport) using economic lives for each capital item determined by City in accordance with generally accepted accounting practices.
6. The difference between actual Signatory Airline landing fees and invoiced landing fees for the prior Fiscal Year.
7. The estimated amount of any assessment, judgment, or settlement to become payable by the City relating directly to the Airport or its operation and allocable to the Airport Airfield.

B. The Airport Airfield Cost shall be calculated at 100% recovery of the total Airfield Cost and then be multiplied by the following percentage to determine the "Landing Fee Requirement" for such Fiscal Year: fifty percent (50%).

C. City retains the option to negotiate with Airline to increase the Landing Fee rate up to a sixty percent (60%) rate.

D. The Landing Fee Requirement shall then be divided by the estimated Total Airline Certified Landed Weight of all passenger and cargo airlines, to determine the Landing Fee Rate per one thousand pound unit.

Section 7.06 Allowable Airfield Maintenance and Operating Expenses

For purposes of determining the "Allowable Airfield M&O Expenses" that may be included in the calculation of the Landing Fee Rate in accordance with Section 7.05(A)(1), the following procedures shall be followed:

A. The FY 2010 budget of direct Airfield M&O Expenses shall be the base year costs as set forth in Exhibit E.

B. For Fiscal Years after FY 2010, Allowable Airfield M&O Expenses shall not exceed lesser of the percentage increase in the CPI Index (for the most recent 12-month period) or five percent (5%) per year over the preceding year's actual costs; provided however, the costs for snow removal, security, incremental expenses to maintain and operate the CAT II approach and centerline/TDZ lighting on Runway 11, and costs associated with governmental mandates shall not be limited to such percentage increase.

Section 7.07 Allocation of Indirect Expenses

A. City shall allocate the expenses of the Indirect Cost Centers as follows:

<u>Indirect Cost Center</u>	<u>Airfield</u>	<u>Terminal</u>
Jetport/City Administration	50%	50%
Police and Security	10%	90%
Aircraft Rescue and Fire Fighting	95%	5%
Roadways	50%	50%

Section 7.08 Extraordinary Rate Adjustments

A. In the event that, at any time during a Fiscal Year, any of the components of Terminal Building Cost, Airfield Cost, or the Total Airline Landed Weight of all Signatory Airlines varies materially (upward or downward thirty percent (30%) or more) from the estimates used in setting the average rental rate and/or Landing Fee Rate, such rates may be adjusted either upward or downward for the balance of such Fiscal Year, in the event that such adjustment is deemed necessary by City to ensure that adequate revenues will be available from such fees to cover the estimated Terminal Building Cost and/or Airfield Cost for the Fiscal Year. City agrees to give no less than thirty (30) days prior written notice to Airline of any such adjustment.

B. In addition to all other rentals, fees and charges in this Agreement, the Airline shall make payment in the rates for rentals, fees and charges of the Airport in any fiscal year in which the amount in which the revenues less operating and maintenance expenses and the operating and maintenance reserve requirement are projected to be less than 125 percent of the debt service coverage (the "extraordinary coverage protection"), Should extraordinary coverage protection payments be made, the Airport will refund such payments to the signatory airlines as soon as uncommitted funds become available in the surplus fund.

ARTICLE 8

BOND REQUIREMENTS AND FLOW OF FUNDS

Section 8.01 Subordination to Bond Requirements

A. This Agreement and all rights of Airline hereunder are expressly subordinated and subject to the lien and provisions of any pledge, transfer, hypothecation, or assignment made at any time by City pursuant to the terms, covenants, and conditions of present and future bond requirements.

B. In conflicts between this Agreement and the bond requirements, the bond requirements shall govern.

C. All definitional terms that are not specifically defined herein are to have the meanings set forth in the bond requirements.

D. Notwithstanding the foregoing, City shall not enact any bond requirements or subsequently amend any bond requirements so as to require a material change in the method of calculation of

rentals and fees payable hereunder or so as to materially adversely affect the rights or enlarge the duties of Airline hereunder.

Section 8.02 Creation of and Flow of Funds

A. Subject to the terms and provisions of the bond requirements and other related instruments, it is mutually understood and agreed that, as long as any Bonds secured by the bond requirements are outstanding, bond proceeds and all Airport revenues shall be deposited, maintained, and paid as set forth in the bond requirements.

ARTICLE 9

MAINTENANCE AND OPERATION OF AIRPORT

Section 9.01 City's Responsibilities

A. City agrees that it will, with reasonable diligence, prudently develop, improve, and at all times maintain and operate with adequate, efficient, and qualified personnel, keep the Airport in good repair including without limitation, the Terminal Building, Airport Airfield, all appurtenances, facilities, and services now or hereafter connected with the foregoing; will keep the Airport and its aerial approaches reasonably free from obstruction and interference for the safe and proper use thereof by Airline; and will develop, maintain, and operate the Airport in all respects in a manner at least equal to the standards or rating established by the FAA and any other governmental agency having jurisdiction thereof, except for conditions beyond the control of City. City shall not be liable to Airline for temporary failure to furnish all or any such services to be provided by City, whether due to mechanical breakdown or for any other causes beyond the reasonable control of City.

B. City, with its own forces or by contract, shall operate and maintain and keep in good condition the Terminal Building and all additions, improvements, facilities, and equipment now or hereafter provided by City at or in connection with the Terminal Building, except any improvements, facilities, and equipment constructed or installed by Airline. City shall keep the Terminal Building, except Airline's Exclusive Use Space (as shown on Exhibit C), in a neat, orderly, sanitary, and presentable condition. City shall be responsible for the maintenance and operation of Common Use Space (including provision of electricity and cleaning), which costs shall be included in the calculation of Common Use Space terminal building rentals.

C. City, with its own forces or by contract, shall at all times maintain the public and Common Use spaces and passenger seating in the holdroom area of the Terminal Building so as to provide for reasonable unobstructed use thereof by passengers and invitees, and shall keep such area adequately supplied, equipped (including directional signs), furnished, and decorated.

D. City shall supply or cause to be supplied appropriate and adequate equipment and maintenance for air conditioning, lighting, ventilation, heat, electrical, water, and sewerage facilities for Terminal Building public use areas, Airline's Leased Premises; adequate illumination in Common Use Space; and janitorial service in the Terminal Building, excluding Airline Exclusive Use Space.

Section 9.02 Airline's Responsibilities

Subject to the provisions of Section 9.04:

A. Airline shall, at all times keep its Exclusive Leased Premises neat, orderly, sanitary, and presentable; and shall cause to be removed at Airline's own expense from such spaces all waste, garbage, and rubbish, and agrees not to deposit the same on any part of the Airport, except that Airline may deposit same temporarily in its Exclusive Use Space or in space designated by City in connection with collection for removal.

B. Airline shall maintain the apron area contiguous to its assigned gates in a neat, clean, and orderly condition, free from litter, debris, refuse, petroleum products, or grease that may result from activities of its passengers, employees, agents, or suppliers, and remove and properly dispose of all oil and grease spillage that is attributable to Airline's aircraft or equipment from its aircraft parking positions.

C. Airline shall perform, at its sole expense, ordinary preventive maintenance and ordinary upkeep and repair of all facilities, personal property, trade fixtures, and equipment located in its Exclusive Use Space except structural repairs, conditions pre-existing execution of this Agreement and not reasonably discoverable by Airline, and repairs necessitated by latent defects of facilities provided by the City. Airline shall be responsible for providing, at its sole cost, all movable furniture, personal property, equipment, and trade fixtures in its Exclusive and Preferential Use Space at all times.

D. Airline shall immediately repair any damage in any space at the Airport occasioned by the fault or negligence of Airline, its servants, agents, employees, licensees, and invitees.

E. Except as provided in Section 3.02 paragraph H, Airline shall not erect, maintain, or display on its Leased Premises in the public view any billboards, advertising, or materials without the prior written approval of the Director. It is the City's policy that no advertising of any pricing shall be permitted.

F. Airline expressly agrees that City shall not be liable to Airline, for bodily injury or for any loss or damage to real or personal property occasioned by flood, fire, earthquake, lightning, windstorm, hail, explosion, riot, strike, civil commotion, smoke, vandalism, malicious mischief, or acts of civil authority not caused by the negligence or willful acts or omissions of City.

G. Airline shall provide and maintain hand fire extinguishers for the interior of its Exclusive Use Space as required by applicable safety codes.

Section 9.03 City's Right to Inspect and Make Repairs

City, by its authorized officers, employees, agents, contractors, subcontractors, and other representatives, shall have the right at any time in the case of emergencies, otherwise during normal business hours upon reasonable notice, to enter upon Airline's Exclusive Use Space and Preferential Use Space, accompanied by an authorized Airline representative, if practicable, for the following purposes:

A. To inspect such space to determine whether Airline has complied and is in compliance with the terms and conditions of this Agreement.

B. Upon reasonable notice, except in emergencies, to perform such maintenance, cleaning, or repair as City reasonably deems necessary, if Airline fails to perform its obligations in a timely manner under this Article 9, and to recover the actual cost of such maintenance, cleaning, or repair from Airline, plus a fifteen-percent (15%) administrative charge from Airline on the next rent due.

C. Upon reasonable notice, except in emergencies, to perform such maintenance, cleaning, or repair as City reasonably deems necessary, and which is the responsibility of the City under this Agreement.

Section 9.04 Alterations and Improvements

A. Airline shall make no repairs, alterations, additions, improvements to, or installations on the space leased under this Agreement without the prior written approval of Director.

B. Plans and specifications for such work shall be filed with and subject to the approval of the Director and all work shall be done in accordance with local ordinances and State and federal laws and regulations.

C. All alterations and improvements other than movable furniture, personal property, equipment, and trade fixtures shall become part of the realty and title shall vest with City upon completion.

Section 9.05 Environmental Regulations

Airline shall comply with the following environmental regulations:

A. Airline shall not cause or permit any Hazardous Materials, as defined in applicable local, state or federal law, to be stored or used on or about the Airport by Airline, its affiliates, agents, or employees, except in compliance with Environmental Laws as described below and as permitted by the City.

B. Airline shall at all times and in all respects comply with all present and hereinafter enacted local, state, and federal laws, ordinances, regulations, orders, and any amendments thereto relating to industrial hygiene, environmental protection, or the use, generation, manufacture, storage, disposal, or transportation of Hazardous Materials on, about, or from the premises (collectively, "Environmental Laws").

C. Airline shall, at its sole expense, procure, maintain in effect, and comply with all conditions of any permits, licenses, and other governmental and regulatory approvals required by any environmental law or regulation for Airline's use of the Airport, including, without limitation, discharge of materials or wastes into or through any storm or sanitary sewer serving the Airport. If required by any environmental law or regulation, Airline shall cause any and all Hazardous Materials removed from the Airport to be removed and transported solely by duly licensed haulers to duly licensed facilities for disposal. Airline shall in all respects handle, treat and manage any and all Hazardous Materials on or about the Airport in conformity with all

applicable Environmental Laws or any successor laws thereto and prudent industry practices regarding the management of such Hazardous Materials. Upon the expiration or earlier termination of the term of its operating permit or this Agreement, Airline shall cause all of Airline's Hazardous Materials to be removed from the Airport and to be transported for use, storage, or disposal in accordance and compliance with all applicable Environmental Laws; provided, however, that Airline shall not take any remedial action in response to the presence of any Hazardous Materials on or about the Airport, nor enter into any settlement agreement, consent decree, or other compromise with respect to any claims relating to any Hazardous Materials in any way connected with the Airport without first notifying the City in writing of Airline's intention to do so and affording the City ample opportunity to appear, intervene, or otherwise appropriately assert and protect the City's interest with respect thereto. Any remedial action shall be conducted by the Airline as required by, and in compliance with, Environmental Laws.

D. If at any time Airline shall become aware that any Hazardous Material has come to be located on or about the Airport in violation or potential violation of Environmental Laws, Airline shall, immediately upon discovering such presence or suspected presence of the Hazardous Material, provide the City with written notice of that condition. In addition, to the extent that Airline has notice, Airline shall immediately notify the City in writing of (1) any enforcement, cleanup, removal, or other governmental or regulatory action instituted or threatened pursuant to any Environmental Laws, (2) any claim made or threatened by any person against Airline or the Jetport relating to damage, contribution, cost recovery, compensation, loss, or injury resulting from or claimed to result from any Hazardous Materials, and (3) any reports made to any local, state, or federal environmental agency arising out of or in connection with any Hazardous Materials on or removed from the Jetport, including any complaints, notices, warnings, or asserted violations in connection therewith. Airline shall also supply to the City as promptly as possible, and in any event within five (5) business days after Airline first receives or sends the same, copies of all claims, reports, complaints, notices, warnings, or asserted violations relating in any way to the Jetport or Airline's use thereof, and Airline shall promptly deliver to the City copies of hazardous waste manifests reflecting the legal and proper disposal of all Hazardous Materials removed from the premises.

E. Airline shall indemnify, defend and hold harmless the City, its officers, employees, successors and assigns, from and against any and all claims, liabilities, penalties, fines, judgments, forfeitures, losses, damages (including without limitation, damages for the loss or restriction on use of rentable or usable space or of any amenity of the premises) costs, or expenses (including without limitation reasonable attorneys' fees, consultant fees, and expert fees) for the death of or injury to any person or damage to the Leased Premises or any property whatsoever, arising from or caused in whole or in part, directly or indirectly, by the Airline's failure to comply with any Environmental Laws or any covenants, terms or conditions relating to environmental matters in its activities hereunder, except to the extent caused by the negligence or willful acts or omissions of the City. Airline's obligations under this Paragraph (E) shall include, without limitation, and whether foreseeable or enforceable, any and all costs incurred in connection with any investigation of the condition of Airport or other property, and any and all costs of any required or necessary repair, cleanup, decontamination or remediation of Airport or other property and the preparation and implementation of any closure, remedial action, or other required plans in connection therewith. Airline's obligations under this Paragraph (E) shall survive the expiration or earlier termination of the term of this Agreement.

F. Notwithstanding any provisions to the contrary, the City, at its sole discretion, shall have the right to enter and inspect the Leased Premises, including Airline's business operations thereon, upon reasonable notice and in a manner so as not to unreasonably interfere with the conduct of Airline's business, to investigate the presence or potential presence of Hazardous Materials on the premises in violation of Environmental Laws. During such inspection, the City shall have the right to visually inspect the Leased Premises and to take such soil, sludge or groundwater samples and conduct such tests as it may determine, in its sole discretion, to be necessary or advisable. City shall pay for the costs of such investigations; provided, however, that if the results of such investigation indicate the presence of Hazardous Materials on or about the Leased Premises in violation of Environmental Laws, then Airline shall fully reimburse the City for such expenses within ten (10) days of receiving the City's written request for reimbursement, unless Airline can provide reasonable evidence that such violation was not caused by Airline.

G. The provisions of this section 9.05 shall survive the expiration or early termination of this Agreement.

ARTICLE 10

DAMAGE OR DESTRUCTION OF PREMISES

Section 10.01 Damage or Destruction

A. If the Leased Premises or any portions thereof, or buildings or structures of which such space may be a part, be damaged by fire or other casualty not caused by Airline, City shall notify Airline within sixty (60) days whether the space shall be repaired. If the space is to be repaired, it shall be repaired with due diligence by City, and the rental allocable to the particular building, rooms, or other portion of the Leased Premises rendered untenable shall be abated for the period from the occurrence of the damage to the completion of the repairs, provided that City shall exert its best effort to provide Airline with temporary substitute space, if available, at a rental rate not to exceed that provided for in this Agreement for comparable space until such time as the repairs are completed.

B. If the City shall fail to notify Airline of its decision within sixty (60) days after destruction, City shall be deemed to have elected to terminate this Agreement as to the space damaged and destroyed, and the Agreement shall automatically terminate as to such space as of the date of the damage, with no further liability therefore by either City or Airline.

C. In the event City elects not to reconstruct or replace Airline's Leased Premises, City shall meet and consult with Airline on ways and means to permanently provide Airline with adequate replacement space for Airline's Leased Premises. In such event, City agrees to amend this Agreement to reflect related additions and deletions to Airline's Leased Premises. If, after such consultation, there is no adequate replacement space reasonably available and acceptable to Airline, then Airline reserves the right to terminate this Agreement upon 30 days prior written notice to City with no further liability of either party to the other.

D. 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 Terminal or to the property of either Party, resulting from any fire, or other casualty of the kind 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. Each Party shall be responsible for maintaining such casualty insurance on its property as it deems necessary and such policies shall waive any right of subrogation thereunder against the other Party.

ARTICLE 11 INSURANCE AND INDEMNIFICATION

Section 11.01 Insurance

A. Airline shall, without expense to City, and upon commencement of the term hereof, obtain and cause to be kept in force liability insurance coverage, with limits as hereinafter stated, insuring against the liabilities set forth in Section 11.02.

B. Such insurance shall include, by way of example but not by way of limitation, comprehensive general liability coverage and automobile liability insurance coverage and shall not be in amounts less than hereinafter stated. Such insurance coverage shall be provided by policies issued by a company or companies with A.M. Best ratings of A-VIII or better, or a comparable rating from a comparable rating service, and authorized to do business in the State of Maine. Such insurance policies shall contain an endorsement providing that City will be given not less than thirty (30) calendar days written notice prior to the cancellation or material adverse change of the provisions or coverages affecting the interest of City provided by said policies. The comprehensive general liability policies shall include contractual liability coverage and shall make reference to this Agreement.

C. Airline shall cause a certificate or certificates of insurance to be furnished to City evidencing such insurance coverage prior to execution of this Agreement. If City is notified that any of the coverage required herein is to be canceled or changed in such a manner as not to comply with the requirements of this Agreement, Airline shall, prior to the effective date of such cancellation or change, obtain and provide City with certificates evidencing the re-establishment of the insurance coverage required hereby. If Airline does not notify City by the effective date of such cancellation or change, this will constitute a breach by Airline and permit City to terminate this Agreement pursuant to Section 14.03, or to purchase such insurance and charge the cost thereof to Airline as additional rent.

D. The minimum limits of coverage shall be as follows:

1. Airline, at its own expense, shall procure and maintain for the benefit of the City and itself, as their respective interests shall appear, aviation general liability insurance, including bodily injury and property damage with A.M. Best rating of A-VIII or better, with A.M. Best ratings of A-VIII or better, or a comparable rating from a comparable rating service, with the following minimum limits:

\$1,000,000 per occurrence/\$5,000,000 general aggregate;
\$2,000,000 aggregate for products and completed operations;
\$1,000,000 personal and advertising injury;
\$50,000 fire legal liability;

Aircraft liability

- \$50,000,000 per occurrence for all-cargo operators using any aircraft of more than 50,000 pounds Maximum Gross Certificated Landed Weight ;
- \$5,000,000 per occurrence for all-cargo operators using any aircraft of less than 50,000 pounds Maximum Gross Certificated Landed Weight;
- \$1,500,000 per seat, including crew, for airlines exclusively using aircraft with 25 or fewer seats;
- \$100,000,000 per occurrence for all others

2. Comprehensive automobile liability policy in a minimum amount of one million dollars (\$1,000,000) for both bodily injury and property damage, combined single limit per occurrence.

3. Comprehensive general liability, including Products and Completed Operations, policy in minimum amount of one million dollars (\$1,000,000) for bodily injury and five hundred thousand dollars (\$500,000) for property damage, or combined single minimum amount of one and one-half million dollars (\$1,500,000) for both bodily injury and property damage.

4. Workers' compensation insurance in a minimum amount as required by State law and employer's liability in a minimum amount of one hundred thousand dollars (\$100,000) per accident and \$500,000 per disease.

E. Any insurance limits required hereunder are minimum limits only and are not intended to restrict liability imposed under this Agreement.

F. Insofar as said insurance provides protection against liability for damages to third parties for personal injury, death, and property damage, City shall be included as an additional insured

throughout the term of the Agreement; provided such liability insurance coverage shall also extend to damage, destruction, and injury to City-owned or City-leased property and City personnel, and caused by, any work, operations, activities or occupancy under this Agreement, except to the extent caused by the sole negligent act or omission or willful misconduct of City. Airline shall show City as an additional insured with respects to Airline's operations and activities at the Airport. Airline may then also show on the insurance certificate that liability insurance coverage also includes contractual liability.

G. Any and all of the above insurance coverages shall be on an "occurrence" basis, not on a "claims made" basis. All insurance provided by Airline hereunder shall be primary to any insurance or self-insurance of City.

H. City shall have no liability for any premiums charged for such coverage, and the inclusion of City as an additional insured is not intended to, and shall not, make City a partner or joint venture with Airline in its operations at the Airport.

Section 11.02 Indemnification

A. To the fullest extent permitted by law, Airline shall be responsible for all liability arising out of its operations under this Agreement except that resulting from the sole negligence or willful misconduct of City, and Airline shall indemnify, defend, and hold the City, and its officers, agents, and employees harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property (including without limitation City property or personnel), including all reasonable costs for investigation and defense thereof (including but not limited to reasonable attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to this Agreement and/or Airline's negligent act or omission or willful misconduct in the use of, occupancy of, or operations of Airline at or about, the Airport or the negligent acts or omissions or willful misconduct of Airline's officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, or damage may occur, except Airline shall not be liable to the extent such loss or judgment is finally determined to result from the negligent act or omission of City. Airline shall maintain contractual liability insurance to cover this indemnification agreement. The Director shall give to Airline prompt notice of any such claims or actions. Airline shall also use counsel reasonably acceptable to City in

carrying out its obligations hereunder. The provisions of this section shall survive the expiration or early termination of this Agreement with respect to matters arising before such expiration or early termination.

Airline, furthermore, shall indemnify, defend and hold the City and its officers, agents and employees harmless, from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands of any character, name or description, arising out of, brought for or pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, the Superfund Amendments and Reauthorization Act, the Resource Conservation and Recovery Act, the Solid Waste Management Act, the Solid Waste Disposal Act, the Hazardous Sites Cleanup Act, the Clean Water Act, all applicable OSHA Regulations, or any other state or federal environmental law or regulation or any liabilities that may be imposed pursuant thereof, as a result of or incident to this Agreement and/or the use of occupancy of or operations of Airline, its officers, agents, employees, contractors, subcontractors, licensees, or invitees at or about the Airport.

B. Airline shall, at its own cost and expense defend any and all suits or actions, just or unjust, which may be brought against City or in which City may be impleaded with others upon any such above-mentioned matters, claim or claims, including claims of contractors, employees, laborers, material men, and suppliers. City shall have the right to participate in such suits and no action shall be settled without prior consent of the City. Such obligation of indemnity and defense shall not be construed to negate nor abridge any other right of indemnification or contribution running to the City which would otherwise exist. The extent of this indemnity provision shall not be limited by any requirement of insurance contained herein.

C. Airline 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 the foregoing indemnification, and consents to a cause of action for indemnity. Airline further waives subrogation rights against the City pursuant to Workers Compensation laws and will defend and indemnify the City from any such subrogation claims.

D. Any Mechanic's Lien or any other lien which may be filed against City property as a result of the any act or omission of Airline, its officers, agents, employees, contractors, subcontractors or anyone for whose action Airline may be legally liable, and arising out of any activities under this

Agreement shall be defended (by counsel reasonably acceptable the City) and promptly discharged by Airline at its own expense. If the Airline should fail, either to defend the City against the lien or to discharge it, then the City may do so at Airline's expense. In the event of such an undertaking by the City, the Airline will promptly reimburse the City for all of its costs and expenses in so doing, including, but not limited to, reimbursement of the City's reasonable counsel fees, as well as costs which may be incurred by it in substituting a bond in place of the lien.

E. Airline agrees to require all independent contractors that enter the Airport to perform work for, or to supply to, Airline to maintain liability and workers compensation insurance coverage in the amounts provided in Section 11.01 (D) (2)-(4) and to name the City of Portland as an additional insured on such liability policies.

F. Airline agrees to assume all risks of loss to its property resulting from any fire, theft, and/or vandalism, occurring in the Airline's Exclusive Use space.

ARTICLE 12

ASSIGNMENT OR SUBLEASE

Section 12.01 General

Airline shall not at any time transfer, convey, assign, sublet, mortgage, pledge, or encumber its interest under this Agreement, or any part of the Leased Premises without the prior written approval of the City; provided however Airline may assign its entire interest to an entity which merges with or succeeds to the business of the Airline without need for prior City approval provided that Airline is not in default in any of the terms hereunder. Airline shall provide City with written notice of any such merger or succession. Any failure of Airline to obtain City's prior approval is a material breach of this Agreement.

Section 12.02 Relinquishment of Space

If Airline desires to relinquish any of its Exclusive or Preferential Use Space, Airline will notify City in writing of the space available, and City shall make a good faith effort to reassign the space to another airline. No relinquishment, assignment, transfer, conveyance, or sublease by Airline shall relieve Airline of its responsibility for payment of rent, utilities, fees and other charges and performance of all

other obligations provided in this Agreement, without specific written consent by City to such assignment, transfer, conveyance or sublease.

Section 12.03 Consent

Consent by City to any type of transfer provided for by this Article 12 shall not in any way be construed to relieve Airline from obtaining further consent for any subsequent transfer or assignment of any nature whatsoever.

ARTICLE 13

DEFAULTS

Section 13.01 Default

If Airline (1) fails to pay rent or any other payment due hereunder within ten (10) calendar days after receipt of written notice of a past due account, or (2) fails to commence immediately to keep and perform any of its other covenants and agreements within thirty (30) calendar days after receipt of written notice, provided, however, that if such default cannot reasonably be cured in such thirty (30) calendar day period, then Airline shall have additional reasonable time to cure such default so long as Airline diligently proceeds to cure; or (3) fails to continue to complete, in a timely manner, any of its covenants and agreements after performance is commenced, or after the filing of any petition, proceedings, or action by, for, or against Airline under any insolvency, bankruptcy, or reorganization act of law, then, at the election of City:

A. Without terminating this Agreement, City may reenter the space and improve and relet all or any part of it to others, for the account of Airline, including costs of renovation necessitated by the neglect of Airline, its agents, or its employees, for all sublease rentals received, and Airline shall promptly reimburse City for any deficiency in rentals or other payments received under such subletting, as compared to Airline's obligations hereunder.

B. At any time before or after a reentry and reletting as provided in Section 13.01(A), City may terminate Airline's rights under this Agreement as provided in Section 14.03, without any restriction upon recovery by City for past due rentals and other obligations of Airline. City shall have all additional rights and remedies as may be provided to landlords by law.

C. In the event of Airline default hereunder, nothing herein is intended nor shall it be deemed to waive, amend, or modify Airline's duty to pay all rents, fees, expenses and other sums due hereunder.

ARTICLE 14 TERMINATION

Section 14.01 Events Permitting Termination by Airline

Airline may terminate this Agreement and all of its future obligations hereunder, at any time that Airline is not in default in its payments or other obligations to City hereunder, by giving City sixty (60) calendar days advance written notice only if (1) Airline is prohibited by lawful authority from using the Airport for a period exceeding sixty (60) consecutive calendar days because of any deficiency of the Airport or an unsafe operating condition existing at the Airport and not attributable to the act or omission of the Airline, or (2) City is in breach of any of the covenants or agreements contained in this Agreement for a period exceeding sixty (60) consecutive calendar days after receipt of written notice of such breach from Airline and City's failure to cure such breach, or if such breach cannot be cured within sixty (60) days, City fails to diligently proceed to cure such breach.

Section 14.02 Conditions of Premises at Termination

Upon termination of this Agreement, Airline shall yield and deliver to City the Leased Premises promptly and in a clean, sanitary condition, and, if necessary, restored to the satisfaction of City, reasonable wear and tear, and damage due to any structural defects or casualty loss not the fault of Airline excepted.

Section 14.03 Events Permitting Termination by City

A. City, at its option and in its discretion, may terminate this Agreement upon sixty (60) calendar days' written notice and all of its obligations hereunder and may exercise all rights of entry and reentry upon the demised premises, with or without process of law, upon or after the occurrence of any one of the following events:

1. Airline is in arrears in the payment of the whole or any part of the amounts agreed upon hereunder for a period of ten (10) days after City has notified Airline in writing that payment was not received when due;

2. Airline files in any court a petition in bankruptcy or insolvency or for the appointment of a receiver or trustee of all or a portion of Airline's property to the extent such termination is permitted by law;
3. Airline makes any general assignment for the benefit of creditors;
4. Airline abandons the Leased Premises for a period of thirty (30) consecutive days;
5. Airline defaults in the performance of any of the covenants and conditions required herein (except rental payments) to be kept and performed by Airline, and such default continues for a period of thirty (30) days after receipt of written notice from City to cure such default, or if such default cannot be cured within thirty (30) days, Airline fails to diligently proceed to cure such default upon receipt of City's written notice;
6. Airline is adjudged as bankrupt in involuntary bankruptcy procedures;
7. Airline is made a party to any receivership proceeding in which a receiver is appointed for the property or affairs of Airline where such receivership is not vacated within sixty (60) days after the appointment of such receiver;
8. Airline reduces its scheduled service at the Airport to less than one (1) flight per weekday unless such reduction of service is directly attributable to circumstances for which Airline is not responsible, and which are totally beyond its control; or
9. Airline has its FAA Operating Certificate revoked for a period of thirty (30) consecutive days.

B. In any of the aforesaid events, City may take immediate possession of the Leased Premises including any and all improvements thereon and remove Airline's effects. Airline shall be liable to City for any costs of cleanup, storage, removal, or disposition of Airline's effects and for restoration of the Leased Premises and for any costs incurred by City, including without limitation, attorneys' fees in enforcing its rights under this Section 14.03.

C. Failure of City to declare this Agreement canceled upon the default of Airline for any of the reasons set out shall not operate to bar or destroy the right of City to cancel this Agreement by reason of any subsequent violation of the terms of this Agreement.

D. No receipt or acceptance of money by City from Airline after the expiration or cancellation of this Agreement or after the service of any notice, after the commencement of any suit, or after final judgment for possession of the Leased Premises, shall reinstate, continue, or extend the terms of this Agreement, or affect any such notice, demand or suit or imply consent for any action for which City's consent is required or operate as a waiver of any right of the City to retake and resume possession of the Leased Premises.

Section 14.04. "Days" defined.

Unless otherwise specified, all reference to "days" in this Article shall mean calendar days.

ARTICLE 15
GENERAL PROVISIONS

Section 15.01 Rules and Regulations

A. Airline shall observe and obey all reasonable and non-discriminatory lawful Rules and Regulations established, promulgated, amended, and/or adopted consistent with this Agreement from time to time during the term hereof by City, governing conduct on and operations at the Airport and use of its facilities. Copies of the Rules and Regulations, as adopted, shall be forwarded to Airline's local manager.

B. Airline shall not violate, nor knowingly permit its officers, agents, employees, invitees or independent contractors acting on Airline's behalf, to violate any such Rules and Regulations.

Section 15.02 Compliance with Law

A. Airline shall not use the Leased Premises or any part thereof, or knowingly permit the same to be used by any of its employees, officers, agents, subtenants, invitees, code share airlines or licensees for any illegal purposes and shall, at all times during the term of this Agreement, comply with all applicable ordinances and laws of any city, county, or state government or of the U.S. Government, and of any political division or subdivision or agency, authority, or commission thereof which may have jurisdiction to pass laws or ordinances or to make and enforce rules or regulations with respect to the uses hereunder or the Leased Premises.

B. At all times during the term of this Agreement, Airline shall, in connection with its activities and operations at the Airport:

1. Comply with and conform to all present and future statutes and ordinances, rules and regulations promulgated thereunder, of all federal, state, and other government bodies of competent jurisdiction that apply to or affect, either directly or indirectly, Airline or Airline's operations and activities under this Agreement.
2. Make, at its own expense, all nonstructural improvements, repairs, and alterations to its Exclusive Use Space (subject to prior written approval of City), and Airline's personal property that are required to comply with or conform to any such statutes and ordinances, and regulations which are promulgated or enacted by City. City represents that at the beginning of this Lease Term, all Exclusive Use Space complies with applicable statutes, ordinances and regulations.
3. Be and remain an independent contractor with respect to all installations, construction, and services performed by or on behalf of Airline hereunder.

Section 15.03 Nondiscrimination.

Airline, for itself, its heirs, personal representatives, successors in interest and assigns, as part of the consideration hereof, does hereby covenant and agree as follows:

- A. That no person on the grounds of race, creed, color, sex, sexual orientation, age, physical or mental disability, ancestry, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the Leased Premises.
- B. That in the construction of any improvements on, over, or under the Leased Premises and the furnishing of services thereon, no person on the grounds of race, creed, color, sex, sexual orientation, age, physical or mental disability, ancestry or national origin shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination.
- C. That Airline shall use the Leased Premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation-

Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended. Airline shall also comply with the applicable provisions of Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112) and 49 CFR Part 27.

D. That, in the event of breach of any of the above nondiscrimination covenants, City shall have the right to terminate this Agreement.

Section 15.04 Affirmative Action

Airline assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, and any amendments thereto, and any other federal statutes or regulations applicable to the receipt of federal assistance from the federal Department of Transportation by local governments for Airport use, or otherwise applicable to persons leasing premises from the City of Portland, to insure that no person shall, on the grounds of race, creed, color, sex, sexual orientation, age, physical or mental disability, ancestry or national origin be excluded from participating in or receiving the services or benefits of any program of activity covered by this Subpart. Airline assures that it will require that its covered sub organizations (sublessees) provide assurances to City, as set forth herein, that they similarly will undertake affirmative action programs, and that they will require assurance from their sub organizations (subleasees) to the same effect.

Section 15.05 Successors and Assigns Bound

This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 15.06 Subordination to Agreements with U.S. Government

This Agreement is subject and subordinate to the provisions of any agreements heretofore or hereafter made between the City and the United States, relative to the operation or maintenance of the Airport, the execution of which has been required as a condition precedent to the transfer of federal rights or property to City for Airport purposes, or to the expenditure of federal funds for the improvement or development of the Airport, including the expenditure of federal funds for the development of the Airport in accordance with the provisions of the Federal Aviation Act of 1958, as it has been amended from time to time. City covenants that it has no existing agreements with the United States in conflict with the express provisions hereof.

Section 15.07 Nonwaiver of Rights

The non-enforcement by either party of the breach of any term, covenant or condition herein stipulated, shall never be construed to be a waiver of any other or succeeding breach of any term, covenant or condition herein imposed upon the other party, and the acceptance of payments of any amounts due or to become due hereunder in any other way or manner, or at any other time than herein provided, shall never be construed as a waiver of the right of City of any of the provisions herein imposed upon Airline.

Section 15.08 Federal Aviation Act, Section 308

Nothing herein contained shall be deemed to grant to Airline any exclusive right or privilege within the meaning of Section 308 of the Federal Aviation Act, as amended or succeeded, for the conduct of any activity on the Airport, except that, subject to the terms and provisions hereof, Airline shall have the right to exclusive possession of the Exclusive Use Space leased to Airline under the provisions of this Agreement.

Section 15.09 Severability

If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement will not be affected, and in lieu of each provision which is found to be illegal, invalid, or unenforceable, there will be added as part of this Agreement a provision as similar to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

Section 15.10 Headings

The headings of the several articles and sections of this Agreement are inserted only as a matter of convenience and for reference and in no way define, limit, or describe the scope or intent of any provisions of this Agreement and shall not be construed to affect in any manner the terms and provisions hereof or the interpretation or construction thereof.

Section 15.11 Assignment by City or Other Successor in Interest

City may assign or otherwise convey its interest, rights, duties and/or obligations hereunder to any airport authority or other successor in interest. City, airport authority or other successor in interest may assign, pledge or take other appropriate action with respect to this Agreement and their rights

and interests hereunder for any purpose relating to the issuance of bonds or other revenue generating devices.

Section 15.12 Removal of Disabled Aircraft

Airline shall promptly remove any of its disabled aircraft from any part of the Airport (including, without limitation, runways, taxiways, aprons, and aircraft parking positions) and place any such disabled aircraft in such storage areas as may be designated by Director. Airline may store such disabled aircraft only for such length of time and on such terms and conditions as may be established by the Director. If Airline fails to remove any of its disabled aircraft promptly, the Director may, but shall not be obligated to, cause the removal of such disabled aircraft, provided, however, the obligation to remove or store such disabled aircraft shall be consistent with federal laws and regulations, including those of the FAA and the National Transportation Safety Board (NTSB). Airline agrees to reimburse City for all costs of such removal and/or storage within thirty (30) days of receipt of an invoice thereof; and Airline, furthermore, hereby releases City from any and all claims for damage to the disabled aircraft or otherwise arising from or in any connected with such removal by City, except to the extent caused by the negligence or willful misconduct of City, its agents, or its employees.

Section 15.13 Quiet Enjoyment

City covenants and agrees that Airline on paying the rent (and other charges herein provided for) and observing and keeping the covenants, conditions, and terms of this Agreement, shall lawfully and quietly hold, occupy and enjoy the Leased Premises during the term of this Agreement without hindrance or molestation by City or any person claiming under City.

Section 15.14 Agreement Subject to Covenants in Deed

It is mutually agreed that this Agreement is made subject to the covenants, requirements and restrictions contained in the Deed or Deeds by which City obtained title to said Portland International Jetport.

Section 15.15 Force Majeure

No party to this Agreement is responsible to the other party for nonperformance or delay in performance of the terms and conditions herein due to acts of God, acts of government, wars, riots,

strikes, accidents in transportation, fuel or materials shortages, or other causes beyond the control of the parties.

Section 15.16 Entire Agreement

This Agreement, together with all exhibits attached hereto, constitutes the entire agreement between the parties hereto, and all other representations or statements heretofore made, verbal or written, are merged herein, and this Agreement may be amended only in writing, and executed by duly authorized representatives of the parties hereto.

Section 15.17 Time is of the Essence

Time is and shall be deemed of the essence in respect to the performance of each provision of this Agreement.

Section 15.18 Agreement Made in Maine

The laws of the State of Maine shall govern the validity, interpretation, performance and enforcement of this Agreement. Venue shall be in the State courts in Cumberland County, Maine.

Section 15.19 Cumulative Rights and Remedies.

All rights and remedies of City and Airline here enumerated shall be cumulative and none shall exclude any other right or remedy allowed by law. Likewise, the exercise by City and Airline of any remedy provided for herein or allowed by law shall not be to the exclusion of any other remedy. Notwithstanding the foregoing, neither party shall be liable to the other party for incidental, special, punitive or consequential damages hereunder.

Section 15.20 Interpretation

Words of gender used in this Agreement shall be held and construed to include any other gender, and words in the singular shall be held to include the plural and vice versa unless the context otherwise requires.

Section 15.21 Agreement Made in Writing

This Agreement contains all of the agreements and conditions made between the parties hereto and may not be modified orally or in any manner other than by agreement in writing signed by the parties hereto or their respective successors in interest.

Section 15.22 Successors and Assigns

All of the terms, provisions, covenants and conditions of this Agreement shall inure to the benefit of and be binding upon City and Airline and their successors, assigns, legal representatives, heirs, executors and administrators.

Section 15.23 Authorization to Enter Agreement

If Airline signs this Agreement as a corporation, each of the persons executing this Agreement on behalf of Airline warrants to City that Airline is a duly authorized and existing corporation, that Airline has full right and authority to enter into this Agreement, and that each and every person signing on behalf of Airline is authorized to do so. Upon City's request, Airline will provide evidence satisfactory to City confirming these representations.

Section 15.24 Approvals

Wherever approval of City or Airline is required hereunder, such approval shall not be unreasonably delayed or withheld.

Section 15.25 Favored Nations

City shall not enter into any written or oral lease, contract or other agreement with any other Air Transportation Company providing service at the Airport, or which may provide service at the Airport, which contains any rights, licenses, privileges, rates or charges more favorable to such carrier than the rights, licenses, privileges, rates and charges granted to or payable hereunder by Airline, or containing any other material terms which are more favorable to said carrier than those afforded to Airline hereunder unless City also makes those more favorable terms available to Airline; and provided further, that City reserves the right to charge for the use of the International Facilities Area on a per use basis.

Section 15.26 Effective Date

This Agreement shall be effective as of the date of execution on the front page.

Section 15.27 Existing Agreements Terminated

All agreements between the parties in effect prior to execution of this Agreement and covering the subject matter of this Agreement are terminated as of the effective date of this Agreement.

Section 15.28 Notices

- A. Any notice under the terms of this Agreement shall be in writing and sent by certified mail, return receipt requested, or by overnight courier service. If such notice is given by Airline, it shall be submitted to the Director of Aviation and Transportation, Portland International Jetport, 1001 Westbrook Street, Portland, Maine 04102, with a copy to the City Manager, 389 Congress Street, Portland, ME 04101, or to such revised address as notified by City. If given by City, such notice shall be submitted to the address of Airline at the following address:

- B. If notice is given in any other manner or at any other place, it will also be given at the place and in the manner specified above.

- C. Any notice so given shall be deemed properly delivered, given, served, or received on the date shown for delivery or rejection on the return receipt. Any party may change the address to which notices shall thereafter be given upon five (5) days prior written notice to all other parties in the manner set forth in this Section.

Section 15.29 Capacity.

Each party represents to the other that: Such party has full power and authority to perform its obligations hereunder and that any person or entity executing this Agreement by or on behalf of the

representing party has the authority to act on behalf of and bind the representing party, and that the performance of this Agreement will not be in violation of the representing party's charter or any law, ordinance, rule, regulation or order of any governmental body having jurisdiction, or the provisions of any agreements to which the representing party is a party or by the terms of which it is bound and, if requested, each party shall furnish to any other party reasonably satisfactory evidence of such authority and approval.

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives,
have executed this Agreement on the day and year first above written.

CITY OF PORTLAND

AIRLINES

By: _____

Jon P. Jennings, City Manager

By: _____

(Please print name)

Its _____
(Title)

EXHIBIT B

CAPITAL IMPROVEMENT PROGRAM

TABLE 2 CIP Project Costs and Funding Sources Portland International Jetport (in \$000's)							
Proj. No.	Description	Project Costs		Funding Sources			
		2016 \$	Inflated	AIP Grants	State	Local	
						PFCs	Jetport
FISCAL YEAR 2017							
1	Terminal Apron Expansion Northwest End - Phase 1	\$3,290	\$3,379	\$3,041	\$169	\$0	\$169
2	Environmental Assessment and Permitting for Airport Improvements	750	770	693	39	0	39
Subtotal 2017		\$4,040	\$4,149	\$3,734	\$207	\$0	\$207
FISCAL YEAR 2018							
3	Gate 1 Apron Reconstruction and Construct TW C Snow Shoulders North	\$4,089	\$4,320	\$3,888	\$216	\$0	\$216
4	Runway Incursion Warning System	125	132	119	7	0	7
5	3rd Floor Bypass Auto Exit Portals	450	475	0	0	475	0
6	Gate 1 - 6 Rehabilitation & Vertical Circulation Improvement	2,000	2,110	0	0	0	2,110
7	Pre Conditioned Air/Lifts for Loading Bridges	900	949	854	0	0	95
8	Gate 1 Additional Loading Bridges	650	686	0	0	686	0
9	Central Air Handling Units	220	232	0	0	232	0
Subtotal 2018		\$8,434	\$8,903	\$4,861	\$223	\$1,392	\$2,427
FISCAL YEAR 2019							
10	Terminal Apron Expansion Northwest End - Phase 2	\$2,085	\$2,225	\$2,003	\$111	\$0	\$111
11	Environmental Assessment Mitigation Measures	1,000	1,083	975	54	0	54
12	ARFF Vehicle	1,000	1,083	975	54	0	54
13	Snow Removal Tractor for Airfield Lights/Signs	350	379	341	19	0	19
14	Maintenance Building Generator and Enclosure	250	271	244	14	0	14
15	Click to Activate Runway Lights	50	54	49	3	0	3
16	Admin Offices above Bag Claim - East End	1,500	1,625	0	0	244	1,381
17	Additional Loading Bridges for Gate 11	650	704	0	0	704	0
Subtotal 2019		\$6,885	\$7,424	\$4,586	\$255	\$948	\$1,636
FISCAL YEAR 2020							
18	Long Term Hold/Deicing/RON Apron - Phase 1	\$3,918	\$4,220	\$3,798	\$211	\$0	\$211
19	FIS Facility	7,000	7,787	0	0	7,398	389
Subtotal 2020		\$10,918	\$12,007	\$3,798	\$211	\$7,398	\$600

TABLE 2 (Continued)							
FISCAL YEAR 2021							
20	Snow Melt Equipment for Contaminated Snow	\$300	\$343	\$308	\$17	\$0	\$17
21	Long Term Hold/Deicing/RON Apron - Phase 2	2,400	2,600	2,340	130	0	130
22	Runway 11 Taxiway Bypass and Perimeter Service Road Realignment	1,028	1,100	990	55	0	55
23	Tree Removal for GQS on Runway 36 End	50	57	51	3	0	3
24	Expand Baggage Claim - Phase 2	10,000	11,425	0	0	10,854	571
25	Loading Bridge	515	588	0	0	588	0
Subtotal 2021		\$14,293	\$16,113	\$3,690	\$205	\$11,442	\$776
FISCAL YEAR 2022							
26	Construct Air Cargo Taxiway - Phase 1 TW G to TW A	\$3,660	\$4,200	\$3,780	\$210	\$0	\$210
27	Rehabilitate Cargo Apron	2,440	2,863	2,577	143	0	143
28	Displacement Plows	750	880	792	44	0	44
29	Airport Security Fence and Gate Upgrades (North East Area)	245	288	259	14	0	14
Subtotal 2022		\$7,095	\$8,230	\$7,407	\$412	\$0	\$412
TOTAL SHORT TERM		\$51,665	\$56,827	\$28,076	\$1,512	\$21,180	\$6,058
INTERMEDIATE TERM							
1	Construct Taxiway C Realignment - Phase 1	\$6,080	\$7,524	\$6,772	\$376	\$0	\$376
2	Loading Bridge	538	666	0	0	666	0
3	Land Acquisition	1,948	2,476	2,228	124	0	124
4	Construct Air Cargo Taxiway - Phase 2	2,400	3,050	2,745	153	0	153
5	Loading Bridges	2,186	2,778	0	0	2,778	0
6	Replace Regional Boarding Ramps at Gate 1B and C	350	445	0	0	445	0
7	Relocate Taxiway A East of Runway 18-36	5,200	6,788	6,109	339	0	339
8	Construct Taxiway C Realignment - Phase 2	3,000	4,022	3,619	201	0	201
9	Relocate Service Access Road East of Cargo	600	804	724	40	0	40
10	Parking Garage Expansion Phase 3	15,000	20,108	0	0	0	20,108
TOTAL INTERMEDIATE TERM		\$37,302	\$48,661	\$22,197	\$1,233	\$3,889	\$21,341
LONG TERM							
1	Construct Air Cargo Apron Phase II (North)	\$4,300	\$5,920	\$5,328	\$296	\$0	\$296
2	Construct Air Cargo Apron Phase I (South)	3,000	4,130	3,717	207	0	207
3	ARFF Vehicle	1,500	2,065	1,859	103	0	103
4	Construct Taxiway B Runway 36 to 29	2,800	3,959	3,563	198	0	198
5	Extend Cargo Apron East Interport Location	1,900	2,686	2,418	134	0	134
6	Rotary Snowplow 5000 TPH	550	778	700	39	0	39
7	Expand Maintenance Building	3,750	5,445	4,901	272	0	272
8	Construct Aircraft Engine run-Up Pad	1,600	2,323	2,091	116	0	116
9	SRE 18' FRT MTD Broom	950	1,379	1,241	69	0	69
10	Strengthen/Rehab Runway 11-29	8,200	12,228	11,006	611	0	611
11	Displacement Plows/Spreaders	650	969	872	48	0	48
12	Strengthen/Rehab Taxiways A, D, E, & F	5,900	9,036	8,132	452	0	452
13	2000 Gallon Liquid Spreader	250	383	345	19	0	19
14	ARFF Vehicle	125	191	172	10	0	10
15	Construct South Apron Taxiway	2,830	4,451	4,006	223	0	223
16	Construct South General Aviation Apron - Phase 1	2,300	3,618	3,256	181	0	181
17	Construct South General Aviation Apron - Phase 2	2,300	3,715	3,344	186	0	186
18	Terminal Westerly Expansion	16,000	25,846	0	0	24,553	1,292
19	Rehabilitate Runway 18-36, Taxiway B and J	3,600	5,972	5,375	299	0	299
20	Construct South General Aviation Apron - Phase 3	3,000	4,977	4,479	249	0	249
21	Ramp Expansion East of Air Traffic Control Tower	7,200	12,267	11,040	613	0	613
22	Snow Plows	650	1,107	997	55	0	55
23	Parking Garage Expansion Phase 4	20,000	34,075	0	0	0	34,075
24	Terminal Easterly Expansion/Renovation	11,000	18,741	0	0	17,804	937
TOTAL LONG TERM		\$104,355	\$166,264	\$78,842	\$4,380	\$42,358	\$40,685
TOTAL CIP		\$193,322	\$271,752	\$129,116	\$7,126	\$67,426	\$68,084
PLUS: CAPITAL OUTLAY		\$30,738	\$40,498	\$0	\$0	\$0	\$40,498
TOTAL CIP AND CAPITAL OUTLAY		\$224,059	\$312,250	\$129,116	\$7,126	\$67,426	\$108,582

EXHIBIT C
LEASED PREMISES

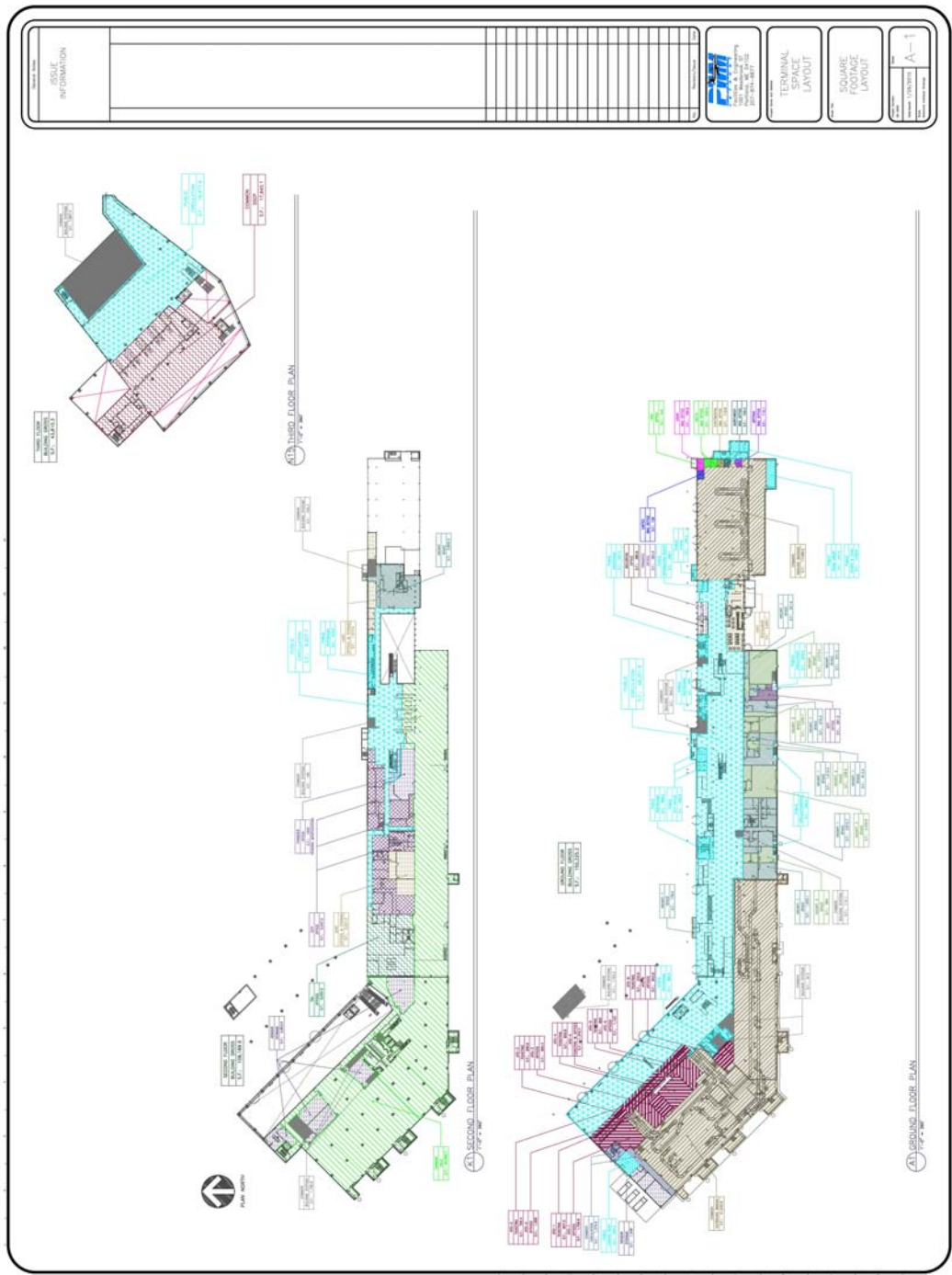


TABLE 1				
City of Portland				
Portland International Jetport				
Current Agreement Added Screening Area				
RATE SUMMARY				
April 22, 2016	Actual	Budget	Estimated	Budget
	2015	2016	2016	2017
Terminal Rental Rates				
Airline Exclusive Use	\$28.46	\$29.17	\$29.41	\$29.25
M&O Expenses Rate	\$14.70	\$14.56	\$14.64	\$15.31
Building Maintenance Rate	\$0.00	\$0.00	\$0.00	\$0.00
Electricity Rate	\$0.00	\$0.00	\$0.00	\$0.00
Indirect M&O Rate (Excluding Security)	\$4.29	\$5.10	\$5.09	\$5.18
Security M&O Rate	\$6.16	\$6.31	\$6.30	\$6.09
Capital Projects Rate	\$2.35	\$2.52	\$2.70	\$2.67
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)	\$0.96	\$0.68	\$0.68	\$0.00
	\$28.55	\$29.25	\$29.49	\$29.25
Common Use				
Airline Exclusive Use	\$14.70	\$14.56	\$14.64	\$15.31
M&O Expenses Rate	\$0.00	\$0.00	\$0.00	\$0.00
Building Maintenance Rate	\$0.00	\$0.00	\$0.00	\$0.00
Electricity Rate	\$0.00	\$0.00	\$0.00	\$0.00
Indirect M&O Rate (Excluding Security)	\$4.29	\$5.10	\$5.09	\$5.18
Security M&O Rate	\$6.16	\$6.31	\$6.30	\$6.09
Capital Projects Rate	\$2.35	\$2.52	\$2.70	\$2.67
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)	\$1.05	\$0.76	\$0.76	\$0.00
	\$36.11	\$38.88	\$39.12	\$38.44
Outbound Baggage				
Airline Exclusive Use	\$14.70	\$14.56	\$14.64	\$15.31
M&O Expenses Rate	\$7.84	\$7.18	\$7.18	\$7.61
In-Line Baggage Rate	\$4.29	\$5.10	\$5.09	\$5.18
Indirect M&O Rate (Excluding Security)	\$6.16	\$6.31	\$6.30	\$6.09
Security M&O Rate	\$3.93	\$4.11	\$4.29	\$4.25
Capital Projects Rate	(\$0.81)	\$1.62	\$1.62	\$0.00
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)				
	\$28.60	\$29.12	\$29.36	\$29.25
Public/City				
Airline Exclusive Use	\$14.70	\$14.56	\$14.64	\$15.31
M&O Expenses Rate	\$0.00	\$0.00	\$0.00	\$0.00
Building Maintenance Rate	\$0.00	\$0.00	\$0.00	\$0.00
Electricity Rate	\$0.00	\$0.00	\$0.00	\$0.00
Indirect M&O Rate (Excluding Security)	\$4.29	\$5.10	\$5.09	\$5.18
Security M&O Rate	\$6.16	\$6.31	\$6.30	\$6.09
Capital Projects Rate	\$2.35	\$2.53	\$2.71	\$2.67
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)	\$1.10	\$0.62	\$0.62	\$0.00
	\$2.93	\$2.83	\$2.82	\$3.24
Landing Fee				
	\$7.64	\$8.06	\$8.24	\$8.85
Airline Cost Per Enplanement				

EXHIBIT D
TERMINAL BUILDING SUBCOST CENTERS

City of Portland				
Portland International Jetport				
Current Agreement Added Screening Area				
OPERATING EXPENSES				
April 22, 2016				
	Actual	Budget	Estimated	Budget
	2015	2016	2016	2017
Summary by Line Item				
Payroll	\$2,657,318	\$2,826,395	\$2,794,832	\$3,099,095
Benefits	1,609,985	1,701,450	1,711,905	1,831,922
Administrative Services	473,291	670,020	652,182	720,355
Contractual Services	4,066,917	4,102,922	4,115,754	4,333,248
Maintenance & Repairs	1,043,208	1,012,403	976,791	1,028,076
Rentals	39,556	15,249	41,895	39,623
Insurance	167,077	138,789	153,393	138,431
Supplies	696,909	754,840	718,652	713,754
Minor Capital Items	9,260	8,000	8,000	0
Utilities	1,484,605	1,250,134	1,246,747	1,299,470
Contributions	1,632,504	1,832,286	1,825,524	1,914,987
TOTAL	\$13,880,630	\$14,312,488	\$14,245,675	\$15,118,961
Summary by Cost Center				
Jetport Administration (01)	\$1,856,400	\$2,131,128	\$2,173,882	\$2,085,656
Jetport Field (02)	2,743,962	2,847,202	2,809,453	3,091,983
General Aviation (03)	22,790	26,654	19,728	25,504
Fringe & Indirect Costs (04)	0	0	0	0
Security (05)	1,904,231	1,951,412	1,947,822	1,884,225
Terminal (06)	4,395,349	4,328,794	4,351,846	4,554,802
Jetport Surplus (07)	0	0	0	0
Marketing (08)	368,502	545,259	500,080	596,454
Parking (09)	183,909	187,328	173,627	204,384
Airfield Deicing Facility (10)	758,545	682,733	657,260	682,081
ARFF	1,646,942	1,611,977	1,611,977	1,993,872
Roadways	0	0	0	0
TOTAL	\$13,880,630	\$14,312,488	\$14,245,675	\$15,118,961

EXHIBIT E

CALCULATION OF TERMINAL BUILDING RENTAL RATES – ILLUSTRATION

TABLE 2				
City of Portland				
Portland International Jetport				
Current Agreement Added Screening Area				
TERMINAL RENTAL RATE				
Exclusive Use				
April 22, 2016				
	Actual 2015	Budget 2016	Estimated 2016	Budget 2017
Direct Expense				
M&O Expenses (Less: Bldg Maint & Elec)	\$755,833	\$748,241	\$752,497	\$786,949
Building Maintenance	0	0	0	0
Electricity	0	0	0	0
	\$755,833	\$748,241	\$752,497	\$786,949
Indirect Expense				
Administration	\$205,411	\$247,093	\$246,869	\$247,622
Security	316,449	324,290	323,693	313,125
ARFF	15,205	14,882	14,882	18,408
Roadways	0	0	0	0
	\$537,065	\$586,266	\$585,445	\$579,154
Capital Expense				
Equipment & Capital Outlays < \$10K - Direct	\$0	\$1,846	\$1,846	\$0
Equipment & Capital Outlays < \$10K - Indirect	0	0	1,041	0
Amortization	26,034	33,947	41,954	43,617
Debt Service	94,560	94,237	94,237	93,868
	\$120,594	\$130,030	\$139,078	\$137,484
TOTAL REQUIREMENT	\$1,413,492	\$1,464,537	\$1,477,020	\$1,503,588
Space	51,405	51,405	51,405	51,405
Average Rental Rate Prior to Adjustments	\$27.50	\$28.49	\$28.73	\$29.25
M&O Expenses Rate	\$14.70	\$14.56	\$14.64	\$15.31
Building Maintenance Rate	\$0.00	\$0.00	\$0.00	\$0.00
Electricity Rate	\$0.00	\$0.00	\$0.00	\$0.00
Indirect M&O Rate (Excluding Security)	\$4.29	\$5.10	\$5.09	\$5.18
Security M&O Rate	\$6.16	\$6.31	\$6.30	\$6.09
Capital Projects Rate	\$2.35	\$2.52	\$2.70	\$2.67
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)	\$0.96	\$0.68	\$0.68	
TOTAL RENTAL RATE	\$28.46	\$29.17	\$29.41	\$29.25
Adjustment for Security				
RENTAL RATE CHARGED	\$28.46	\$29.17	\$29.41	\$29.25
Leased Space	7,574	7,574	7,574	7,574
EXCLUSIVE USE SPACE REVENUE	\$216,000	\$221,000	\$223,000	\$222,250

TABLE 3				
City of Portland				
Portland International Jetport				
Current Agreement Added Screening Area				
TERMINAL RENTAL RATE				
Common Use				
April 22, 2016				
	Actual	Budget	Estimated	Budget
	2015	2016	2016	2017
Direct Expense				
M&O Expenses (Less: Bldg Maint & Elec)	\$1,417,125	\$1,258,058	\$1,265,214	\$1,475,465
Building Maintenance	0	0	0	0
Electricity	0	0	0	0
	\$1,417,125	\$1,258,058	\$1,265,214	\$1,475,465
Indirect Expense				
Administration	\$385,128	\$415,451	\$415,075	\$464,270
Security	593,316	545,246	544,243	587,083
ARFF	28,508	25,022	25,022	34,514
Roadways	0	0	0	0
	\$1,006,953	\$985,720	\$984,340	\$1,085,867
Capital Expense				
Equipment & Capital Outlays < \$10K - Direct	\$0	\$3,105	\$3,105	\$0
Equipment & Capital Outlays < \$10K - Indirect	0	0	1,750	0
Amortization	48,811	57,077	70,540	81,778
Debt Service	177,292	158,445	158,445	175,994
Debt Service Coverage				
LESS: PFC Revenues for Eligible Debt Service				
	\$226,104	\$218,627	\$233,839	\$257,772
TOTAL REQUIREMENT	\$2,650,181	\$2,462,405	\$2,483,394	\$2,819,104
Space	96,381	86,431	86,431	96,381
Average Rental Rate Prior to Adjustments	\$27.50	\$28.49	\$28.73	\$29.25
M&O Expenses Rate	\$14.70	\$14.56	\$14.64	\$15.31
Building Maintenance Rate	\$0.00	\$0.00	\$0.00	\$0.00
Electricity Rate	\$0.00	\$0.00	\$0.00	\$0.00
Indirect M&O Rate (Excluding Security)	\$4.29	\$5.10	\$5.09	\$5.18
Security M&O Rate	\$6.16	\$6.31	\$6.30	\$6.09
Capital Projects Rate	\$2.35	\$2.52	\$2.70	\$2.67
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)	\$1.05	\$0.76	\$0.76	
TOTAL RENTAL RATE	\$28.55	\$29.25	\$29.49	\$29.25
Adjustment for Security				
RENTAL RATE CHARGED	\$28.55	\$29.25	\$29.49	\$29.25
Leased Space	81,131	81,131	81,131	96,381
COMMON USE SPACE REVENUE	\$2,316,000	\$2,373,000	\$2,393,000	\$2,707,500

TABLE 4				
City of Portland				
Portland International Jetport				
Current Agreement Added Screening Area				
TERMINAL RENTAL RATE				
Outbound Baggage				
April 22, 2016				
	Actual	Budget	Estimated	Budget
	2015	2016	2016	2017
Direct Expense				
M&O Expenses (Less: Bldg Maint & Elec)	\$566,180	\$560,493	\$563,681	\$589,488
Direct Expense of In-Line Baggage System	301,950	276,513	276,513	292,885
	\$868,130	\$837,006	\$840,194	\$882,374
Indirect Expense				
Administration	\$153,869	\$185,093	\$184,925	\$185,488
Security	237,046	242,919	242,472	234,555
ARFF	11,390	11,148	11,148	13,789
Roadways	0	0	0	0
	\$402,305	\$439,160	\$438,545	\$433,833
Capital Expense				
Equipment & Capital Outlays < \$10K - Direct	\$0	\$1,383	\$1,383	\$0
Equipment & Capital Outlays < \$10K - Indirect	0	0	780	0
Amortization	80,530	86,458	92,456	93,701
Debt Service	70,833	70,591	70,591	70,314
Debt Service Coverage				
LESS: PFC Revenues for Eligible Debt Service				
	\$151,363	\$158,432	\$165,210	\$164,016
TOTAL REQUIREMENT	\$1,421,798	\$1,434,598	\$1,443,949	\$1,480,223
Space	38,507	38,507	38,507	38,507
Average Rental Rate Prior to Adjustments	\$36.92	\$37.26	\$37.50	\$38.44
Outbound Baggage Rate	\$14.70	\$14.56	\$14.64	\$15.31
In-Line Baggage Rate	\$7.84	\$7.18	\$7.18	\$7.61
Indirect M&O Rate (Excluding Security)	\$4.29	\$5.10	\$5.09	\$5.18
Security M&O Rate	\$6.16	\$6.31	\$6.30	\$6.09
Capital Projects Rate	\$3.93	\$4.11	\$4.29	\$4.25
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)	(\$0.81)	\$1.62	\$1.62	
TOTAL RENTAL RATE	\$36.11	\$38.88	\$39.12	\$38.44
Adjustment for Security				
RENTAL RATE CHARGED	\$36.11	\$38.88	\$39.12	\$38.44
Leased Space	38,507	38,507	38,507	38,507
OUTBOUND BAGGAGE SPACE REVENUE	\$1,390,000	\$1,497,000	\$1,506,000	\$1,484,250

TABLE 5				
City of Portland				
Portland International Jetport				
Current Agreement Added Screening Area				
TERMINAL RENTAL RATE				
Public/City				
April 22, 2016				
	Actual	Budget	Estimated	Budget
	2015	2016	2016	2017
Direct Expense				
M&O Expenses (Less: Bldg Maint & Elec)	\$1,354,261	\$1,485,489	\$1,493,940	\$1,410,013
Building Maintenance	0	0	0	0
Electricity	0	0	0	0
	\$1,354,261	\$1,485,489	\$1,493,940	\$1,410,013
Indirect Expense				
Administration	\$368,044	\$490,556	\$490,112	\$443,675
Security	566,997	643,816	642,631	561,039
ARFF	27,244	29,546	29,546	32,983
Roadways	0	0	0	0
	\$962,284	\$1,163,918	\$1,162,289	\$1,037,697
Capital Expense				
Equipment & Capital Outlays < \$10K - Direct	\$0	\$3,666	\$3,666	\$0
Equipment & Capital Outlays < \$10K - Indirect	0	0	2,066	0
Amortization	46,646	67,396	83,292	78,150
Debt Service	169,427	187,089	187,089	168,187
Debt Service Coverage				
LESS: PFC Revenues for Eligible Debt Service				
	\$216,073	\$258,151	\$276,113	\$246,337
TOTAL REQUIREMENT	\$2,532,618	\$2,907,558	\$2,932,342	\$2,694,047
Space	92,105	102,055	102,055	92,105
Average Rental Rate Prior to Adjustments	\$27.50	\$28.49	\$28.73	\$29.25
M&O Expenses Rate	\$14.70	\$14.56	\$14.64	\$15.31
Building Maintenance Rate	\$0.00	\$0.00	\$0.00	\$0.00
Electricity Rate	\$0.00	\$0.00	\$0.00	\$0.00
Indirect M&O Rate (Excluding Security)	\$4.29	\$5.10	\$5.09	\$5.18
Security M&O Rate	\$6.16	\$6.31	\$6.30	\$6.09
Capital Projects Rate	\$2.35	\$2.53	\$2.71	\$2.67
Adjustment Rate (Prior Yr Actual Minus Prior Yr Budget)	\$1.10	\$0.62	\$0.62	
TOTAL RENTAL RATE	\$28.60	\$29.12	\$29.36	\$29.25
Adjustment for Security				
RENTAL RATE CHARGED	\$28.60	\$29.12	\$29.36	\$29.25

EXHIBIT F

CALCULATION OF LANDING FEE RATES – ILLUSTRATION

TABLE 6				
City of Portland				
Portland International Jetport				
Current Agreement Added Screening Area				
LANDING FEE CALCULATION				
April 22, 2016				
	Actual	Budget	Estimated	Budget
	2015	2016	2016	2017
Direct Expense				
Personnel Services	\$807,821	\$947,246	\$941,915	\$1,111,625
Contractual Services	1,214,217	1,114,639	1,129,575	1,246,184
Commodities	721,924	785,317	737,963	734,174
	\$2,743,962	\$2,847,202	\$2,809,453	\$3,091,983
Indirect Expense				
Administration	\$1,112,451	\$1,338,194	\$1,336,981	\$1,341,055
Security	190,423	195,141	194,782	188,422
ARFF	1,564,595	1,531,379	1,531,379	1,894,178
Roadways	0	0	0	0
	\$2,867,469	\$3,064,713	\$3,063,142	\$3,423,656
Capital Expense				
Equipment & Capital Outlays < \$10K - Direct	\$2,825	\$10,000	\$26,951	\$10,000
Equipment & Capital Outlays < \$10K - Indirect	0	0	626	0
Amortization	374,049	411,275	458,473	502,234
Debt Service	0	0	0	0
Debt Service Coverage				
LESS: PFC Revenues for Eligible Debt Service				
	\$376,874	\$421,275	\$486,050	\$512,234
TOTAL REQUIREMENT	\$5,988,306	\$6,333,190	\$6,358,645	\$7,027,873
LESS: General Aviation Landing Fees	(156,649)	(120,950)	(156,500)	(170,990)
NET REQUIREMENT	\$5,831,657	\$6,212,240	\$6,202,145	\$6,856,883
Landed Weight	1,007,346	1,120,077	1,120,077	1,060,077
Average Rate Prior to Adjustments	\$5.79	\$5.55	\$5.54	\$6.47
M&O Rate (Excluding Security)	\$2.72	\$2.54	\$2.51	\$2.92
Indirect M&O Rate (Excluding Security)	\$2.66	\$2.56	\$2.56	\$3.05
Security M&O Rate	\$0.19	\$0.17	\$0.17	\$0.18
Capital Projects Rate	\$0.22	\$0.28	\$0.30	\$0.32
BREAKEVEN LANDING FEE	\$5.79	\$5.55	\$5.54	\$6.47
Landing Fee Reduction	50.0%	50.0%	50.0%	50.0%
AIR CARRIER LANDING FEE	\$2.90	\$2.78	\$2.77	\$3.24
Prior Period Adjustment	\$0.03	\$0.05	\$0.05	
LANDING FEE	\$2.93	\$2.83	\$2.82	\$3.24

**SECOND AMENDMENT TO
SIGNATORY AIRLINE OPERATING AGREEMENT
AND LEASE AT THE
PORTLAND INTERNATIONAL JETPORT**

THIS SECOND AMENDMENT is made as of this ____ day of _____, 2022, to the **SIGNATORY AIRLINE OPERATING AGREEMENT AND LEASE AT THE PORTLAND INTERNATIONAL JETPORT** dated July 1, 2016 by and between the **CITY OF PORTLAND**, a body politic and corporate located in Cumberland County, Maine (hereinafter the "**City**"), and _____ a _____ corporation with a mailing address of _____ (hereinafter referred to as the "**Airline**").

W I T N E S S E T H:

WHEREAS, the Airline is operating at the Portland International Jetport under a Signatory Airline Operating Agreement And Lease At the Portland International Jetport dated July 1, 2016, which was amended by a First Amendment dated _____, 2020 (collectively, the "Lease"); and

WHEREAS, the term of the Lease terminates on June 30, 2022; and

WHEREAS, the parties desire to extend the termination date of the Lease by three (3) years.

NOW, THEREFORE, in consideration of the mutual obligations contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The termination date of the Lease, which, pursuant to section 1 of the First Amendment is June 30, 2022, is hereby extended to June 30, 2025.
2. Any and all terms of the Lease not herein amended shall remain in full force and effect for the duration of the Lease as amended hereby and are hereby ratified. In the event of any conflict between the terms of this Amendment and the terms of the Lease and any exhibits thereto, the terms of this Amendment shall govern and control so long as this Amendment is in effect.

Signature page follows.

IN WITNESS WHEREOF, the said **CITY OF PORTLAND** has caused this First Amendment to Signatory Airline Operating Agreement And Lease to be signed and sealed by Danielle P. West, its Interim City Manager, thereunto duly authorized, and _____ has caused it to be signed by _____, its _____, thereunto duly authorized, the day and year first above written.

WITNESS:

CITY OF PORTLAND

By: _____

Danielle P. West

Its: Interim City Manager

WITNESS:

_____ **AIR LINE**

By: _____

Printed Name: _____

Its: _____

Approved as to form:

Approved as to Funds:

City Corporation Counsel's Office

City Finance Director

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 19, 2022

SUBJECT: Order 277-21/22 Approving the Purchase & Sale Agreement between Janet and Steve Berry and Portland for Redlon Woods Property - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Interim City Manager Danielle West

(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 6/6/2022

Final Action 6/20/2022

Can action be taken at a later date: No This item needs to be moved along quickly so land transactions can start to take place.

Does this item involve a new contract with the City: Legal has reviewed the approved the Redlon Woods Purchase and Sale Agreement.

PRESENTATION: Ethan Hipple, Director of Parks, Recreation and Facilities Management

I. SUMMARY

Phase 1- We are seeking approval for the (June St) Purchase and Sale Agreement to acquire certain various parcels approximately 1.6 acres in size to be added to the city-owned Redlon Woods to protect ecological, stormwater preservation and open space for Portland residents.

II. AGENDA DESCRIPTION

On February 9, 2022 the Land Bank Commission (LBC) voted (8-0) to recommend to the City Council the acquisition of parcels identified as 193 D 5 to 12 and 193 D 21-25, consisting of 1.60 acres owned by Janet and Steve Barry to be added to the existing Land Bank property at Redlon Woods.

This purchase, at a cost of \$99,000, would protect the local ecology, stormwater preservation and open space for Portland residents.

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

III. BACKGROUND

Redlon Woods is an open area approximately 5.8 acres in size located in District 3. In 2017 City Council approved approximately 2 acres be put into the Land Bank. Since that time, we have been working to acquire other parcels within Redlon Woods to be put into the Land Bank. We are presenting 3 orders to City Council (Phase 1, 1.6 acres, Phase 2, .69 acres and Phase 3, .25 acres) requesting authorization to proceed with adding more parcels into the Land Bank.

Phase 1- We are seeking approval for the (June St) Purchase and Sale Agreement to acquire certain various parcels approximately 1.6 acres in size to be added to the city-owned Redlon Woods to protect ecological, stormwater preservation and open space for Portland residents.

The Land Bank Commission (LBC), on February 9, 2022 voted unanimously for all 8 Commissioners attending the meeting to recommend to the City Council the acquisition of parcels identified as 193 D 5 to 12 and 193 D

21-25 consisting of 1.60 acres to be added to the existing Redlon Woods.

On May 17, 2022, the Housing and Economic Development Committee voted unanimously to approve this purchase and sale agreement.

LBC property evaluations include a standardized “scorecard” that ranks the benefits and constraints of proposed property acquisitions. The scorecard for these Redlon Woods parcels indicates that the property would contribute to healthy forest, wetlands, and most importantly climate mitigation benefits as it is forested with mature, native trees and maintaining this as open space would minimize the stormwater runoff problems that have been evident in the surrounding neighborhood since the 1980s.

The City’s Economic Development Director, along with other City staff, assessed the potential for affordable housing associated with these parcels and determined that the cost to develop an entrance combined with the exacerbating stormwater runoff problems, did not warrant further consideration for pursuing affordable housing options.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to acquire this property (Phase 1) as well as Phase 2 and Phase 3 to incorporate into the existing open space area known as Redlon Woods.

V. FINANCIAL IMPACT

There is minimal fiscal impact to the City since the LBC would cover the \$99,000 acquisition cost. The LBC is requesting that the environmental due diligence be covered by the City using existing funds from the Housing and Economic Development Department.

VI. STAFF ANALYSIS AND BACKGROUND

The LBC and City staff recommend the City Council votes to approve the acquisition of these parcels identified as 193 D 5 to 12 and 193 D 21-25 consisting of 1.60 acres to be added to the existing acreage in Redlon Woods. If all three phases are approved this would provide approximately 4.25 acres of open space within the city limits.

VII. RECOMMENDATION

To approve the acquisition of these parcels identified as 193 D 5 to 12 and 193 D 21-25 consisting of 1.60 acres to be added to the existing acreage in Redlon Woods. If all three phases are approved this would provide approximately 4.25 acres of open space within the city limits.

VIII. LIST ATTACHMENTS

1. P&S Janet and Steve Barry Redlon Woods for Land Bank 6.6.2022
2. Berry P&S
3. Survey Map
4. Redlon Woods Map
5. Scorecard Redlon 2020 - Sheet1
6. Redlon Woods Staff Memo COUNCIL June 2022
7. Development Options for Redlon Woods Memo
8. DPW Memo Redlon Woods

Prepared by:

Date: 05/19/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING PURCHASE & SALE AGREEMENT BETWEEN
JANET AND STEVE BARRY AND PORTLAND FOR REDLON WOODS PROPERTY**

ORDERED, that the Purchase and Sale Agreement between the city and Janet and Steve Barry in the amount of \$99,000 for 1.6 acres of land at Redlon Woods is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the land will be placed in and is to be maintained as part of the City's Land Bank; and

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

CONTRACT FOR THE SALE OF REAL ESTATE

Date: February, 2022

RECEIVED OF: **City of Portland** whose mailing address is **389 Congress Street, Portland, ME 04101, Attn: Danielle P. West, City Manager** hereinafter called the Purchaser(s), the sum of **Two Thousand Five Hundred** Dollars (\$2,500.00) as earnest money deposit and in part payment of the purchase price of the following described real estate, situated in the municipality of **Portland**, County of **Cumberland**, State of Maine and located at **portion of 36 June Street, as described in Exhibits A and B**, being a portion of the land described at said County's Registry of Deeds Book **16003**, Page **302** and further described as: **vacant land**, hereinafter called the Property, being property owned by **Scott H. Berry and Janet S. Berry**, whose mailing address is **36 June Street, Portland, ME**, hereinafter called the Seller(s). The purchase and sale of the Property is upon the terms and conditions indicated below:

1. PERSONAL PROPERTY: The following items of personal property are included in this sale (if applicable): **none**.
2. PURCHASE PRICE: The TOTAL purchase price being **Ninety-Nine Thousand** Dollars (**\$99,000.00**) to be paid as follows: **at closing**.
3. EARNEST MONEY/ACCEPTANCE: **Jewell & Bulger, PA** (the City's attorney) shall hold said earnest money in a non-interest bearing account and act as Escrow Agent until closing, at which time said earnest money shall be credited toward the purchase price; this offer shall be valid until **2/28/2022 at 5:00 PM**; and, in the event of the Seller's non-acceptance, this earnest money shall be returned promptly to the Purchaser(s).
4. TITLE: That a deed, conveying good and merchantable title in accordance with standards adopted by the Maine Bar Association shall be delivered to the Purchaser(s) and this transaction shall be closed and the Purchaser(s) shall pay the balance due and the parties shall execute all necessary papers on or before **7/15/2022**. If Seller(s) is unable to convey in accordance with the provisions of this paragraph, then the Seller(s) shall have a reasonable time period, not to exceed thirty (30) days, from the time the Seller(s) receives written notice of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is merchantable title, the Purchaser(s) may, within fifteen (15) days thereafter, at Purchaser's option, declare the contract null and void and any earnest money shall be returned to the Purchaser(s) and neither party shall have any further obligation hereunder. If the Purchaser(s) does not declare the contract void within the period set forth above, the Purchaser(s) shall have waived the right to object to title. The Seller(s) hereby agrees to make a good-faith effort to cure any title defect during such period.
5. DEED: That the property shall be conveyed by a **Warranty deed**, and shall be free and clear of all encumbrances except building and zoning restrictions of record, restrictive covenants and conditions of record and usual public utilities servicing the property and shall be subject to applicable land use and building laws and regulations.
6. POSSESSION /OCCUPANCY: Possession/occupancy of premises shall be given to Purchaser(s) immediately at closing unless otherwise agreed by both parties in writing.
7. LEASES/TENANT SECURITY DEPOSITS: N/A
8. PRORATIONS: The following items shall be prorated as of the date of closing:
 - a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - b. Seller(s) shall pay its transfer tax as required by the State of Maine. Purchaser is exempt from paying transfer taxes.
9. INSPECTIONS: The Purchaser(s) is encouraged to seek information from professionals regarding any specific issue of concern. The Agent makes no warranties regarding the condition, permitted use or value of the Seller's real or personal property. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser(s):

TYPE OF INSPECTION	YES	NO	RESULTS REPORTED	TYPE OF INSPECTION	YES	NO	RESULTS REPORTED
a. General Building	☐	☐	Within <u>#</u> days	g. Lead Paint	☐	☐	Within <u>#</u> days
b. Sewage Disposal	☐	☐	Within <u>#</u> days	h. Pests	☐	☐	Within <u>#</u> days
c. Water Quality	☐	☐	Within <u>#</u> days	i. ADA	☐	☐	Within <u>#</u> days
d. Radon Air Quality	☐	☐	Within <u>#</u> days	j. Wetlands	☐	☐	Within <u>#</u> days
e. Radon Water Quality	☐	☐	Within <u>#</u> days	k. Environmental Scan	☒	☐	Within <u>120</u> days
f. Asbestos Air Quality	☐	☐	Within <u>#</u> days	l. Other: survey	☒	☐	Within <u>120</u> days

The use of days is intended to mean from the effective date of this Contract. All inspections will be done by inspectors chosen and paid for by the Purchaser(s). If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser(s), in Purchaser(s) sole discretion, Purchaser(s) may declare the Contract null and void by notifying Seller(s) in writing within the specified number of days, and any earnest money shall be returned to the Purchaser(s). If the Purchaser(s) does not notify the Seller(s) that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by the Purchaser(s). In the absence of inspection(s) mentioned above, the Purchaser(s) is relying completely upon Purchaser's own opinion as to the condition of the property.

11. FINANCING: N/A
12. AGENCY DISCLOSURE: The Purchaser(s) and Seller(s) acknowledge that there are no agent(s) representing either party incident to this transaction.
13. .DEFAULT: If Purchaser(s) fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Seller's sole remedy shall be to retain the earnest money as full and complete liquidated damages. In the event Seller fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Purchaser shall have the right to pursue all legal and equitable remedies available to it, including, without limitation, specific performance, but at all times may elect in substitution therefor, the right to a return of the earnest money. Notwithstanding any other provision of this agreement, Escrow Agent shall have the right to require written releases from both parties prior to releasing the earnest money to either party. If a dispute arises between Purchaser(s) and Seller as to the existence of a default hereunder and/or the release of the earnest money and said dispute is not resolved by the parties within (30) days, Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser(s) and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the Deposit. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the Purchaser 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 Purchaser.
14. MEDIATION: Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation. This clause shall survive the closing of this transaction.
15. PRIOR STATEMENTS: Any verbal representations, statements and agreements are not valid unless contained herein. This Contract completely expresses the obligations of the parties. This is a Maine contract and shall be construed according to the laws of Maine.
16. HEIRS/ASSIGNS: This Contract is assignable YES ☒ NO ☐. This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns (if assignment is allowed by the terms of this Contract), of the respective parties.
17. COUNTERPARTS: This Contract may be signed on any number of identical counterparts, including telefacsimilie copies, with the same binding effect as if the signatures were on one instrument. Original or telefacsimilied signatures are binding.
18. BINDING CONTRACT: This Contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the Contract is noted below. Time is of the essence of this Contract.
19. REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION: N/A
20. Intentionally Omitted.
21. OTHER: The Buyer's obligations are subject to approval by the Portland City Council.

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

Seller(s) acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/2% of the consideration unless the Seller(s) furnishes to the Buyer(s) a certificate by the Seller(s) stating, under penalty of perjury, that Seller(s) is/are a resident of Maine or the transfer is otherwise exempt from withholding.

Purchaser

Date

Name/Title

Soc. Sec # or Tax I.D.

The Seller(s) accepts the offer and agrees to deliver the above-mentioned property at the price and upon the terms and conditions set forth above.

Signed this: _____ day of _____ 2022.

Effective date of Contract: _____, day of _____ 2022.

The Listing Licensee is N/A

The Selling Licensee is N/A

Seller: Scott H. Berry

Date

Name/Title

Seller – Janet S. Berry

Date

Name/Title

THIS IS NOT A BOUNDARY SURVEY

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MORTGAGE INSPECTION OF: DEED BOOK 18003 PAGE 30 COUNTY Cumberland
PLAN BOOK 11 PAGE 109 LOT 33, 34, 67-69 ±

ADDRESS: 36 June Street, Portland, Maine

Job Number: 1133-04-A2

Inspection Date: 08-27-21

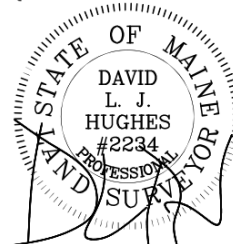
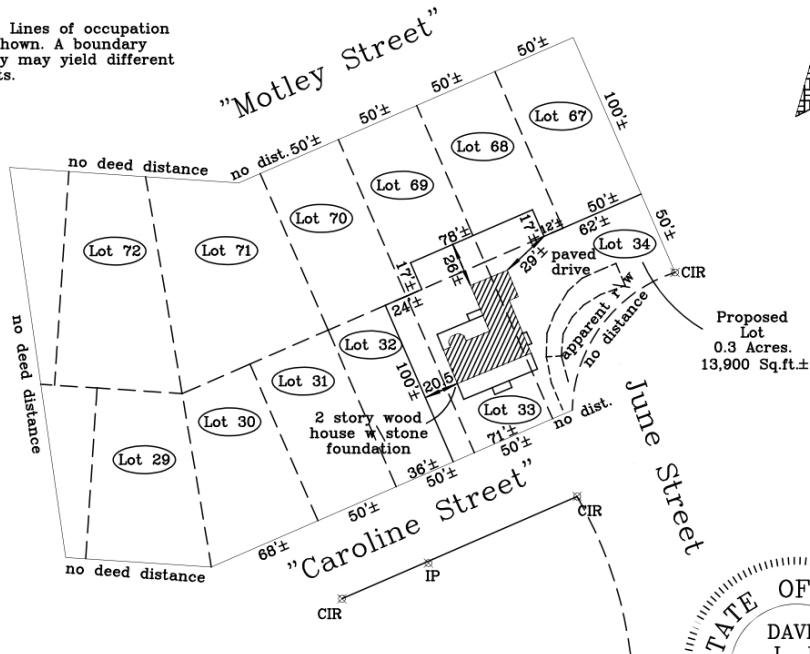
Scale: 1" = 80'

Client File #: LandBank

Buyers: Land Bank

Sellers: Scott and Janet Berry

NOTE: Lines of occupation are shown. A boundary survey may yield different results.



I HEREBY CERTIFY TO: Jewell & Bulger, P.A., The Lender,
and its title insurer.
Monuments found did not conflict with the deed description.
The dwelling setbacks do not violate town zoning requirements.
As delineated on the Federal Emergency Management Agency Community Panel 230051-0013B:
The structure does not fall within the special flood hazard zone.
The land does not fall within the special flood hazard zone.
A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

Livingston-Hughes

Professional Land Surveyors

88 Guinea Road

Kennebunkport, Maine 04046

207-967-9761 phone

207-967-4831 fax

www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

Proposed Lot of 13,900 sq ft to be held by the Berrys. The remaining land (lot 29-32 and Lot 67-72) would be sold to the City of Portland to be put into the Land Bank.



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD, SUITE B
PORTLAND, MAINE 04103
PHONE (207) 874-8801

LEGEND

- Land Bank Parcels
- Berry: Phase 1
- Coastal Oaks: Phase 2
- City-owned: Phase 3
- Private: Taylor
- Private: Motley St
- Private: Caroline St

Drainage

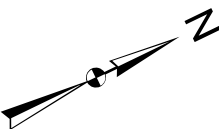
- Brook
- Ditch or Brook

Water Bodies

- swamp
- Countour Lines

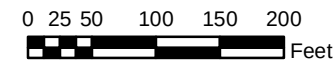
Redlon Woods Area

Note: Drainage & Water Bodies were derived from aerial imagery, not survey or wetland delineation. They are an indicator of potential water features only.



May 19, 2022

DESIGN BY: DAR DRAWN BY: DAR CHECK BY: XXX



Priorities for Land Bank activities	YES	MAYBE	NO	Notes
Does the property have, or contribute to, healthy forest ecosystem?		X		
Does the property have, or contribute to, healthy wetlands, streams, river, ocean, aquifers or other water bodies?	X			
Does the property help mitigate or adapt to climate change impacts? (CO2 storage, storm impacts, tidal impacts)	X			storm water absorption
Does the property provide an opportunity to protect or improve an ecosystem?	X			
Does the property create a connection or link between nearby Parks, Land Bank, or conserved properties?			X	
Does protecting the property support Portland's desired sustainable land use pattern of a dense core with developed corridors and nodes?			X	
Does protecting the property support Portland's desire for equal access to undeveloped natural space in every neighborhood? (all residents within a 10 minute walk)	X			for neighbors on the south and east
Does the property provide water access for the fishing industry OR for recreation?			X	
Does the property provide passive recreation opportunities?	X			walking, nature play, maybe MTB, if trails were constructed

Other considerations

Is this a time-limited opportunity?		X		
Cost				??
Maintenance needs, short or long term	X			There are many wear paths. Trails would need to be properly created and others, closed off. Trailhead/entries would need to be created.
Are there opportunities for leveraging collaboration (in purchase, programming and/or maintenance)	X			
Is there significant stakeholder support/opposition?	x			some demonstrated support
Are there other competing land uses?	x			B/C it's not buildable
Are there opportunities to achieve multiple goals of Land Bank &/or other City entities	X			water resources, recreation, land bank
Are there underserved areas where geography is a priority for ecological health or human wellness?		X		
Historical significance			X	
Geologic significance			X	
Is there potential for urban agricultural use			X	

To: Mayor Snyder and City Council Members
From: Pat Bailey, Chair, Land Bank Commission
Ethan Hipple, Director, Parks, Recreation and Facilities Department
Date: 5/20/22
Re: Redlon Woods Property Acquisitions for Land Bank

This memo is intended to provide backup information for the proposed acquisition of parcels in the area known as Redlon Woods. The acquisition is divided into three phases, which are detailed below.

The Land Bank Commission has voted in favor of each of the three proposed phases. The Housing and Economic Development Committee also voted unanimously in favor of this three-phase proposal during their May 17, 2022 meeting.

Combined, these acquisitions would add onto the 2.03 acres currently in the Land Bank within Redlon Woods, bringing the total to over 4.25 acres of land that would be preserved as open space and remain open to the public.

These parcels have been reviewed by the Planning, Public Works, and Parks, Recreation and Facilities Departments. The Planning Department has indicated that while future development for housing is possible at a significant cost, developing low-income or workforce housing on these lots would not be feasible (separate memo attached). The Department of Public Works supports the acquisition of these parcels for water resource and stormwater management functions (separate memo attached). The Parks, Recreation and Facilities Department supports this acquisition as it moves the City further toward the goal of every resident living within a 10 minute walk of a park or trail. The acquisition also preserves mature forest tree canopy, provides wetland and vernal pool habitat, and serves as a recreational resource for the entire city.

Property Name: Redlon Woods

Location: The end of June St directly off Stevens Ave. The properties sit behind Fire Station 3, in a wooded and ledgy area.

Land Bank Priority Scorecard:

The sites were ranked using the Land Bank prioritization process and matrix (scorecard) that is on file with the Land Bank's records. The sites are ranked as a medium to high priority since it meets several of the criteria for Land Bank properties. The property is within a 10 minute walk of a residential neighborhood encompassing most of the Rosemont neighborhood and is one of the larger undeveloped forested canopies of deciduous and coniferous trees within the city. The One Climate Future Plan and the city's 2030 Comprehensive Plan both commit Portland to adopt and integrate resilience standards for future development. These standards are intended to minimize the collective impact of climate hazards from more intense storms. Keeping the land as open space protects the forested canopy and minimizes the stormwater runoff problem that has been evident in the surrounding neighborhood since the 1980's.

There are currently many paths and trails within the woods used frequently by residents of the surrounding area and could be further improved to create a trail network that could be a resource for all City residents. This property is within one block of two METRO transit lines, and is frequently used as a shortcut for commuters and students to reach the METRO stops on Brighton Ave and Stevens Ave.

The site is zoned residential and has access from Rockland Ave, June St, Motley St, Kenilworth St, Redlon Park Rd and the paper street known as Caroline St. Although there is demand for residential development, the cost to develop the paper street to required standards would be a considerable expense for a developer.

Phase 1

Thirteen parcels along the paper street known as Caroline St at the dead end of June St. The parcels are identified as 193 D005-12 and 193D021—25 consisting of 51,629 square ft or approximately 1.185 acres. The parcels are owned by Janet and Steve Berry. The current total assessed value for the Berrys' home and the surrounding land is \$616,400. The land is valued at \$145,900 and the house is valued at \$470,500. The Berry's are interested in preserving the land surrounding their home as open space and contacted the Land Bank Commission back in 2016 to sell the collection of lots for a specified price. The purchase price as set forth in the proposed purchase and sale agreement for these parcels is \$99,000.

Phase 2

Six parcels along the paper street known as Caroline St at the dead end of June St identified as 193D13 to 18 consisting of .69 acres. The parcels are currently owned by Coastal Oaks LLC.

Coastal Oaks had previously submitted a plan for development of single family homes on this parcel, but, after incurring significant pre-development expenses and determining that the property would be difficult to develop, has agreed to sell the properties to the City for Land Bank purposes. The current assessed value is \$101,700, but a recent valuation by a local broker suggested that these lots would sell for \$210,000. The purchase price in the proposed purchase and sale agreement for the property is \$225,000. Neighborhood residents have raised approximately \$121,700K towards that purchase price, and the remainder would come from the Land Bank Fund.

Phase 3

Parcels near the paper street known as Rockland St and Caroline St identified as 177F23 and 177F19 consisting of .25 acres. These parcels are already owned by the City of Portland and would simply need to be designated as Land Bank properties.

To: Housing and Economic Development Committee
From: Kevin Kraft, AICP, Deputy Director Planning & Urban Development
Date: May 10, 2022
Subject: Development Challenges for Redlon Woods

In the Fall of 2016, the Department of Public Works and the Land Bank Commission identified several properties in the vicinity of Redlon Park Road for stormwater and conservation purposes, respectively. These properties were brought to the attention of the City Owned and Tax Acquired Properties Committee (COTAPC) who subsequently requested that the Planning and Urban Development Department research the reuse of all or some of the land identified in this area for potential housing development.

The City's Planning Director provided a memo to the city Council in October 2017 summarizing the Department's assessment and determining that redevelopment of the land would be challenging because of topography, presence of extensive ledge and wetlands, stormwater runoff issues, and lack of infrastructure necessary to service the area (roads and sewers). The analysis concluded that redevelopment of the land under the current R-3 Residential zoning for both single-family or as a Planned Residential Unit Development (PRUD) was unlikely.

In 2020, Coastal Oaks LLC, applicant, submitted subdivision and major site plan applications for some of the land that was previously analyzed to facilitate the reconfiguration of six parcels into three new parcels intended for single family home construction and to build a new street to access the lots. During staff's review of the application, significant concerns were identified regarding stormwater management, wetland impacts, and street constructability given the challenging topography.

Concerns related to stormwater management and wetland impacts included the limited hydraulic capacity of the area and the potential for discharge from the new lots to cause impacts to infrastructure downstream and to nearby properties, further exacerbating stormwater runoff problems in the area. Street constructability concerns were related to the applicant's proposed lot layout and the existing grades of the site, making it challenging to build a new connector road that would meet the City's street acceptance standards. Furthermore, the rights of Coastal Oaks LLC to use and construct a portion of Caroline Street, which is a dedicated, unaccepted paper street, as a means of access to its property was not established and Right, Title, and Interest for a portion of the existing paper street has remained outstanding.

The Phase 2 parcels, currently owned by Coastal Oaks LLC and under consideration for acquisition to be added into the Land Bank, are zoned R-3 Residential. R-3 is a residential zone mapped in off-peninsula

neighborhoods and characterized by single-family homes or planned residential unit developments on parcels with a minimum lot area of three acres. The developer's land area is below three acres and does not meet the minimum lot area for PRUDs in the R-3 zone. Therefore, the only residential development permitted on the site would be a small number of single-family homes, and even this has proved challenging, due to the significant topographic challenges, environmental sensitivities, and cost associated with constructing the necessary infrastructure to access and service the lots.

Department of Public Works
Michael Murray
Acting Director



To: Portland Housing and Economic Development Committee and City Council
From: Department of Public Works
Date: May 10, 2022
RE: Redlon Woods Parcels

The Department of Public Works and Water Resources Division support the acquisition and preservation of the undeveloped area west of Stevens Avenue, commonly referred to as Redlon Woods. Aside from the recreational, wildlife habitat and other open space benefits this woodland provides to local residents, the landscape is important from a water resource perspective. The sloping terrain consists of a mix of ledge, thin soils and perched wetlands and several drainage divides that convey runoff to either the storm drain system and eventually to Capisic Pond or to the combined sewer system. Over the years development in this area has increased the volume of stormwater runoff, while reducing the amount of landscape and vegetation available to absorb and mitigate it, resulting in additional neighborhood drainage issues and complaints. Further development and clearing of this area would exacerbate the existing situation, jeopardize water quality and likely result in additional public maintenance costs and/or the need for significant investment in additional infrastructure to address drainage issues. Preservation of this wooded open space is a small investment in water resources protection and management that will pay many dividends in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Murray", with a long, sweeping horizontal line extending to the right.

Michael Murray
Acting Director of Public Works

MEMORANDUM
City Council Agenda Item

FROM:

DATE: May 19, 2022

SUBJECT: Order 278-21/22 Approving the Purchase & Sale Agreement between Coastal Oaks, LLC and the City and Accepting and Appropriating a Donation toward the Redlon Woods Property - Sponsored by Danielle P. West, Interim City Manager

SPONSOR: Interim City Manager Danielle West

(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 6/6/2022

Final Action 6/20/2022

Can action be taken at a later date: No We would like to move this forward as quickly as possible to acquire the property.

Does this item involve a new contract with the City: The Purchase and Sale Agreement has been approved by Corporation Counsel.

PRESENTATION: Ethan Hipple, Director of Parks, Recreation and Facilities Management.

I. SUMMARY

Phase 2- We are seeking approval for the (June St) Purchase and Sale Agreement to acquire certain various parcels approximately .69 acres in size to be added to the city-owned Redlon Woods to protect ecological, stormwater preservation and open space for Portland residents.

II. AGENDA DESCRIPTION

On April 9, 2022, the Land Bank Commission (LBC) voted (8-0) to recommend to the City Council the acquisition of parcels identified as 193 D 13 to 18, consisting of .69 acres, to be added to the existing Redlon Woods. On May 17, 2022, the Housing & Economic Development Committee voted unanimously to approve this purchase and sale agreement.

The Land Bank Commission is seeking approval for the Phase 2 June Street Purchase and Sale Agreement to acquire various parcels, approximately .69 acres in size, to be added to the city-owned Redlon Woods to protect the local ecology, stormwater preservation, and open space for Portland residents. A donation of half of the purchase price of \$225,000 should also be accepted and appropriated by this order.

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

III. BACKGROUND

Redlon Woods is an open area approximately 5.8 acres in size located in District 3. In 2017 City Council approved approximately 2 acres be put into the Land Bank. Since that time, we have been working to acquire other parcels within Redlon Woods to be put into the Land Bank. We are presenting 3 orders to City Council (Phase 1, 1.6 acres, Phase 2, .69 acres and Phase 3, .25 acres) requesting authorization to proceed with adding more parcels into the Land Bank.

Phase 2- We are seeking approval for the (June St) Purchase and Sale Agreement to acquire certain various parcels approximately .69 acres in size to be added to the city-owned Redlon Woods to protect ecological, stormwater preservation and open space for Portland residents.

The Land Bank Commission (LBC), on April 9, 2022 voted unanimously (all 8 Commissioners attending the meeting) to recommend to the City Council the City acquisition of parcels identified as 193 D 13 to 18 consisting of .69 acres to be added to the existing Redlon Woods. On May 17, 2022, the Housing and Economic Development Committee voted unanimously to approve this purchase and sale agreement.

The LBC worked with concerned citizens to maintain this open space. The project evaluation included significant considerations. All LBC property evaluations include a standardized “scorecard” that ranks the benefits and constraints of proposed property acquisitions. The scorecard for these Redlon Woods parcels indicates that the property would contribute to healthy forest, wetlands, and most importantly climate mitigation benefits as it is forested with mature, native trees and maintaining this as open space would minimize the stormwater runoff problems that have been evident in the surrounding neighborhood since the 1980s.

A developer purchased these lots and submitted site development plans to the City for approval. The developer agreed to work with concerned citizens and the LBC to abandon the development plan and sell the lots to the City to be put into the Land Bank.

The City’s Planning and Urban Development Director, along with other City staff, assessed the potential for affordable housing associated with these parcels and determined that the cost to develop an entrance combined with the exacerbating stormwater runoff problems, did not warrant further consideration for pursuing affordable housing options. The City staff recommendation was for the Redlon Woods parcels to be acquired by the LBC to become part of the existing Redlon Woods open space.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to acquire this property (Phase 2) as well as Phase 1 and Phase 3 to incorporate into the existing open space area known as Redlon Woods..

V. FINANCIAL IMPACT

The owner of the subject lots is seeking \$225,000 for the sale of these lots. Concerned neighbors have raised \$112,500 and the LBC is contributing \$112,500. There is minimal fiscal impact to the City since the LBC would cover a portion of the purchase in the amount of \$112,500 and work with the neighbors to cover the cost of this acquisition. The LBC is requesting that the environmental due diligence be covered by the City using existing funds from the Housing and Economic Development Department.

VI. STAFF ANALYSIS AND BACKGROUND

The LBC and City staff recommend the City Council votes to approve the acquisition of these parcels identified as 193 D 13 to 18 consisting of .69 acres to be added to the existing acreage in Redlon Woods. If all three phases are approved this would provide for 4.25 acres of open space within the city limits.

VII. RECOMMENDATION

The LBC and City staff recommend the City Council votes to approve the acquisition of these parcels identified as 193 D 13 to 18 consisting of .69 acres to be added to the existing acreage in Redlon Woods. If all three phases are approved this would provide for 4.25 acres of open space within the city limits.

VIII. LIST ATTACHMENTS

1. P&S Coastal Oaks LLC and Donation for Redlon Woods for Land Bank 6.6.2022
2. Coastal Oaks LLC Property for Land Bank Commission letter re Donations for \$112,500
3. Scorecard Redlon 2020 - Sheet1

4. Redlon Woods Map
5. Survey Map
6. Berry P&S
7. Opinion of Value_Caroline St lots
8. Comps_Caroline St lots
9. Extension of P&S Agreement 2.27.20 CLEAN.docx

Prepared by:

Date: 05/19/2022

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING PURCHASE & SALE AGREEMENT BETWEEN
COASTAL OAKS, LLC AND PORTLAND AND ACCEPTING AND APPROPRIATING
\$112,500 IN DONATIONS FOR THE PURCHASE OF REDLON WOODS PROPERTY**

ORDERED, that the Purchase and Sale Agreement between the city and Coastal Oaks, LLC in the amount of \$225,000 for 0.69 acres of land at Redlon Woods is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that donations in the total amount of \$112,500 toward this purchase are hereby accepted and appropriated as a portion of the purchase price for the land in accordance with the attached April 7, 2022 letter from Nancy Markowitz, Maura Price, Dana Baldwin, Henry Powell, Rich Blumenthal, Jessica Teesdale, Susan Danly and many others; and

BE IT FURTHER ORDERED, that the land will be placed in and is to be maintained as part of the City's Land Bank; and

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

April 7, 2022

Dear Land Bank Commission,

We are the neighbors that surround 'The Woods' in the Rosemont neighborhood. We have been organizing and working hard to ensure that the woods remain open public green space. As you may be aware, the developer, Coastal Oaks submitted development plans for a portion of these woods.

Working in consultation with Pat Bailey, Land Bank Chair, we entered into a Letter of Intent with Coastal Oaks. They have agreed to sell the property to the City of Portland to be put into the Land Bank for \$225,000.

In order for this sale to be successful, we asked our neighbors to make contributions toward the purchase price and more than 70 households have come together to give or pledge a total of more than half the purchase price (\$112,500). This demonstrates how important these woods are to this neighborhood and how dedicated we are to preserving them as public open green space.

We know that the Land Bank Commission has been working for many years to preserve this specific property. We are looking to you to provide the balance of funds needed to complete the purchase and ensure preservation of the woods. *We request that you approve \$112,500 towards this purchase. To the extent that we raise more money from the neighbors, the amount needed from the Land Bank Commission will be reduced by the amount we raise.*

We are requesting that you allocate Land Bank Commission funds toward this purchase and approve the Purchase and Sale Agreement that will eventually be submitted to City Council at your April 13th meeting. Our desire is that all city approvals be obtained to accommodate the requested June closing by the seller.

Many from our neighborhood plan to attend your April 13th meeting to offer support and answer any additional questions.

Thank you for your consideration,

Residents of the Rosemont Neighborhood

Nancy Markowitz, Maura Price, Dana Baldwin, Henry Powell, Rich Blumenthal, Jessica Teesdale, Susan Danly and many others.

	Pledged	Street address	City	State	Zip	Checks	Pledge Letter	Pledged
\$16,000.00	Henry Powell and Reva Eiferman	60 Kenilworth St	Portland	ME	04102	Yes	Yes	
\$10,000.00	Matt and Susan Powell	PO Box 805	Scarborough	ME	04070	Yes	Yes	
	Jack and Fern Eiferman	242 Clark Rd.	Brookline	MA	02245		Yes	\$7,200.00
\$1,500.00	Ben and Carrie Strick	63 Kenilworth St	Portland	ME	04102	Yes	Yes	
\$5,000.00	Rich Blumenthal	5 Stoneledge Dr	Portland	ME	04102	Yes	Yes	
\$5,000.00	Nancy Markowitz	5 Stoneledge Dr	Portland	ME	04102	Yes	Yes	
\$10,000.00	Maura and Andrew Price	29 June St	Portland	ME	04102	Yes	Yes	
\$10,000.00	Susan Danly	6 Stoneledge Dr	Portland	ME	04102	Yes	Yes	
\$6,100.00	Rosemont Neighborhood Property Protectors	29 June St	Portland	ME	04102	Yes	Yes	
	Barbara Rich	7 Stoneledge Dr	Portland	ME	04102		Yes	\$2,000.00
\$2,500.00	Portland Parks	n/a	Portland	ME	04102	No	cleared with Pat	
\$5,000.00	Land Bank Donation from Danly	n/a	Portland	ME	04102	No	cleared with Pat	
\$100.00	Doug and Barbara Babkirk	55 Redlon Park	Portland	ME	04102	Yes	Yes	
\$100.00	Ed and Mary Musholt	24 Redlon Road	Portland	ME	04102	Yes	Yes	
\$500.00	Ruth and Jonathan Matt	34 Redlon Park	Portland	ME	04102	Yes	Yes	
\$1,000.00	Oliver Griswold and Ellen Stern	48 Redlon Park	Portland	ME	04102	Yes	Yes	
\$1,000.00	Jeff Emerson and Vicky Lorant	18 Redlon Park	Portland	ME	04102	Yes	Yes	
\$2,000.00	Liz Cantey and Justin Leone	58 Redlon Park	Portland	ME	04102	Yes	Yes	
\$4,000.00	Johnny DiMillo	21 Redlon Road	Portland	ME	04102	Yes	Yes	
\$5,000.00	Redlon Park Neighborhood Association	55 Redlon Park	Portland	ME	04102	Yes	Yes	
\$500.00	Donna Weatherbee	10 Stoneledge Drive	Portland	ME	04102	Yes	Yes	
\$3,000.00	Emily Eschner and Luke Beland	16 Gay St	Portland	ME	04103	Yes	yes	
\$10,000.00	Dana Baldwin and Robert Denton	27 Rockland Ave	Portland	ME	04102	Yes	Yes	
\$4,000.00	Michael Gillespie	67 Motley St	Portland	ME	04102	Yes	Yes	
\$5,000.00	Mark and Noel Poirer	14 June St	Portland	ME	04102	Yes	Yes	
\$2,000.00	The Ledges Condo Association	22 Stoneledge Drive	Portland	ME	04102	Yes	Yes	
\$350.00	Judy Gailen	68 Bancroft St	Portland	ME	04102	Yes	Yes	
\$1,000.00	David and Lila Kirkwood	13 Stoneledge	Portland	ME	04102	Yes	Yes	
\$50.00	Karou Phillips	9 Stoneledge	Portland	ME	04102	Yes	Yes	
\$500.00	Elizabeth Ruskin	4 Stoneledge	Portland	ME	04102	Yes	Yes	
\$1,000.00	Gael May McKibben	15 Stoneledge	Portland	ME	04102	Yes	Yes	
\$300.00	Linda Campitelli	7 Redlon Road	Portland	ME	04102	Yes	Yes	
\$105,000.00	Total in Checks (not including Land Bank and Parks Donations)							
\$112,500.00	Total Submitted to Jewell & Bulger on 5/10/22							
\$9,200.00	Outstanding pledge checks to be collected							

Priorities for Land Bank activities	YES	MAYBE	NO	Notes
Does the property have, or contribute to, healthy forest ecosystem?		X		
Does the property have, or contribute to, healthy wetlands, streams, river, ocean, aquifers or other water bodies?	X			
Does the property help mitigate or adapt to climate change impacts? (CO2 storage, storm impacts, tidal impacts)	X			storm water absorption
Does the property provide an opportunity to protect or improve an ecosystem?	X			
Does the property create a connection or link between nearby Parks, Land Bank, or conserved properties?			X	
Does protecting the property support Portland's desired sustainable land use pattern of a dense core with developed corridors and nodes?			X	
Does protecting the property support Portland's desire for equal access to undeveloped natural space in every neighborhood? (all residents within a 10 minute walk)	X			for neighbors on the south and east
Does the property provide water access for the fishing industry OR for recreation?			X	
Does the property provide passive recreation opportunities?	X			walking, nature play, maybe MTB, if trails were constructed

Other considerations

Is this a time-limited opportunity?		X		
Cost				??
Maintenance needs, short or long term	X			There are many wear paths. Trails would need to be properly created and others, closed off. Trailhead/entries would need to be created.
Are there opportunities for leveraging collaboration (in purchase, programming and/or maintenance)	X			
Is there significant stakeholder support/opposition?	x			some demonstrated support
Are there other competing land uses?	x			B/C it's not buildable
Are there opportunities to achieve multiple goals of Land Bank &/or other City entities	X			water resources, recreation, land bank
Are there underserved areas where geography is a priority for ecological health or human wellness?		X		
Historical significance			X	
Geologic significance			X	
Is there potential for urban agricultural use			X	



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD, SUITE B
PORTLAND, MAINE 04103
PHONE (207) 874-8801

LEGEND

- Land Bank Parcels
- Berry: Phase 1
- Coastal Oaks: Phase 2
- City-owned: Phase 3
- Private: Taylor
- Private: Motley St
- Private: Caroline St

Drainage

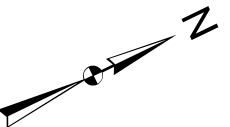
- Brook
- Ditch or Brook

Water Bodies

- swamp
- Countour Lines

Redlon Woods Area

Note: Drainage & Water Bodies were derived from aerial imagery, not survey or wetland delineation. They are an indicator of potential water features only.



May 19, 2022

DESIGN BY: DAR	DRAWN BY: DAR	CHECK BY: XXX
----------------	---------------	---------------

0 25 50 100 150 200 Feet

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 11-27-21. Reproduction and/or dissemination after this date is unauthorized.

MORTGAGE INSPECTION OF: DEED BOOK 18003 PAGE 30 COUNTY Cumberland
PLAN BOOK 11 PAGE 109 LOT 33, 34, 67-69 ±

ADDRESS: 36 June Street, Portland, Maine

Job Number: 1133-04-A2

Inspection Date: 08-27-21

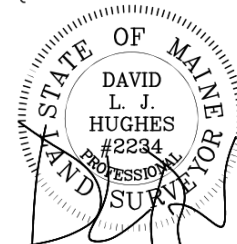
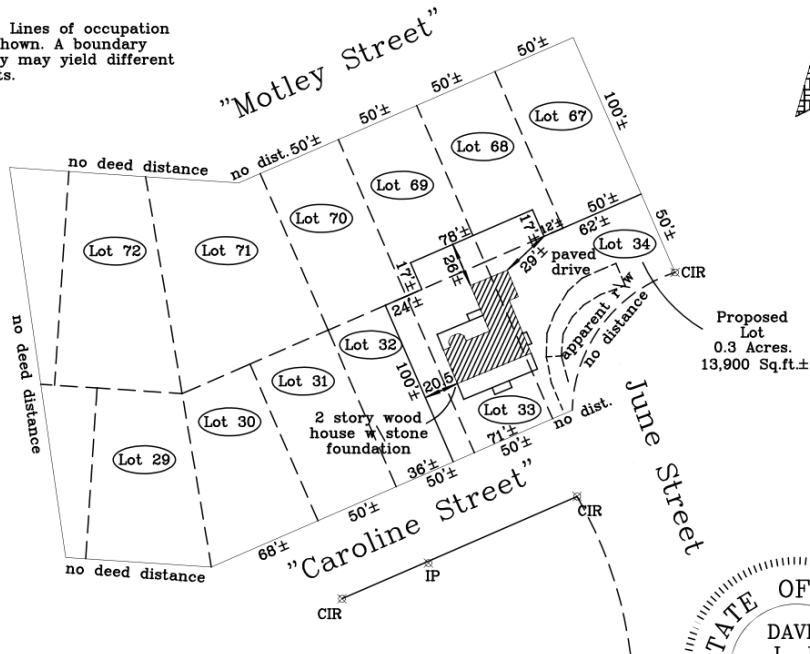
Scale: 1" = 80'

Client File #: LandBank

Buyers: Land Bank

Sellers: Scott and Janet Berry

NOTE: Lines of occupation are shown. A boundary survey may yield different results.



I HEREBY CERTIFY TO: Jewell & Bulger, P.A., The Lender,
and its title insurer.
Monuments found did not conflict with the deed description.
The dwelling setbacks do not violate town zoning requirements.
As delineated on the Federal Emergency Management Agency Community Panel 230051-0013B:
The structure does not fall within the special flood hazard zone.
The land does not fall within the special flood hazard zone.
A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

Livingston-Hughes

Professional Land Surveyors

88 Guinea Road

Kennebunkport, Maine 04046

207-967-9761 phone

207-967-4831 fax

www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

Proposed Lot of 13,900 sq ft to be held by the Berrys. The remaining land (lot 29-32 and Lot 67-72) would be sold to the City of Portland to be put into the Land Bank.

CONTRACT FOR THE SALE OF REAL ESTATE

Date: February, 2022

RECEIVED OF: City of Portland whose mailing address is 389 Congress Street, Portland, ME 04101, Attn: Danielle P. West, City Manager hereinafter called the Purchaser(s), the sum of Two Thousand Five Hundred Dollars (\$2,500.00) as earnest money deposit and in part payment of the purchase price of the following described real estate, situated in the municipality of Portland, County of Cumberland, State of Maine and located at portion of 36 June Street, as described in Exhibits A and B, being a portion of the land described at said County's Registry of Deeds Book 16003, Page 302 and further described as: vacant land, hereinafter called the Property, being property owned by Scott H. Berry and Janet S. Berry, whose mailing address is 36 June Street, Portland, ME, hereinafter called the Seller(s). The purchase and sale of the Property is upon the terms and conditions indicated below:

1. PERSONAL PROPERTY: The following items of personal property are included in this sale (if applicable): none.
2. PURCHASE PRICE: The TOTAL purchase price being Ninety-Nine Thousand Dollars (\$99,000.00) to be paid as follows: at closing.
3. EARNEST MONEY/ACCEPTANCE: Jewell & Bulger, PA (the City's attorney) shall hold said earnest money in a non-interest bearing account and act as Escrow Agent until closing, at which time said earnest money shall be credited toward the purchase price; this offer shall be valid until 2/28/2022 at 5:00 PM; and, in the event of the Seller's non-acceptance, this earnest money shall be returned promptly to the Purchaser(s).
4. TITLE: That a deed, conveying good and merchantable title in accordance with standards adopted by the Maine Bar Association shall be delivered to the Purchaser(s) and this transaction shall be closed and the Purchaser(s) shall pay the balance due and the parties shall execute all necessary papers on or before 7/15/2022. If Seller(s) is unable to convey in accordance with the provisions of this paragraph, then the Seller(s) shall have a reasonable time period, not to exceed thirty (30) days, from the time the Seller(s) receives written notice of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is merchantable title, the Purchaser(s) may, within fifteen (15) days thereafter, at Purchaser's option, declare the contract null and void and any earnest money shall be returned to the Purchaser(s) and neither party shall have any further obligation hereunder. If the Purchaser(s) does not declare the contract void within the period set forth above, the Purchaser(s) shall have waived the right to object to title. The Seller(s) hereby agrees to make a good-faith effort to cure any title defect during such period.
5. DEED: That the property shall be conveyed by a Warranty deed, and shall be free and clear of all encumbrances except building and zoning restrictions of record, restrictive covenants and conditions of record and usual public utilities servicing the property and shall be subject to applicable land use and building laws and regulations.
6. POSSESSION /OCCUPANCY: Possession/occupancy of premises shall be given to Purchaser(s) immediately at closing unless otherwise agreed by both parties in writing.
7. LEASES/TENANT SECURITY DEPOSITS: N/A
8. PRORATIONS: The following items shall be prorated as of the date of closing:
 - a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - b. Seller(s) shall pay its transfer tax as required by the State of Maine. Purchaser is exempt from paying transfer taxes.
9. INSPECTIONS: The Purchaser(s) is encouraged to seek information from professionals regarding any specific issue of concern. The Agent makes no warranties regarding the condition, permitted use or value of the Seller's real or personal property. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser(s):

TYPE OF INSPECTION	YES	NO	RESULTS REPORTED	TYPE OF INSPECTION	YES	NO	RESULTS REPORTED
a. General Building	☐	☐	Within <u>#</u> days	g. Lead Paint	☐	☐	Within <u>#</u> days
b. Sewage Disposal	☐	☐	Within <u>#</u> days	h. Pests	☐	☐	Within <u>#</u> days
c. Water Quality	☐	☐	Within <u>#</u> days	i. ADA	☐	☐	Within <u>#</u> days
d. Radon Air Quality	☐	☐	Within <u>#</u> days	j. Wetlands	☐	☐	Within <u>#</u> days
e. Radon Water Quality	☐	☐	Within <u>#</u> days	k. Environmental Scan	☒	☐	Within <u>120</u> days
f. Asbestos Air Quality	☐	☐	Within <u>#</u> days	l. Other: <u>survey</u>	☒	☐	Within <u>120</u> days

The use of days is intended to mean from the effective date of this Contract. All inspections will be done by inspectors chosen and paid for by the Purchaser(s). If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser(s), in Purchaser(s) sole discretion, Purchaser(s) may declare the Contract null and void by notifying Seller(s) in writing within the specified number of days, and any earnest money shall be returned to the Purchaser(s). If the Purchaser(s) does not notify the Seller(s) that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by the Purchaser(s). In the absence of inspection(s) mentioned above, the Purchaser(s) is relying completely upon Purchaser's own opinion as to the condition of the property.

- 11. FINANCING: N/A
- 12. AGENCY DISCLOSURE: The Purchaser(s) and Seller(s) acknowledge that there are no agent(s) representing either party incident to this transaction.
- 13. .DEFAULT: If Purchaser(s) fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Seller's sole remedy shall be to retain the earnest money as full and complete liquidated damages. In the event Seller fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Purchaser shall have the right to pursue all legal and equitable remedies available to it, including, without limitation, specific performance, but at all times may elect in substitution therefor, the right to a return of the earnest money. Notwithstanding any other provision of this agreement, Escrow Agent shall have the right to require written releases from both parties prior to releasing the earnest money to either party. If a dispute arises between Purchaser(s) and Seller as to the existence of a default hereunder and/or the release of the earnest money and said dispute is not resolved by the parties within (30) days, Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser(s) and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the Deposit. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the Purchaser 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 Purchaser.
- 14. MEDIATION: Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation. This clause shall survive the closing of this transaction.
- 15. PRIOR STATEMENTS: Any verbal representations, statements and agreements are not valid unless contained herein. This Contract completely expresses the obligations of the parties. This is a Maine contract and shall be construed according to the laws of Maine.
- 16. HEIRS/ASSIGNS: This Contract is assignable YES ☒ NO ☐. This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns (if assignment is allowed by the terms of this Contract), of the respective parties.
- 17. COUNTERPARTS: This Contract may be signed on any number of identical counterparts, including telefacsimilie copies, with the same binding effect as if the signatures were on one instrument. Original or telefacsimilied signatures are binding.
- 18. BINDING CONTRACT: This Contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the Contract is noted below. Time is of the essence of this Contract.
- 19. REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION: N/A
- 20. Intentionally Omitted.
- 21. OTHER: The Buyer's obligations are subject to approval by the Portland City Council.

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

Seller(s) acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to 2 1/2% of the consideration unless the Seller(s) furnishes to the Buyer(s) a certificate by the Seller(s) stating, under penalty of perjury, that Seller(s) is/are a resident of Maine or the transfer is otherwise exempt from withholding.

<i>Purchaser</i>	<i>Date</i>
<i>Name/Title</i>	<i>Soc. Sec # or Tax I.D.</i>

The Seller(s) accepts the offer and agrees to deliver the above-mentioned property at the price and upon the terms and conditions set forth above.

Signed this: _____ day of _____ 2022.

Effective date of Contract: _____, day of _____ 2022.

The Listing Licensee is N/A

The Selling Licensee is N/A

Seller: Scott H. Berry

Date

Name/Title

Seller – Janet S. Berry

Date

Name/Title



Property: 0 Caroline St, Portland, ME (3 vacant lots)

To whom it may concern,

I have been asked to provide an opinion of value on the above referenced address. As one of the most active listing agents in Maine, among the highest producing in Cumberland County, the #1 listing/selling agents in Portland for 10+, I'm uniquely qualified to provide this assessment.

Attached are the most relevant recent sales

- Comparable sales data is the best predictor of current market value (what a buyer might pay). This is especially the case for undeveloped land.
- There have been several off-peninsula, buildable lot sales within the past 2 years of similar lot size ranging from \$20,000--\$97,500, due to this wide range in price, the location/desirability and expenses associated with upgrading the road/drainage needs to be taken into consideration.

Based off of information provided by sales and my extensive knowledge of the Portland real estate market and projects/developments in Portland, my professional opinion of the market value as of 4/25/2022 totals: \$210,000.00 or \$70,000.00/lot

If I can provide more details, please call my cell: 207-939-0185 or tomlandry@benchmarkmaine.com. Note: this is not an appraisal.

Hope this information is helpful!

A handwritten signature in black ink, appearing to be 'Tom Landry'.

tom landry

Broker/Owner

207-939-0185

tomlandry@benchmarkmaine.com

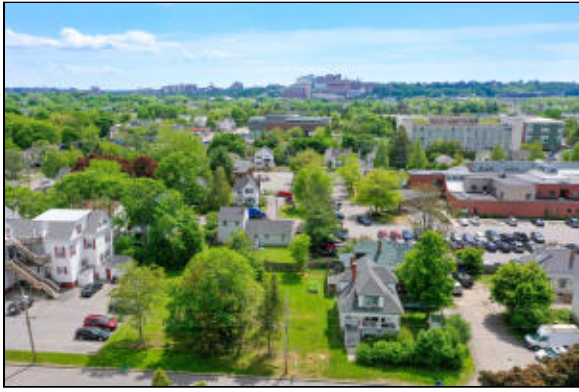
MLS #: 1493636
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

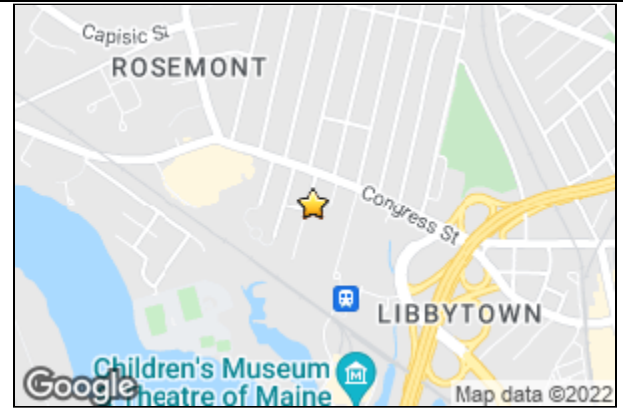
List Price: \$100,000
Original List Price:
\$100,000

Directions: Congress St to Powsland St. Lot will be on the left. Sign on property.



26 Powsland Street
Portland, ME 04102

List Price: \$100,000
MLS#: 1493636



Land Information

Surveyed:	Yes	Waterfront:	No	Zoning:	R5
Lot Size Acres +/-:	0.11	Water Views:	No	Zoning Overlay:	Unknown
Source of Acreage:	Public Records				
Mobile Homes Allowed:	Unknown				

Property Features

Driveway:	No Driveway	Electric:	No Electric	Transportation:	Major Road Access; Near Airport;
Location:	Near Public Beach; Near Railroad; Near Shopping; Near Town; Near Turnpike/Interstate	Gas:	No Gas		Public Transport Access
Recreational Water:	Nearby; Public	Water:	Public	Roads:	Paved; Public
		Sewer:	Public Sewer	Site:	Level; Open

Tax/Deed Information

Book/Page/Deed:	36937/194/All	Full Tax Amt/Yr:	\$86/ 2021	Map/Block/Lot:	190/G/12
Deed/Conveyance Type Offered:	Warranty			Tax ID:	PTLD-000190-G000012-000001

Remarks

Remarks: Rare! Buildable level lot in desirable location near downtown Portland. R5 zoning allows for a single family dwelling.

LO: Keller Williams Realty

Sold Information

Sold Terms/Other:	Closed Date: 06/15/2021
	Closed Price: \$97,500

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
207-775-0248
207-775-0248

LandryTeam@benchmarkmaine.com
<http://www.BenchmarkMaine.com>



Prepared by Tom Landry on Monday, April 25, 2022 11:29 AM.

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MLS #: 1448312
Status: Closed

County: Cumberland
Property Type: Land

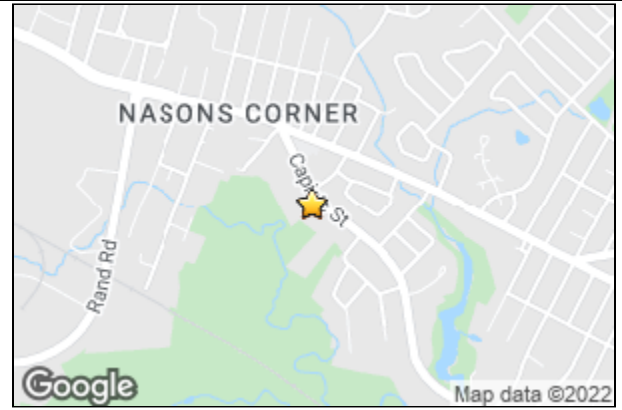
Public Detail Report
Seasonal: No

List Price: \$99,000
Original List Price:
\$99,000



**454 Capisic Street
Portland, ME 04102**

**List Price: \$99,000
MLS#: 1448312**



Land Information

Surveyed:	Yes	Waterfront:	No	Road Frontage +/-:	55
Lot Size Acres +/-:	0.35	Water Views:	No	Source of Road Frontage:	Survey
Source of Acreage:	Survey			Zoning:	R3
Mobile Homes Allowed:	Unknown			Zoning Overlay:	Yes
				Bank Owned REO:	No

Property Features

Driveway:	No Driveway	Electric:	No Electric	Roads:	Paved; Public
Location:	Near Shopping; Near Turnpike/Interstate; Neighborhood	Gas:	No Gas	Site:	Level
		Water:	None		
		Sewer:	None		

Tax/Deed Information

Book/Page	TBD/TBD	Full Tax Amt/Yr:	\$1/ 2020	Map/Block/Lot:	259/C/14
Deed/Conveyance Type	Quit Claim w/			Tax ID:	454CapisicPortland04102
Offered:	Covenant				

Remarks

Remarks: Check out this buildable .35acre lot in the desirable Capisic Street neighborhood! This is a premium location only a short distance from downtown Portland, Westbrook's new Rock Row, access to I-95 and more. With wide sidewalks for easy walking and a location near beautiful Jewell Falls and Portland Trails access, it's a great place to enjoy the natural beauty and welcoming spirit of one of Portland's long-established communities. The road frontage of the lot allows for a generously sized driveway leading you to a private rear lot with beautiful views of the Fore River Shoreland. The buildable area is large enough for a liberally-sized single family (or 2-unit) home (*verify building plans with the city of Portland) and spacious yard. Buildable lots of this size in established Portland neighborhoods are a rare find! Come be a part of this Capisic Street community and build your dream home in this incredible location!! **Property has been staked so that interested buyers can give themselves a tour. Stakes with no tape or pink tape denote property boundaries. Stakes with green tape denote buildable area. Refer to maps in MLS for more details.

LO: Keller Williams Realty

Sold Information

Sold Terms/Other:	Closed Date: 05/22/2020
	Closed Price: \$93,900

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
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207-775-0248

LandryTeam@benchmarkmaine.com
<http://www.BenchmarkMaine.com>

Prepared by Tom Landry on Monday, April 25, 2022 11:29 AM.



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MLS #: 1496427
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

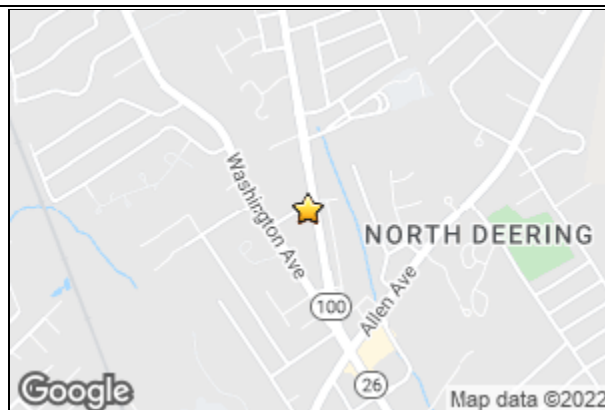
List Price: \$100,000
Original List Price:
\$100,000

Directions: The lot located between 14 and 24 Cypress Street.



0 Cypress Street
Portland, ME 04103

List Price: \$100,000
MLS#: 1496427



Land Information

Surveyed:	No	Waterfront:	No	Zoning:	R5
Lot Size Acres +/-:	0.12	Water Views:	No	Zoning Overlay:	Unknown
Source of Acreage:	Public Records				
Mobile Homes Allowed:	No				

Property Features

Driveway:	No Driveway	Electric:	On Site	Transportation:	Major Road Access; Near Airport; Public Transport Access
Parking:	No Parking	Gas:	Natural - At Street	Roads:	Paved; Public
Location:	Intown; Near Shopping; Near Town; Near Turnpike/Interstate; Neighborhood; Suburban	Water:	Public	Site:	Level; Open; Sidewalks
		Sewer:	Public Sewer		

Tax/Deed Information

Book/Page	33352/218	Full Tax Amt/Yr:	\$1/ 2020	Map/Block/Lot:	344/E/033
				Tax ID:	0cypresstreetportland04103

Remarks

Remarks: A very exciting offering! Buildable, level and cleared lot in coveted North Deering neighborhood. Less than 10 minutes to downtown. This lot is ready for you to build your dream house on. Broker has placed stakes to give a rough idea of the road frontage. Just an estimate (+/-) one foot. The lot located between 14 and 24 Cypress Street.

LO: Harborview Properties, Inc.

Sold Information

Sold Terms/Other:	Closed Date: 09/17/2021
	Closed Price: \$91,500

Listing provided courtesy of:



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MLS #: 1443070
Status: Closed

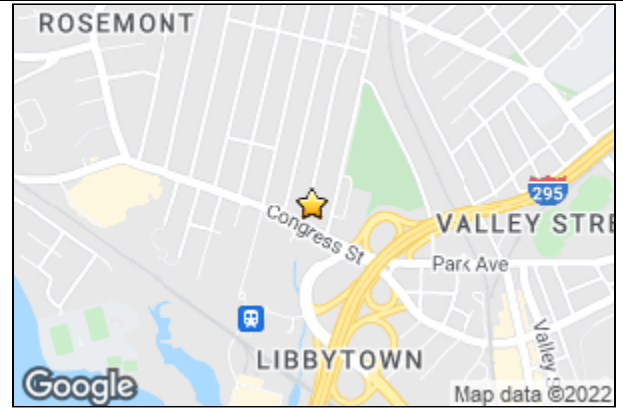
County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

List Price: \$115,000
Original List Price:
\$115,000



17 Massachusetts
Avenue
Portland, ME 04102
List Price: \$115,000
MLS#: 1443070



Land Information

Lot Size Acres +/-:	0.16	Waterfront:	No	Zoning:	R5
Source of Acreage:	Public Records	Water Views:	No	Zoning Overlay:	Unknown
Mobile Homes Allowed:	No				

Property Features

Driveway:	No Driveway	Electric:	No Electric	Roads:	Paved; Public
Parking:	On Site	Gas:	No Gas	Site:	Level; Open
Location:	Intown; Near Shopping	Water:	Public		
		Sewer:	Public Sewer		

Tax/Deed Information

Book/Page	34766/167	Full Tax Amt/Yr:	\$2,056/ 2019	Map/Block/Lot:	78/A/5
				Tax ID:	PTLD-000078-000000-A005001

Remarks

Remarks: Rare opportunity to build in Portland. Convenient location close to shopping, public transportation, the university, the interstate. Zoning ordinance suggests suitability for 2 units. Buyer should confirm with city of Portland.

LO: RE/MAX Shoreline

Sold Information

Sold Terms/Other:	Closed Date: 12/03/2020
	Closed Price: \$90,000

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
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MLS #: 1474757
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

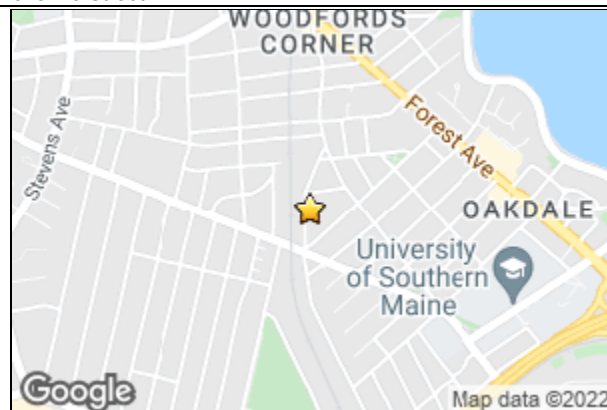
List Price: \$84,900
Original List Price:
\$84,900

Directions: Brighton Avenue past the University of Southern Maine (traveling west), right on Devonshire Street.



33 Devonshire Street
Portland, ME 04103

List Price: \$84,900
MLS#: 1474757



Land Information

Surveyed: Yes
Lot Size Acres +/-: 0.14
Source of Acreage: Survey
Mobile Homes Allowed: No

Waterfront: No
Water Views: No

Zoning: R5
Zoning Overlay: No
Bank Owned REO: No

Property Features

Driveway: No Driveway
Location: Near Railroad; Near Shopping; Near
Town; Near Turnpike/Interstate;
Neighborhood

Electric: No Electric
Gas: Natural - At Street
Water: Public
Sewer: Public Sewer

Transportation: Near Airport
Roads: Public
Site: Level; Open; Sidewalks

Tax/Deed Information

Book/Page/Deed: 4496/200/Partial
Deed Restrictions: Unknown

Full Tax Amt/Yr: \$1/ 2020
School District: Portland Public Schools

Map/Block/Lot: 082/B/018001
Tax ID: 33 Devonshirestreetportland04103

Remarks

Remarks: This is a rare build-able lot in Portland's popular Oakdale neighborhood. The University of Southern Maine's Portland campus and Deering Center public schools are nearby. Access to I-295, Amtrak and Portland International Jetport are within 2-3 miles. This lot is level and open so preparation for your new build is easy. The lot is a pre-existing lot of record that was split from 82-B-18. Call Jaye 207-671-7430 for information about accessing the site.

LO: Portside Real Estate Group

Sold Information

Sold Terms/Other:

Closed Date: 03/12/2021
Closed Price: \$80,000

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
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207-775-0248

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<http://www.BenchmarkMaine.com>



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MLS #: 1467567
Status: Closed

County: Cumberland
Property Type: Land

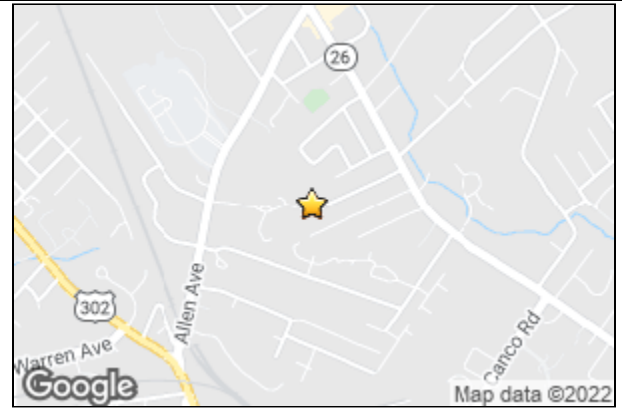
Public Detail Report
Seasonal: No

List Price: \$34,900
Original List Price:
\$69,900



0 Edgewood Avenue
Portland, ME 04103

List Price: \$34,900
MLS#: 1467567



Land Information

Surveyed:	Yes	Waterfront:	No	Zoning:	R-3
Lot Size Acres +/-:	0.11	Water Views:	No	Zoning Overlay:	Yes
Source of Acreage:	Public Records				
Mobile Homes Allowed:	No				

Property Features

Driveway:	No Driveway	Electric:	On Site	Roads:	Paved; Public
Parking:	No Parking	Gas:	Natural - At Street	Site:	Wooded
Location:	Near Town; Neighborhood	Water:	Public		
		Sewer:	Public Sewer		

Tax/Deed Information

Book/Page	34312/286	Full Tax Amt/Yr:	\$93/ 2020	Map/Block/Lot:	436/A/29
Deed/Conveyance Type Offered:	Quit Claim	Tax ID:	0edgewoodavenueportland04103		

Remarks

Remarks: Build your dream home in this convenient Portland neighborhood at the end of dead end street. Nicely wooded lot with access to town amenities at the street. Property will need a dimensional variance from the city of Portland for road frontage. Attached find boundary surveys for both 1 & 2 story dwellings. Lots of possibilities for this affordable Portland lot! Property is being sold as is with no contingencies.

LO: Keller Williams Realty

Sold Information

Sold Terms/Other:	Closed Date: 05/07/2021
	Closed Price: \$34,900

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
207-775-0248
207-775-0248

LandryTeam@benchmarkmaine.com
<http://www.BenchmarkMaine.com>

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MLS #: 1488901
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

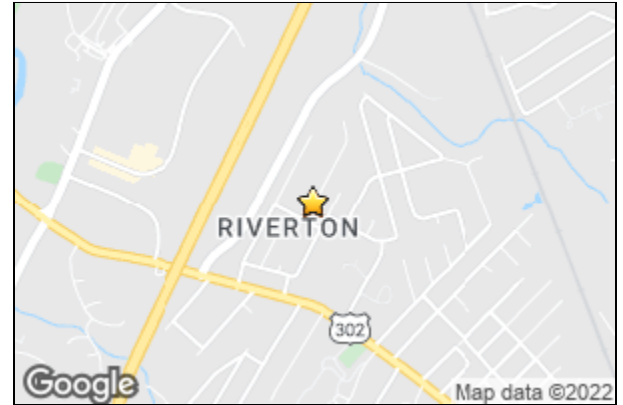
List Price: \$35,000
Original List Price:
\$35,000

Directions: Forest Ave. to Dover Street to Tarbell Ave. Look for sign on the right side of the street.



0 Tarbell Avenue
Portland, ME 04103

List Price: \$35,000
MLS#: 1488901



Land Information

Surveyed:	Unknown	Waterfront:	No	Road Frontage +/-:	150
Lot Size Acres +/-:	0.27	Water Views:	No	Source of Road Frontage:	Public Records
Source of Acreage:	Public Records			Road Frontage Oth	Deed
Acreage Oth Source:	Deed			Src:	Res
Mobile Homes Allowed:	No			Zoning:	Unknown
				Zoning Overlay:	

Property Features

Driveway:	No Driveway	Electric:	No Electric	Roads:	Gravel/Dirt; Other Road
Location:	Intown; Neighborhood	Gas:	No Gas	Site:	Level; Rolling/Sloping; Wooded
		Water:	Public		
		Sewer:	Public Sewer		

Tax/Deed Information

Book/Page/Deed:	15592/178-179/ All	Full Tax Amt/Yr:	\$548/ 2020	Map/Block/Lot:	332//H8-H12
Deed/Conveyance Type Offered:	Warranty			Tax ID:	0TarbellAvePortland04103

Remarks

Remarks: Future opportunity?!? PLEASE NOTE PER THE CITY OF PORTLAND: "Tarbell Ave. is a dedicated, unaccepted, and continued (2017) street. " In order to obtain a building permit the street(s), including the frontage of this lot must be brought up to City Codes & Standards. See attached documents for requirements.

LO: Bean Group

Sold Information

Sold Terms/Other:	Closed Date: 09/14/2021 Closed Price: \$25,000
-------------------	---

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
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LandryTeam@benchmarkmaine.com
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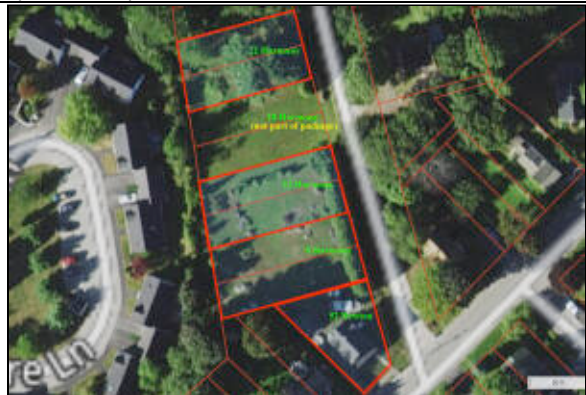
MLS #: 1481978
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

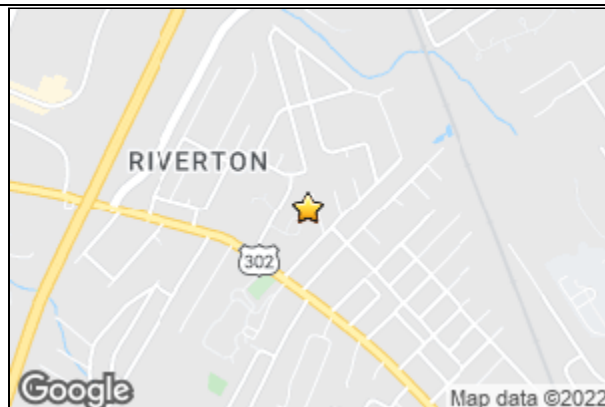
List Price: \$20,000
Original List Price:
\$20,000

Directions: Take Newton st then turn left on Harmony rd. Go down to small open field on left approx 275ft from Newton st This lot is to the right of the open space in the pine trees.



**22 Harmony Road
Portland, ME 04103**

**List Price: \$20,000
MLS#: 1481978**



Land Information

Surveyed:	No	Waterfront:	No	Zoning:	R-3
Lot Size Acres +/-:	0.15	Water Views:	No	Zoning Overlay:	Unknown
Source of Acreage:	Public Records				
Mobile Homes Allowed:	Unknown				

Property Features

Driveway:	No Driveway	Electric:	Unknown	Roads:	Dead End; Gravel/Dirt
Parking:	No Parking	Gas:	Unknown	Site:	Level
Location:	Near Shopping; Neighborhood	Water:	None		
Restrictions:	No Restrictions	Sewer:	None		

Tax/Deed Information

Book/Page/Deed:	7724/292/All	Full Tax Amt/Yr:	\$124/ 2021	Map/Block/Lot:	337//42-43
Deed/Conveyance Type Offered:	Personal Rep			Tax ID:	PTLD-000337-C000042-000001

Remarks

Remarks: Rare opportunity! Can be purchased as a package deal You can get 52 Newton st which already has a house on it and 3 lots that could be buildable with a road upgrade. The package deal is 52 Newton st, this lot, 8 Harmony rd and 12 Harmony rd. These are lots with a lot of potential on a dead end road right in Portland. Located in a quiet neighborhood but still very close to all the wonderful amenities Portland has to offer. All offers are due by Sunday at 5pm.

LO: Coldwell Banker Realty

Sold Information

mike@loisjordan.com

Sold Terms/Other:

Closed Date: **04/23/2021**

Closed Price: **\$20,000**

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
207-775-0248
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MLS #: 1482199
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

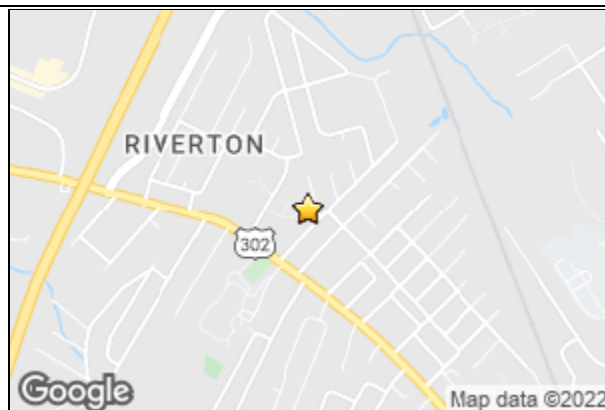
List Price: \$20,000
Original List Price:
\$20,000

Directions: Take Newton st, then turn left on Harmony rd. Directly behind 52 Newton st



8 Harmony Road
Portland, ME 04103

List Price: \$20,000
MLS#: 1482199



Land Information

Surveyed:	Unknown	Waterfront:	No	Zoning:	R-3
Lot Size Acres +/-:	0.18	Water Views:	No	Zoning Overlay:	Unknown
Source of Acreage:	Public Records				
Mobile Homes Allowed:	Unknown				

Property Features

Driveway:	No Driveway	Electric:	No Electric	Roads:	Dead End; Gravel/Dirt
Parking:	No Parking	Gas:	No Gas	Site:	Level
Location:	Intown; Near Shopping; Neighborhood	Water:	None		
Restrictions:	No Restrictions	Sewer:	None		

Tax/Deed Information

Book/Page	7350/154	Full Tax Amt/Yr:	\$147/ 2021	Map/Block/Lot:	337//48-49
Deed/Conveyance Type Offered:	Personal Rep			Tax ID:	PTLD-000337-C000048-000001

Remarks

Remarks: Rare opportunity! Can be purchased as a package deal You can get 52 Newton st which already has a house on it and 3 lots that could be buildable with a road upgrade. The package deal is 52 Newton st, this lot, 12 Harmony rd and 22 Harmony rd. These are lots with a lot of potential on a dead end road right in Portland. Located in a quiet neighborhood but still very close to all the wonderful amenities Portland has to offer. All offers are due by Sunday at 5pm.

LO: Coldwell Banker Realty

Sold Information

mike@loisjordan.com
Sold Terms/Other:

Closed Date: **04/23/2021**
Closed Price: **\$20,000**

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
207-775-0248
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LandryTeam@benchmarkmaine.com
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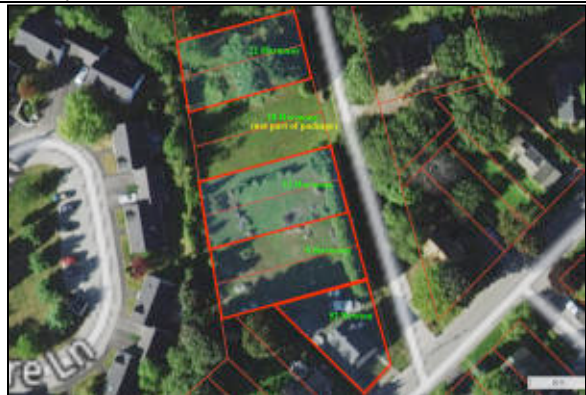
MLS #: 1482198
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

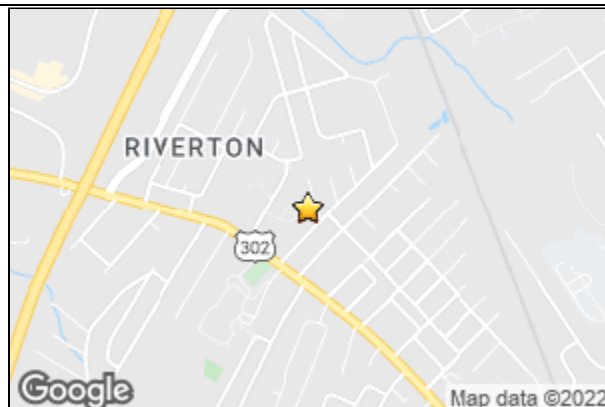
List Price: \$20,000
Original List Price:
\$20,000

Directions: Take Newton st then turn left on Harmony rd. Go down to small open field on left approx 275ft from Newton st This lot is to the left of the open space in the pine trees.



**12 Harmony Road
Portland, ME 04103**

**List Price: \$20,000
MLS#: 1482198**



Land Information

Surveyed:	Unknown	Waterfront:	No	Zoning:	R-3
Lot Size Acres +/-:	0.17	Water Views:	No	Zoning Overlay:	Unknown
Source of Acreage:	Public Records				
Mobile Homes Allowed:	Unknown				

Property Features

Driveway:	No Driveway	Electric:	No Electric	Roads:	Gravel/Dirt
Location:	Intown; Near Shopping; Neighborhood	Gas:	No Gas	Site:	Level
		Water:	None		
		Sewer:	None		

Tax/Deed Information

Book/Page/Deed:	6969/343/All	Full Tax Amt/Yr:	\$140/ 2021	Map/Block/Lot:	337//46-47
Deed/Conveyance Type Offered:	Personal Rep			Tax ID:	PTLD-000337-C000046-000001

Remarks

Remarks: Rare opportunity! Can be purchased as a package deal You can get 52 Newton st which already has a house on it and 3 lots that could be buildable with a road upgrade. The package deal is 52 Newton st, this lot, 8 Harmony rd and 22 Harmony rd. These are lots with a lot of potential on a dead end road right in Portland. Located in a quiet neighborhood but still very close to all the wonderful amenities Portland has to offer. All offers are due by Sunday at 5pm.

LO: Coldwell Banker Realty

Sold Information

mike@loisjordan.com

Sold Terms/Other:

Closed Date: **04/23/2021**

Closed Price: **\$20,000**

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
207-775-0248
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LandryTeam@benchmarkmaine.com
<http://www.BenchmarkMaine.com>



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MLS #: 1509436
Status: Closed

County: Cumberland
Property Type: Land

Public Detail Report
Seasonal: No

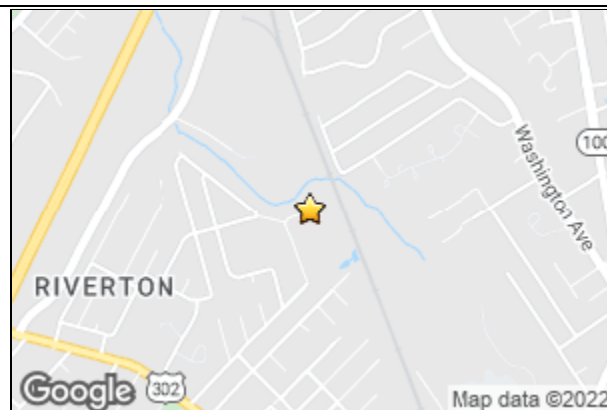
List Price: \$29,000
Original List Price:
\$29,000

Directions: Forest Ave to Newton St, Left on Randolph St across from Risbara Greenhouse.



0 Holbrook Street
Portland, ME 04103

List Price: \$29,000
MLS#: 1509436



Land Information

Surveyed:	Unknown	Waterfront:	No	Zoning:	R2
Lot Size Acres +/-:	0.34	Water Views:	No	Zoning Overlay:	Unknown
Source of Acreage:	Public Records				
Mobile Homes Allowed:	Unknown				

Property Features

Driveway:	No Driveway	Electric:	No Electric	Roads:	Gravel/Dirt
Parking:	No Parking	Gas:	No Gas	Site:	Level
Location:	Near Golf Course; Near Shopping; Neighborhood; Suburban	Water:	None		
View:	Trees/Woods	Sewer:	None		

Tax/Deed Information

Book/Page	2325/110	Full Tax Amt/Yr:	\$569/ 2020	Map/Block/Lot:	335/D/9-11,31-32
Deed/Conveyance Type	Quit Claim w/ Covenant			Tax ID:	0holbrookstreetportland04103

Remarks

Remarks: Rare opportunity for a buildable lot in Portland! Road upgrade needed. Located in a quiet neighborhood yet very close to all the amazing amenities Portland has to offer.

LO: Coldwell Banker Realty

Sold Information

Sold Terms/Other:	Closed Date: 10/08/2021
	Closed Price: \$20,000

Listing provided courtesy of:



Tom Landry
Benchmark Real Estate
72 Pine St #6
Portland, ME 04102
207-775-0248
207-775-0248

LandryTeam@benchmarkmaine.com
<http://www.BenchmarkMaine.com>



Prepared by Tom Landry on Monday, April 25, 2022 11:29 AM.

The information on MLS listings has been assembled from various sources of varying degrees of reliability. Any information that is critical to your buying decision should be independently verified. All dimensions are approximate and not guaranteed. Copyright Maine Listings © 2022 and FBS.



CONTRACT FOR THE SALE OF REAL ESTATE

Date: May, 2022

RECEIVED OF: **City of Portland** whose mailing address is **389 Congress Street, Portland, ME 04101, Attn: Danielle P. West, City Manager** hereinafter called the Purchaser(s), the sum of **Two Thousand Five Hundred** Dollars (\$2,500.00) as earnest money deposit and in part payment of the purchase price of the following described real estate, situated in the municipality of **Portland**, County of **Cumberland**, State of Maine and located at **June and Caroline Streets; assessor 193-D 13 to 18** being the property owned by **Coastal Oaks, LLC**, a Maine limited liability company with a mailing address of 198 Saco Avenue, Old Orchard Beach, Maine, hereinafter called the Seller(s), and described at said County's Registry of Deeds Book **36907**, Page **160** upon the terms and conditions indicated below:

1. PERSONAL PROPERTY: The following items of personal property are included in this sale (if applicable): **none**.
2. PURCHASE PRICE: The TOTAL purchase price being **Two Hundred Twenty-Five Thousand** Dollars (**\$225,000.00**) to be paid as follows: **at closing**.
3. EARNEST MONEY/ACCEPTANCE: **Jewell & Bulger, P.A.**, shall hold said earnest money in a non-interest bearing account and act as Escrow Agent until closing, at which time said earnest money shall be credited toward the purchase price; this offer shall be valid until 5 days after the date set forth above; and, in the event of the Seller's non-acceptance, this earnest money shall be returned promptly to the Purchaser(s).
4. TITLE: That a deed, conveying good and merchantable title in accordance with standards adopted by the Maine Bar Association shall be delivered to the Purchaser(s) and this transaction shall be closed and the Purchaser(s) shall pay the balance due and the parties shall execute all necessary papers on or before **7/29/2022**. If Seller(s) is unable to convey in accordance with the provisions of this paragraph, then the Seller(s) shall have a reasonable time period, not to exceed thirty (30) days, from the time the Seller(s) receives written notice of the defect, unless otherwise agreed to by both parties, to remedy the title, after which time, if such defect is not corrected so that there is merchantable title, the Purchaser(s) may, within fifteen (15) days thereafter, at Purchaser's option, declare the contract null and void and any earnest money shall be returned to the Purchaser(s) and neither party shall have any further obligation hereunder. If the Purchaser(s) does not declare the contract void within the period set forth above, the Purchaser(s) shall have waived the right to object to title. The Seller(s) hereby agrees to make a good-faith effort to cure any title defect during such period.
5. DEED: That the property shall be conveyed by a **Quitclaim with Covenant deed**, and shall be free and clear of all encumbrances except building and zoning restrictions of record, restrictive covenants and conditions of record and usual public utilities servicing the property and shall be subject to applicable land use and building laws and regulations.
6. POSSESSION /OCCUPANCY: Possession/occupancy of premises shall be given to Purchaser(s) immediately at closing unless otherwise agreed by both parties in writing.
7. LEASES/TENANT SECURITY DEPOSITS: N/A
8. PRORATIONS: The following items shall be prorated as of the date of closing:
 - a. Real Estate Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
 - b. Seller(s) shall pay its transfer tax as required by the State of Maine. Purchaser is exempt from paying transfer taxes.
9. INSPECTIONS: No warranties or representation are made concerning the condition of premises. All warranties and representation are disclaimed with respect to any improvement located on said premises, including improvements located underground and the location and/or boundaries of said Premises. The Purchaser shall assume risk for any defects. Purchaser expressly acknowledges and agrees that the purchase price reflects the "AS IS, WHERE IS" condition of said premises and the assumption of all risks relating to undisclosed defects. The Purchaser(s) is encouraged to seek information from professionals regarding any specific issue of concern. The Agent makes no warranties regarding the condition, permitted use or value of the Seller's real or personal property. This Contract is subject to the following inspections, with the results being satisfactory to the Purchaser(s):

TYPE OF INSPECTION	YES	NO	RESULTS REPORTED	TYPE OF INSPECTION	YES	NO	RESULTS REPORTED
a. General Building	☐	☐	Within <u> # </u> days	g. Lead Paint	☐	☐	Within <u> # </u> days
b. Sewage Disposal	☐	☐	Within <u> # </u> days	h. Pests	☐	☐	Within <u> # </u> days
c. Water Quality	☐	☐	Within <u> # </u> days	i. ADA	☐	☐	Within <u> # </u> days

d. Radon Air Quality	☐	☐	Within <u> # </u> days	j. Wetlands	☐	☐	Within <u> # </u> days
e. Radon Water Quality	☐	☐	Within <u> # </u> days	k. Environmental Scan	☒	☐	Within <u>60</u> days
f. Asbestos Air Quality	☐	☐	Within <u> # </u> days	l. Other: <u>survey</u>	☒	☐	Within <u>60</u> days

The use of days is intended to mean from the effective date of this Contract. All inspections will be done by inspectors chosen and paid for by the Purchaser(s). If the result of any inspection or other condition specified herein is unsatisfactory to the Purchaser(s), in Purchaser(s) sole discretion, Purchaser(s) may declare the Contract null and void by notifying Seller(s) in writing within the specified number of days, and any earnest money shall be returned to the Purchaser(s). If the Purchaser(s) does not notify the Seller(s) that an inspection is unsatisfactory within the time period set forth above, this contingency is waived by the Purchaser(s). In the absence of inspection(s) mentioned above, the Purchaser(s) is relying completely upon Purchaser's own opinion as to the condition of the property.

11. FINANCING: N/A
12. AGENCY DISCLOSURE: N/A, no brokers, each party will indemnify the other from any broker claims.
13. DEFAULT: If Purchaser(s) fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Seller's sole remedy shall be to retain the earnest money as full and complete liquidated damages. In the event Seller fails to perform any of the terms of this Contract or is otherwise in default of any of its obligations, Purchaser shall have the right to pursue all legal and equitable remedies available to it, including, without limitation, specific performance, but at all times may elect in substitution therefor, the right to a return of the earnest money. Notwithstanding any other provision of this agreement, Escrow Agent shall have the right to require written releases from both parties prior to releasing the earnest money to either party. If a dispute arises between Purchaser(s) and Seller as to the existence of a default hereunder and/or the release of the earnest money and said dispute is not resolved by the parties within (30) days, Escrow Agent may elect to file an action in interpleader and deposit the earnest money in the court to resolve said dispute, or otherwise disburse the earnest money pursuant to Maine Real Estate Commission regulations. Purchaser(s) and Seller, jointly and severally, shall indemnify Escrow Agent for all costs, losses, expenses, and damages, including reasonable attorneys' fees, incurred by Escrow Agent in connection with said action and/or in connection with any dispute relating to this Contract and/or the Deposit. This provision shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the Purchaser 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 Purchaser.
14. MEDIATION: Any dispute or claim arising out of or relating to this Contract or the premises addressed in this Contract shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules of the American Arbitration Association. This clause shall survive the closing of this transaction.
15. PRIOR STATEMENTS: Any verbal representations, statements and agreements are not valid unless contained herein. This Contract completely expresses the obligations of the parties. This is a Maine contract and shall be construed according to the laws of Maine.
16. HEIRS/ASSIGNS: This Contract is assignable YES ☒ NO ☐. This Contract shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns (if assignment is allowed by the terms of this Contract), of the respective parties.
17. COUNTERPARTS: This Contract may be signed on any number of identical counterparts, including telefacsimile copies, with the same binding effect as if the signatures were on one instrument. Original or telefacsimiled signatures are binding.
18. BINDING CONTRACT: This Contract is a binding contract when signed by both Seller(s) and Purchaser(s) and when that fact has been communicated to all parties or to their agents. The Effective Date of the Contract is noted below. Time is of the essence of this Contract.
19. REVIEW OF LEASES AND INCOME AND EXPENSE INFORMATION: N/A
20. Seller(s) and Purchaser(s) acknowledge receipt of the Maine Real Estate Commission Disclosure of Agency Relationship Form (Form #2), *if the property is, or has a component of, one to four residential dwelling units.*
21. OTHER:
 - a) The Purchaser's obligations are subject to approval by the Portland City Council.
 - b) The Purchaser's obligations are subject to \$125,000.00 of the purchase price being raised from private donations restricted to this project. Purchaser shall provide Seller evidence of commitments for such private donations, accompanied by proof of funds, reasonably satisfactory to Seller, within 10 days of City Council approval. If Purchaser fails to deliver such commitment letters satisfactory to Seller within such timeframe, Seller may terminate this Contract and refund the earnest money deposit to Purchaser, and the parties will have no further obligations to each other under this Contract.

A COPY OF THIS CONTRACT IS TO BE RECEIVED BY ALL PARTIES AND, BY SIGNATURE, RECEIPT OF A COPY IS HEREBY ACKNOWLEDGED. IF NOT FULLY UNDERSTOOD CONSULT AN ATTORNEY.

Seller(s) acknowledges that the laws of the State of Maine provide that every buyer of real property located in Maine must withhold a withholding tax equal to $2\frac{1}{2}\%$ of the consideration unless the Seller(s) furnishes to the Buyer(s) a certificate by the Seller(s) stating, under penalty of perjury, that Seller(s) is/are a resident of Maine or the transfer is otherwise exempt from withholding.

Purchaser

Date

Name/Title

Soc. Sec # or Tax I.D.

The Seller(s) accepts the offer and agrees to deliver the above-mentioned property at the price and upon the terms and conditions set forth above and agrees to pay the Broker the commission for services herein according to the Listing Agreement. The obligation to pay said commission or sum shall survive the closing of this transaction. Seller agrees that Broker may apply any deposit(s) received in connection with the sale of the Property toward commissions due and payable under this Agreement. If the earnest money is forfeited by Purchaser(s), it shall be evenly distributed between the Broker and Seller(s), provided, however, that Broker's portion shall not exceed the full amount of the commission specified. In the event the Seller(s) defaults on its obligations hereunder, The Boulos Company shall be entitled to costs of collection, including reasonable attorneys' fees.

Signed this: day of , . Effective date of Contract: , day of ,

The Listing Licensee is N/A

The Selling Licensee is N/A

Coastal Oaks, LLC, Seller

Date

Name/Title

Soc. Sec # or Tax I.D.

Coastal Oaks, LLC, Seller

Date

Name/Title

Soc. Sec # or Tax I.D.

Offer reviewed and refused on _____, _____, _____, Seller

Public Comment - Order 278 - 21/22: JUST FINE Saying NO to THREE NEW PORTLAND FAMILIES

0 views



George Rheault <george.rheault@gmail.com>

9:21 AM (1 hour ago)

to Public Comment, Kate Snyder, Pious Ali, April Fournier, Roberto Rodríguez, Anna Trevorow, Victoria Pelletier, Andrew Zarro, Mark Dion, Tae Chong, Dena Libner, Danielle West-Chuhta, Christine Grimando

2 questions for our City Council (the first of many on the Redlon Woods land grab):

1.) Why wasn't the Caroline Street proposal (see attached) ever given any kind of hearing (including a preliminary workshop) before the Planning Board?

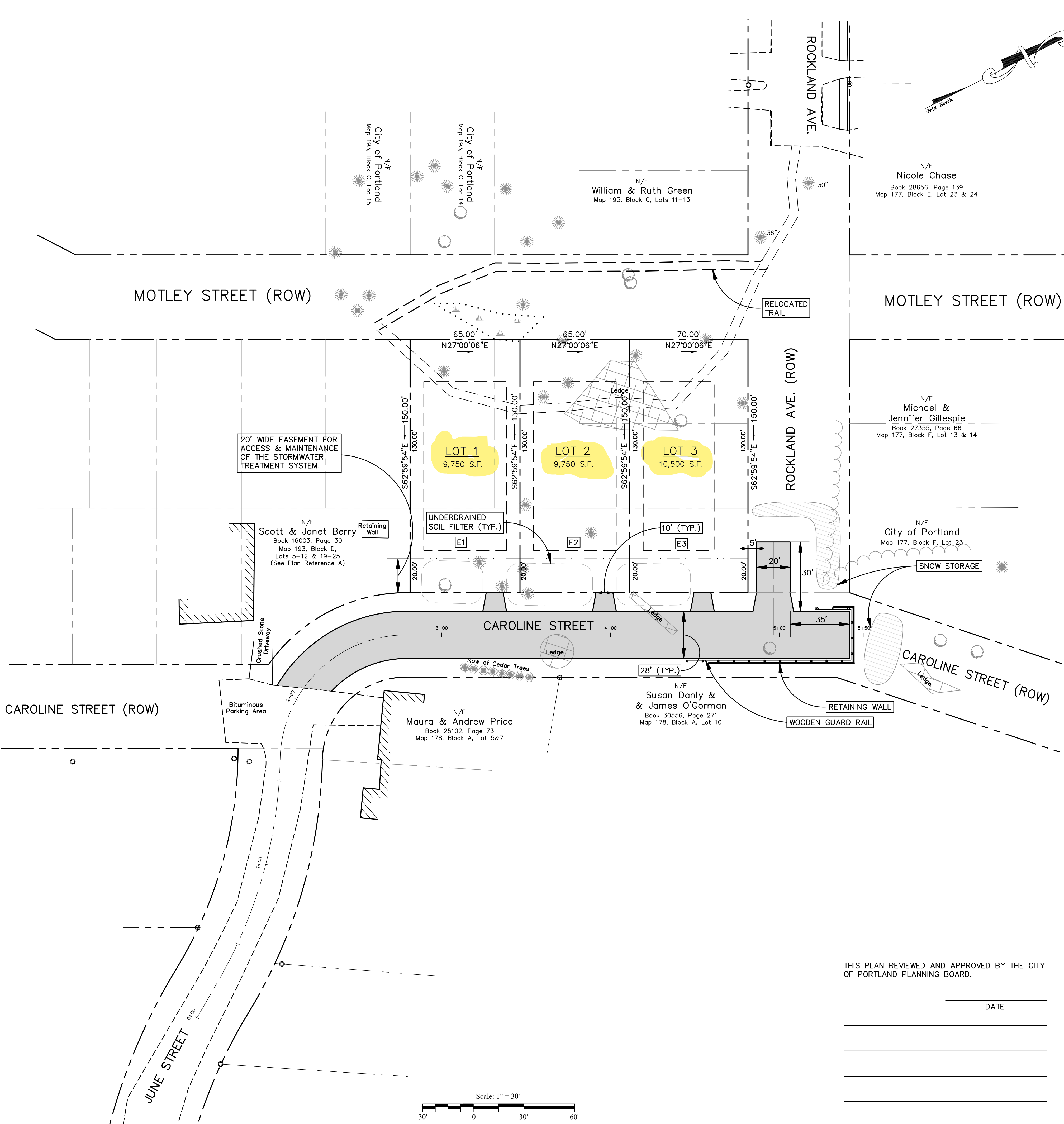
2.) What would each member of the City Council say to the 3 families that have been excluded from our community (who might even already be living on Caroline Street if city staff had not blocked the applicant from obtaining necessary approvals) in order to increase the environmental privilege of the neighborhood NIMBYs who have lobbied the City of Portland for years to prevent more housing opportunities here?

NOTES:

1. APPLICANT: ETHAN SCOTT
SCOTT DEVELOPMENT, LLC
38 FERN PARK AVE.
OLD ORCHARD BEACH, MAINE 04064
2. ENGINEER: CHRISTOPHER R. MacDonald PE #11985
BH2M
28 STATE STREET
GORHAM, MAINE
3. SURVEYOR: ROBERT C. LIBBY JR., PLS #2190
BH2M
28 STATE STREET
GORHAM, MAINE
4. WETLANDS: MARK HAMPTON, CSS #216, LSE #263
MARK HAMPTON ASSOCIATES, INC.
P.O. BOX 1931
PORTLAND, MAINE
5. DEED REFERENCE: BOOK 35366, PAGE 299
6. TAX MAP REFERENCE: MAP 193, BLOCK D, LOTS 13-18
7. TOTAL PARCEL AREA: 30,000 S.F. (0.689 ACRES)
8. EXISTING ZONING: R-3
9. SETBACKS: FRONT / REAR: 25'
SIDES: 8'
SIDE ALONG ROW: 20'
10. SEWER SERVICE: PUBLIC
11. WATER SERVICE: PUBLIC
12. ELECTRIC/COMMS: UNDERGROUND
13. COORDINATES & DATUM:

- BENCHMARK:
COPPER BOLD IN MONUMENT 90 ON THE CORNER OF COLONIAL ROAD AND ROCKLAND AVENUE, ELEVATION 57.97 (NAVD 1929)
PROVIDED BY THE PORTLAND CITY ENGINEERS' OFFICE.
- COORDINATES/BEARINGS:
BEARINGS AND NORTH ORIENTATION SHOWN HEREON ARE BASED UPON THE MAINE STATE COORDINATE SYSTEM, WEST ZONE (NAD 83), USING CITY OF PORTLAND COORDINATE POINTS ON MS 90 AND 92, PK FOUND
14. PLAN REFERENCES:
- A. PLAN OF BRIGHTON, PORTLAND, MAINE, MADE FOR GEORGE T. EDWARDS, DATED AUGUST 1902, BY CLIFFORD C. LEGROW, ENGINEER AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 11, PAGE 109.
- B. PLAN OF RE-SUBDIVISION OF MOTLEY AND CAROLINE STREET LOTS, PORTLAND, MAINE, FOR GEORGE T. EDWARDS, DATED APRIL 1916, AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 13, PAGE 52.
- C. WORKSHOP PLAN OF ROCKLAND AVENUE IN PORTLAND, MAINE BY CITY OF PORTLAND ENGINEERING DEPARTMENT.
- D. STANDARD BOUNDARY SURVEY OF THE WEDGEWOOD DEVELOPMENT CORP. STEVENS AVENUE PROJECT, PORTLAND, MAINE, BY MORTON & ROSE ASSOCIATES, DATED SEPTEMBER 26, 1985, AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN PLAN BOOK 150, PAGE 60.
- E. PLAN OF THIRD AMENDMENT TO THE REDLON SUBDIVISION, 43 REDLON PARK ROAD, PORTLAND, MAINE, FOR THE CITY OF PORTLAND. DATED OCTOBER 9, 2018 BY TITCOMB ASSOCIATES AND RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 219, PAGE 151.
- F. BOUNDARY SURVEY, 24 JUNE STREET, PORTLAND, MAINE, FOR MAUREEN C. GAVIN, DATED 07/05/19 BY LIVINGSTON-HUGHES PROFESSIONAL LAND SURVEYING CORPORATION.

SYMBOL	DESCRIPTION
○ IRF / PPF	IRON ROD/PIPE FOUND
□ GMP	GRANITE MONUMENT FOUND
●	5/8" IRON ROD W/ CAP TO BE SET
●	CONIFEROUS TREE
○	DECIDUOUS TREE
---	PROPERTY LINE
- - -	ABUTTER'S PROPERTY LINE
---	RIGHT OF WAY
- - -	PR. EDGE OF PAVEMENT
- - -	TRAIL
...	WETLANDS
~~~~~	TREELINE
B.G./A.G.	ABOVE GRADE
N/F	NOW OR FORMERLY



EASEMENT TABLE
E1 - S27°00'06"W 65.00'
E2 - S27°00'06"W 65.00'
E3 - S27°00'06"W 70.00'

I CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS TECHNICAL STANDARDS OF PRACTICE FOR A STANDARD BOUNDARY SURVEY WITH THE FOLLOWING EXCEPTIONS:

1. NO SURVEYORS REPORT

THIS PLAN REVIEWED AND APPROVED BY THE CITY OF PORTLAND PLANNING BOARD.

DATE

ROBERT C. LIBBY JR.

PLS #2190

NO.	DATE	REVISION	DESCRIPTION


**BH2M**

**Berry, Huff, MacDonald, Milfigan Inc.**  
Engineers, Surveyors

28 State Street  
Portland, Maine 04103  
Tel. (207) 839-2771  
Fax (207) 839-8250

FOR  
Coastal Oaks, LLC  
198 Saco Avenue  
Old Orchard Beach, Maine 04064

**SUBDIVISION PLAN**

CAROLINE STREET  
PORTLAND, MAINE

DESIGNED	DATE
C. MacDonald	August 2020
DRAWN	SCALE
B. Monsen	1" = 30'
CHECKED	JOB. NO.
C. MacDonald	20077

SHEET
1

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**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** May 19, 2022

**SUBJECT:** Order 279-21/22 Placing City-Owned Land at Redlon Woods into the Portland Land Bank - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** Interim City Manager Danielle West

**(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 6/6/2022**

**Final Action 6/20/2022**

**Can action be taken at a later date: No Immediate/timely review and action is needed for this item to purchase the property.**

**Does this item involve a new contract with the City: None have been submitted to date.**

**PRESENTATION:** Ethan Hipple, Director of Parks and Recreation and Facilities

**I. SUMMARY**

Redlon Woods is an open area approximately 5.8 acres in size located in District 3 and in 2017, City Council approved approximately 2 acres to be put into the Land Bank and we have been working to acquire other parcels within Redlon Woods to be put into the Land Bank.

**II. AGENDA DESCRIPTION**

On April 9, 2022 the Land Bank Commission (LBC) voted (8-0) to recommend to the City Council that two parcels identified as 177 F 23 and 177F019, consisting of 0.25 acres, be added to the existing Redlon Woods and designated part of the Portland Land Bank.

On May 17, 2022, the Housing & Economic Development Committee voted unanimously to approve putting these two existing City-owned parcels into the Portland Land Bank.

Five affirmative votes are required for passage after public comment. Staff recommend postponing this order to June 22, 2022 to coincide with consideration of the two previous orders, for Redlon Woods properties Phases 1 and 2.

**III. BACKGROUND**

The Land Bank Commission (LBC), on April 9, 2022, voted unanimously (all 8 Commissioners attending the meeting) to recommend to the City Council that two parcels identified as 177 F 23 and 177F019 consisting of .25 acres, to be added to the existing Redlon Woods.

On May 17, 2022, the Housing and Economic Development Committee voted unanimously to approve putting these two existing City-owned parcels into the Land Bank.

The project evaluation included significant considerations. All LBC property evaluations include a standardized “scorecard” that ranks the benefits and constraints of proposed property acquisitions. The scorecard for these Redlon Woods parcels indicates that the property would contribute to healthy forest, wetlands, and most importantly, climate mitigation benefits as it is forested with mature, native trees and maintaining this as open space would minimize the stormwater runoff problems that have been evident in the

surrounding neighborhood since the 1980s.

The City's Planning and Urban Development Director, along with other City staff, assessed the potential for affordable housing associated with these parcels and determined that the cost to develop an entrance, combined with the exacerbating stormwater runoff problems, did not warrant further consideration for pursuing affordable housing options. The City staff recommendation was for the Redlon Woods parcels to be acquired by the LBC to become part of the existing Redlon Woods open space.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The intended result is to include this property (Phase 3) as well as acquiring Phase 1 and Phase 2 to incorporate into the existing open space area known as Redlon Woods.

#### **V. FINANCIAL IMPACT**

There is minimal fiscal impact to the City. These are currently city owned.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

#### **VII. RECOMMENDATION**

The LBC and City staff recommend the City Council vote to approve the city-owned parcels identified as 177 F 23 and 177 F 19 consisting of .25 acres be added to the existing Redlon Woods. If all three phases are approved, this would provide for 4.25 acres of open space within the city limits.

#### **VIII. LIST ATTACHMENTS**

1. Placement of City-owned Redlon Woods Property in Land Bank 6.6.2022
2. Scorecard Redlon 2020 - Sheet1
3. Redlon Woods Map

Prepared by:

Date: 05/19/2022



KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**ORDER PLACING CITY-OWNED LAND AT REDLON WOODS  
INTO THE PORTLAND LAND BANK**

**ORDERED**, that pursuant to Section 2-43 of the Portland City Code, city-owned land at Redlon Woods, as depicted in the attachment hereto, will be in and is to be maintained as part of the City's Land Bank property.

<b>Priorities for Land Bank activities</b>	<b>YES</b>	<b>MAYBE</b>	<b>NO</b>	<b>Notes</b>
Does the property have, or contribute to, healthy forest ecosystem?		X		
Does the property have, or contribute to, healthy wetlands, streams, river, ocean, aquifers or other water bodies?	X			
Does the property help mitigate or adapt to climate change impacts? (CO2 storage, storm impacts, tidal impacts)	X			storm water absorption
Does the property provide an opportunity to protect or improve an ecosystem?	X			
Does the property create a connection or link between nearby Parks, Land Bank, or conserved properties?			X	
Does protecting the property support Portland's desired sustainable land use pattern of a dense core with developed corridors and nodes?			X	
Does protecting the property support Portland's desire for equal access to undeveloped natural space in every neighborhood? (all residents within a 10 minute walk)	X			for neighbors on the south and east
Does the property provide water access for the fishing industry OR for recreation?			X	
Does the property provide passive recreation opportunities?	X			walking, nature play, maybe MTB, if trails were constructed

Other considerations

Is this a time-limited opportunity?		X		
Cost				??
Maintenance needs, short or long term	X			There are many wear paths. Trails would need to be properly created and others, closed off. Trailhead/entries would need to be created.
Are there opportunities for leveraging collaboration (in purchase, programming and/or maintenance)	X			
Is there significant stakeholder support/opposition?	x			some demonstrated support
Are there other competing land uses?	x			B/C it's not buildable
Are there opportunities to achieve multiple goals of Land Bank &/or other City entities	X			water resources, recreation, land bank
Are there underserved areas where geography is a priority for ecological health or human wellness?		X		
Historical significance			X	
Geologic significance			X	
Is there potential for urban agricultural use			X	





CITY OF PORTLAND, MAINE  
DEPT. OF PUBLIC WORKS  
212 CANCO RD, SUITE B  
PORTLAND, MAINE 04103  
PHONE (207) 874-8801

LEGEND

- Land Bank Parcels
- Berry: Phase 1
- Coastal Oaks: Phase 2
- City-owned: Phase 3
- Private: Taylor
- Private: Motley St
- Private: Caroline St

Drainage

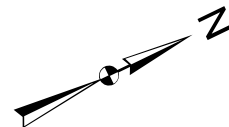
- Brook
- Ditch or Brook

Water Bodies

- swamp
- Countour Lines

Redlon Woods Area

Note: Drainage & Water Bodies were derived from aerial imagery, not survey or wetland delineation. They are an indicator of potential water features only.



May 19, 2022

DESIGN BY: DAR    DRAWN BY: DAR    CHECK BY: XXX

0 25 50 100 150 200 Feet



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Mary Davis, Division Director

**DATE:** May 17, 2022

**SUBJECT:** Order 280-21/22 Adopting Development Program for Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

**SPONSOR:** Housing and Economic Development Committee, Councilor Pious Ali/Chair; meeting held on May 3, 2022 and the vote was 3-0 (Councilor Zarro absent) to recommend to the City Council approval of these items.

**(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 6/6/2022**

**Final Action 6/22/2022**

**Can action be taken at a later date: No The June 22, 2022, public hearing will be advertised in the Portland Press Herald on June 10, 2022.**

**Does this item involve a new contract with the City: It is an annual Agreement which Corporation Counsel has reviewed.**

**PRESENTATION:** Mary Davis/3 Minutes

**I. SUMMARY**

Annually, 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 Portland Downtown (PD) District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1, City Council authorization of establishing the special assessment and approval of the documents is needed.

For FY2023, City Council authorization is needed for the continued operation of PD, which include: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

The budget for PD is funded largely from special assessments on all real estate in the current District. The revenue raised through the special assessment will fund the PD development program expenses for FY2023. The proposed mil rate to raise this assessment will be determined toward the end of May but is currently estimated to be approximately \$.66 per \$1,000 of property value in the current district in order to raise the PD Board approved budget of \$1,200,000.

Portland Downtown representatives provided a presentation to the Housing & Economic Development (HEDC) at its May 3, 2022, meeting. After review, the Committee voted 3-0 (Zarro absent) to forward these items to the City Council with a recommendation of approval.

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

### III. BACKGROUND

See Agenda Description

### IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is for the City Council to accept the FY2023 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 an estimated FY2023 total of \$1,200,000, an increase of \$163,500 from FY2022 budget of \$1,036,500. The increase is due largely to the anticipated inflation and addition of public restrooms in the District and their maintenance. This assessment would be for the period July 1, 2022, to June 30, 2023. ***The proposed mil rate to raise this assessment is currently estimated to be \$.66 cents per \$1,000 of property value in the District. The FY2022 mil rate was \$.57 cents per \$1,000 of property value in the District, lower than in previous years due to the Revaluation; in FY2021, the mil rate was \$1.05; in FY2020, the mil rate was \$1.09; in 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 mil rate had been the same rate of \$.92 cents per \$1,000 of property value in the geographic area before the approved FY2019 geographic expansion of the district.***

### VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

### VII. RECOMMENDATION

City staff have reviewed the documents and recommends the City Council vote to approve these items.

### VIII. LIST ATTACHMENTS

1. Adopting Development Program for Portland Downtown 2022-2023 6.6.2022
2. FY23 Budget&DevPlanFromPDD
3. Agreement and Atts for CC 6-6-2022
4. FY2023 Assessment Roll for CC 6-6-2022

Prepared by:

Mary Davis, Division Director

Date: 05/17/2022

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**ORDER ADOPTING DEVELOPMENT PROGRAM FOR  
PORTLAND DOWNTOWN  
FOR FISCAL YEAR 2022-2023**

**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 2022-2023.

# FY23 Budget and Development Plan



Portland Downtown stimulates a thriving, vibrant & sustainable downtown community



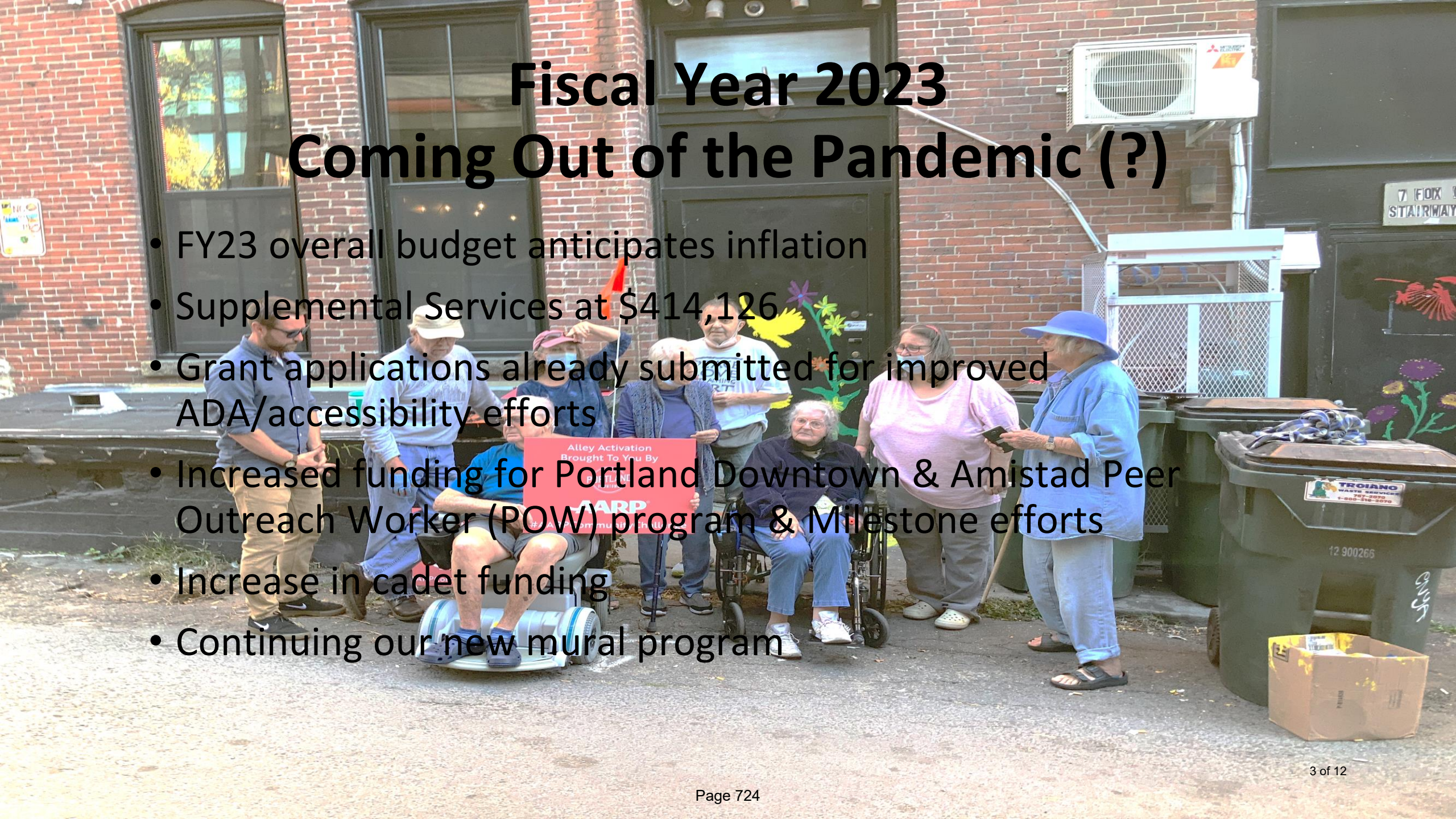
# FY22 Highlights

- Monument Square Tree Cam
- Mission 3/65
- Merchant Forums early pandemic
- Continued successful cadet program
- Graffiti fighting partnership with LearningWorks & now Audet Enterprises
- Partnered with Milestone HOME Team & Amistad
- Public Restroom Advocacy, Success, Forum & continued efforts
- Alleyway Activation – Lower Exchange & Mechanics' Hall + lights
- Vaccine Clinic partnership
- Bike Repair Stations – First in the state!
- Two murals completed (Flask Lounge & Aura)
- Hand Sanitizer distribution
- Park(ing) Day
- Distant Dinner with Canadian partners
- Mental Health First Aid workshop
- Boomer Institute/Southern Jobs Collaborative



# Fiscal Year 2023 Coming Out of the Pandemic (?)

- FY23 overall budget anticipates inflation
- Supplemental Services at \$414,126
- Grant applications already submitted for improved ADA/accessibility efforts
- Increased funding for Portland Downtown & Amistad Peer Outreach Worker (POW) program & Milestone efforts
- Increase in cadet funding
- Continuing our new mural program





# Notes on FY23 Budget

- Like most organizations, activities remain pandemic dependent
  - PD strives to model good organizational behavior & follow CDC guidelines
- While we expect events such as Merry Madness to take place this winter, we are estimating likely safe crowd allowances & income accordingly
- Visitor Information Booth
- Additional Placemaking Activities

# FY23 Development Plan

- Strengthen outreach & relationship building
- Grow advocacy efforts
- Continue to expand mural program
- Implement new strategic plan & continue to tweak committee structure
- Further engage downtown residential community
  - New board seat for downtown renters
- Monument Square efforts continue
  - Include potential partnership with soccer/World Cup viewing parties
- Public Restroom efforts continue
- Age-Friendly Business efforts continue

# 2020-2025 Strategic Plan Guiding Principles

- Portland Downtown is a community builder
- Portland Downtown is a key advocate for the downtown community
- Portland Downtown is a strong partner & collaborator
- Portland Downtown strives to be increasingly environmentally sustainable
- Portland Downtown believes in organizational sustainability



# **PORTLAND DOWNTOWN BUDGET FY23**

Estimated valuation \$

FY23 DRAFT Budget	
<b>INCOME</b>	
<b>ASSESSMENT INCOME</b>	<u>\$ 1,200,000.00</u>
<b>EVENT INCOME</b>	
<b>LIGHT UP YOUR HOLIDAYS</b>	
TREE LIGHTING SPONSORSHIPS	\$ 11,000.00
WINDOW DISPLAY CONTEST SPONSOR	\$ 1,000.00
	\$ -
SHOP FOR A CAUSE SPONSORSHIP	\$ 2,500.00
MERRY MADNESS TICKET SALES	\$ 22,500.00
MERRY MADNESS SPONSORSHIP	\$ 7,500.00
Total Light Up Your Holidays	<u>\$ 44,500.00</u>
<b>POLICE AWARDS BREAKFAST SPONSORSHIPS</b>	\$ 5,000.00
<b>DOWNTOWN WORKER APPRECIATION DAY SPONSORSHIPS</b>	\$ 4,000.00
<b>SUMMER KICK OFF WEEKEND</b>	
SQUARE HOP SPONSORSHIP	\$ 4,000.00
	\$ -
	\$ -
Total Summer Kick Off Weekend	<u>\$ 4,000.00</u>
<b>Total EVENT INCOME</b>	<u>\$ 57,500.00</u>
<b>DIRECTORY PARTNERSHIP/CONTRIBUTION</b>	\$ 4,000.00
<b>GRANT INCOME</b>	\$ 1,500.00
<b>CONTRIBUTIONS INCOME</b>	\$ 750.00
<b>PARK &amp; WORK INCOME</b>	\$ 400.00
<b>Total Income</b>	<u>\$ 1,264,150.00</u>

**Expense****CLEAN INITIATIVES**

SUPPLEMENTAL SERVICES CONTRACT	\$	411,055.00
FIXED FEE FOR DID ADMIN	\$	12,000.00
ESTIMATED NONCOLLECTION	\$	12,000.00
CLEAN & SAFE INITIATIVES	\$	10,000.00
ALLEYWAY ACTIVATION	\$	2,500.00
PUBLIC RESTROOM MAINTENANCE, ETC	\$	10,000.00
REPAIRS & IMPROVEMENTS	\$	7,500.00
Total Clean Initiatives	\$	465,055.00

**EMPLOYEE COSTS**

PAYROLL	\$	265,000.00
HEALTH & DENTAL	\$	35,000.00
LIFE & DISABILITY INSURANCE	\$	3,650.00
PAYROLL PROCESSING FEE	\$	1,350.00
PAYROLL TAX EXPENSE	\$	17,500.00
EMPLOYEE PARKING & BUS	\$	5,000.00
	\$	-
SIMPLE IRA MATCH	\$	4,000.00
Total Employee Costs	\$	331,500.00

**PROGRAMS & PARTNERSHIPS**

WINTER LIGHTS/PANDORA LACASSE	\$	65,000.00
VISITOR INFORMATION BOOTH/VISIT PORTAND	\$	10,000.00
POLICE CADET PROGRAM EXPENSE	\$	45,000.00
GRAFFITI	\$	30,000.00

<b>MILESTONE HOMETEAM</b>	\$	12,500.00
<b>MONUMENT SQUARE MARKET &amp; ACTIVATIONS</b>	\$	10,000.00
<b>PEER OUTREACH WORKER PROGRAM</b>	\$	7,500.00
<b>Total Programs &amp; Partnerships</b>	\$	180,000.00

#### **RENT & UTILITIES**

<b>RENT</b>	\$	25,000.00
<b>CAM CHARGES</b>	\$	10,000.00
<b>TAXES- PERSONAL PROPERTY</b>	\$	600.00
<b>ELECTRIC</b>	\$	1,700.00
<b>GAS</b>	\$	1,400.00
<b>TELEPHONE &amp; INTERNET</b>	\$	3,800.00
<b>Total Rent &amp; Utilities</b>	\$	42,500.00

#### **OPERATIONS**

<b>BANK SERVICE CHARGES</b>	\$	100.00
<b>CLEANING</b>	\$	4,800.00
<b>COPIER</b>	\$	3,200.00
<b>IT SUPPORT</b>	\$	1,250.00
<b>MEMBERSHIPS, DUES &amp; SUBSCRIPTIONS</b>	\$	4,500.00
<b>EQUIPMENT EXPENSE</b>	\$	2,000.00
<b>POSTAGE</b>	\$	3,500.00
<b>SUPPLIES</b>	\$	4,000.00
<b>WEBSITE HOSTING + DEVELOPMENT</b>	\$	1,400.00
<b>INTERN</b>	\$	5,000.00
<b>-</b>	-	
<b>SUBCONTRACTORS</b>	\$	2,500.00
<b>CONTINGENCY FUND</b>	\$	5,000.00
<b>RESERVE FUND</b>	\$	20,000.00
<b>Total Operations</b>	\$	57,250.00



**MARKETING**

GENERAL MARKETING	\$	20,000.00
DIRECTORY DISTRIBUTION	\$	4,000.00
SPONSORSHIPS/PARTNERSHIPS	\$	3,000.00
Total Marketing	\$	27,000.00

**INSURANCE**

DIRECTORS & OFFICERS	\$	650.00
GENERAL/EVENTS/LIQUOR	\$	6,000.00
WORKERS COMPENSATION	\$	1,200.00
Total Insurance	\$	7,850.00

**PROFESSIONAL FEES**

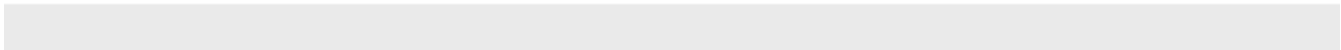
ACCOUNTING	\$	3,500.00
AUDIT	\$	8,000.00
ANNUAL ELECTIONS	\$	2,000.00
LEGAL	\$	5,000.00
Total Professional Fees	\$	18,500.00

**ORGANIZATIONAL ACTIVITIES**

STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,500.00
MEETINGS	\$	2,500.00
PROFESSIONAL DEVELOPMENT	\$	7,500.00
Total Organizational Activities	\$	12,500.00

**EVENTS****LIGHT UP YOUR HOLIDAYS**

LUYH GENERAL MARKETING	\$	5,000.00
TREE LIGHTING: MARKETING	\$	4,500.00
TREE LIGHTING: PERFORMERS	\$	2,500.00
TREE LIGHTING: SECURITY	\$	-



TREE LIGHTING: STAGE & SOUND	\$	3,500.00
TREE LIGHTING EVENT MANAGEMENT	\$	500.00
RETAIL EVENTS	\$	5,000.00
TREE CAM	\$	2,500.00
MERRY MADNESS: MARKETING	\$	2,000.00
MERRY MADNESS: EVENT	\$	12,000.00
MERRY MADNESS EVENTBRITE FEES	\$	3,250.00
MERRY MADNESS: EVENT MANAGEMENT	\$	1,500.00
MM PASSPORT APP	\$	3,500.00
<b>Total Light Up Your Holidays</b>	<b>\$</b>	<b>45,750.00</b>
POLICE AWARDS BREAKFAST	\$	4,500.00
DOWNTOWN WORKER APPRECIATION DAY	\$	4,000.00
SUMMER KICK OFF WEEKEND		
SQUARE HOP ENTERTAINMENT	\$	3,000.00
SQUARE HOP MARKETING	\$	1,000.00

<b>Total Summer Kick Off Weekend</b>	\$	4,000.00
<b>TOTAL EVENTS</b>	\$	58,250.00
<b>PARK AND WORK</b>	\$	500.00
<b>TOTAL EXPENSE</b>	\$	1,200,905.00
<b>NET INCOME (LOSS)</b>	\$	14,850.00

**AGREEMENT BETWEEN  
THE CITY OF PORTLAND  
AND  
DOWNTOWN IMPROVEMENT DISTRICT, INC.  
d/b/a PORTLAND DOWNTOWN**

**AGREEMENT** made as of the 1st day of July, 2022, (the “Effective Date”) 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 the Effective Date and expire on June 30, 2023 (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 on the Effective Date and ending June 30, 2023, 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 2022 through and including June 1, 2023. 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 2/15/2023. 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, 2022, and ending on June 30, 2023, 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 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 weekly during the term of this Agreement:

1 Public Works Supervisor – Daytime  
1 Portland Downtown Steward – Daytime  
4 Maintenance Workers – 3 Daytime and 1 Overnight  
1 Seasonal Laborer, April 15 – October 31 - 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 on or around April of each year 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 20, 2023, 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;
- iii. Recruit, hire, and pay and otherwise supervise its work force necessary such that it can successfully fulfill its responsibilities.
- iv. Establish a corporate Board of Directors whose members fairly represent a cross section of taxpayers in the District.
- v. 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.
- vi. 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.
- vii. Maintain all minutes and records of Portland Downtown proceedings as may be required.
- viii. Participate in decoration, activation, and beautification of public places in the District.
- ix. Sponsor and promote public events to take place on or in public places in the District, subject to the provisions in Exhibit E.
- x. Provide advice or feedback to City staff about proposed events in public spaces within the District by sharing various permits the City approves in the District.
- xi. Advertise and promote non-profit, cultural, educational and commercial business activities in the District.
- xii. Maintain existing pedestrian way finding signage for the District in accordance with applicable City codes and ordinances.
- xiii. Conduct public relations, generating favorable publicity for, and enhancing economic growth in, the District.
- xiv. Facilitate management of the Visitor Information Booth in Tommy's Park.
- xv. Wash, maintain and relocate street furniture, trash cans, street lanterns, and undertake minor repairs to street furniture in consultation with PD staff.
- xvi. Engage in partnerships with other organizations to provide programs and services.
- xvii. 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, in consultation with Public Works crew, prior to the installation of any banners.
- xviii. 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 the Effective Date to December 31, 2022, and January 1, 2023 to June 30, 2023; (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 _____, 2022.

**WITNESS**

**CITY OF PORTLAND**

_____

By: _____  
Danielle P. West  
Its Interim City Manager

**WITNESS**

**DOWNTOWN IMPROVEMENT  
DISTRICT, INC.  
d/b/a PORTLAND DOWNTOWN**

_____

By: _____  
Gillian West  
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 BUDGET FY23

Estimated valuation \$

FY23 DRAFT Budget	
<b>INCOME</b>	
ASSESSMENT INCOME	\$ 1,200,000.00
<b>EVENT INCOME</b>	
<b>LIGHT UP YOUR HOLIDAYS</b>	
TREE LIGHTING SPONSORSHIPS	\$ 11,000.00
WINDOW DISPLAY CONTEST SPONSOR	\$ 1,000.00
	\$ -
SHOP FOR A CAUSE SPONSORSHIP	\$ 2,500.00
MERRY MADNESS TICKET SALES	\$ 22,500.00
MERRY MADNESS SPONSORSHIP	\$ 7,500.00
Total Light Up Your Holidays	\$ 44,500.00
POLICE AWARDS BREAKFAST SPONSORSHIPS	\$ 5,000.00
DOWNTOWN WORKER APPRECIATION DAY SPONSORSHIPS	\$ 4,000.00
<b>SUMMER KICK OFF WEEKEND</b>	
SQUARE HOP SPONSORSHIP	\$ 4,000.00
	\$ -
	\$ -
Total Summer Kick Off Weekend	\$ 4,000.00
<b>Total EVENT INCOME</b>	<b>\$ 57,500.00</b>
DIRECTORY PARTNERSHIP/CONTRIBUTION	\$ 4,000.00
GRANT INCOME	\$ 1,500.00
CONTRIBUTIONS INCOME	\$ 750.00
PARK & WORK INCOME	\$ 400.00
Total Income	\$ 1,264,150.00
<b>Expense</b>	
<b>CLEAN INITIATIVES</b>	
SUPPLEMENTAL SERVICES CONTRACT	\$ 411,055.00
FIXED FEE FOR DID ADMIN	\$ 12,000.00
ESTIMATED NONCOLLECTION	\$ 12,000.00
CLEAN & SAFE INITIATIVES	\$ 10,000.00
ALLEYWAY ACTIVATION	\$ 2,500.00
PUBLIC RESTROOM MAINTENANCE, ETC	\$ 10,000.00
REPAIRS & IMPROVEMENTS	\$ 7,500.00
Total Clean Initiatives	\$ 465,055.00
<b>EMPLOYEE COSTS</b>	
PAYROLL	\$ 265,000.00
HEALTH & DENTAL	\$ 35,000.00
LIFE & DISABILITY INSURANCE	\$ 3,650.00
PAYROLL PROCESSING FEE	\$ 1,350.00
PAYROLL TAX EXPENSE	\$ 17,500.00
EMPLOYEE PARKING & BUS	\$ 5,000.00
	\$ -
SIMPLE IRA MATCH	\$ 4,000.00
Total Employee Costs	\$ 331,500.00
<b>PROGRAMS &amp; PARTNERSHIPS</b>	
WINTER LIGHTS/PANDORA LACASSE	\$ 65,000.00
VISITOR INFORMATION BOOTH/VISIT PORTAND	\$ 10,000.00
POLICE CADET PROGRAM EXPENSE	\$ 45,000.00
GRAFFITI	\$ 30,000.00

MILESTONE HOMETEAM	\$	12,500.00
MONUMENT SQUARE MARKET & ACTIVATIONS	\$	10,000.00
PEER OUTREACH WORKER PROGRAM	\$	7,500.00
Total Programs & Partnerships	\$	180,000.00
<b>RENT &amp; UTILITIES</b>		
RENT	\$	25,000.00
CAM CHARGES	\$	10,000.00
TAXES- PERSONAL PROPERTY	\$	600.00
ELECTRIC	\$	1,700.00
GAS	\$	1,400.00
TELEPHONE & INTERNET	\$	3,800.00
Total Rent & Utilities	\$	42,500.00
<b>OPERATIONS</b>		
BANK SERVICE CHARGES	\$	100.00
CLEANING	\$	4,800.00
COPIER	\$	3,200.00
IT SUPPORT	\$	1,250.00
MEMBERSHIPS, DUES & SUBSCRIPTIONS	\$	4,500.00
EQUIPMENT EXPENSE	\$	2,000.00
POSTAGE	\$	3,500.00
SUPPLIES	\$	4,000.00
WEBSITE HOSTING + DEVELOPMENT	\$	1,400.00
INTERN	\$	5,000.00
-	-	
SUBCONTRACTORS	\$	2,500.00
CONTINGENCY FUND	\$	5,000.00
RESERVE FUND	\$	20,000.00
Total Operations	\$	57,250.00
<b>MARKETING</b>		
GENERAL MARKETING	\$	20,000.00
DIRECTORY DISTRIBUTION	\$	4,000.00
SPONSORSHIPS/PARTNERSHIPS	\$	3,000.00
Total Marketing	\$	27,000.00
<b>INSURANCE</b>		
DIRECTORS & OFFICERS	\$	650.00
GENERAL/EVENTS/LIQUOR	\$	6,000.00
WORKERS COMPENSATION	\$	1,200.00
Total Insurance	\$	7,850.00
<b>PROFESSIONAL FEES</b>		
ACCOUNTING	\$	3,500.00
AUDIT	\$	8,000.00
ANNUAL ELECTIONS	\$	2,000.00
LEGAL	\$	5,000.00
Total Professional Fees	\$	18,500.00
<b>ORGANIZATIONAL ACTIVITIES</b>		
STAKEHOLDER + VOLUNTEER APPRECIATION	\$	2,500.00
MEETINGS	\$	2,500.00
PROFESSIONAL DEVELOPMENT	\$	7,500.00
Total Organizational Activities	\$	12,500.00
<b>EVENTS</b>		
LIGHT UP YOUR HOLIDAYS		
LUYH GENERAL MARKETING	\$	5,000.00
TREE LIGHTING: MARKETING	\$	4,500.00
TREE LIGHTING: PERFORMERS	\$	2,500.00
TREE LIGHTING: SECURITY	\$	-



## **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**  
**FY23 ORG CATEGORY SUMMARY EXPENDITURE REPORT**

ACCOUNT DESCRIPTION	FY21 ACTUALS	FY22 REVISED APPRO (12/31/21)	FY22 TOTAL PROJECTION	FY23 DEPT REQUEST	INCR (DECR) FY23 / FY22	APPRO % CHG FY23 / FY22
<b>Portland Downtown District 10031205</b>						
* Payroll	\$346,317	\$379,196	\$347,310	\$387,355	\$8,159	2.15%
* Benefits	\$2,231	\$3,450	\$2,100	\$3,450	\$0	0.00%
* Administrative Svcs	\$0	\$190	\$190	\$390	\$200	105.26%
* Contractual Services	\$45	\$50	\$16,050	\$300	\$250	500.00%
* Maintenance & Repair	\$627	\$500	\$475	\$300	(\$200)	-40.00%
* Rentals	\$145	\$360	\$360	\$360	\$0	0.00%
* Supplies	\$20,685	\$16,010	\$16,010	\$14,900	(\$1,110)	-6.93%
* Minor Capital Items	\$0	\$9,710	\$9,700	\$0	(\$9,710)	-100.00%
* Utilities	\$3,973	\$4,660	\$1,350	\$4,000	(\$660)	-14.16%
** Portland Downtown District	\$374,023	\$414,126	\$393,545	\$411,055	(\$3,071)	-0.74%

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
021 A001001	119	PEARL ST	25:PARKING LOTS	PEARL CUMBERLAND LLC	\$8,490,000	\$5,603.40
021 A012001	214	CUMBERLAND AVE	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
027 A001001	320	CUMBERLAND AVE	22:OFFICE BUSINESS	EAST END CORP	\$10,305,700	\$6,801.76
027 A012001	5	MONUMENT SQ	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
027 A015001	465	CONGRESS ST	22:OFFICE BUSINESS	CTR CONGRESS LLC	\$9,118,100	\$6,017.95
027 B001001	284	CUMBERLAND AVE	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
027 B002001	443	CONGRESS ST	22:OFFICE BUSINESS	JJR 443 CONGRESS LLC	\$5,851,500	\$3,861.99
027 B003001	9	ELM ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
027 B004001	439	CONGRESS ST	27:MULTI-USE COMMERCIAL	METROPOLITAN APARTMENTS LLC	\$8,902,600	\$5,875.72
027 B005001	425	CONGRESS ST	53:RELIGIOUS	FIRST PARISH IN PORTLAND	\$0	\$0.00
027 B007001	415	CONGRESS ST	22:OFFICE BUSINESS	ASHBY TEAM LLC	\$3,596,900	\$2,373.95
027 B008001	21	ELM ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
027 B009001	8	CHESTNUT ST	57:OTHERS EXEMPT BY LAW	MASONIC TRUSTEES OF PORTLAND	\$0	\$0.00
027 C002001	17	CHESTNUT ST	27:MULTI-USE COMMERCIAL	TRIPOD HOLDINGS LLC	\$796,300	\$525.56
027 C010001	21	CHESTNUT ST	20:COMMERCIAL CONDOS	HAIR ETC LLC	\$192,200	\$126.85
027 C010002	21	CHESTNUT ST	20:COMMERCIAL CONDOS	CHESTNUT STREET LOFTS LLC	\$233,600	\$154.18
027 C01002E	21	CHESTNUT ST	10:CONDOMINIUMS	JORDAN CARA A	\$342,100	\$225.79
027 C01002N	21	CHESTNUT ST	10:CONDOMINIUMS	SMITH DOUGLAS A &	\$318,100	\$209.95
027 C01002S	21	CHESTNUT ST	10:CONDOMINIUMS	MORREL VICTOR &	\$342,100	\$225.79
027 C01002W	21	CHESTNUT ST	10:CONDOMINIUMS	ANDERSON EVAN	\$403,700	\$266.44
027 C01003E	21	CHESTNUT ST	10:CONDOMINIUMS	CASTANEA PRIME LLC	\$367,100	\$242.29
027 C01003N	21	CHESTNUT ST	10:CONDOMINIUMS	TILTON GARRETT K &	\$378,700	\$249.94
027 C01003S	21	CHESTNUT ST	10:CONDOMINIUMS	SAWYER JESSE	\$324,500	\$214.17

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
027 C01003W	21	CHESTNUT ST	10:CONDOMINIUMS	VANHOEWYK JOHN VN VET &	\$372,700	\$245.98
027 C01004E	21	CHESTNUT ST	10:CONDOMINIUMS	BAILEY DONALD B &	\$367,100	\$242.29
027 C01004N	21	CHESTNUT ST	10:CONDOMINIUMS	SEARS STEPHEN D &	\$403,700	\$266.44
027 C01004S	21	CHESTNUT ST	10:CONDOMINIUMS	KAUFMANN CHARLES L	\$367,100	\$242.29
027 C01004W	21	CHESTNUT ST	10:CONDOMINIUMS	NYGAARD DANTON D &	\$378,700	\$249.94
027 C01005E	21	CHESTNUT ST	10:CONDOMINIUMS	FRISONE GIOVANNI &	\$367,100	\$242.29
027 C01005N	21	CHESTNUT ST	10:CONDOMINIUMS	YINDRA SARA R	\$419,000	\$276.54
027 C01005S	21	CHESTNUT ST	10:CONDOMINIUMS	NAQUI MUNIRA Z	\$367,100	\$242.29
027 C01005W	21	CHESTNUT ST	10:CONDOMINIUMS	CURTIN TERESA ANN	\$444,000	\$293.04
027 C01006E	21	CHESTNUT ST	10:CONDOMINIUMS	HAMM LARRY F &	\$367,100	\$242.29
027 C01006N	21	CHESTNUT ST	10:CONDOMINIUMS	SCOTT AURELIA C WID WWII VET	\$413,000	\$272.58
027 C01006S	21	CHESTNUT ST	10:CONDOMINIUMS	SCHWELLENBACH JAMES C &	\$342,100	\$225.79
027 C01006W	21	CHESTNUT ST	10:CONDOMINIUMS	BARRY PRUDENCE B	\$419,000	\$276.54
027 C01007E	21	CHESTNUT ST	10:CONDOMINIUMS	HARDING ALICIA &	\$420,500	\$277.53
027 C01007N	21	CHESTNUT ST	10:CONDOMINIUMS	POLLASTRI MICHAEL P &	\$389,600	\$257.14
027 C01007S	21	CHESTNUT ST	10:CONDOMINIUMS	KELLY MARILYN E TRUSTEE	\$480,400	\$317.06
027 C01007W	21	CHESTNUT ST	10:CONDOMINIUMS	GUIGLI MICHAEL	\$448,400	\$295.94
027 C01008N	21	CHESTNUT ST	10:CONDOMINIUMS	COTSIRILOS STEPHANIE G	\$550,400	\$363.26
027 C01008S	21	CHESTNUT ST	10:CONDOMINIUMS	WILLIAMS JAN &	\$480,000	\$316.80
027 C01008W	21	CHESTNUT ST	10:CONDOMINIUMS	BUSQUE PETER J	\$462,300	\$305.12
027 C0102NW	21	CHESTNUT ST	10:CONDOMINIUMS	DUNDAR ERGUN	\$388,300	\$256.28
027 C0102SE	21	CHESTNUT ST	10:CONDOMINIUMS	GAULKE JULIA P &	\$321,800	\$212.39
027 C0103NW	21	CHESTNUT ST	10:CONDOMINIUMS	AVIGNON PIERRE &	\$388,300	\$256.28

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
027 C0103SE	21	CHESTNUT ST	10:CONDOMINIUMS	CASTANEA PRIME LLC	\$357,500	\$235.95
027 C0104NW	21	CHESTNUT ST	10:CONDOMINIUMS	FRAZER LORINDA JANE TRUSTEE	\$388,300	\$256.28
027 C0104SE	21	CHESTNUT ST	10:CONDOMINIUMS	DEGRAY EMILY &	\$321,800	\$212.39
027 C0105NW	21	CHESTNUT ST	10:CONDOMINIUMS	FLACH ROSEMARY	\$423,900	\$279.77
027 C0105SE	21	CHESTNUT ST	10:CONDOMINIUMS	MAHON CONOR &	\$375,400	\$247.76
027 C0106NW	21	CHESTNUT ST	10:CONDOMINIUMS	141 PLEASANT STREET LLC	\$427,100	\$281.89
027 C0106SE	21	CHESTNUT ST	10:CONDOMINIUMS	EISENBERG AVNER	\$375,400	\$247.76
027 C011001	15	CHESTNUT ST	27:MULTI-USE COMMERCIAL	BOODILLY LLC	\$3,005,200	\$1,983.43
027 C012001	389	CONGRESS ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
027 D001001	385	CONGRESS ST	32:WAREHOUSE & STORAGE	385 CONGRESS LLC	\$3,760,900	\$2,482.19
027 F001001	50	MONUMENT SQ	22:OFFICE BUSINESS	THE LANCASTER GROUP LLC	\$9,388,400	\$6,196.34
027 F002001	28	MONUMENT SQ	10:CONDOMINIUMS	DONNELLY JON PATRICK	\$1,250,300	\$825.20
027 F002002	28	MONUMENT SQ	10:CONDOMINIUMS	STODDARD ROBERT B &	\$1,010,500	\$666.93
027 F002003	28	MONUMENT SQ	20:COMMERCIAL CONDOS	28 MSQ LLC	\$614,100	\$405.31
027 F002004	28	MONUMENT SQ	20:COMMERCIAL CONDOS	28 MSQ LLC	\$614,100	\$405.31
027 F002005	28	MONUMENT SQ	20:COMMERCIAL CONDOS	28 MSQ LLC	\$181,200	\$119.59
027 F003001	22	MONUMENT SQ	21:RETAIL SERVICES	STORREY INDUSTRIES LLC	\$2,879,700	\$1,900.60
027 F004001	6	MONUMENT SQ	25:PARKING LOTS	PARCHEGGIO LLC	\$324,400	\$214.10
027 F005001	18	MONUMENT SQ	27:MULTI-USE COMMERCIAL	18 MONUMENT PLACE LLC	\$1,230,200	\$811.93
027 F006001	16	MONUMENT SQ	21:RETAIL SERVICES	15 MONUMENT SQUARE LLC	\$1,228,200	\$810.61
027 F009001	121	CENTER ST	21:RETAIL SERVICES	TEDLUM ASSOCIATES LLC	\$3,934,300	\$2,596.64
027 F011001	1	MONUMENT WAY	21:RETAIL SERVICES	CF OMW LLC	\$7,087,600	\$4,677.82
027 F014001	0	MONUMENT SQ	19:AUXILIARY BUILDINGS	TWO MONUMENT WAY ASSOCIATES	\$202,600	\$133.72

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
027 F023001	30	CITY CTR	27:MULTI-USE COMMERCIAL	RODWAY PETER E &	\$558,800	\$368.81
027 F024001	28	CITY CTR	21:RETAIL SERVICES	BROWN J B & SONS	\$558,000	\$368.28
027 F026001	26	CITY CTR	21:RETAIL SERVICES	BROWN J B & SONS	\$1,093,900	\$721.97
027 F027001	24	CITY CTR	22:OFFICE BUSINESS	BROWN J B & SONS	\$1,510,000	\$996.60
027 F028001	41	FREE ST	25:PARKING LOTS	TEDLUM ASSOCIATES LLC	\$233,700	\$154.24
027 F029001	23	FREE ST	25:PARKING LOTS	ONE CITY CENTER ASSOCIATES LLC	\$15,200,000	\$10,032.00
027 G001001	456	CONGRESS ST	58:LAND BANKS	CITY OF PORTLAND	\$0	\$0.00
028 A001001	380	CONGRESS ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
028 B001001	350	CONGRESS ST	58:LAND BANKS	CITY OF PORTLAND	\$0	\$0.00
028 E001001	168	FEDERAL ST	56:GOVERNMENTAL	UNITED STATES	\$0	\$0.00
028 F001001	142	FEDERAL ST	56:GOVERNMENTAL	CUMBERLAND COUNTY OF	\$0	\$0.00
028 K001001	77	MARKET ST	21:RETAIL SERVICES	85 MARKET STREET LLC	\$2,831,100	\$1,868.53
028 K002001	66	PEARL ST	22:OFFICE BUSINESS	LEADER PROPERTIES LLC	\$7,334,300	\$4,840.64
028 K003001	75	MARKET ST	22:OFFICE BUSINESS	WHOLLY COW LLC	\$6,918,400	\$4,566.14
028 L002001	0	NEWBURY ST	56:GOVERNMENTAL	CUMBERLAND COUNTY INHABITANTS	\$0	\$0.00
028 L005001	75	PEARL ST	20:COMMERCIAL CONDOS	WBFM LLC	\$2,284,000	\$1,507.44
028 L00502A	75	PEARL ST	20:COMMERCIAL CONDOS	WOODMAN BUILDING	\$1,045,400	\$689.96
028 L00502B	75	PEARL ST	20:COMMERCIAL CONDOS	WOODMAN BUILDING	\$821,600	\$542.26
028 L00503A	75	PEARL ST	20:COMMERCIAL CONDOS	WOODMAN BUILDING	\$644,100	\$425.11
028 L00503B	75	PEARL ST	20:COMMERCIAL CONDOS	WOODMAN BUILDING	\$845,200	\$557.83
028 L00504A	75	PEARL ST	20:COMMERCIAL CONDOS	WOODMAN BUILDING	\$644,100	\$425.11
028 L00504B	75	PEARL ST	20:COMMERCIAL CONDOS	WOODMAN BUILDING	\$1,045,400	\$689.96
028 L007001	131	MIDDLE ST	24:WHOLESALE	RACKLEFF BLOCK LLC	\$3,306,100	\$2,182.03



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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
028 M001001	192	NEWBURY ST	56:GOVERNMENTAL	CUMBERLAND COUNTY OF	\$0	\$0.00
028 M005001	121	MIDDLE ST	21:RETAIL SERVICES	123 LLC	\$5,108,500	\$3,371.61
028 N001001	109	MIDDLE ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
028 N009001	115	MIDDLE ST	27:MULTI-USE COMMERCIAL	BROTHERS THREE LLC	\$1,273,800	\$840.71
028 N010001	111	MIDDLE ST	21:RETAIL SERVICES	VENTURE III HOLDINGS LLC	\$373,600	\$246.58
029 A00101A	150	MIDDLE ST	20:COMMERCIAL CONDOS	PROSPERITA LLC	\$901,200	\$594.79
029 A00101B	150	MIDDLE ST	20:COMMERCIAL CONDOS	PEG REALTY LLC	\$820,300	\$541.40
029 A00101C	150	MIDDLE ST	20:COMMERCIAL CONDOS	IN FIRM GROUP THE	\$628,700	\$414.94
029 A00101D	150	MIDDLE ST	20:COMMERCIAL CONDOS	IN FIRM GROUP THE	\$628,700	\$414.94
029 A00102A	150	MIDDLE ST	10:CONDOMINIUMS	FRANK PATRICK J JR	\$378,700	\$249.94
029 A00102B	150	MIDDLE ST	10:CONDOMINIUMS	SAVATTERI SALVATORE JR &	\$345,000	\$227.70
029 A00102C	150	MIDDLE ST	10:CONDOMINIUMS	MEIL JOAN F &	\$362,400	\$239.18
029 A00102D	150	MIDDLE ST	10:CONDOMINIUMS	TREGONING DAVID C TRUSTEE	\$350,400	\$231.26
029 A00102E	150	MIDDLE ST	10:CONDOMINIUMS	ERNEST PAUL W &	\$380,100	\$250.87
029 A00102F	150	MIDDLE ST	10:CONDOMINIUMS	MORRISSETTE CAROL ANN	\$379,000	\$250.14
029 A00102G	150	MIDDLE ST	10:CONDOMINIUMS	KIRK CHARLES M	\$303,700	\$200.44
029 A00102H	150	MIDDLE ST	10:CONDOMINIUMS	JOHNS F ARTHUR T	\$398,400	\$262.94
029 A00102I	150	MIDDLE ST	10:CONDOMINIUMS	STERLING JANN D &	\$342,300	\$225.92
029 A00102J	150	MIDDLE ST	10:CONDOMINIUMS	MILLS S PETER	\$315,600	\$208.30
029 A00102K	150	MIDDLE ST	10:CONDOMINIUMS	MILLS S PETER	\$366,600	\$241.96
029 A00103A	150	MIDDLE ST	10:CONDOMINIUMS	NELSON JEANNE	\$423,900	\$279.77
029 A00103B	150	MIDDLE ST	10:CONDOMINIUMS	ZHAO MIN &	\$362,200	\$239.05
029 A00103C	150	MIDDLE ST	10:CONDOMINIUMS	AHP CAMDEN LLC	\$380,500	\$251.13

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
029 A00103D	150	MIDDLE ST	10:CONDOMINIUMS	AHP CAMDEN LLC	\$367,900	\$242.81
029 A00103E	150	MIDDLE ST	10:CONDOMINIUMS	ROBERTS MATTHEW	\$399,100	\$263.41
029 A00103F	150	MIDDLE ST	10:CONDOMINIUMS	M & B 101 INC	\$397,900	\$262.61
029 A00103G	150	MIDDLE ST	10:CONDOMINIUMS	M & B 101 INC	\$345,200	\$227.83
029 A00103H	150	MIDDLE ST	10:CONDOMINIUMS	HENDERSON HAROLD L &	\$348,600	\$230.08
029 A00103I	150	MIDDLE ST	10:CONDOMINIUMS	HARDING WILLIAM TRUSTEE	\$334,400	\$220.70
029 A00103J	150	MIDDLE ST	10:CONDOMINIUMS	SCHAFER KAREN	\$331,400	\$218.72
029 A00103K	150	MIDDLE ST	10:CONDOMINIUMS	MACBRIDE JENNIFER L	\$384,900	\$254.03
029 A00104A	150	MIDDLE ST	10:CONDOMINIUMS	BIXBY DOUGLAS B &	\$398,900	\$263.27
029 A00104B	150	MIDDLE ST	10:CONDOMINIUMS	TURNER SCOTT H &	\$362,200	\$239.05
029 A00104C	150	MIDDLE ST	10:CONDOMINIUMS	CAMP PETER S	\$380,500	\$251.13
029 A00104D	150	MIDDLE ST	10:CONDOMINIUMS	GUTWIN JOHN D &	\$342,900	\$226.31
029 A00104E	150	MIDDLE ST	10:CONDOMINIUMS	GIUSTRA PETER E TRUSTEE	\$399,100	\$263.41
029 A00104F	150	MIDDLE ST	10:CONDOMINIUMS	WINSLOW DARREN R &	\$411,500	\$271.59
029 A00104G	150	MIDDLE ST	10:CONDOMINIUMS	GIARRAPUTO CYNTHIA R &	\$345,200	\$227.83
029 A00104H	150	MIDDLE ST	10:CONDOMINIUMS	150 MIDDLE LLC	\$373,600	\$246.58
029 A00104I	150	MIDDLE ST	10:CONDOMINIUMS	GARCIA DORA &	\$359,400	\$237.20
029 A00104J	150	MIDDLE ST	10:CONDOMINIUMS	GREENZWEIG NEIL TRUSTEE	\$331,400	\$218.72
029 A00104K	150	MIDDLE ST	10:CONDOMINIUMS	ZANARDI MARIAGRAZIA	\$384,900	\$254.03
029 A00105A	150	MIDDLE ST	20:COMMERCIAL CONDOS	MIRS PROPERTIES LLC	\$1,408,900	\$929.87
029 A00105B	150	MIDDLE ST	10:CONDOMINIUMS	DUNKERLY ALLAN S TRUSTEE	\$1,013,300	\$668.78
029 A0010BA	150	MIDDLE ST	20:COMMERCIAL CONDOS	100 SILVER STREET LLC	\$470,900	\$310.79
029 A0010BB	150	MIDDLE ST	20:COMMERCIAL CONDOS	100 SILVER STREET LLC	\$470,900	\$310.79

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
029 A001P01	150	MIDDLE ST	10:CONDOMINIUMS	DUNKERLY MARY V	\$28,500	\$18.81
029 A001P02	150	MIDDLE ST	10:CONDOMINIUMS	GIUSTRA PETER E TRUSTEE	\$28,500	\$18.81
029 A001P03	150	MIDDLE ST	10:CONDOMINIUMS	ROBERTS MATTHEW	\$28,500	\$18.81
029 A001P04	150	MIDDLE ST	10:CONDOMINIUMS	MIRS PROPERTIES LLC	\$28,500	\$18.81
029 A001P05	150	MIDDLE ST	10:CONDOMINIUMS	MIRS PROPERTIES LLC	\$28,500	\$18.81
029 A001P06	150	MIDDLE ST	10:CONDOMINIUMS	IN FIRM GROUP THE	\$28,500	\$18.81
029 A001P07	150	MIDDLE ST	10:CONDOMINIUMS	IN FIRM GROUP THE	\$28,500	\$18.81
029 A001P08	150	MIDDLE ST	10:CONDOMINIUMS	GIARRAPUTO CYNTHIA R &	\$28,500	\$18.81
029 A001P09	150	MIDDLE ST	10:CONDOMINIUMS	MCGOLDRICK RICHARD J	\$28,500	\$18.81
029 A001P10	150	MIDDLE ST	10:CONDOMINIUMS	FRANK PATRICK J JR	\$28,500	\$18.81
029 A001P11	150	MIDDLE ST	10:CONDOMINIUMS	FRANK PATRICK J JR	\$28,500	\$18.81
029 A001P12	150	MIDDLE ST	10:CONDOMINIUMS	INFIRM GROUP	\$28,500	\$18.81
029 A001P13	150	MIDDLE ST	10:CONDOMINIUMS	MILLS S PETER	\$28,500	\$18.81
029 A001P14	150	MIDDLE ST	10:CONDOMINIUMS	ERNEST PAUL W &	\$28,500	\$18.81
029 A001P15	150	MIDDLE ST	10:CONDOMINIUMS	BIXBY DOUGLAS B &	\$28,500	\$18.81
029 A001P16	150	MIDDLE ST	10:CONDOMINIUMS	MACBRIDE JENNIFER L	\$28,500	\$18.81
029 A001P17	150	MIDDLE ST	10:CONDOMINIUMS	CAMP PETER S	\$28,500	\$18.81
029 A001P18	150	MIDDLE ST	10:CONDOMINIUMS	PROSPERITA LLC	\$28,500	\$18.81
029 A001P19	150	MIDDLE ST	10:CONDOMINIUMS	PROSPERITA LLC	\$28,500	\$18.81
029 A001P20	150	MIDDLE ST	10:CONDOMINIUMS	AHP CAMDEN LLC	\$28,500	\$18.81
029 A001P21	150	MIDDLE ST	10:CONDOMINIUMS	DUNKERLY ALLAN S &	\$28,500	\$18.81
029 A001P22	150	MIDDLE ST	10:CONDOMINIUMS	MIRS PROPERTIES LLC	\$28,500	\$18.81
029 A001P23	150	MIDDLE ST	10:CONDOMINIUMS	MIRS PROPERTIES LLC	\$28,500	\$18.81

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
029 A001P24	150	MIDDLE ST	10:CONDOMINIUMS	MIRS PROPERTIES LLC	\$28,500	\$18.81
029 A001P25	150	MIDDLE ST	10:CONDOMINIUMS	MIRS PROPERTIES LLC	\$28,500	\$18.81
029 A001P26	150	MIDDLE ST	10:CONDOMINIUMS	MIRS PROPERTIES LLC	\$28,500	\$18.81
029 A001P27	150	MIDDLE ST	10:CONDOMINIUMS	HARDING WILLIAM TRUSTEE	\$28,500	\$18.81
029 A001P28	150	MIDDLE ST	10:CONDOMINIUMS	SHIPYARD INC	\$28,500	\$18.81
029 A001P29	150	MIDDLE ST	10:CONDOMINIUMS	SHIPYARD INC	\$28,500	\$18.81
029 A003001	5	MILK ST	22:OFFICE BUSINESS	OLYMPIA MILK STREET LLC	\$4,228,800	\$2,791.01
029 B001001	37	SILVER ST	21:RETAIL SERVICES	WITT-T LLC	\$923,800	\$609.71
029 B002001	4	MILK ST	22:OFFICE BUSINESS	4 MILK MHR LLC	\$2,896,600	\$1,911.76
029 B003001	25	SILVER ST	25:PARKING LOTS	PORTLAND REGENCY INC	\$901,300	\$594.86
029 B004001	341	FORE ST	10:CONDOMINIUMS	JACKSON MICHAEL	\$351,400	\$231.92
029 B004002	341	FORE ST	10:CONDOMINIUMS	O'CONNOR DENNIS R III &	\$320,700	\$211.66
029 B004003	341	FORE ST	10:CONDOMINIUMS	FORE STREET COMMONS LLC	\$365,000	\$240.90
029 B004004	341	FORE ST	10:CONDOMINIUMS	CHILDS DONNA W	\$365,800	\$241.43
029 B004005	341	FORE ST	10:CONDOMINIUMS	PENDERS JOHN F IV	\$323,600	\$213.58
029 B004006	341	FORE ST	10:CONDOMINIUMS	STEPHENSON CHRISTOPHER J	\$363,500	\$239.91
029 B004007	341	FORE ST	10:CONDOMINIUMS	ALAGIC SUAD	\$326,400	\$215.42
029 B004008	341	FORE ST	10:CONDOMINIUMS	DALTON JENNIFER L	\$326,100	\$215.23
029 B004009	341	FORE ST	10:CONDOMINIUMS	HAAPALA BRIAN R &	\$668,600	\$441.28
029 B004010	341	FORE ST	20:COMMERCIAL CONDOS	BRICK & COBBLESTONE LLC	\$452,100	\$298.39
029 B004011	341	FORE ST	20:COMMERCIAL CONDOS	BOOTHBY SQUARE PROPERTIES LLC	\$339,100	\$223.81
029 C001001	340	FORE ST	10:CONDOMINIUMS	ADB REALTY LLC	\$229,000	\$151.14
029 C001002	340	FORE ST	10:CONDOMINIUMS	HAYEK LEE-ANN COLLINS TRUSTEE	\$209,900	\$138.53

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
029 C001003	340	FORE ST	10:CONDOMINIUMS	207 INVESTS LLC	\$336,700	\$222.22
029 C001004	340	FORE ST	20:COMMERCIAL CONDOS	ABD REALTY LLC	\$261,000	\$172.26
029 C001005	340	FORE ST	20:COMMERCIAL CONDOS	ADB REALTY LLC	\$152,700	\$100.78
029 C002001	336	FORE ST	21:RETAIL SERVICES	DOCK FORE INC	\$498,500	\$329.01
029 C003001	334	FORE ST	21:RETAIL SERVICES	PORT CITY APARTMENTS	\$674,300	\$445.04
029 C005001	330	FORE ST	21:RETAIL SERVICES	J & R VENTURES LLC	\$936,000	\$617.76
029 C006001	3	GOLD ST	20:COMMERCIAL CONDOS	GOLD STREET PROPERTIES LLC	\$362,600	\$239.32
029 C006002	1	GOLD ST	20:COMMERCIAL CONDOS	ADNERB PROPERTIES LLC	\$287,000	\$189.42
029 C006003	320	FORE ST	20:COMMERCIAL CONDOS	FORE STREET INVESTMENTS LLC	\$353,200	\$233.11
029 C006004	320	FORE ST	20:COMMERCIAL CONDOS	FORE STREET INVESTMENTS LLC	\$365,400	\$241.16
029 C006005	320	FORE ST	20:COMMERCIAL CONDOS	FORE STREET INVESTMENTS LLC	\$243,600	\$160.78
029 C006006	320	FORE ST	20:COMMERCIAL CONDOS	FORE STREET INVESTMENTS LLC	\$275,400	\$181.76
029 C006007	320	FORE ST	20:COMMERCIAL CONDOS	FORE STREET INVESTMENTS LLC	\$652,800	\$430.85
029 D001001	129	COMMERCIAL ST	21:RETAIL SERVICES	RSB LIMITED LIABILITY COMPANY	\$1,399,600	\$923.74
029 D002001	121	COMMERCIAL ST	22:OFFICE BUSINESS	MAD COW LLC	\$579,800	\$382.67
029 D003001	111	COMMERCIAL ST	22:OFFICE BUSINESS	BLANCHARD BLOCK LLC	\$2,854,900	\$1,884.23
029 E001001	130	MIDDLE ST	22:OFFICE BUSINESS	ELC LIMITED LIABILITY COMPANY	\$6,980,700	\$4,607.26
029 E006001	100	MIDDLE ST	22:OFFICE BUSINESS	ALBANY ROAD-PORTLAND LLC	\$24,179,400	\$15,958.40
029 E007001	291	FORE ST	21:RETAIL SERVICES	291 FORE STREET LLC	\$1,863,200	\$1,229.71
029 E009001	25	PEARL ST	27:MULTI-USE COMMERCIAL	25 PEARL MHR LLC	\$23,040,000	\$15,206.40
029 E012001	277	FORE ST	25:PARKING LOTS	287 FORE STREET LLC	\$634,700	\$418.90
029 E016001	31	PEARL ST	22:OFFICE BUSINESS	130 LIMITED LIABILITY COMPANY	\$7,440,900	\$4,910.99
029 E019001	0	FRANKLIN ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
029 E026001	100	MIDDLE ST	22:OFFICE BUSINESS	ALBANY ROAD-PORTLAND LLC	\$22,842,600	\$15,076.12
029 G001001	99	COMMERCIAL ST	56:GOVERNMENTAL	UNITED STATES	\$0	\$0.00
029 K001001	7	CUSTOM HOUSE ST	22:OFFICE BUSINESS	OLYMPIA EQUITY	\$8,203,000	\$5,413.98
029 K002001	288	FORE ST	21:RETAIL SERVICES	EAST BROWN COW LIMITED	\$1,753,200	\$1,157.11
029 K003001	65	COMMERCIAL ST	23:HOTEL & MOTEL	OLYMPIA EQUITY INVESTORS V LLC	\$31,863,200	\$21,029.71
029 K005001	280	FORE ST	22:OFFICE BUSINESS	BANGOR SAVINGS BANK	\$16,039,500	\$10,586.07
029 K006001	300	FORE ST	40:VACANT LAND	OLYMPIA EQUITY	\$995,500	\$657.03
029 K006002	300	FORE ST	55:LITERARY & SCIENTIFIC	COUNCIL INTERNATIONAL STUDY	\$0	\$0.00
029 K00601A	300	FORE ST	55:LITERARY & SCIENTIFIC	COUNCIL INTERNATIONAL STUDY	\$0	\$0.00
029 K00601B	300	FORE ST	55:LITERARY & SCIENTIFIC	CIEE INC	\$0	\$0.00
029 K0060B2	300	FORE ST	20:COMMERCIAL CONDOS	OLYMPIA EQUITY	\$98,000	\$64.68
029 K0060B3	300	FORE ST	20:COMMERCIAL CONDOS	OLYMPIA EQUITY	\$70,000	\$46.20
029 O001011	99	SILVER ST	10:CONDOMINIUMS	SANDLER AUSTIN NICHOLAS	\$274,600	\$181.24
029 O001012	99	SILVER ST	10:CONDOMINIUMS	TOZESKI DAVID P	\$271,300	\$179.06
029 O001013	99	SILVER ST	10:CONDOMINIUMS	HOLSTEIN ERIC B	\$276,100	\$182.23
029 O001021	99	SILVER ST	10:CONDOMINIUMS	THOMS DEBORAH L	\$265,500	\$175.23
029 O001023	99	SILVER ST	10:CONDOMINIUMS	ANYA ROSE LLC	\$347,700	\$229.48
029 O001024	99	SILVER ST	10:CONDOMINIUMS	MARTIN BRIAN DAVID &	\$262,800	\$173.45
029 O001025	99	SILVER ST	10:CONDOMINIUMS	PERESLUHA ELAINE B	\$246,000	\$162.36
029 O001026	99	SILVER ST	10:CONDOMINIUMS	GOMES ERIN ELIZABETH	\$252,900	\$166.91
029 O001028	99	SILVER ST	10:CONDOMINIUMS	ORNE KATHERINE W	\$295,500	\$195.03
029 O001029	99	SILVER ST	10:CONDOMINIUMS	COUSINS DAVID A	\$265,200	\$175.03
029 O001031	99	SILVER ST	10:CONDOMINIUMS	AH CHU RAUL &	\$281,400	\$185.72

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
029 0001032	99	SILVER ST	10:CONDOMINIUMS	LOPEZ STEVEN &	\$285,200	\$188.23
029 0001033	99	SILVER ST	10:CONDOMINIUMS	FUEGAN STACY &	\$285,200	\$188.23
029 0001034	99	SILVER ST	10:CONDOMINIUMS	BERG HENRY T TRUSTEE	\$285,200	\$188.23
029 0001035	99	SILVER ST	10:CONDOMINIUMS	HIGGINS HELENA C &	\$313,700	\$207.04
029 0001036	99	SILVER ST	10:CONDOMINIUMS	MCGUIRE ANNE	\$296,100	\$195.43
029 0001037	99	SILVER ST	10:CONDOMINIUMS	LUTKOFF ISAAC E	\$227,500	\$150.15
029 0001038	99	SILVER ST	10:CONDOMINIUMS	ZURKAN WILLIAM K	\$246,900	\$162.95
029 0001039	99	SILVER ST	10:CONDOMINIUMS	SOREL-LEDUC SANDRA J &	\$258,200	\$170.41
029 0001041	99	SILVER ST	10:CONDOMINIUMS	HUBER SARAH	\$292,800	\$193.25
029 0001042	99	SILVER ST	10:CONDOMINIUMS	STEBBINS BRADY	\$267,800	\$176.75
029 0001043	99	SILVER ST	10:CONDOMINIUMS	HIGGINS CHRISTOPHER S	\$312,200	\$206.05
029 0001044	99	SILVER ST	10:CONDOMINIUMS	LITTLEJOHN CLIFTON T	\$262,900	\$173.51
029 0001045	99	SILVER ST	10:CONDOMINIUMS	DG CONDO 4 LLC	\$285,200	\$188.23
029 0001046	99	SILVER ST	10:CONDOMINIUMS	VAN PEURSEM CORINNE M	\$285,200	\$188.23
029 0001047	99	SILVER ST	10:CONDOMINIUMS	NIKAZMERAD ELIZABETH	\$236,300	\$155.96
029 0001048	99	SILVER ST	10:CONDOMINIUMS	LOBOZZO NICHOLAS PETER &	\$237,600	\$156.82
029 0001049	99	SILVER ST	10:CONDOMINIUMS	CHISHOLM ADAM C	\$226,600	\$149.56
029 0001210	99	SILVER ST	10:CONDOMINIUMS	LINCOLN STREET PROPERTIES LLC	\$243,300	\$160.58
029 0001211	99	SILVER ST	10:CONDOMINIUMS	GINTER DAVID R &	\$235,000	\$155.10
029 0001212	99	SILVER ST	10:CONDOMINIUMS	SILVER VICTORIA J	\$223,500	\$147.51
029 0001213	99	SILVER ST	10:CONDOMINIUMS	PROSSER JAMES G	\$243,700	\$160.84
029 0001310	99	SILVER ST	10:CONDOMINIUMS	HEALY ROBERT E &	\$263,500	\$173.91
029 0001410	99	SILVER ST	10:CONDOMINIUMS	FILMER STEVEN S	\$290,700	\$191.86

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
029 O001501	99	SILVER ST	10:CONDOMINIUMS	KATZ JAMES &	\$471,000	\$310.86
029 O001502	99	SILVER ST	20:COMMERCIAL CONDOS	PEAK 5 EQUITIES LLC	\$651,400	\$429.92
029 O001B01	99	SILVER ST	10:CONDOMINIUMS	CHANDLER BENJAMIN P	\$269,900	\$178.13
029 O001B02	99	SILVER ST	10:CONDOMINIUMS	JOHNSON BEN A	\$269,900	\$178.13
029 O002001	164	MIDDLE ST	21:RETAIL SERVICES	NDA 164 MIDDLE STREET LLC	\$1,926,000	\$1,271.16
029 O003001	43	MARKET ST	25:PARKING LOTS	PORTLAND REGENCY INC	\$550,100	\$363.07
029 O004001	11	MILK ST	25:PARKING LOTS	PORTLAND REGENCY INC	\$219,300	\$144.74
029 R001001	20	MILK ST	23:HOTEL & MOTEL	PORTLAND REGENCY INC	\$24,629,100	\$16,255.21
029 S001001	145	COMMERCIAL ST	22:OFFICE BUSINESS	FLEMING CREEK LLC ETALS	\$10,705,900	\$7,065.89
029 S002001	145	COMMERCIAL ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
030 A005001	94	COMMERCIAL ST	21:RETAIL SERVICES	BMC INC	\$2,040,000	\$1,346.40
030 A101001	90	COMMERCIAL ST	21:RETAIL SERVICES	PROPRIETORS OF CUSTOM HOUSE	\$472,600	\$311.92
030 C001001	100	COMMERCIAL ST	27:MULTI-USE COMMERCIAL	SOLEY WHARF LLC	\$11,797,700	\$7,786.48
030 D001001	68	COMMERCIAL ST	22:OFFICE BUSINESS	MAINE WHARF LLC	\$6,961,500	\$4,594.59
030 D003001	70	COMMERCIAL ST	22:OFFICE BUSINESS	FLATBREAD WHARF LLC	\$2,545,100	\$1,679.77
030 D005001	84	COMMERCIAL ST	21:RETAIL SERVICES	84 COMMERCIAL STREET LLC	\$776,800	\$512.69
030 H001001	180	COMMERCIAL ST	27:MULTI-USE COMMERCIAL	DIMILLO ARLENE ETALS TRUSTEES	\$2,875,900	\$1,898.09
030 H004001	136	COMMERCIAL ST	24:WHOLESALE	CARROLL BLOCK LLC	\$3,763,300	\$2,483.78
030 H011001	9	PORTLAND PIER	25:PARKING LOTS	CARROLL BLOCK LLC	\$32,800	\$21.65
030 X001001	0	COMMERCIAL ST REAR	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
031 H001001	158	COMMERCIAL ST	25:PARKING LOTS	DIMILLO STEVEN ETALTRUSTEES	\$979,800	\$646.67
031 H003001	144	COMMERCIAL ST	25:PARKING LOTS	DIMILLO STEVEN ETAL TRUSTEES	\$928,400	\$612.74
031 H004001	164	COMMERCIAL ST	27:MULTI-USE COMMERCIAL	DIMILLO ARLENE ETALS TRUSTEES	\$1,405,200	\$927.43



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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
031 J030001	184	COMMERCIAL ST	21:RETAIL SERVICES	GEF LLC	\$2,150,900	\$1,419.59
031 L034001	250	COMMERCIAL ST	31:MANUFACTURING	CM WATERFRONT PROPERTIES LLC	\$2,552,100	\$1,684.39
032 C001001	390	CONGRESS ST	23:HOTEL & MOTEL	HTLV PORTLAND LLC	\$30,535,600	\$20,153.50
032 D001001	107	EXCHANGE ST	22:OFFICE BUSINESS	TOP OF EXCHANGE LLC	\$1,412,200	\$932.05
032 D002001	97	EXCHANGE ST	22:OFFICE BUSINESS	TOP OF EXCHANGE LLC	\$2,941,200	\$1,941.19
032 D003001	93	EXCHANGE ST	22:OFFICE BUSINESS	TOP OF EXCHANGE LLC	\$2,920,300	\$1,927.40
032 D004001	85	EXCHANGE ST	22:OFFICE BUSINESS	TOP OF EXCHANGE LLC	\$3,734,400	\$2,464.70
032 D005001	167	MIDDLE ST	58:LAND BANKS	CITY OF PORTLAND	\$0	\$0.00
032 E001001	57	EXCHANGE ST	22:OFFICE BUSINESS	JAG 57 EXCHANGE STREET LLC ETAL	\$3,815,900	\$2,518.49
032 E002001	53	EXCHANGE ST	21:RETAIL SERVICES	PALACCI JOSEPH A TRUSTEE	\$1,480,100	\$976.87
032 E004001	49	EXCHANGE ST	21:RETAIL SERVICES	PALACCI JOSEPH A TRUSTEE	\$763,700	\$504.04
032 E005001	45	EXCHANGE ST	22:OFFICE BUSINESS	JAG 45 EXCHANGE STREET LLC ETAL	\$2,999,100	\$1,979.41
032 E008001	39	EXCHANGE ST	22:OFFICE BUSINESS	PALACCI JOSEPH A TRUSTEE	\$1,623,000	\$1,071.18
032 E009001	31	EXCHANGE ST	21:RETAIL SERVICES	B & C LIMITED	\$1,879,800	\$1,240.67
032 E010001	46	MARKET ST	21:RETAIL SERVICES	MARKET MILK PARTNERS LLC	\$1,920,400	\$1,267.46
032 F001001	42	MARKET ST	21:RETAIL SERVICES	OCEAN BLOCK ASSOCIATES	\$1,339,400	\$884.00
032 F002001	36	MARKET ST	24:WHOLESALE	36 MARKET ST	\$894,100	\$590.11
032 F003001	30	MARKET ST	21:RETAIL SERVICES	30 MARKET ASSOCIATES LLC	\$866,800	\$572.09
032 F005001	363	FORE ST	22:OFFICE BUSINESS	ELEVEN EXCHANGE LLC	\$1,284,400	\$847.70
032 F007001	375	FORE ST	21:RETAIL SERVICES	ELEVEN EXCHANGE LLC	\$737,500	\$486.75
032 F008001	375	FORE ST	21:RETAIL SERVICES	ELEVEN EXCHANGE LLC	\$762,900	\$503.51
032 F009001	30	MILK ST	22:OFFICE BUSINESS	OCEAN BLOCK ASSOCIATES	\$1,862,700	\$1,229.38
032 F010001	9	EXCHANGE ST	21:RETAIL SERVICES	ELEVEN EXCHANGE LLC	\$2,759,400	\$1,821.20

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
032 F012001	5	EXCHANGE ST	21:RETAIL SERVICES	ELEVEN EXCHANGE LLC	\$1,198,100	\$790.75
032 F013001	379	FORE ST	22:OFFICE BUSINESS	ELEVEN EXCHANGE LLC	\$1,026,700	\$677.62
032 F014001	1	EXCHANGE ST	21:RETAIL SERVICES	ELEVEN EXCHANGE LLC	\$830,600	\$548.20
032 G001001	396	CONGRESS ST	22:OFFICE BUSINESS	PO SQUARE BUILDING LLC	\$15,661,500	\$10,336.59
032 G002001	201	FEDERAL ST	27:MULTI-USE COMMERCIAL	REDFERN DOWNTOWN LLC	\$5,383,600	\$3,553.18
032 H001001	110	EXCHANGE ST	22:OFFICE BUSINESS	ONETEN EXCHANGE LLC	\$1,803,300	\$1,190.18
032 H002001	106	EXCHANGE ST	21:RETAIL SERVICES	RICH BUILDING LLC	\$951,000	\$627.66
032 H003001	102	EXCHANGE ST	22:OFFICE BUSINESS	PALACCI JOSEPH	\$1,088,800	\$718.61
032 H004001	15	TEMPLE ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
032 H005001	1	TEMPLE ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
032 H005002	1	TEMPLE ST	22:OFFICE BUSINESS	11 TEMPLE MHR LLC	\$3,157,900	\$2,084.21
032 H006001	92	EXCHANGE ST	22:OFFICE BUSINESS	MAINESCAPE PROPERTIES LLC	\$1,043,100	\$688.45
032 H007001	88	EXCHANGE ST	27:MULTI-USE COMMERCIAL	RIVENDELL REAL ESTATE LLC	\$1,437,000	\$948.42
032 H008001	80	EXCHANGE ST	22:OFFICE BUSINESS	80 EXCHANGE LLC	\$3,118,000	\$2,057.88
032 H009001	70	EXCHANGE ST	58:LAND BANKS	CITY OF PORTLAND	\$0	\$0.00
032 H016001	183	MIDDLE ST	20:COMMERCIAL CONDOS	Q STREET REAL ESTATE	\$796,800	\$525.89
032 H016002	183	MIDDLE ST	20:COMMERCIAL CONDOS	Q STREET REAL ESTATE	\$872,800	\$576.05
032 H016003	183	MIDDLE ST	20:COMMERCIAL CONDOS	Q STREET REAL ESTATE THIRD	\$872,800	\$576.05
032 H01604A	183	MIDDLE ST	20:COMMERCIAL CONDOS	ITM REALTY II LLC	\$287,900	\$190.01
032 H01604B	183	MIDDLE ST	20:COMMERCIAL CONDOS	ITM REALTY II LLC	\$325,900	\$215.09
032 H022001	193	MIDDLE ST	22:OFFICE BUSINESS	SAVI REALTY LLC	\$4,495,000	\$2,966.70
032 I001001	178	MIDDLE ST	22:OFFICE BUSINESS	FRESNEL LLC	\$2,693,400	\$1,777.64
032 I002001	52	EXCHANGE ST	21:RETAIL SERVICES	OLD PORT ARMS LLC	\$3,103,500	\$2,048.31

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
032 I006001	50	EXCHANGE ST	20:COMMERCIAL CONDOS	SANTANA LLC	\$392,600	\$259.12
032 I006002	50	EXCHANGE ST	20:COMMERCIAL CONDOS	FIFTY EXCHANGE LLC	\$391,900	\$258.65
032 I006003	50	EXCHANGE ST	20:COMMERCIAL CONDOS	FIFTY EXCHANGE LLC	\$130,000	\$85.80
032 I006004	50	EXCHANGE ST	20:COMMERCIAL CONDOS	FIFTY EXCHANGE LLC	\$130,900	\$86.39
032 I006005	50	EXCHANGE ST	20:COMMERCIAL CONDOS	FIFTY EXCHANGE LLC	\$131,500	\$86.79
032 I006006	50	EXCHANGE ST	20:COMMERCIAL CONDOS	FIFTY EXCHANGE LLC	\$132,000	\$87.12
032 I007001	0	CANAL PLAZA	27:MULTI-USE COMMERCIAL	COW PLAZA 1 LLC	\$605,900	\$399.89
032 I008001	44	EXCHANGE ST	21:RETAIL SERVICES	JAG 44 EXCHANGE STREET LLC ETAL	\$2,706,400	\$1,786.22
032 I010001	34	EXCHANGE ST	21:RETAIL SERVICES	PALACCI SION &	\$1,296,300	\$855.56
032 I011001	30	EXCHANGE ST	21:RETAIL SERVICES	MAINELAND REAL ESTATE	\$1,160,400	\$765.86
032 I012100	10	EXCHANGE ST	20:COMMERCIAL CONDOS	10 EXCHANGE PROPERTIES LLC	\$1,921,600	\$1,268.26
032 I012200	10	EXCHANGE ST	20:COMMERCIAL CONDOS	10 EXCHANGE PROPERTIES LLC	\$1,360,200	\$897.73
032 I012301	10	EXCHANGE ST	10:CONDOMINIUMS	FUEGEN STACY &	\$321,500	\$212.19
032 I012302	10	EXCHANGE ST	10:CONDOMINIUMS	CURRAN JENNIFER A	\$306,000	\$201.96
032 I012303	10	EXCHANGE ST	10:CONDOMINIUMS	CULPOVICH ANDREW J &	\$202,300	\$133.52
032 I012304	10	EXCHANGE ST	10:CONDOMINIUMS	RICH CURTIS P &	\$310,000	\$204.60
032 I012305	10	EXCHANGE ST	10:CONDOMINIUMS	DRISCOLL ROBERT &	\$254,700	\$168.10
032 I012306	10	EXCHANGE ST	10:CONDOMINIUMS	EASTON THORA	\$322,700	\$212.98
032 I012307	10	EXCHANGE ST	10:CONDOMINIUMS	JOSENHANS KEVIN &	\$267,100	\$176.29
032 I012308	10	EXCHANGE ST	10:CONDOMINIUMS	EVANS SHERI CHRISTIENNE	\$320,700	\$211.66
032 I012309	10	EXCHANGE ST	10:CONDOMINIUMS	SHEPHERD THOMAS A &	\$300,000	\$198.00
032 I012310	10	EXCHANGE ST	10:CONDOMINIUMS	ECHM REALTY LLC	\$329,100	\$217.21
032 I012311	10	EXCHANGE ST	10:CONDOMINIUMS	CAMPBELL COLLEEN S &	\$205,900	\$135.89

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
032 I012312	10	EXCHANGE ST	10:CONDOMINIUMS	LOMAC SABIN	\$344,000	\$227.04
032 I012313	10	EXCHANGE ST	10:CONDOMINIUMS	HANSON CARL F	\$276,600	\$182.56
032 I012314	10	EXCHANGE ST	10:CONDOMINIUMS	GORDON ABIGAIL	\$287,000	\$189.42
032 I012401	10	EXCHANGE ST	10:CONDOMINIUMS	MOON HILL PROPERTY MANAGEMENT LLC	\$316,800	\$209.09
032 I012402	10	EXCHANGE ST	10:CONDOMINIUMS	10-402 EXCHANGE STREET LLC	\$353,300	\$233.18
032 I012404	10	EXCHANGE ST	10:CONDOMINIUMS	BURNS THOMAS	\$364,800	\$240.77
032 I012405	10	EXCHANGE ST	10:CONDOMINIUMS	DOYLE KEVIN F &	\$249,600	\$164.74
032 I012406	10	EXCHANGE ST	10:CONDOMINIUMS	BROWN BRETT &	\$381,500	\$251.79
032 I012407	10	EXCHANGE ST	10:CONDOMINIUMS	FLYING ZEBRA PROPERTIES LLC	\$330,300	\$218.00
032 I012408	10	EXCHANGE ST	10:CONDOMINIUMS	WALTERS BRETT D &	\$301,700	\$199.12
032 I012409	10	EXCHANGE ST	10:CONDOMINIUMS	SAHA DEBASMITA &	\$351,700	\$232.12
032 I012410	10	EXCHANGE ST	10:CONDOMINIUMS	GIULIANTI NICHOLAS R	\$340,200	\$224.53
032 I012411	10	EXCHANGE ST	10:CONDOMINIUMS	SPANNAUS MICHAELA LILY	\$338,600	\$223.48
032 I012412	10	EXCHANGE ST	10:CONDOMINIUMS	URBANEK NICHOLAS P	\$259,500	\$171.27
032 I012413	10	EXCHANGE ST	10:CONDOMINIUMS	WHEELWRIGHT HENRY J TRUSTEE	\$317,200	\$209.35
032 I012414	10	EXCHANGE ST	10:CONDOMINIUMS	DEPALMA CHRISTOPHER R &	\$290,500	\$191.73
032 I018001	395	FORE ST	21:RETAIL SERVICES	395 FORE STREET LLC	\$1,491,100	\$984.13
032 I021001	188	MIDDLE ST	21:RETAIL SERVICES	COW PLAZA 4 LLC	\$4,907,500	\$3,238.95
032 I022001	184	MIDDLE ST	21:RETAIL SERVICES	ABATSOBE LLC	\$779,200	\$514.27
032 I023001	3	CANAL PLAZA	22:OFFICE BUSINESS	COW PLAZA 3 LLC	\$11,805,100	\$7,791.37
032 I033001	2	CANAL PLAZA	22:OFFICE BUSINESS	COW PLAZA 2 LLC	\$7,318,600	\$4,830.28
032 I036001	1	CANAL PLAZA	22:OFFICE BUSINESS	COW PLAZA 1 LLC	\$24,122,300	\$15,920.72
032 I039001	40	UNION ST	33:TRANSPORTATION	CENTRAL MAINE POWER CO	\$1,490,600	\$983.80

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
032 I040001	44	EXCHANGE ST	25:PARKING LOTS	KOWTOWER LLC	\$451,800	\$298.19
032 I041001	425	FORE ST	27:MULTI-USE COMMERCIAL	COW PLAZA GARAGE LLC	\$12,300,000	\$8,118.00
032 I042001	433	FORE ST	23:HOTEL & MOTEL	COW PLAZA HOTEL LLC	\$29,811,400	\$19,675.52
032 I043001	45	UNION ST	25:PARKING LOTS	COW PLAZA 1 LLC	\$108,700	\$71.74
032 J001001	386	FORE ST	21:RETAIL SERVICES	386 FORE STREET LLC	\$1,734,200	\$1,144.57
032 J002001	392	FORE ST	21:RETAIL SERVICES	BEER GUYS LLC	\$1,504,400	\$992.90
032 J004001	396	FORE ST	20:COMMERCIAL CONDOS	BEER GUYS LLC	\$477,200	\$314.95
032 J004002	396	FORE ST	20:COMMERCIAL CONDOS	BEER GUYS LLC	\$284,300	\$187.64
032 J004003	396	FORE ST	10:CONDOMINIUMS	BEER GUYS LLC	\$356,700	\$235.42
032 J00400B	396	FORE ST	20:COMMERCIAL CONDOS	BEER GUYS LLC	\$267,600	\$176.62
032 J005001	398	FORE ST	20:COMMERCIAL CONDOS	FORE STREET PARTNERSHIP	\$883,000	\$582.78
032 J005002	398	FORE ST	20:COMMERCIAL CONDOS	FORE STREET PROPERTIES	\$706,400	\$466.22
032 J005003	398	FORE ST	20:COMMERCIAL CONDOS	INGALLS ROGER E	\$371,200	\$244.99
032 J005004	398	FORE ST	20:COMMERCIAL CONDOS	INGALLS ROGER E	\$371,200	\$244.99
032 K001001	2	MONUMENT SQ	22:OFFICE BUSINESS	800 NORTHERN CORP	\$22,515,900	\$14,860.49
032 K012001	1	MONUMENT SQ	22:OFFICE BUSINESS	FINARD MURRAY W TR	\$24,500,800	\$16,170.53
032 L001001	234	FEDERAL ST W	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
032 L002001	1	CITY CTR	22:OFFICE BUSINESS	ONE CITY CENTER ASSOCIATES LLC	\$42,589,800	\$28,109.27
032 N009001	414	FORE ST	21:RETAIL SERVICES	GOULD COMPANY LLC	\$948,900	\$626.27
032 N010001	416	FORE ST	21:RETAIL SERVICES	416 FORE STREET HOLDINGS LLC	\$1,512,100	\$997.99
032 N011001	422	FORE ST	21:RETAIL SERVICES	HARDING RICHARD B ETAL	\$683,800	\$451.31
032 N012001	424	FORE ST	21:RETAIL SERVICES	SOLETSKY LIMITED LIABILITY CO	\$1,290,700	\$851.86
032 P001001	2	CITY CTR	22:OFFICE BUSINESS	TWO CITY CENTER LLC	\$4,291,700	\$2,832.52

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
032 P003001	4	CITY CTR	21:RETAIL SERVICES	WIRELESS PARTNERS II LLC ETAL	\$2,379,800	\$1,570.67
032 P004001	6	CITY CTR	20:COMMERCIAL CONDOS	SIX CITY CENTER LLC	\$2,966,200	\$1,957.69
032 P004002	6	CITY CTR	20:COMMERCIAL CONDOS	H & A PROPERTY GROUP LLC	\$611,900	\$403.85
032 P005001	0	SPRING ST ARTERIAL	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
032 P017001	10	CITY CTR	22:OFFICE BUSINESS	MINA BUILDING LLC	\$1,135,000	\$749.10
032 R001001	428	FORE ST	21:RETAIL SERVICES	428 FORE STREET LLC	\$1,256,800	\$829.49
032 R003001	432	FORE ST	21:RETAIL SERVICES	TERRAPIN PROPERTIES LLC	\$757,000	\$499.62
032 R004001	434	FORE ST	21:RETAIL SERVICES	TERRAPIN PROPERTIES LLC	\$715,200	\$472.03
032 R007001	436	FORE ST	21:RETAIL SERVICES	FORE STREET PARTNERS LLC	\$2,309,500	\$1,524.27
032 R008001	446	FORE ST	21:RETAIL SERVICES	ORANGE CRUSH LLC	\$2,036,600	\$1,344.16
032 S001001	366	FORE ST	21:RETAIL SERVICES	MCGEE CHARLES T &	\$3,765,400	\$2,485.16
032 S003001	7	MOULTON ST	21:RETAIL SERVICES	7-9 MOULTON LLC	\$642,100	\$423.79
032 S004001	161	COMMERCIAL ST	21:RETAIL SERVICES	161 COMMERCIAL STREET LLC	\$2,445,400	\$1,613.96
032 S005001	5	MOULTON ST	22:OFFICE BUSINESS	MOULTON STREET REALTY LLC	\$3,719,000	\$2,454.54
032 T004001	4	MOULTON ST	21:RETAIL SERVICES	ADRIENNE-JANE INCORPORATED	\$5,031,800	\$3,320.99
032 U003001	185	COMMERCIAL ST	25:PARKING LOTS	185 COMMERCIAL STREET LLC	\$432,100	\$285.19
032 U004001	1	DANA ST	22:OFFICE BUSINESS	ONE DANA LLC	\$1,892,500	\$1,249.05
032 U005001	7	DANA ST	21:RETAIL SERVICES	TRANSMINE	\$1,040,900	\$686.99
032 V001001	10	DANA ST	21:RETAIL SERVICES	IVY HOLDINGS LLC	\$2,111,800	\$1,393.79
032 V002001	205	COMMERCIAL ST	21:RETAIL SERVICES	LANDFALL LLC	\$829,200	\$547.27
032 V004001	211	COMMERCIAL ST	22:OFFICE BUSINESS	GRANITE FACE LLC	\$3,353,400	\$2,213.24
032 V005001	217	COMMERCIAL ST	22:OFFICE BUSINESS	CHASE BLOCK LLC	\$5,531,000	\$3,650.46
032 V008001	225	COMMERCIAL ST	24:WHOLESALE	225 COMMERCIAL ST ASSOC INC	\$3,062,300	\$2,021.12

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
032 V012001	1	UNION ST	22:OFFICE BUSINESS	237 COMMERCIAL STREET LLC	\$2,613,100	\$1,724.65
032 V014001	50	WHARF ST	21:RETAIL SERVICES	DEERING AVE ASSOCIATES INC &	\$1,315,300	\$868.10
032 V015001	42	WHARF ST	24:WHOLESALE	DEERING AVE ASSOCIATES INC &	\$767,100	\$506.29
032 V016001	34	WHARF ST	21:RETAIL SERVICES	IVY HOLDINGS LLC	\$747,900	\$493.61
037 A001001	53	FOREST AVE	33:TRANSPORTATION	NORTHERN NEW ENGLAND	\$18,549,500	\$12,242.67
037 A002001	45	FOREST AVE	33:TRANSPORTATION	REDFERN 45 LLC	\$2,256,700	\$1,489.42
037 A009001	104	OAK ST	17:21 PLUS FAMILY	PARK STREET PROPERTY LLC	\$2,429,200	\$1,603.27
037 A011001	92	OAK ST	22:OFFICE BUSINESS	84 OAK STREET LLC	\$500,200	\$330.13
037 A012001	39	FOREST AVE	22:OFFICE BUSINESS	39 LLC	\$3,947,800	\$2,605.55
037 A022001	25	FOREST AVE	21:RETAIL SERVICES	PORTLAND STAGE COMPANY	\$1,655,200	\$1,092.43
037 A023001	84	OAK ST	25:PARKING LOTS	84 OAK STREET LLC	\$582,500	\$384.45
037 A033001	11	FOREST AVE	25:PARKING LOTS	PACHIOS BROTHERS I LLC &	\$885,000	\$584.10
037 A035001	72	OAK ST	17:21 PLUS FAMILY	AVESTA OAK STREET LP	\$3,333,700	\$2,200.24
037 A038001	565	CONGRESS ST	21:RETAIL SERVICES	PACHIOS BROTHERS I LLC &	\$3,749,400	\$2,474.60
037 A042001	559	CONGRESS ST	27:MULTI-USE COMMERCIAL	HER LLC	\$633,100	\$417.85
037 A043001	555	CONGRESS ST	21:RETAIL SERVICES	CORRYMORE ZELLERTON LLC	\$556,400	\$367.22
037 A044001	553	CONGRESS ST	21:RETAIL SERVICES	ROCCO HOLDINGS LLC	\$1,327,000	\$875.82
037 A045001	575	CONGRESS ST	21:RETAIL SERVICES	571 ENTERPRISES LLC	\$747,500	\$493.35
037 A046001	7	FOREST AVE	22:OFFICE BUSINESS	LOA PROPERTY LLC	\$710,100	\$468.67
037 B001001	380	CUMBERLAND AVE	22:OFFICE BUSINESS	SWEETWATER PARTNERS LLC	\$3,518,300	\$2,322.08
037 B013001	95	OAK ST	25:PARKING LOTS	NORTHERN NEW ENGLAND	\$375,100	\$247.57
037 B014001	15	SHEPLEY ST	55:LITERARY & SCIENTIFIC	MAINE COLLEGE OF ART	\$0	\$0.00
037 B015001	11	SHEPLEY ST	17:21 PLUS FAMILY	11 SHEPLEY STREET	\$5,233,100	\$3,453.85

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 C001001	0	SHEPLEY ST	25:PARKING LOTS	CITY OAK LLC	\$574,400	\$379.10
037 C004001	0	SHEPLEY ST	25:PARKING LOTS	CITY OAK LLC	\$364,600	\$240.64
037 C006001	18	CASCO ST	17:21 PLUS FAMILY	SHEPLEY LLC	\$6,187,100	\$4,083.49
037 C008001	83	OAK ST	25:PARKING LOTS	HEGA REALTY LLC	\$576,800	\$380.69
037 C010001	16	CASCO ST	22:OFFICE BUSINESS	SHEEPDOG LLC	\$952,700	\$628.78
037 C014100	531	CONGRESS ST	20:COMMERCIAL CONDOS	HEGA REALTY LLC	\$3,402,200	\$2,245.45
037 C014200	531	CONGRESS ST	20:COMMERCIAL CONDOS	HEGA REALTY LLC	\$3,648,400	\$2,407.94
037 C014300	531	CONGRESS ST	20:COMMERCIAL CONDOS	HEGA REALTY LLC	\$2,211,000	\$1,459.26
037 C014400	531	CONGRESS ST	20:COMMERCIAL CONDOS	HEGA REALTY LLC	\$2,065,900	\$1,363.49
037 C014501	531	CONGRESS ST	10:CONDOMINIUMS	WILLIAMS DEBORAH J &	\$600,400	\$396.26
037 C014502	531	CONGRESS ST	10:CONDOMINIUMS	HEGA REALTY LLC	\$519,000	\$342.54
037 C014503	531	CONGRESS ST	10:CONDOMINIUMS	SHOREY LINDA J &	\$696,500	\$459.69
037 C014504	531	CONGRESS ST	10:CONDOMINIUMS	HEGA REALTY LLC	\$933,900	\$616.37
037 C014505	531	CONGRESS ST	10:CONDOMINIUMS	WALBRIDGE HOYT &	\$898,200	\$592.81
037 C014506	531	CONGRESS ST	10:CONDOMINIUMS	HEGA REALTY LLC	\$653,900	\$431.57
037 C014507	531	CONGRESS ST	10:CONDOMINIUMS	HEGA REALTY LLC	\$582,400	\$384.38
037 C014508	531	CONGRESS ST	10:CONDOMINIUMS	HEGA REALTY LLC	\$755,600	\$498.70
037 C014509	531	CONGRESS ST	10:CONDOMINIUMS	HEGA REALTY LLC	\$487,600	\$321.82
037 C014510	531	CONGRESS ST	10:CONDOMINIUMS	PIETSCH BRENDAN	\$637,800	\$420.95
037 C016001	551	CONGRESS ST	21:RETAIL SERVICES	BENTLEY BUILDING LLC	\$1,631,400	\$1,076.72
037 C017006	547	CONGRESS ST	10:CONDOMINIUMS	PALMER ANDREW H	\$637,100	\$420.49
037 C01701A	547	CONGRESS ST	20:COMMERCIAL CONDOS	R & J 545 PARTNERS LLC	\$356,400	\$235.22
037 C01701B	547	CONGRESS ST	20:COMMERCIAL CONDOS	R & J 545 PARTNERS LLC	\$371,000	\$244.86



Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 C01701C	547	CONGRESS ST	20:COMMERCIAL CONDOS	R & J 545 PARTNERS LLC	\$397,300	\$262.22
037 C01702A	547	CONGRESS ST	10:CONDOMINIUMS	HENAULT DOUGLAS S &	\$247,400	\$163.28
037 C01702B	547	CONGRESS ST	10:CONDOMINIUMS	SCULLY JOHN M	\$206,800	\$136.49
037 C01702C	547	CONGRESS ST	10:CONDOMINIUMS	FRIEL MATTHEW R	\$233,100	\$153.85
037 C01702D	547	CONGRESS ST	10:CONDOMINIUMS	WHEELER-BERTA FRANCES H TRUSTEE	\$262,000	\$172.92
037 C01702E	547	CONGRESS ST	10:CONDOMINIUMS	SCHREIBER REBECCA ANN	\$236,400	\$156.02
037 C01703A	547	CONGRESS ST	10:CONDOMINIUMS	YANG DAVID I	\$282,200	\$186.25
037 C01703B	547	CONGRESS ST	10:CONDOMINIUMS	BEISEL NICOLA KAY	\$302,800	\$199.85
037 C01703C	547	CONGRESS ST	10:CONDOMINIUMS	PACKARD JEFFREY G &	\$318,300	\$210.08
037 C01704A	547	CONGRESS ST	10:CONDOMINIUMS	FITZPATRICK SUSAN E	\$274,000	\$180.84
037 C01704B	547	CONGRESS ST	10:CONDOMINIUMS	GRANO ROBERT C TRUSTEE	\$263,900	\$174.17
037 C01704C	547	CONGRESS ST	10:CONDOMINIUMS	TYSON BRUCE &	\$369,200	\$243.67
037 C01705A	547	CONGRESS ST	10:CONDOMINIUMS	HENRY MICHAEL T &	\$526,800	\$347.69
037 C01705B	547	CONGRESS ST	10:CONDOMINIUMS	PALMER ANDREW H	\$290,200	\$191.53
037 D001001	45	CASCO ST	21:RETAIL SERVICES	FORTY FIVE CASCO STREET LLC	\$1,646,700	\$1,086.82
037 D002001	511	CONGRESS ST	22:OFFICE BUSINESS	OCEAN GATE LLC	\$13,540,000	\$8,936.40
037 D003001	360	CUMBERLAND AVE	27:MULTI-USE COMMERCIAL	STARK INDUSTRIES LLC	\$951,800	\$628.19
037 D004001	48	BROWN ST	27:MULTI-USE COMMERCIAL	OCEAN GATE LLC	\$6,500,000	\$4,290.00
037 D007001	37	CASCO ST	17:21 PLUS FAMILY	AMBASSADOR LLC	\$9,893,500	\$6,529.71
037 D023001	15	CASCO ST	54:BENEVOLENT & CHARITABLE	EQUALITY COMMUNITY CENTER	\$0	\$0.00
037 D024001	519	CONGRESS ST	21:RETAIL SERVICES	MAINE CHARITABLE MECHANIC	\$1,189,900	\$785.33
037 E001001	595	CONGRESS ST	58:LAND BANKS	CITY OF PORTLAND	\$0	\$0.00
037 E002001	585	CONGRESS ST	20:COMMERCIAL CONDOS	HAMMOND HEIRS LLC	\$263,800	\$174.11

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 E002002	585	CONGRESS ST	20:COMMERCIAL CONDOS	HAMMOND HEIRS LLC	\$272,200	\$179.65
037 E002003	585	CONGRESS ST	20:COMMERCIAL CONDOS	PAUL'S BOUTIQUE LLC	\$1,080,900	\$713.39
037 E002004	585	CONGRESS ST	20:COMMERCIAL CONDOS	HAMMOND HEIRS LLC	\$1,341,500	\$885.39
037 E003001	10	CONGRESS SQ	27:MULTI-USE COMMERCIAL	PLAZA ASSOCIATES AT CONGRESS	\$19,409,300	\$12,810.14
037 E004001	28	FOREST AVE	25:PARKING LOTS	PLAZA ASSOCIATES AT CONGRESS	\$347,300	\$229.22
037 E005001	32	FOREST AVE	40:VACANT LAND	RB PORTLAND LLC	\$353,700	\$233.44
037 E005002	32	FOREST AVE	25:PARKING LOTS	PLAZA ASSOCIATES AT CONGRESS	\$312,300	\$206.12
037 E006001	173	HIGH ST	20:COMMERCIAL CONDOS	420 CUMBERLAND AVE LLC	\$1,490,200	\$983.53
037 E006002	173	HIGH ST	20:COMMERCIAL CONDOS	420 CUMBERLAND AVE LLC	\$556,500	\$367.29
037 E006003	173	HIGH ST	20:COMMERCIAL CONDOS	420 CUMBERLAND AVE LLC	\$1,274,800	\$841.37
037 E006004	173	HIGH ST	20:COMMERCIAL CONDOS	LUDWIG ROBERT C	\$1,163,200	\$767.71
037 E006005	173	HIGH ST	20:COMMERCIAL CONDOS	CAPITAL AREA PROPERTIES LLC	\$439,600	\$290.14
037 E006006	173	HIGH ST	20:COMMERCIAL CONDOS	METHODIST SOCIETY OF	\$456,400	\$301.22
037 E006007	173	HIGH ST	20:COMMERCIAL CONDOS	177 HIGH LLC	\$669,000	\$441.54
037 E006008	173	HIGH ST	20:COMMERCIAL CONDOS	6 EAST OXFORD ST LLC	\$338,600	\$223.48
037 E006009	173	HIGH ST	20:COMMERCIAL CONDOS	181 HIGH STREET LLC	\$18,500,000	\$12,210.00
037 E006010	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006011	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006012	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006013	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006014	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006015	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006016	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 E006017	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006018	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006019	173	HIGH ST	10:CONDOMINIUMS	CML LLC	\$28,500	\$18.81
037 E006020	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006021	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006022	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006023	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006024	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006025	173	HIGH ST	10:CONDOMINIUMS	CAPITAL AREA PROPERTIES LLC	\$28,500	\$18.81
037 E006026	173	HIGH ST	10:CONDOMINIUMS	CAPITAL AREA PROPERTIES LLC	\$28,500	\$18.81
037 E006027	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C &	\$28,500	\$18.81
037 E006028	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C &	\$28,500	\$18.81
037 E006029	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C &	\$28,500	\$18.81
037 E006030	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C &	\$28,500	\$18.81
037 E006031	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006032	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006033	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006034	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006035	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006036	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C	\$28,500	\$18.81
037 E006037	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C	\$28,500	\$18.81
037 E006038	173	HIGH ST	10:CONDOMINIUMS	420 CUMBERLAND AVE LLC	\$28,500	\$18.81
037 E006039	173	HIGH ST	10:CONDOMINIUMS	177 HIGH LLC	\$28,500	\$18.81

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 E006040	173	HIGH ST	10:CONDOMINIUMS	177 HIGH LLC	\$28,500	\$18.81
037 E006041	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C &	\$28,500	\$18.81
037 E006042	173	HIGH ST	10:CONDOMINIUMS	LUDWIG ROBERT C &	\$28,500	\$18.81
037 E007001	157	HIGH ST	23:HOTEL & MOTEL	RB PORTLAND LLC	\$56,649,300	\$37,388.54
037 F002001	45	BROWN ST	27:MULTI-USE COMMERCIAL	BROWN TOWER LLC	\$3,335,800	\$2,201.63
037 F005001	28	PREBLE ST	27:MULTI-USE COMMERCIAL	EARL APARTMENTS LLC	\$7,075,600	\$4,669.90
037 F007001	24	PREBLE ST	22:OFFICE BUSINESS	PREBLE STREET ACQUISITIONS LLC	\$2,132,900	\$1,407.71
037 F009001	338	CUMBERLAND AVE	32:WAREHOUSE & STORAGE	CADC PORTLAND 340 LLC	\$3,681,900	\$2,430.05
037 F012001	41	BROWN ST	55:LITERARY & SCIENTIFIC	MHS INC	\$0	\$0.00
037 F014001	483	CONGRESS ST	54:BENEVOLENT & CHARITABLE	MAINE HISTORICAL SOCIETY	\$0	\$0.00
037 F017001	489	CONGRESS ST	55:LITERARY & SCIENTIFIC	MHS INC	\$0	\$0.00
037 F020001	38	PREBLE ST	54:BENEVOLENT & CHARITABLE	PREBLE STREET	\$0	\$0.00
037 F022001	477	CONGRESS ST	27:MULTI-USE COMMERCIAL	TT MAINE VENTURE LLC	\$11,490,000	\$7,583.40
037 G001001	594	CONGRESS ST	21:RETAIL SERVICES	HIGH POINT REALTY LLC	\$1,293,600	\$853.78
037 G004001	582	CONGRESS ST	21:RETAIL SERVICES	CORNER FREAK LLC	\$762,400	\$503.18
037 G005001	580	CONGRESS ST	21:RETAIL SERVICES	BBB INC	\$1,138,100	\$751.15
037 G006001	578	CONGRESS ST	27:MULTI-USE COMMERCIAL	578 CONGRESS LLC	\$438,300	\$289.28
037 G007001	576	CONGRESS ST	27:MULTI-USE COMMERCIAL	576 CONGRESS LLC	\$420,600	\$277.60
037 G008001	574	CONGRESS ST	27:MULTI-USE COMMERCIAL	576 CONGRESS LLC	\$449,100	\$296.41
037 G009001	570	CONGRESS ST	22:OFFICE BUSINESS	PRIDE RALPH H TRUSTEE	\$712,900	\$470.51
037 G010001	133	FREE ST	27:MULTI-USE COMMERCIAL	HUBBARD'S APTS INC	\$1,085,300	\$716.30
037 G012001	584	CONGRESS ST	21:RETAIL SERVICES	CORNER FREAK LLC	\$405,500	\$267.63
037 G014001	562	CONGRESS ST	22:OFFICE BUSINESS	TERBAX REALTY INC	\$7,947,200	\$5,245.15

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 H001001	550	CONGRESS ST	27:MULTI-USE COMMERCIAL	550 CONGRESS STREET LLC	\$1,015,800	\$670.43
037 H002001	540	CONGRESS ST	55:LITERARY & SCIENTIFIC	MAINE COLLEGE OF ART	\$0	\$0.00
037 H002002	540	CONGRESS ST	20:COMMERCIAL CONDOS	540 CONGRESS STREET LLC	\$2,795,600	\$1,845.10
037 H002003	540	CONGRESS ST	10:CONDOMINIUMS	540 CONGRESS STREET LLC	\$259,400	\$171.20
037 H002004	540	CONGRESS ST	10:CONDOMINIUMS	540 CONGRESS STREET LLC	\$264,500	\$174.57
037 H002005	540	CONGRESS ST	10:CONDOMINIUMS	540 CONGRESS STREET LLC	\$259,400	\$171.20
037 H002006	540	CONGRESS ST	10:CONDOMINIUMS	540 CONGRESS STREET LLC	\$290,300	\$191.60
037 H005001	536	CONGRESS ST	54:BENEVOLENT & CHARITABLE	SPACE GALLERY	\$0	\$0.00
037 H005003	536	CONGRESS ST	20:COMMERCIAL CONDOS	SPACE GALLERY	\$785,400	\$518.36
037 H006001	522	CONGRESS ST	55:LITERARY & SCIENTIFIC	MAINE COLLEGE OF ART	\$0	\$0.00
037 H009001	516	CONGRESS ST	21:RETAIL SERVICES	PACHIOS BROTHERS II LLC	\$2,922,400	\$1,928.78
037 H010001	510	CONGRESS ST	21:RETAIL SERVICES	CENTER CITY PLAZA ASSOC	\$4,126,700	\$2,723.62
037 H011001	500	CONGRESS ST	20:COMMERCIAL CONDOS	MATERIAL OBJECTS	\$491,800	\$324.59
037 H011002	500	CONGRESS ST	20:COMMERCIAL CONDOS	500 CONGRESS TOP FLOOR LLC	\$357,500	\$235.95
037 H013001	504	CONGRESS ST	21:RETAIL SERVICES	KAPLAN 504 LLC	\$1,528,400	\$1,008.74
037 H014001	51	OAK ST	20:COMMERCIAL CONDOS	MAINE COLLEGE OF ART	\$318,000	\$209.88
037 H014002	51	OAK ST	55:LITERARY & SCIENTIFIC	MAINE COLLEGE OF ART	\$0	\$0.00
037 H014003	51	OAK ST	20:COMMERCIAL CONDOS	MAINE COLLEGE OF ART	\$319,000	\$210.54
037 H014004	51	OAK ST	55:LITERARY & SCIENTIFIC	MAINE COLLEGE OF ART	\$0	\$0.00
037 H014005	51	OAK ST	20:COMMERCIAL CONDOS	MAINE COLLEGE OF ART	\$217,800	\$143.75
037 H025001	57	OAK ST	21:RETAIL SERVICES	NEKOIE BAHMAN &	\$316,800	\$209.09
037 I001001	498	CONGRESS ST	21:RETAIL SERVICES	498 CONGRESS LLC	\$1,690,900	\$1,115.99
037 I002101	490	CONGRESS ST	20:COMMERCIAL CONDOS	GRACE LLC	\$647,800	\$427.55

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 I002102	492	CONGRESS ST	20:COMMERCIAL CONDOS	MZ-KIMBALL COURT LLC	\$768,000	\$506.88
037 I002103	15	BROWN ST	20:COMMERCIAL CONDOS	THE DOROTHEA &	\$239,500	\$158.07
037 I002104	15	BROWN ST	10:CONDOMINIUMS	O'SULLIVAN MICHAEL &	\$651,500	\$429.99
037 I002105	15	BROWN ST	10:CONDOMINIUMS	ADLER JANICE B	\$617,600	\$407.62
037 I002201	15	BROWN ST	10:CONDOMINIUMS	PYE JOHN F &	\$371,500	\$245.19
037 I002202	15	BROWN ST	10:CONDOMINIUMS	SAUCEDO CHRISTIAN MANUEL	\$426,400	\$281.42
037 I002203	15	BROWN ST	10:CONDOMINIUMS	CARUSO PHILIP &	\$497,500	\$328.35
037 I002204	15	BROWN ST	10:CONDOMINIUMS	SINGER JASON &	\$416,500	\$274.89
037 I002205	15	BROWN ST	10:CONDOMINIUMS	207 INVESTS I LLC	\$406,800	\$268.49
037 I002206	15	BROWN ST	10:CONDOMINIUMS	MCILVAIN JOHN &	\$320,400	\$211.46
037 I002207	15	BROWN ST	10:CONDOMINIUMS	SOULE GEORGE &	\$236,600	\$156.16
037 I002208	15	BROWN ST	10:CONDOMINIUMS	DOCTOROFF MARK G	\$454,100	\$299.71
037 I002301	15	BROWN ST	10:CONDOMINIUMS	BERZON TODD S	\$438,400	\$289.34
037 I002302	15	BROWN ST	10:CONDOMINIUMS	ANDREOLI HELEN L	\$423,400	\$279.44
037 I002303	15	BROWN ST	10:CONDOMINIUMS	BAUMAN PATRICIA J TRUSTEE	\$499,400	\$329.60
037 I002304	15	BROWN ST	10:CONDOMINIUMS	MOORE BRIAN D	\$443,000	\$292.38
037 I002305	15	BROWN ST	10:CONDOMINIUMS	COFFIN KATHLEEN M	\$354,600	\$234.04
037 I002306	15	BROWN ST	10:CONDOMINIUMS	HUNT RYAN ETAL	\$406,500	\$268.29
037 I002307	15	BROWN ST	10:CONDOMINIUMS	DOCTOROFF MARK G	\$442,100	\$291.79
037 I002401	15	BROWN ST	10:CONDOMINIUMS	KIM PAUL ETAL JTS	\$537,100	\$354.49
037 I002402	15	BROWN ST	10:CONDOMINIUMS	JONES RUSSELL J	\$540,800	\$356.93
037 I002403	15	BROWN ST	10:CONDOMINIUMS	QUADRI SYED M &	\$579,900	\$382.73
037 I002404	15	BROWN ST	10:CONDOMINIUMS	RICCI MICHAEL &	\$536,600	\$354.16

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
037 I002405	15	BROWN ST	10:CONDOMINIUMS	MARCUS PETER H TRUSTEE &	\$479,900	\$316.73
037 I002406	15	BROWN ST	10:CONDOMINIUMS	SANTORO DAVID M	\$506,400	\$334.22
037 I003001	482	CONGRESS ST	21:RETAIL SERVICES	CENTER CONGRESS LLC	\$5,677,800	\$3,747.35
037 I004001	480	CONGRESS ST	22:OFFICE BUSINESS	ASHBY TEAM LLC	\$2,250,900	\$1,485.59
037 I005001	486	CONGRESS ST	27:MULTI-USE COMMERCIAL	BARTHE DONNA	\$607,700	\$401.08
037 I00701A	11	BROWN ST	20:COMMERCIAL CONDOS	PHELPS CRAIG REAL	\$806,200	\$532.09
037 I00702A	9	BROWN ST	10:CONDOMINIUMS	HARRISON SYDNEY	\$391,800	\$258.59
037 I00702B	9	BROWN ST	10:CONDOMINIUMS	BUKER MAILE E	\$514,100	\$339.31
037 I00703A	9	BROWN ST	10:CONDOMINIUMS	COYLE MICHAEL	\$677,100	\$446.89
037 I00704A	9	BROWN ST	10:CONDOMINIUMS	THORNDIKE WILLIAM N JR &	\$841,700	\$555.52
037 I009001	59	FREE ST	25:PARKING LOTS	JBG & H ASSOCIATES	\$887,700	\$585.88
037 I012001	104	CENTER ST	25:PARKING LOTS	CENTER CONGRESS LLC	\$734,300	\$484.64
038 A001001	10	FREE ST	20:COMMERCIAL CONDOS	JBG&H ASSOCIATES	\$4,140,500	\$2,732.73
038 A001002	10	FREE ST	20:COMMERCIAL CONDOS	BROWN J B & SONS	\$2,150,300	\$1,419.20
038 A005001	22	FREE ST	22:OFFICE BUSINESS	BROWN J B & SONS	\$4,293,000	\$2,833.38
038 B001001	1	PORTLAND SQ	20:COMMERCIAL CONDOS	NORTH RIVER IV LLC	\$29,724,300	\$19,618.04
038 B001007	1	PORTLAND SQ	20:COMMERCIAL CONDOS	PS ONE REALTY LLC	\$18,566,400	\$12,253.82
038 B002001	2	PORTLAND SQ	22:OFFICE BUSINESS	NORTH RIVER IV LLC	\$34,048,300	\$22,471.88
038 B003001	481	FORE ST	25:PARKING LOTS	NORTH RIVER IV LLC	\$5,103,400	\$3,368.24
038 C008001	28	COTTON ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
038 C009001	24	COTTON ST	25:PARKING LOTS	CASCO VIEW HOLDINGS III LLC	\$1,459,000	\$962.94
038 C012001	8	COTTON ST	27:MULTI-USE COMMERCIAL	CASCO VIEW HOLDINGS III LLC	\$2,630,900	\$1,736.39
038 C030001	59	CENTER ST	21:RETAIL SERVICES	CASCO VIEW HOLDINGS III LLC	\$687,200	\$453.55

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
038 D015001	82	FREE ST	56:GOVERNMENTAL	CUMBERLAND COUNTY MAINE	\$0	\$0.00
038 E009105	70	CENTER ST	20:COMMERCIAL CONDOS	105 STAPLES SCHOOL LLC	\$375,000	\$247.50
038 E009106	70	CENTER ST	20:COMMERCIAL CONDOS	APPLE REAL ESTATE	\$342,900	\$226.31
038 E009204	70	CENTER ST	20:COMMERCIAL CONDOS	F & H REALTY PARTNERSHIP	\$372,300	\$245.72
038 E009205	70	CENTER ST	20:COMMERCIAL CONDOS	F & H REALTY PARTNERSHIP	\$387,000	\$255.42
038 E009304	70	CENTER ST	20:COMMERCIAL CONDOS	EAST COAST CONSTRUCTION AND	\$390,100	\$257.47
038 E009305	70	CENTER ST	20:COMMERCIAL CONDOS	MCKERSIE FAMILY LLC	\$388,200	\$256.21
038 E009401	70	CENTER ST	20:COMMERCIAL CONDOS	ALDER RUN DEVELOPMENT	\$673,900	\$444.77
038 E009G07	70	CENTER ST	20:COMMERCIAL CONDOS	70 CENTER STREET BASEMENT LLC	\$353,800	\$233.51
038 E009G08	70	CENTER ST	20:COMMERCIAL CONDOS	MAINE BUSINESS SERVICES INC	\$347,600	\$229.42
038 E010001	17	SOUTH ST	20:COMMERCIAL CONDOS	LEVINE ROBERT A &	\$228,900	\$151.07
038 E010002	17	SOUTH ST	20:COMMERCIAL CONDOS	SOUTH STREET PARTNERS 2 LLC	\$228,900	\$151.07
038 E010003	17	SOUTH ST	20:COMMERCIAL CONDOS	PRESTIGE WORLD-WIDE	\$371,200	\$244.99
038 E012001	52	CENTER ST	21:RETAIL SERVICES	PICTURE ISLAND INC	\$683,300	\$450.98
038 E019001	1	PLEASANT ST	21:RETAIL SERVICES	ZENITH OPERATING GROUP LLC	\$1,669,000	\$1,101.54
038 E020001	7	PLEASANT ST	27:MULTI-USE COMMERCIAL	7-19 PLEASANT STREET LLC	\$783,100	\$516.85
038 E021001	9	PLEASANT ST	25:PARKING LOTS	7-19 PLEASANT STREET LLC	\$156,800	\$103.49
038 E022001	9	PLEASANT ST	25:PARKING LOTS	7-19 PLEASANT STREET LLC	\$22,800	\$15.05
038 E023001	15	PLEASANT ST	27:MULTI-USE COMMERCIAL	7-19 PLEASANT STREET LLC	\$1,506,700	\$994.42
038 E024001	21	PLEASANT ST	27:MULTI-USE COMMERCIAL	ANADILYA PROPERTIES LLC	\$1,190,500	\$785.73
038 E025001	11	SOUTH ST	13:THREE FAMILY	AMORY JONATHAN &	\$858,500	\$566.61
038 E026001	9	SOUTH ST	12:TWO FAMILY	HANSON ANJA-BRITT &	\$831,800	\$548.99
038 E027001	5	SOUTH ST	27:MULTI-USE COMMERCIAL	FIVE SOUTH STREET LLC	\$729,000	\$481.14



Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
038 E029001	19	SOUTH ST	27:MULTI-USE COMMERCIAL	19 SOUTH STREET DEVELOPMENT LLC	\$1,535,200	\$1,013.23
038 E030001	58	CENTER ST	25:PARKING LOTS	STEELE DANIEL L	\$984,700	\$649.90
038 F004001	241	COMMERCIAL ST	24:WHOLESALE	SLM PROPERTIES INC	\$3,049,400	\$2,012.60
038 F006001	245	COMMERCIAL ST	22:OFFICE BUSINESS	CASCO VIEW HOLDINGS LLC	\$6,931,500	\$4,574.79
038 F008001	470	FORE ST	22:OFFICE BUSINESS	DICTAR ASSOCIATES II	\$2,958,500	\$1,952.61
038 F009001	468	FORE ST	23:HOTEL & MOTEL	HARBOR PLAZA ASSOCIATES II	\$26,021,600	\$17,174.26
038 F009002	468	FORE ST	22:OFFICE BUSINESS	DICTAR ASSOCIATES II	\$5,400,000	\$3,564.00
038 F019001	19	CROSS ST	22:OFFICE BUSINESS	CASCO VIEW HOLDINGS II LLC	\$8,755,900	\$5,778.89
038 G001001	486	FORE ST	25:PARKING LOTS	NORTH RIVER IV LLC	\$4,151,800	\$2,740.19
038 G00202A	269	COMMERCIAL ST	10:CONDOMINIUMS	GOSSELIN EUGENE D &	\$244,100	\$161.11
038 G00202B	269	COMMERCIAL ST	10:CONDOMINIUMS	POE MAXWELL	\$248,200	\$163.81
038 G00202C	269	COMMERCIAL ST	10:CONDOMINIUMS	SCHNEIDER PAUL	\$244,500	\$161.37
038 G00202D	269	COMMERCIAL ST	10:CONDOMINIUMS	CUMMING JEAN S &	\$258,400	\$170.54
038 G00202E	269	COMMERCIAL ST	10:CONDOMINIUMS	DEVILLIER JACQUES K	\$227,100	\$149.89
038 G00202F	269	COMMERCIAL ST	10:CONDOMINIUMS	MCKENZIE ANNE-MARIE &	\$265,000	\$174.90
038 G00203A	269	COMMERCIAL ST	10:CONDOMINIUMS	SHULTZ RICHARD H &	\$253,600	\$167.38
038 G00203B	269	COMMERCIAL ST	10:CONDOMINIUMS	RICE LEE PRISCILLA TRUSTEE	\$241,900	\$159.65
038 G00203C	269	COMMERCIAL ST	10:CONDOMINIUMS	NORCHI CHARLES H	\$271,100	\$178.93
038 G00203D	269	COMMERCIAL ST	10:CONDOMINIUMS	HUDON WILFRED R	\$252,700	\$166.78
038 G00203E	269	COMMERCIAL ST	10:CONDOMINIUMS	CONKLIN HENRY C	\$254,900	\$168.23
038 G00203F	269	COMMERCIAL ST	10:CONDOMINIUMS	TUCKER HAROLD W III	\$258,700	\$170.74
038 G00204A	269	COMMERCIAL ST	10:CONDOMINIUMS	SERNOFFSKY SUSAN	\$229,000	\$151.14
038 G00204B	269	COMMERCIAL ST	10:CONDOMINIUMS	269 COMMERCIAL LLC	\$268,800	\$177.41

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
038 G00204C	269	COMMERCIAL ST	10:CONDOMINIUMS	VANTAGE RETIREMENT PLANS LLC	\$336,800	\$222.29
038 G00204D	269	COMMERCIAL ST	10:CONDOMINIUMS	KIMBLE ELLEN SUE	\$230,800	\$152.33
038 G00204E	269	COMMERCIAL ST	10:CONDOMINIUMS	LOWRY KATE	\$255,200	\$168.43
038 G00204F	269	COMMERCIAL ST	10:CONDOMINIUMS	WONG ROCKET &	\$266,900	\$176.15
038 G00205A	269	COMMERCIAL ST	10:CONDOMINIUMS	BERG ERIC O JR TRUSTEE	\$285,600	\$188.50
038 G00205B	269	COMMERCIAL ST	10:CONDOMINIUMS	TARBOX JEFFERY H	\$309,700	\$204.40
038 G00205C	269	COMMERCIAL ST	10:CONDOMINIUMS	CALDWELL ROBERT A	\$277,100	\$182.89
038 G00205D	269	COMMERCIAL ST	10:CONDOMINIUMS	MULLAHY CHRISTINE &	\$315,800	\$208.43
038 G00205E	269	COMMERCIAL ST	10:CONDOMINIUMS	FLAHERTY CHRISTOPHER F	\$308,500	\$203.61
038 G00205F	269	COMMERCIAL ST	10:CONDOMINIUMS	FOSTER ANTHONY W	\$269,500	\$177.87
038 G002267	269	COMMERCIAL ST	20:COMMERCIAL CONDOS	TEEDUCFRATAY LLC	\$671,800	\$443.39
038 G002271	269	COMMERCIAL ST	20:COMMERCIAL CONDOS	JKC LLC	\$604,700	\$399.10
038 G005001	9	CENTER ST	23:HOTEL & MOTEL	FATHOM CC LLC	\$37,475,500	\$24,733.83
038 I001001	28	FREE ST	27:MULTI-USE COMMERCIAL	40 FREE LLC	\$10,102,200	\$6,667.45
038 I003001	15	SPRING ST	25:PARKING LOTS	BROWN J B & SONS	\$1,783,900	\$1,177.37
038 I018001	46	FREE ST	21:RETAIL SERVICES	BROWN J B & SONS	\$4,542,400	\$2,997.98
039 A001001	626	CONGRESS ST	21:RETAIL SERVICES	PARK WONBAE &	\$1,844,400	\$1,217.30
039 A002001	622	CONGRESS ST	21:RETAIL SERVICES	WAYNE ENTERPRISES LLC	\$2,298,400	\$1,516.94
039 A005001	616	CONGRESS ST	21:RETAIL SERVICES	614 CONGRESS STREET LLC	\$2,113,000	\$1,394.58
039 A006001	143	PARK ST	25:PARKING LOTS	614 CONGRESS STREET LLC	\$154,500	\$101.97
039 A007001	612	CONGRESS ST	25:PARKING LOTS	RICE GEOFFREY I	\$108,100	\$71.35
039 A008001	610	CONGRESS ST	21:RETAIL SERVICES	19 SOUTH STREET LLC	\$735,600	\$485.50
039 A009001	608	CONGRESS ST	21:RETAIL SERVICES	19 SOUTH STREET LLC	\$732,400	\$483.38

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
039 A010001	606	CONGRESS ST	21:RETAIL SERVICES	602 CONGRESS LLC	\$623,100	\$411.25
039 A011001	141	PARK ST	25:PARKING LOTS	WAYNE ENTERPRISES LLC	\$272,800	\$180.05
039 A013001	600	CONGRESS ST	22:OFFICE BUSINESS	602 CONGRESS LLC	\$2,909,500	\$1,920.27
039 A016001	122	HIGH ST	40:VACANT LAND	TEGNA EAST COAST	\$139,100	\$91.81
039 A016002	122	HIGH ST	25:PARKING LOTS	PACIFIC AND SOUTHERN LLC	\$1,349,600	\$890.74
039 A017001	128	HIGH ST	22:OFFICE BUSINESS	TEGNA EAST COAST	\$4,173,000	\$2,754.18
039 A027001	116	HIGH ST	26:PRIVATE CLUBS	CUMBERLAND CLUB	\$3,745,400	\$2,471.96
039 A028001	135	SPRING ST	04:BED & BREAKFAST	THE WREN LLC	\$1,202,000	\$793.32
039 A029001	133	SPRING ST	27:MULTI-USE COMMERCIAL	STADLER CECILE	\$652,000	\$430.32
039 A030001	131	SPRING ST	27:MULTI-USE COMMERCIAL	NOUVEAU-NE LLC	\$570,600	\$376.60
039 A031001	129	SPRING ST	27:MULTI-USE COMMERCIAL	129 SPRING STREET LLC	\$678,900	\$448.07
039 A032001	127	SPRING ST	25:PARKING LOTS	CUMBERLAND CLUB	\$325,600	\$214.90
039 A035001	110	HIGH ST	27:MULTI-USE COMMERCIAL	SOUTH 504 LLC	\$578,700	\$381.94
039 A037001	106	HIGH ST	21:RETAIL SERVICES	M2BM LLC	\$1,041,200	\$687.19
039 A038001	612	CONGRESS ST	21:RETAIL SERVICES	BLUE BAY LLC	\$768,500	\$507.21
039 B001001	97	SPRING ST	55:LITERARY & SCIENTIFIC	PORTLAND MUSEUM OF ART	\$0	\$0.00
039 B003001	142	FREE ST	55:LITERARY & SCIENTIFIC	PORTLAND MUSEUM OF ART	\$0	\$0.00
039 B004001	130	FREE ST	25:PARKING LOTS	MAINEHEALTH	\$1,447,600	\$955.42
039 B007001	128	FREE ST	21:RETAIL SERVICES	MAINEHEALTH	\$590,200	\$389.53
039 B008001	120	FREE ST	25:PARKING LOTS	MAINEHEALTH	\$1,145,200	\$755.83
039 B011001	44	OAK ST	20:COMMERCIAL CONDOS	EVERYTHING LLC	\$921,200	\$607.99
039 B011002	44	OAK ST	20:COMMERCIAL CONDOS	EVERYTHING LLC	\$497,000	\$328.02
039 B011003	44	OAK ST	20:COMMERCIAL CONDOS	CLOUD SKY LLC	\$486,900	\$321.35

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
039 B011004	44	OAK ST	10:CONDOMINIUMS	KEON MICHAEL P	\$1,030,400	\$680.06
039 B013001	148	FREE ST	55:LITERARY & SCIENTIFIC	PORTLAND MUSEUM OF ART	\$0	\$0.00
039 B015001	87	SPRING ST	55:LITERARY & SCIENTIFIC	PORTLAND MUSEUM OF ART	\$0	\$0.00
039 C001002	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C00101A	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C00101B	110	FREE ST	20:COMMERCIAL CONDOS	MAINEHEALTH	\$1,428,700	\$942.94
039 C00101C	110	FREE ST	20:COMMERCIAL CONDOS	MAINEHEALTH	\$2,019,400	\$1,332.80
039 C0010GB	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C0010GC	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C001301	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C001302	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C001GA1	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C001GA2	110	FREE ST	54:BENEVOLENT & CHARITABLE	MAINEHEALTH	\$0	\$0.00
039 C002001	0	FREE ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
039 D005001	98	HIGH ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
039 E001001	94	SPRING ST ARTERIAL	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
039 E008001	93	HIGH ST	22:OFFICE BUSINESS	GREATER PORTLAND	\$1,092,900	\$721.31
039 E009001	87	HIGH ST	54:BENEVOLENT & CHARITABLE	ST ELIZABETH'S ROMAN	\$0	\$0.00
039 E010001	88	SPRING ST	23:HOTEL & MOTEL	LAFAYETTE PORTLAND LLC	\$24,662,500	\$16,277.25
039 F001001	40	SPRING ST ARTERIAL	25:PARKING LOTS	LAFAYETTE PORTLAND LLC	\$8,700,000	\$5,742.00
039 F013001	59	PLEASANT ST	32:WAREHOUSE & STORAGE	BAKERY LIMITED LIABILITY CO	\$2,121,300	\$1,400.06
039 F017001	22	SOUTH ST	12:TWO FAMILY	LOMBARDI BRIAN D	\$592,400	\$390.98
039 F018001	20	SOUTH ST	12:TWO FAMILY	SCHMIDT REMINGTON O	\$415,900	\$274.49

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
039 F019001	18	SOUTH ST	11:SINGLE FAMILY	LEWIS CLARENCE MICHAEL &	\$619,300	\$408.74
039 F020001	14	SOUTH ST	12:TWO FAMILY	MCLAUGHLIN KATHERINE A TRUSTEE	\$619,900	\$409.13
039 F021001	10	SOUTH ST	25:PARKING LOTS	BROWN J B & SONS	\$27,500	\$18.15
039 F022001	37	PLEASANT ST	10:CONDOMINIUMS	SERAICHICK SUSAN &	\$337,100	\$222.49
039 F022002	37	PLEASANT ST	10:CONDOMINIUMS	WEATHERFORD CLAUDINE &	\$334,700	\$220.90
039 F022003	37	PLEASANT ST	10:CONDOMINIUMS	WATSON MICHAEL P &	\$337,100	\$222.49
039 F022004	37	PLEASANT ST	10:CONDOMINIUMS	HOLT MYRA FUJIMOTO TRUSTEE	\$334,700	\$220.90
039 F022005	37	PLEASANT ST	10:CONDOMINIUMS	COMEAU PETER W &	\$337,100	\$222.49
039 F022006	37	PLEASANT ST	10:CONDOMINIUMS	HAAS JOHN E &	\$334,700	\$220.90
039 F023001	35	PLEASANT ST	20:COMMERCIAL CONDOS	35 PLEASANT ST LLC	\$299,500	\$197.67
039 F023002	35	PLEASANT ST	10:CONDOMINIUMS	REITER LAUREN J &	\$801,300	\$528.86
039 F025001	24	SOUTH ST	58:LAND BANKS	CITY OF PORTLAND	\$0	\$0.00
039 F026001	22	SOUTH ST	40:VACANT LAND	LOMBARDI DEBRA &	\$70,100	\$46.27
040 A001001	79	HIGH ST	16:11 TO 20 FAMILY	AVESTA INGRAHAM HOUSE LLC	\$1,039,300	\$685.94
040 A002001	98	PLEASANT ST	14:FOUR FAMILY	O'SULLIVAN PATRICIA &	\$905,200	\$597.43
040 A003001	92	PLEASANT ST	12:TWO FAMILY	MCLARNON STEPHEN R JR &	\$725,400	\$478.76
040 A004001	88	PLEASANT ST	15:5 TO 10 FAMILY	C M SCRIBNER & CO LIMITED	\$1,366,900	\$902.15
040 A005001	76	PLEASANT ST	25:PARKING LOTS	LAFAYETTE PORTLAND LLC	\$423,200	\$279.31
040 A008001	74	PLEASANT ST	25:PARKING LOTS	BROWN J B & SONS	\$100,900	\$66.59
040 A009001	68	PLEASANT ST	14:FOUR FAMILY	SCHWARTZ DONNA L	\$915,400	\$604.16
040 A010001	54	MAPLE ST	27:MULTI-USE COMMERCIAL	AXE CAP LLC	\$558,200	\$368.41
040 A011001	67	HIGH ST	11:SINGLE FAMILY	BOURNE KATHERINE L &	\$732,600	\$483.52
040 A013001	53	DANFORTH ST	17:21 PLUS FAMILY	53 DANFORTH STREET LP	\$5,255,000	\$3,468.30

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
040 A014001	52	MAPLE ST	11:SINGLE FAMILY	ADLER BRENT	\$514,400	\$339.50
040 A015001	65	HIGH ST	15:5 TO 10 FAMILY	BRICKLIGHT PROPERTIES LLC	\$1,107,600	\$731.02
040 A016001	81	DANFORTH ST	17:21 PLUS FAMILY	DANFORTH ON HIGH LP	\$3,379,900	\$2,230.73
040 A017001	77	DANFORTH ST	15:5 TO 10 FAMILY	EAST DANFORTH LLC	\$1,044,300	\$689.24
040 A018001	75	DANFORTH ST	15:5 TO 10 FAMILY	EAST DANFORTH LLC	\$987,300	\$651.62
040 A019001	71	DANFORTH ST	15:5 TO 10 FAMILY	EAST DANFORTH LLC	\$1,230,300	\$812.00
040 A022001	67	DANFORTH ST	15:5 TO 10 FAMILY	EAST DANFORTH LLC	\$1,101,400	\$726.92
040 A024001	63	DANFORTH ST	15:5 TO 10 FAMILY	EAST DANFORTH LLC	\$721,000	\$475.86
040 A027001	50	MAPLE ST	11:SINGLE FAMILY	BRIGHAM JORDAN &	\$598,000	\$394.68
040 A028001	46	MAPLE ST	25:PARKING LOTS	BROWN J B & SONS	\$96,100	\$63.43
040 A030001	69	HIGH ST	16:11 TO 20 FAMILY	BRICKLIGHT PROPERTIES LLC	\$1,301,300	\$858.86
040 B001001	55	MAPLE ST	25:PARKING LOTS	BAKERY LIMITED LIABILITY CO	\$119,200	\$78.67
040 B002001	58	PLEASANT ST	25:PARKING LOTS	BROWN J B & SONS	\$89,200	\$58.87
040 B003001	54	PLEASANT ST	13:THREE FAMILY	JR SAPPERSTEIN HOLDINGS LLC	\$795,000	\$524.70
040 B004001	44	PLEASANT ST	27:MULTI-USE COMMERCIAL	44 PLEASANT STREET LLC	\$1,528,400	\$1,008.74
040 B006001	40	PLEASANT ST	11:SINGLE FAMILY	SPERRY ELISABETH &	\$972,600	\$641.92
040 B007001	23	DANFORTH ST	27:MULTI-USE COMMERCIAL	SCHWARTZ DONNA L	\$682,100	\$450.19
040 B008001	32	PLEASANT ST	10:CONDOMINIUMS	JOSEPH JOEY P	\$312,800	\$206.45
040 B008002	32	PLEASANT ST	10:CONDOMINIUMS	BROME CHRISTINE	\$327,300	\$216.02
040 B008003	32	PLEASANT ST	10:CONDOMINIUMS	32 PLEASANT STREET LLC	\$475,000	\$313.50
040 B009001	30	PLEASANT ST	10:CONDOMINIUMS	LEVANDOSKI THERESE M	\$312,000	\$205.92
040 B009002	30	PLEASANT ST	10:CONDOMINIUMS	HANSON JUNE ANDREA	\$325,900	\$215.09
040 B009003	30	PLEASANT ST	10:CONDOMINIUMS	HOULE RONALD J &	\$400,800	\$264.53

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
040 B010001	20	PLEASANT ST	12:TWO FAMILY	WEST ERIK MARK	\$553,300	\$365.18
040 B012001	18	PLEASANT ST	22:OFFICE BUSINESS	18 PLEASANT ST ASSOC	\$250,500	\$165.33
040 B013001	14	PLEASANT ST	11:SINGLE FAMILY	GIOBBI CARLO A JR &	\$638,700	\$421.54
040 B015001	10	PLEASANT ST	25:PARKING LOTS	GIOBBI CARLO A JR &	\$43,100	\$28.45
040 B017001	4	PLEASANT ST	21:RETAIL SERVICES	SANTE LLC	\$114,300	\$75.44
040 B018001	51	MAPLE ST	40:VACANT LAND	BRIGHAM JORDAN &	\$16,100	\$10.63
040 B020001	35	DANFORTH ST	21:RETAIL SERVICES	TOBEY LINDA W	\$689,100	\$454.81
040 B021001	33	DANFORTH ST	13:THREE FAMILY	FOX STEPHEN H	\$574,600	\$379.24
040 B022001	29	DANFORTH ST	40:VACANT LAND	SCHAIR-CARDONA ERICA &	\$298,000	\$196.68
040 B023001	13	DANFORTH ST	25:PARKING LOTS	WRIGHT-RYAN REAL ESTATE LLC	\$200,800	\$132.53
040 B028001	1	DANFORTH ST	21:RETAIL SERVICES	SANTE LLC	\$652,500	\$430.65
040 B032001	45	DANFORTH ST	21:RETAIL SERVICES	CIGRI & DENG PROPERTIES LLC	\$506,200	\$334.09
040 B033001	56	PLEASANT ST	10:CONDOMINIUMS	SPRAGUE ERIC T	\$339,000	\$223.74
040 B033002	56	PLEASANT ST	10:CONDOMINIUMS	MARCOUX VANESSA L &	\$374,800	\$247.37
040 B033003	56	PLEASANT ST	10:CONDOMINIUMS	RUNNING SALLY	\$358,300	\$236.48
040 C001001	51	HIGH ST	16:11 TO 20 FAMILY	GILLIS PETER J	\$1,374,800	\$907.37
040 C002001	78	DANFORTH ST	15:5 TO 10 FAMILY	WEST COMPANY	\$1,124,800	\$742.37
040 C005001	101	YORK ST	20:COMMERCIAL CONDOS	BROWN J B & SONS	\$1,840,700	\$1,214.86
040 C005201	25	HIGH ST	10:CONDOMINIUMS	VEALE PATRICK J &	\$482,400	\$318.38
040 C005202	25	HIGH ST	10:CONDOMINIUMS	ESCHBACH KELLY S &	\$340,500	\$224.73
040 C005203	25	HIGH ST	10:CONDOMINIUMS	KLEINLERER MICHAL FRED A	\$465,200	\$307.03
040 C005204	25	HIGH ST	10:CONDOMINIUMS	PARK KYUNG SAM	\$389,800	\$257.27
040 C005206	25	HIGH ST	10:CONDOMINIUMS	MYS A RENTALS LLC	\$341,800	\$225.59

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
040 C005207	25	HIGH ST	10:CONDOMINIUMS	CARRAHER DARIN L	\$337,900	\$223.01
040 C005208	25	HIGH ST	10:CONDOMINIUMS	LAGHAEI FARID &	\$452,200	\$298.45
040 C005209	25	HIGH ST	10:CONDOMINIUMS	GATOS PAMELA &	\$452,200	\$298.45
040 C005210	25	HIGH ST	10:CONDOMINIUMS	239 MADISON AVENUE ASSOCIATES LLC	\$458,200	\$302.41
040 C005211	25	HIGH ST	10:CONDOMINIUMS	LIEBERMAN KYLE A ETAL JTS	\$457,300	\$301.82
040 C005212	25	HIGH ST	10:CONDOMINIUMS	WEATHERILL CAROLINE AVERY	\$432,300	\$285.32
040 C005213	25	HIGH ST	10:CONDOMINIUMS	PRICE JASON LLOYD &	\$432,300	\$285.32
040 C005214	25	HIGH ST	10:CONDOMINIUMS	DIRECTOR STEVEN &	\$457,300	\$301.82
040 C005215	25	HIGH ST	10:CONDOMINIUMS	CUSHMAN ROBIN MARI TRUSTEE	\$512,800	\$338.45
040 C005216	25	HIGH ST	10:CONDOMINIUMS	CHADBOURNE DENNIS S	\$458,700	\$302.74
040 C005301	25	HIGH ST	10:CONDOMINIUMS	LYONS THOMAS W &	\$457,400	\$301.88
040 C005302	25	HIGH ST	10:CONDOMINIUMS	HARROW DAVID	\$340,500	\$224.73
040 C005303	25	HIGH ST	10:CONDOMINIUMS	SMITH TEALE &	\$465,200	\$307.03
040 C005304	25	HIGH ST	10:CONDOMINIUMS	BROWN LAUREN HINSON &	\$389,800	\$257.27
040 C005305	25	HIGH ST	10:CONDOMINIUMS	WRIGHT WILLIAM R &	\$471,200	\$310.99
040 C005306	25	HIGH ST	10:CONDOMINIUMS	LACOGNATA STUART A	\$341,800	\$225.59
040 C005307	25	HIGH ST	10:CONDOMINIUMS	GRIFFIN ALEXANDER &	\$337,900	\$223.01
040 C005308	25	HIGH ST	10:CONDOMINIUMS	MARTINEZ DANIEL M &	\$452,200	\$298.45
040 C005309	25	HIGH ST	10:CONDOMINIUMS	ADLER SUSAN	\$427,200	\$281.95
040 C005310	25	HIGH ST	10:CONDOMINIUMS	MORRIS AARON	\$433,200	\$285.91
040 C005311	25	HIGH ST	10:CONDOMINIUMS	LAMPNER GLENNA H &	\$457,300	\$301.82
040 C005312	25	HIGH ST	10:CONDOMINIUMS	MCCARTHY SHAUN N &	\$457,300	\$301.82
040 C005313	25	HIGH ST	10:CONDOMINIUMS	GRIDLEY GUY G	\$457,300	\$301.82



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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
040 C005314	25	HIGH ST	10:CONDOMINIUMS	MAHMOUD AMMAR	\$457,300	\$301.82
040 C005315	25	HIGH ST	10:CONDOMINIUMS	MARICHEL LLC	\$537,800	\$354.95
040 C005316	25	HIGH ST	10:CONDOMINIUMS	MILLER DEREK	\$433,700	\$286.24
040 C005401	25	HIGH ST	10:CONDOMINIUMS	KEELING MATTHEW R &	\$481,600	\$317.86
040 C005402	25	HIGH ST	10:CONDOMINIUMS	TAMASHIRO KASEY-KALEI	\$357,500	\$235.95
040 C005403	25	HIGH ST	10:CONDOMINIUMS	WOON ASHLEY HARDI	\$488,400	\$322.34
040 C005404	25	HIGH ST	10:CONDOMINIUMS	MORSE KRISTY M	\$384,300	\$253.64
040 C005405	25	HIGH ST	10:CONDOMINIUMS	CHEUNG PATRICIA K	\$494,800	\$326.57
040 C005406	25	HIGH ST	10:CONDOMINIUMS	SKACEL LAURA E	\$358,900	\$236.87
040 C005407	25	HIGH ST	10:CONDOMINIUMS	SHELLEY W KIRBY &	\$329,800	\$217.67
040 C005408	25	HIGH ST	10:CONDOMINIUMS	WELCH STANLEY E &	\$474,800	\$313.37
040 C005409	25	HIGH ST	10:CONDOMINIUMS	PIASIO GEOFF B	\$474,800	\$313.37
040 C005410	25	HIGH ST	10:CONDOMINIUMS	SADLER CLIFFORD H &	\$456,100	\$301.03
040 C005411	25	HIGH ST	10:CONDOMINIUMS	SCHAFER MORGAN &	\$480,200	\$316.93
040 C005412	25	HIGH ST	10:CONDOMINIUMS	KRONENBERG MARIANNE L &	\$480,200	\$316.93
040 C005413	25	HIGH ST	10:CONDOMINIUMS	DORNEMAN PENELOPE LEE &	\$480,200	\$316.93
040 C005414	25	HIGH ST	10:CONDOMINIUMS	MANSOURI ROZHIN YOUSEFVAND	\$480,200	\$316.93
040 C005415	25	HIGH ST	10:CONDOMINIUMS	REILLY KATHLEEN E	\$564,700	\$372.70
040 C005416	25	HIGH ST	10:CONDOMINIUMS	ROSS NATHAN T &	\$481,600	\$317.86
040 C005501	25	HIGH ST	10:CONDOMINIUMS	CHANG BENNY &	\$554,800	\$366.17
040 C005502	25	HIGH ST	10:CONDOMINIUMS	JOHNSTON EDWARD R &	\$391,500	\$258.39
040 C005503	25	HIGH ST	10:CONDOMINIUMS	HARK ROBERT S &	\$509,900	\$336.53
040 C005504	25	HIGH ST	10:CONDOMINIUMS	FREEDMAN PAUL R TRUSTEE	\$448,300	\$295.88

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
040 C005505	25	HIGH ST	10:CONDOMINIUMS	JOHNSON THOMAS	\$516,900	\$341.15
040 C005506	25	HIGH ST	10:CONDOMINIUMS	MARSDEN DAVID &	\$393,000	\$259.38
040 C005507	25	HIGH ST	10:CONDOMINIUMS	LADAN LUKA	\$388,500	\$256.41
040 C005508	25	HIGH ST	10:CONDOMINIUMS	CARTER DONALD D JR &	\$495,000	\$326.70
040 C005509	25	HIGH ST	10:CONDOMINIUMS	BROWN SARA J HUTCHINSON &	\$520,000	\$343.20
040 C005510	25	HIGH ST	10:CONDOMINIUMS	LARLEE BRENT A &	\$502,000	\$331.32
040 C005511	25	HIGH ST	10:CONDOMINIUMS	OSTERGAARD LLC	\$526,000	\$347.16
040 C005512	25	HIGH ST	10:CONDOMINIUMS	DANIELSEN KERRY E	\$526,000	\$347.16
040 C005513	25	HIGH ST	10:CONDOMINIUMS	CONRAD ERIC &	\$526,000	\$347.16
040 C005514	25	HIGH ST	10:CONDOMINIUMS	SHAW DAVID E &	\$526,000	\$347.16
040 C005515	25	HIGH ST	10:CONDOMINIUMS	PARK MIRI	\$618,500	\$408.21
040 C005516	25	HIGH ST	10:CONDOMINIUMS	BLOOM RYAN M ETAL JTS	\$527,500	\$348.15
040 C009001	50	DANFORTH ST	31:MANUFACTURING	BROWN J B & SONS	\$1,234,700	\$814.90
040 C014001	41	HIGH ST	14:FOUR FAMILY	SACRE LINDA &	\$675,000	\$445.50
040 C015001	37	HIGH ST	10:CONDOMINIUMS	MYBURGH ANDREW C &	\$272,600	\$179.92
040 C015002	37	HIGH ST	10:CONDOMINIUMS	SOLSTICE INVESTMENTS LLC	\$161,200	\$106.39
040 C015003	37	HIGH ST	10:CONDOMINIUMS	VADLA RAVI-KUMAR	\$312,400	\$206.18
040 C015004	37	HIGH ST	10:CONDOMINIUMS	THIS THYME AROUND LLC	\$216,900	\$143.15
040 C016001	31	HIGH ST	12:TWO FAMILY	BERNOTAVICZ JARAD	\$606,400	\$400.22
040 C021001	27	HIGH ST	27:MULTI-USE COMMERCIAL	BROWN J B & SONS	\$6,330,000	\$4,177.80
040 C026001	75	YORK ST	24:WHOLESALE	YORKSHIRE LLC	\$1,328,500	\$876.81
040 C030001	53	YORK ST	21:RETAIL SERVICES	CASTINE 53 LLC	\$2,133,900	\$1,408.37
040 D001001	20	DANFORTH ST	22:OFFICE BUSINESS	BROWN J B & SONS	\$6,121,100	\$4,039.93

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
040 D002001	10	DANFORTH ST	22:OFFICE BUSINESS	WRIGHT-RYAN REAL ESTATE LLC	\$1,667,900	\$1,100.81
040 E001001	40	YORK ST	25:PARKING LOTS	BROWN J B & SONS	\$1,176,500	\$776.49
040 E003001	311	COMMERCIAL ST	10:CONDOMINIUMS	SAMBATAKOS JOHN P &	\$537,700	\$354.88
040 E003002	311	COMMERCIAL ST	10:CONDOMINIUMS	HIGONNET CAMILLE	\$437,900	\$289.01
040 E003003	311	COMMERCIAL ST	10:CONDOMINIUMS	CUNHA GEORGE AYERS &	\$397,500	\$262.35
040 E003004	311	COMMERCIAL ST	10:CONDOMINIUMS	LEVIN-MARTIN MINDY F &	\$541,200	\$357.19
040 E003005	311	COMMERCIAL ST	10:CONDOMINIUMS	TAYLOR-CHIARELLO ROBIN	\$593,500	\$391.71
040 E003006	311	COMMERCIAL ST	10:CONDOMINIUMS	DODGE MEREDITH A &	\$532,300	\$351.32
040 E003007	311	COMMERCIAL ST	10:CONDOMINIUMS	KRUIHOFF CATHERINE H &	\$389,200	\$256.87
040 E003008	311	COMMERCIAL ST	10:CONDOMINIUMS	DODGE MEREDITH A &	\$453,300	\$299.18
040 E003009	311	COMMERCIAL ST	10:CONDOMINIUMS	KROON THOMAS J &	\$472,000	\$311.52
040 E00300H	311	COMMERCIAL ST	20:COMMERCIAL CONDOS	JBB HOSPITALITY I LLC	\$31,863,200	\$21,029.71
040 E00300R	311	COMMERCIAL ST	20:COMMERCIAL CONDOS	TIQA LEGACY LLC	\$1,315,000	\$867.90
040 E003010	311	COMMERCIAL ST	10:CONDOMINIUMS	GRIMM KRISTY &	\$714,000	\$471.24
040 E003011	311	COMMERCIAL ST	10:CONDOMINIUMS	CLANCY PAUL	\$498,500	\$329.01
040 E003012	311	COMMERCIAL ST	10:CONDOMINIUMS	HOUCK THOMAS K &	\$532,300	\$351.32
040 E003013	311	COMMERCIAL ST	10:CONDOMINIUMS	SNITE DEBORAH	\$425,500	\$280.83
040 E003014	311	COMMERCIAL ST	10:CONDOMINIUMS	POWER CHRISTOPHER J &	\$513,700	\$339.04
040 F009001	305	COMMERCIAL ST	27:MULTI-USE COMMERCIAL	BAXTER PLACE LLC	\$12,160,000	\$8,025.60
040 F011001	14	YORK ST	22:OFFICE BUSINESS	BROWN J B & SONS	\$4,195,700	\$2,769.16
041 A015001	260	COMMERCIAL ST	24:WHOLESALE	WATERFRONT MAINE BT LLC	\$2,270,600	\$1,498.60
041 A016001	252	COMMERCIAL ST	22:OFFICE BUSINESS	WATERFRONT MAINE	\$22,937,700	\$15,138.88
042 A001001	379	COMMERCIAL ST	23:HOTEL & MOTEL	APPLE NINE HOSPITALITY	\$28,784,300	\$18,997.64

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
042 A002140	383	COMMERCIAL ST	20:COMMERCIAL CONDOS	DEERING PROPERTY	\$245,400	\$161.96
042 A002141	383	COMMERCIAL ST	20:COMMERCIAL CONDOS	DEERING PROPERTY	\$128,600	\$84.88
042 A002143	383	COMMERCIAL ST	20:COMMERCIAL CONDOS	DEERING PROPERTY	\$202,500	\$133.65
042 A002144	383	COMMERCIAL ST	20:COMMERCIAL CONDOS	DEERING PROPERTY	\$239,500	\$158.07
042 A002145	383	COMMERCIAL ST	20:COMMERCIAL CONDOS	DEERING PROPERTY	\$85,500	\$56.43
042 A002146	383	COMMERCIAL ST	20:COMMERCIAL CONDOS	DEERING PROPERTY	\$1,140,000	\$752.40
042 A002200	383	COMMERCIAL ST	10:CONDOMINIUMS	BRUCE ELIZABETH B	\$595,000	\$392.70
042 A002201	383	COMMERCIAL ST	10:CONDOMINIUMS	LANDRY GAIL	\$362,600	\$239.32
042 A002202	383	COMMERCIAL ST	10:CONDOMINIUMS	JOHNSON SANDRA W &	\$415,600	\$274.30
042 A002203	383	COMMERCIAL ST	10:CONDOMINIUMS	ALEXANDER LORI &	\$433,700	\$286.24
042 A002204	383	COMMERCIAL ST	10:CONDOMINIUMS	YOUNG BRADLEY S &	\$458,400	\$302.54
042 A002300	383	COMMERCIAL ST	10:CONDOMINIUMS	STINSON MARTHA	\$691,800	\$456.59
042 A002301	383	COMMERCIAL ST	10:CONDOMINIUMS	LASALA BETH H	\$739,600	\$488.14
042 A002302	383	COMMERCIAL ST	10:CONDOMINIUMS	GALVIN ANDREW D &	\$542,400	\$357.98
042 A002303	383	COMMERCIAL ST	10:CONDOMINIUMS	LANE RYAN S	\$423,900	\$279.77
042 A002304	383	COMMERCIAL ST	10:CONDOMINIUMS	SKELLY ABIGAIL M &	\$538,300	\$355.28
042 A002305	383	COMMERCIAL ST	10:CONDOMINIUMS	WALLS SHELLY A	\$423,900	\$279.77
042 A002306	383	COMMERCIAL ST	10:CONDOMINIUMS	LEE FRANK	\$395,400	\$260.96
042 A002307	383	COMMERCIAL ST	10:CONDOMINIUMS	HURST KATHRYN NICOLE	\$857,800	\$566.15
042 A002308	383	COMMERCIAL ST	10:CONDOMINIUMS	KAUFFMAN JENNIFER LOUISE	\$423,400	\$279.44
042 A002309	383	COMMERCIAL ST	10:CONDOMINIUMS	CHASE MARK C TRUSTEE	\$621,100	\$409.93
042 A002310	383	COMMERCIAL ST	10:CONDOMINIUMS	MUMME YVONNE B &	\$562,900	\$371.51
042 A002311	383	COMMERCIAL ST	10:CONDOMINIUMS	DIRKMAAT ERIK L &	\$837,400	\$552.68

Portland Downtown District FY2023 Listing of Properties Assessments

PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
042 A002312	383	COMMERCIAL ST	10:CONDOMINIUMS	SJY LLC	\$410,300	\$270.80
042 A002313	383	COMMERCIAL ST	10:CONDOMINIUMS	MUNDEHENK LEIGH &	\$419,700	\$277.00
042 A002314	383	COMMERCIAL ST	10:CONDOMINIUMS	DEVLIN ELIZABETH &	\$539,400	\$356.00
042 A002315	383	COMMERCIAL ST	10:CONDOMINIUMS	REISS GEORGE E &	\$431,500	\$284.79
042 A002316	383	COMMERCIAL ST	10:CONDOMINIUMS	FECHER RICHARD J &	\$537,300	\$354.62
042 A002317	383	COMMERCIAL ST	10:CONDOMINIUMS	KENNEDY TODD M	\$379,500	\$250.47
042 A002318	383	COMMERCIAL ST	10:CONDOMINIUMS	FAVREAU SCOTT A &	\$536,900	\$354.35
042 A002319	383	COMMERCIAL ST	10:CONDOMINIUMS	UZEE JOHN H	\$666,400	\$439.82
042 A002320	383	COMMERCIAL ST	10:CONDOMINIUMS	KALM HARBOUR LLC	\$440,800	\$290.93
042 A002321	383	COMMERCIAL ST	10:CONDOMINIUMS	HALLOCK BRADLEY L &	\$719,600	\$474.94
042 A002400	383	COMMERCIAL ST	10:CONDOMINIUMS	BRUENJES MICHAEL &	\$719,100	\$474.61
042 A002401	383	COMMERCIAL ST	10:CONDOMINIUMS	COOK RICHARD F JR	\$647,800	\$427.55
042 A002402	383	COMMERCIAL ST	10:CONDOMINIUMS	CARAMANDO ANTHONY N	\$593,000	\$391.38
042 A002403	383	COMMERCIAL ST	10:CONDOMINIUMS	TIDD PAULETTE S	\$487,800	\$321.95
042 A002404	383	COMMERCIAL ST	10:CONDOMINIUMS	EHLER MARLA G &	\$574,500	\$379.17
042 A002405	383	COMMERCIAL ST	10:CONDOMINIUMS	PALADINO CHRISTINE &	\$435,400	\$287.36
042 A002406	383	COMMERCIAL ST	10:CONDOMINIUMS	ARENSBERG LEE C TRUSTEE	\$435,400	\$287.36
042 A002407	383	COMMERCIAL ST	10:CONDOMINIUMS	ENRIGHT SARA &	\$911,900	\$601.85
042 A002408	383	COMMERCIAL ST	10:CONDOMINIUMS	RUGGLES PATRICIA WELLS	\$455,400	\$300.56
042 A002409	383	COMMERCIAL ST	10:CONDOMINIUMS	HOWARD PROPERTY GROUP LLC	\$756,800	\$499.49
042 A002410	383	COMMERCIAL ST	10:CONDOMINIUMS	HOLMES JOANNE C TRUSTEE	\$574,500	\$379.17
042 A002411	383	COMMERCIAL ST	10:CONDOMINIUMS	TOPPER DAVID C &	\$892,800	\$589.25
042 A002412	383	COMMERCIAL ST	10:CONDOMINIUMS	DARBY DOUGLAS M	\$460,900	\$304.19

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
042 A002413	383	COMMERCIAL ST	10:CONDOMINIUMS	DERRIEY LIONEL H	\$468,300	\$309.08
042 A002414	383	COMMERCIAL ST	10:CONDOMINIUMS	NEWMAN SUSANNE HICKS	\$716,600	\$472.96
042 A002415	383	COMMERCIAL ST	10:CONDOMINIUMS	GORNEY LISA A &	\$435,400	\$287.36
042 A002416	383	COMMERCIAL ST	10:CONDOMINIUMS	SIMONDS MELISSA G	\$599,300	\$395.54
042 A002417	383	COMMERCIAL ST	10:CONDOMINIUMS	CEFALO KYLE J	\$490,900	\$323.99
042 A002419	383	COMMERCIAL ST	10:CONDOMINIUMS	PRATT CAROLYN R	\$647,900	\$427.61
042 A002420	383	COMMERCIAL ST	10:CONDOMINIUMS	PARK DIANA L &	\$1,031,400	\$680.72
042 A002421	383	COMMERCIAL ST	10:CONDOMINIUMS	DARBY CORINN A	\$783,500	\$517.11
042 A002500	383	COMMERCIAL ST	10:CONDOMINIUMS	CHILDRESS JAMES WOODROW &	\$786,100	\$518.83
042 A002501	383	COMMERCIAL ST	10:CONDOMINIUMS	HARVEY WHITNEY N	\$675,000	\$445.50
042 A002502	383	COMMERCIAL ST	10:CONDOMINIUMS	BRIKIATIS SYLVIE &	\$648,800	\$428.21
042 A002503	383	COMMERCIAL ST	10:CONDOMINIUMS	KOZLOWSKI BENJAMIN	\$565,400	\$373.16
042 A002504	383	COMMERCIAL ST	10:CONDOMINIUMS	GRADY JANET M	\$657,400	\$433.88
042 A002505	383	COMMERCIAL ST	10:CONDOMINIUMS	BIRKEL KATHERINE M &	\$493,300	\$325.58
042 A002506	383	COMMERCIAL ST	10:CONDOMINIUMS	BOCIAN THOMAS E &	\$495,300	\$326.90
042 A002507	383	COMMERCIAL ST	10:CONDOMINIUMS	LAFFERTY JEROME S &	\$966,000	\$637.56
042 A002509	383	COMMERCIAL ST	10:CONDOMINIUMS	NIERMAN MERYL E	\$1,133,100	\$747.85
042 A002510	383	COMMERCIAL ST	10:CONDOMINIUMS	NGUYEN DOUGLAS	\$603,500	\$398.31
042 A002511	383	COMMERCIAL ST	10:CONDOMINIUMS	DI RE BERNADETTE	\$932,300	\$615.32
042 A002512	383	COMMERCIAL ST	10:CONDOMINIUMS	COSTANTINO PAUL &	\$529,100	\$349.21
042 A002513	383	COMMERCIAL ST	10:CONDOMINIUMS	ROWLINGSON JACK	\$514,900	\$339.83
042 A002514	383	COMMERCIAL ST	10:CONDOMINIUMS	GLOVER DAWSON COLEMAN IV	\$724,400	\$478.10
042 A002515	383	COMMERCIAL ST	10:CONDOMINIUMS	DEERING PROPERTY	\$493,300	\$325.58

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
042 A002516	383	COMMERCIAL ST	10:CONDOMINIUMS	RITTENBERG RHONDA L &	\$650,900	\$429.59
042 A002517	383	COMMERCIAL ST	10:CONDOMINIUMS	HART JESSE P	\$512,800	\$338.45
042 A002519	383	COMMERCIAL ST	10:CONDOMINIUMS	FISH MICHAEL J &	\$716,100	\$472.63
042 A002520	383	COMMERCIAL ST	10:CONDOMINIUMS	OTTOLINI MARY C &	\$1,121,800	\$740.39
042 A002521	383	COMMERCIAL ST	10:CONDOMINIUMS	DAVIN CHRISTOPHER P &	\$887,900	\$586.01
042 A002600	383	COMMERCIAL ST	10:CONDOMINIUMS	WATKINS SUZANNE	\$1,327,500	\$876.15
042 A002601	383	COMMERCIAL ST	10:CONDOMINIUMS	WOODS STEPHEN &	\$1,364,300	\$900.44
042 A002602	383	COMMERCIAL ST	10:CONDOMINIUMS	MCPHERSON SUSAN	\$719,800	\$475.07
042 A002603	383	COMMERCIAL ST	10:CONDOMINIUMS	LEIBOWITZ SHELLEY	\$1,375,500	\$907.83
042 A002604	383	COMMERCIAL ST	10:CONDOMINIUMS	ANDERSON MARK C &	\$911,500	\$601.59
042 A002605	383	COMMERCIAL ST	10:CONDOMINIUMS	BIT OF PORTLAND LLC	\$706,100	\$466.03
042 A002606	383	COMMERCIAL ST	10:CONDOMINIUMS	DRIZLIKH NIMROD E	\$606,100	\$400.03
042 A002607	383	COMMERCIAL ST	10:CONDOMINIUMS	FORSGREN JOHN H TRUSTEE	\$1,080,500	\$713.13
042 A002608	383	COMMERCIAL ST	10:CONDOMINIUMS	SIMON GRANT F &	\$588,400	\$388.34
042 A002609	383	COMMERCIAL ST	10:CONDOMINIUMS	STAVISKY PETER	\$1,519,300	\$1,002.74
042 A002610	383	COMMERCIAL ST	10:CONDOMINIUMS	SCHEINDEL MARILYS C &	\$1,282,500	\$846.45
042 A002611	383	COMMERCIAL ST	10:CONDOMINIUMS	HEARST JUDITH S TRUSTEE	\$2,114,600	\$1,395.64
042 A002701	383	COMMERCIAL ST	10:CONDOMINIUMS	ARROW-YASKO AMY S	\$2,806,300	\$1,852.16
042 A002702	383	COMMERCIAL ST	10:CONDOMINIUMS	WILLIAMS WAYNE COLBY &	\$2,134,500	\$1,408.77
042 A002704	383	COMMERCIAL ST	10:CONDOMINIUMS	CAIAZZO GREG &	\$2,140,100	\$1,412.47
042 A002705	383	COMMERCIAL ST	10:CONDOMINIUMS	FRANK MICHAEL P	\$1,192,800	\$787.25
042 A002706	383	COMMERCIAL ST	10:CONDOMINIUMS	SNELL EUGENE BRYAN &	\$2,754,900	\$1,818.23
042 A003001	387	COMMERCIAL ST	17:21 PLUS FAMILY	DPD LOT 3 LLC	\$1,755,400	\$1,158.56

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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
042 A007001	54	YORK ST	55:LITERARY & SCIENTIFIC	54 YORK LLC	\$0	\$0.00
042 C001110	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001120	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001130	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$239,100	\$157.81
042 C00114A	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$167,700	\$110.68
042 C00114B	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$86,500	\$57.09
042 C00114C	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$41,000	\$27.06
042 C00114D	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$40,600	\$26.80
042 C001150	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001160	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$38,500	\$25.41
042 C001170	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$38,200	\$25.21
042 C00118A	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$60,600	\$40.00
042 C00118B	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001190	344	COMMERCIAL ST	20:COMMERCIAL CONDOS	GULF OF MAINE PROPERTIES INC	\$58,800	\$38.81
042 C001210	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001310	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001320	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001330	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
042 C001CCL	344	COMMERCIAL ST	55:LITERARY & SCIENTIFIC	GULF OF MAINE PROPERTIES INC	\$0	\$0.00
045 A001001	660	CONGRESS ST	27:MULTI-USE COMMERCIAL	A K LONGFELLOW LLC	\$578,400	\$381.74
045 A002001	656	CONGRESS ST	27:MULTI-USE COMMERCIAL	RICE GEOFFREY I	\$2,155,300	\$1,422.50
045 A003001	638	CONGRESS ST	27:MULTI-USE COMMERCIAL	638 CONGRESS STREET	\$14,389,400	\$9,497.00
045 A033001	177	STATE ST	15:5 TO 10 FAMILY	RANS LLC	\$968,600	\$639.28



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PARCEL ID	NUM	STREET	LAND USE	OWNER	NET ASSESSMENT	FEE @ .66
045 A034001	664	CONGRESS ST	21:RETAIL SERVICES	RANS LLC	\$919,900	\$607.13
045 A035001	670	CONGRESS ST	21:RETAIL SERVICES	LONGFELLOW SQUARE	\$896,300	\$591.56
046 C011001	675	CONGRESS ST	27:MULTI-USE COMMERCIAL	RITA LINDA LLC	\$698,500	\$461.01
046 C012001	673	CONGRESS ST	21:RETAIL SERVICES	DOUKAS ANDREW J	\$342,500	\$226.05
046 C013001	671	CONGRESS ST	21:RETAIL SERVICES	DOUKAS ANDREW J &	\$342,100	\$225.79
046 C019001	667	CONGRESS ST	27:MULTI-USE COMMERCIAL	REDFERN LONGFELLOW LLC	\$31,567,000	\$20,834.22
046 D008001	15	AVON ST	11:SINGLE FAMILY	WIEDERKEHR RYAN A	\$553,300	\$365.18
046 D017001	156	HIGH ST	53:RELIGIOUS	WILLISTON-IMMANUEL UNITED CHURCH	\$0	\$0.00
046 D018001	653	CONGRESS ST	21:RETAIL SERVICES	RICE GEOFFREY TRUSTEE	\$437,500	\$288.75
046 D021001	655	CONGRESS ST	27:MULTI-USE COMMERCIAL	TRELAWNY 657 LLC	\$14,931,300	\$9,854.66
046 D022001	645	CONGRESS ST	27:MULTI-USE COMMERCIAL	GASTONIA LLC	\$7,816,700	\$5,159.02
046 D026001	633	CONGRESS ST	27:MULTI-USE COMMERCIAL	BURNHAM ARMS LLC	\$5,907,100	\$3,898.69
046 D027001	629	CONGRESS ST	40:VACANT LAND	BURNHAM ARMS ANNEX LLC	\$301,800	\$199.19
046 D028001	625	CONGRESS ST	21:RETAIL SERVICES	BURNHAM ARMS ANNEX LLC	\$568,500	\$375.21
046 D029001	619	CONGRESS ST	22:OFFICE BUSINESS	BAXTER BUILDING LLC	\$5,069,200	\$3,345.67
046 D031001	142	HIGH ST	22:OFFICE BUSINESS	CROSTONE PORTLAND LLC	\$5,438,500	\$3,589.41
055 E037001	190	STATE ST	27:MULTI-USE COMMERCIAL	HUCKSTER'S ROW PROPERTIES LLC	\$1,208,900	\$797.87
055 E039001	188	STATE ST	27:MULTI-USE COMMERCIAL	LONGFELLOW SQUARE	\$1,701,600	\$1,123.06
444 A001001	54	COMMERCIAL ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
444 A00500A	46	COMMERCIAL ST	56:GOVERNMENTAL	CITY OF PORTLAND	\$0	\$0.00
444 A00500B	46	COMMERCIAL ST	20:COMMERCIAL CONDOS	CASCO BAY MHR LLC	\$6,240,000	\$4,118.40
444 A011001	54	COMMERCIAL ST	58:LAND BANKS	CITY OF PORTLAND	\$0	\$0.00
<b>TOTALS:</b>					<b>\$1,819,986,400</b>	<b>\$1,201,191.02</b>

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** May 17, 2022

**SUBJECT:** Order 281-21-22 Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

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

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

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

**Does this item involve a new contract with the City: Reviewed and approved.**

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

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This is a companion order to the two Portland Downtown orders on the agenda.

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

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

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

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Establishing FY2023 Portland Downtown Assessments 6.6.2022

Prepared by:

Date: 05/17/2022

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**ORDER ESTABLISHING MAINTENANCE AND IMPLEMENTATION  
ASSESSMENTS FOR PORTLAND DOWNTOWN  
FOR FISCAL YEAR 2022-2023**

**ORDERED**, pursuant to 30-A M.R.S. § 5228, after public hearing thereon, that the sum of \$1,200,000 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, 2022 and ending on June 30, 2023; and

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

**BE IT FURTHER ORDERED**, that the said assessments shall be due July 1, 2022 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 17, 2022

**SUBJECT:** Order 282-21-22 Approving Agreement between the City of Portland and Portland Downtown for Fiscal Year 2022-2023 - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

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

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

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

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

**Does this item involve a new contract with the City: The attached agreement has been reviewed and approved by Corporation Counsel.**

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

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This is a companion order to the two Portland Downtown orders above.

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

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

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

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

**VIII. LIST ATTACHMENTS**

1. Approving FY2023 Portland Downtown Agreement 6.6.2022

Prepared by:

Date: 05/17/2022

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**ORDER 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 its Effective Date and ending June 30, 2023.

**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Christine Grimando  
**DATE:** May 23, 2022  
**SUBJECT:** Order 283-21/22 Amendment to Portland Zoning Map to Repeal Munjoy Hill  
Neighborhood Conservation Overlay District - Sponsored by the Planning Board,  
Maggie Stanley, Chair  
**SPONSOR:** Portland Planning Board  
(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 6/6/2022**

**Final Action 6/22/2022**

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

**Does this item involve a new contract with the City: no**

**PRESENTATION:** Planning Board Chair Maggie Stanley will summarize Board recommendation, Planning staff will provide a brief overview. Both the Chair and staff will be available for Council questions.

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

On February 15, 2022, the Planning Board voted (7-0) to find repeal of the Munjoy Hill Neighborhood Conservation Overlay consistent with the Comprehensive Plan for the City of Portland and recommended the City Council amend the Munjoy Hill Neighborhood Conservation Overlay from the City of Portland zoning map. The recommendation includes corresponding text amendment changes to the City's Land Use Code.

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

**III. BACKGROUND**

Attachment 1 is a report to the Council which contains background on the change and an overview of the proposed map change as well as corresponding text changes.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The Board's vote was premised on conditions that initially justified the adoption of the overlay having changed, and a conclusion that it was now an unnecessary regulatory layer with the potential to counter City goals around sustainability and housing where there is the potential to foster dense, walkable, transit-proximate on-peninsula neighborhoods.

**V. FINANCIAL IMPACT**

n/a

**VI. STAFF ANALYSIS AND BACKGROUND**

Attachment 1 is a report to the Council which contains background on the change and an overview of the proposed map change as well as corresponding text changes.



## **VII. RECOMMENDATION**

The Planning Board unanimously voted (7-0) to find repeal of the Munjoy Hill Neighborhood Conservation Overlay consistent with the Comprehensive Plan for the City of Portland and recommends the City Council amend the Munjoy Hill Neighborhood Conservation Overlay from the City of Portland zoning map. The recommendation includes corresponding text amendment changes to the City's Land Use Code.

## **VIII. LIST ATTACHMENTS**

1. Munjoy Hill Neighborhood Overlay District Map Repeal 6.6.2022
2. MHNCOD Council Report 5-20-2022
3. Overlay Map

Prepared by:

Christine Grimando

Date: 05/23/2022

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

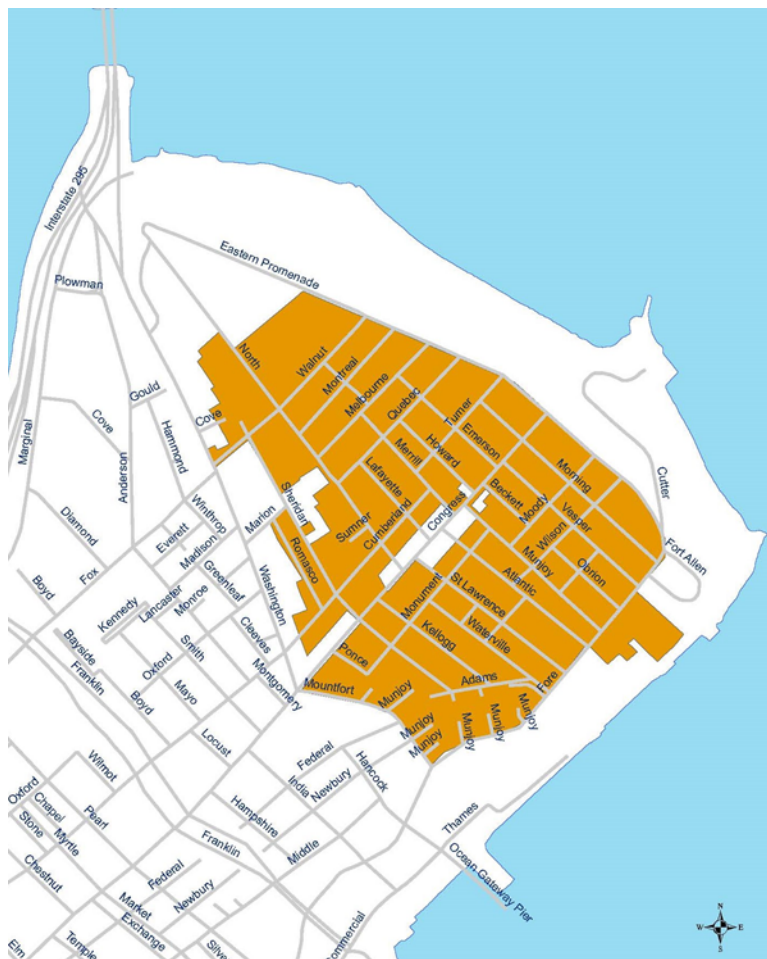
## CITY OF PORTLAND IN THE CITY COUNCIL

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

### AMENDMENT TO PORTLAND ZONING MAP TO REPEAL THE MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

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

That the Munjoy Hill Neighborhood Conservation Overlay District Map of the City of Portland as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into Chapter 14, Land Use, of the Portland City Code, as depicted below, be and hereby is repealed



Map and Text Amendment  
Munjoy Hill Neighborhood Conservation Overlay District  
Amendment to Article 5 (Table 5-A), Article 7 (Table 7-A) and Article 8 (Sec. 8.7), Table of Contents

Submitted to: Mayor Snyder and members of the City Council Council 1 st /2 nd Reading Dates: June 6, 2022/June 22, 2022	Prepared by: Christine Grimando, Director Date: May 20, 2022
--------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------

I. INTRODUCTION

In 2020, during the course of their review of the Munjoy Hill Historic District, the Planning Board requested the Munjoy Hill Neighborhood Conservation Overlay District (Sec. 8.7 of the City's Land Use Code, referred to as the overlay below), be brought to the Board for re-evaluation, for potential repeal or amendment. The Planning Board held a workshop to review the overlay on January 25, 2022 and a public hearing on February 22, 2022, and made a unanimous recommendation to the City Council to amend the Land Use Code and zoning map to remove the overlay. Below is a summary of the overlay, its background and contents, comparison of overlay regulations with the base zone and the historic district, and a summary of the Planning Board's recommendation.

II. BACKGROUND

In 2017 a planning initiative began in response to residents' concerns about the scale and character of recent development as well as about demolitions, in the Munjoy Hill neighborhood. On December 4, 2017, to provide time to study and manage the issue, the City Council adopted a moratorium that placed a 180-day pause during which no demolition applications were accepted, and a 65-day period during which no development applications were to be accepted. In June 2018 Planning staff presented and the Council subsequently adopted the current overlay district through map and text amendments to the City's Land Use Code. These included dimensional, design, and performance standards related to new construction and demolitions applications. The boundary included all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade (Figure 1).

The overlay exists within a portion of the R-6 zone. The purpose statement of the R-6 zone is: *To set aside areas on the peninsula for housing characterized primarily by multi-family dwellings at a high density providing a wide range of housing for differing types of households; to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses; and to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.*

At the time the overlay was adopted, exploration of a Historic District for a portion of the neighborhood was also suggested, with the understanding that the documentation and public process that a district would require would need more time before a proposal could be considered. Since that time, a new district has been adopted (April 12, 2021) for approximately half of the neighborhood.

During the historic district process, the Board questioned whether this one neighborhood would require so many regulatory layers once a district was adopted, and requested that staff bring the topic back for an evaluation as to whether it was still necessary in 2022.

### III. SUMMARY OF OVERLAY ELEMENTS

Currently, the base R-6 zone, the overlay, and in some areas the historic district are concurrently in effect on Munjoy Hill, and were written to be able to work together without conflict. The overlay contains standards for building form and dimensional requirements for new construction, with specific standards for maximum building height, roof forms, setbacks, parking placement, rooftop appurtenances, and front façade standards that vary from the base R-6 requirements. A summary of the key elements of the overlay, and differences from the base R-6 zone standards, are below.



Figure 1, Munjoy Hill Conservation Overlay District Boundaries

#### Comparison of Overlay and Base R-6 Zone

In addition to the standards that are applicable to properties in the R-6 zone, all properties within the overlay district have to meet the standards of Section 8.7 of the Land Use Code. Where the overlay district imposes a standard that differs from the base R-6 zone, the overlay district standards control. The R-6 and overlay district dimensional standards are described in Table 7-A and Table 8-E of the Land Use Code respectively, and a comparison of the two zones is provided below.

Elaboration on several substantive elements of the overlay that were discussed over the course of the Planning Board's review follow the table.

Standard (min unless otherwise specified)	R-6	Munjoy Hill Neighborhood Conservation Overlay District
-------------------------------------------	-----	--------------------------------------------------------

<b>Lot Area (residential)</b>	2,000 SF	Same as base R-6 standards
<b>Lot Area Per Dwelling Unit</b>	725 SF	Same as base R-6 standards
<b>Street Frontage</b>	20 ft.	Same as base R-6 standards
<b>Lot Width</b>	20 ft.	Same as base R-6 standards
<b>Height (max)</b>	45 ft.	35 ft.; or 45 ft. for buildings with 3 or more units on lots over 2,000 SF that include at least one workforce housing unit.
<b>Front Setback</b>	5 ft.	5 feet or the minimum depth of immediately abutting street-facing yard, whichever is less.
<b>Rear Yard Setback</b>	10 ft.	Buildings up to 35 ft. in height: 10 ft.
		Buildings over 35 ft. in height: 15 ft.
		As measured from rear decks, porches, or similar unenclosed space: 7.5 ft.
		As measured from accessory structures with a ground coverage of 250 SF or less: 5 ft.
<b>Side Yard Setback</b>	5 ft.	Buildings up to 35 ft. in height: Per underlying zoning
		Buildings over 35 ft. in height: 10 ft. for all side yards, except that a side yard no less than 5 ft. is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.
<b>Side Setback On Side Street</b>	none	5 ft. or the minimum depth of the immediately abutting street-facing yard, whichever is less.
		None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.
<b>Stepbacks</b>	Above 35 ft. when property line abuts a residential zone: 10 ft. from side property line and 15 ft. from rear property line.	none
<b>Lot Coverage (max)</b>	60%	Same as base R-6 standards
<b>Landscaped Open Area</b>	20%	Same as base R-6 standards
<b>Width of garage opening on front façade (max)</b>	9 ft. or 40% of the front façade, whichever is greater, and in no case more than 20 ft.	Lots smaller than 2,000 SF, shall be permitted one garage door on the front façade 9 ft. or no wider than 30% of the building width.

Height:

Under the base R-6 zoning regulations, the maximum building height is 45 feet, and in the case of lots where the property line abuts a residential zone, buildings above 35 feet are required to stepback 10 feet from side property lines and 15 feet from the rear property line. For buildings located in the overlay, the maximum

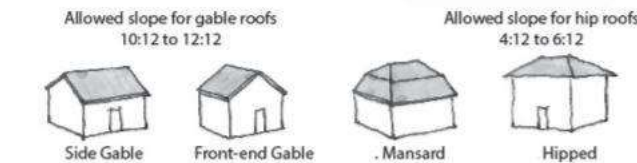
permitted building height is up to 35 feet, or 45 feet for buildings with three or more units on lots over 2,000 square feet that include at least one workforce housing unit on-site. Unlike the base R-6 requirements, buildings above 35 feet are not required to provide a setback. The two-tiered height standard in the overlay was implemented to encourage greater residential development in taller buildings, and also in recognition of historic development patterns, where buildings above 35 feet were most often associated with multi-family buildings, with single- and two-family buildings more often occurring in smaller buildings.

#### Rooftop Appurtenances:

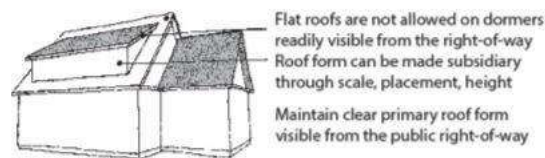
Within the overlay rooftop appurtenances other than chimneys are restricted from exceeding permitted building heights, except that HVAC equipment is permitted up to five feet above maximum heights if adequately screened, set back from the building edge, and integrated into the building design, and not visible from the public right-of-way. Alternative energy equipment, such as that used for wind or solar energy generation, is also permitted as regulated elsewhere in the Land Use Code. The ramification of rooftop appurtenance limits was discussed from the perspective of ADA compliance, and housing creation, and limitations on potential renovation projects.

#### Roof Forms:

The overlay includes requirements for simple, traditional roof forms, as show in Figure 2, which illustrates roof forms permitted for buildings up to 35 feet in height. Flat roofs are also permitted for buildings above 35 feet in height. While the R-6 zone does not include requirements for simple, traditional roof forms in the zoning, the R-6 Design Standards require roofs to refer to the architectural forms found within a two-block radius of the site.



**FIGURE 8-F: ROOF FORMS**



**FIGURE 8-G: DORMERS AND SUBSIDIARY ROOFS**

*Figure 2: Overlay Roof Forms*

#### Front Façade & Parking Placement:

Within the overlay front façade standards require the first floor to contain active living space, such as a living room or bedroom, with windows for at least 50 percent of the width of the front façade in total. The overlay standards require parking to be located on the side or the rear of a building and not within the front 10 feet of depth of the building. Tandem parking spaces are encouraged.



While the R-6 base zone standards are less prescriptive than the overlay regulations related to front façade and parking placement, the R-6 Design Standards include provisions related to composition of principal façades, relationship to street, garages, and fenestration that encourage building designs that will contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.

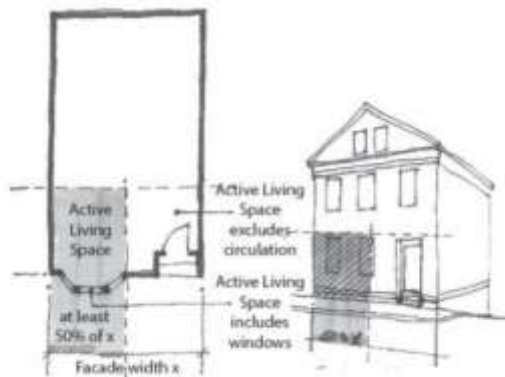


FIGURE 8-H: FRONT FAÇADE - ACTIVE LIVING SPACE

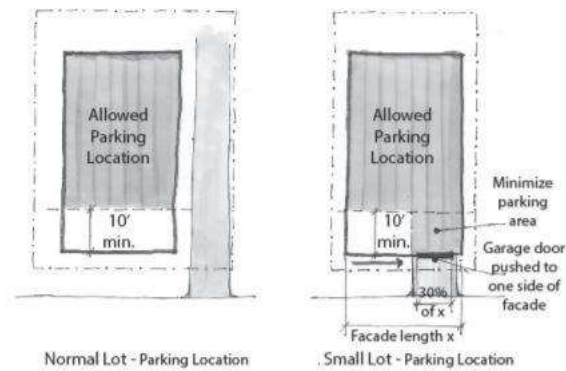


FIGURE 8-I: PARKING LOCATIONS

Figure 3: Overlay Front Façade & Parking Location Diagrams

#### Alternative Design Review:

For sites located within the R-6 zone a property owner may propose an alternative design by applying for an Alternative Review Design Certificate. The Alternative Design Review process is intended to allow for flexibility when a property owner desires a more contemporary design and does not meet the R-6 zone's design standards in the *City of Portland Design Manual*. In the case of the overlay the Historic Preservation Board is charged with conducting the Alternative Design review. Munjoy Hill is the only neighborhood in which the Alternative Design Review authority is under the jurisdiction of the Historic Preservation Board; this provision was added when the overlay district was originally adopted, which occurred prior to the historic district being established. With a historic district now in place, the Preservation has review authority for new construction, additions and alterations within the district; advisory review authority for sites within 100 feet of Historic District(s), designated landmarks, and landscapes, and alternative design review for all the extent of the overlay.

#### Demolition Review

A central component of the overlay includes demolition review standards for existing structures. Under the demolition provisions, applications to demolish existing structures determined by the Planning Authority to be "preferably preserved" are subject to a delay of up to 12 months in order to consider alternatives to demolition. A building will be considered Preferably Preserved provided: it was constructed prior to 1930; it is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; it retains sufficient integrity of design, materials, condition, and craftsmanship that adaptive reuse is a viable option.

The demolition review is a delay and not a prohibition on demolition, and the delay period can be reduced if the applicant elects to have their new construction proposal reviewed and approved by the Historic Preservation Board. In that case, the stay is lifted and the preferably preserved building can be demolished

and replaced before the end of the 12 month delay. Alternatively, the applicant can wait and move forward with demolition after the 12-month stay. The delay is only applicable to buildings not in a historic district or not designated a landmark.

#### V. RELATIONSHIP OF OVERLAY TO HISTORIC DISTRICT

As concern with the amount and effect of overlapping regulatory layers was one of the impetuses of the Board's review, below is a summary of how the overlay differs from and works in conjunction with the historic district requirements. The boundaries of the historic district encompass portions of Munjoy Hill that exhibited the strongest concentration of historic structures (Figure 4).

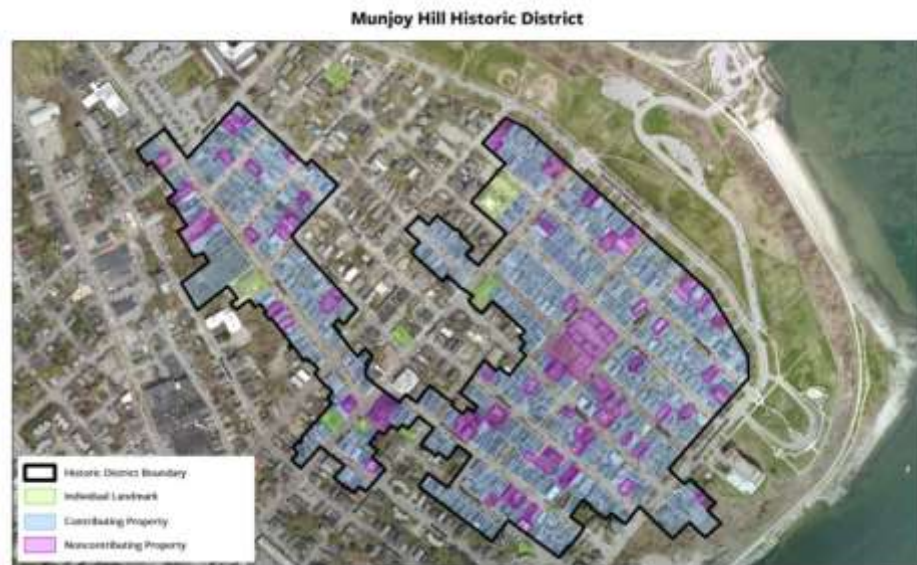


Figure 4: Munjoy Hill Historic District & Designated Landmarks

The Munjoy Hill Historic District is comprised of 427 parcels within the larger Munjoy Hill neighborhood, representing approximately 49% of Munjoy Hill's building stock. The majority of these properties are located within the R-6 residential zone and the overlay district. The remaining 51 percent of Munjoy Hill's building stock is outside the boundaries of the Historic District. There are 262 parcels that are within 100 feet of the Historic District(s), designated landmarks, and landscapes, which are subject to advisory design review of preservation staff or the Historic Preservation Board (Figure 6).

All of the standards of the overlay are applicable in the historic district, with the exception of the demolition delay provisions. The historic preservation ordinance governs demolition within districts. Districts themselves include properties that are considered contributing or noncontributing. Contributing structures may not be demolished, with rare exceptions. As the demolition delay provision of the overlay explicitly does not apply to historic districts, non-contributing structures in the Munjoy Hill Historic District are not subject to a demolition delay. Within the boundaries of a historic district, the merits and rationale for preservation of each property have already been determined at the time of designation, and so no further, duplicative process for consideration of "preferably preserved" is needed or appropriate. Therefore, non-contributing structures have the same ability to be demolished as any property in the city that is not either designated or subject to the demo delay provisions of the overlay.



In addition to the roof and building form standards of the overlay, the Historic Preservation Ordinance review standards for new construction are applied to new buildings as well as additions and alterations within the historic district. Historic designation does not alter the dimensional standards of the zone, and new construction, additions, inclusion of alternative energy features such as solar panels, and building alterations may all occur within the district. Designation puts in place a mechanism to review such changes to ensure that the overall historic character of the neighborhood is preserved and enhanced over time.



Figure 1: Boundary of Munjoy Hill Historic District within the Overlay



Figure 2: Parcels Within 100' of Historic District/Landscape/Landmark

#### IV. RECOMMENDED MAP & TEXT AMENDMENTS

##### Map Amendment

Current Zoning: R-6/Munjoy Hill Neighborhood Conservation Overlay District  
 Proposed Zoning: R-6

The overlay is entirely within the R-6 zone, and removal of the overlay would result in the area still being in the R-6 zone – there is no change proposed to the current base zoning.

#### Text Amendments

Text referencing the overlay appears in Articles 5, 7, and 8 of the Land Use Code.

The following amendment is proposed to Article 5, Zones, Table 5-A, which lists the overlay among other zoning overlays:

Overlay Zones	Compact Urban Residential (R-7)
	Downtown Entertainment
	Overlay
	Fort Sumner Park Height Overlay
	Helistop Overlay
	Institutional Overlay (IOZ)
	<del>Munjoy Hill Neighborhood</del>
	<del>Conservation</del>
	Island Transfer Station Overlay
	Pedestrian Activities District
	Overlay
	Stream Protection Overlay
	University of Southern Maine
	Overlay
	Waynflete School Overlay

The following amendment is proposed to Article 7, Dimensional Standards, Table 7-A, which removes the overlay from a list of overlays in which height exceptions apply:

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

	R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
...								
Structure height (max.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft. ¹²	65 ft.
	Detached accessory	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	
	...	20%	20%	35%	30%	40%	30%	60%
...								

¹² Except as provided under the Fort Sumner Park Height Overlay, ~~the Munjoy Hill Conservation Overlay~~, and the Bayside Height Overlay.

...

The amendment proposes to repeal sec. 8.7 of Article 8, Overlay Zones, in its entirety. Sec. 8.7 includes:

- 8.7.1 Area of effect;
- 8.7.2 Effect of the district;
- 8.7.3 Dimensional standards;
- 8.7.4 Design review;
- 8.7.5 Demolition review;
- Figure 8-E: Munjoy Hill Neighborhood Conservation District Boundaries;
- Figure 8-F: Roof Forms;
- FigureE 8-G: Dormers and Subsidiary Roofs;
- Figure 8-H: Front Facade – Active Living Space;
- Figure 8-I: Parking Locations; and
- Table 8-E: Munjoy Hill Neighborhood Conservation District Dimensional Requirements.

The full amendments also include a non-substantive change to the Table of Contents. Full text of the amendments are included in Attachment 1.

#### VI. COMPREHENSIVE PLAN

[*Portland's Plan 2030*](#) has numerous goals and strategies applicable to the proposed text and map amendments, in multiple sections, including Housing, Economy, and Environment. The change would revert to the base zoning currently in effect, and there are many references in the comprehensive plan to the importance of walkability, density, transit proximity, and complete neighborhoods, as well as of allowing incremental change to occur in existing residential neighborhoods – all of which support the intent of the R-6 zone in peninsula neighborhoods. The overlay was originally found consistent with *Portland's Plan 2030*, and there's nothing generally inconsistent with the comprehensive plan with zoning overlays that seek to foster improved or different development outcomes where unusual circumstances apply; the premise of the original overlay was that there were acute, unusual circumstances that required a response distinct and above the regulations of the underlying zone. Both the base R-6, as well as the base R-6 plus the Munjoy Hill Historic District have been affirmed as meeting City goals, and each have had extensive public processes and findings.

For the purposes of this amendment, if the City Council concluded that the overlay is no longer needed, and/or is hindering other goals of the comprehensive plan, this would serve as a basis for a finding of consistency between the proposed amendments and *Portland's Plan 2030*.

Below are a selection of goals and strategies related to the benefits of land use patterns and policies that support dense, compact, walkable neighborhoods and the city's housing needs.

#### Environment

- As Maine's largest city, Portland embodies core tenets of sustainable urbanism in its compact form and function, enabling efficiencies in resource consumption, waste reduction, and resiliency. Portland's diversity of housing types and increased densities, strong neighborhoods, proximity of residences to employment, and viability for multimodal transportation offer a durable framework to build upon and enhance. (Introductory text to Environment Policy Guide)
- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.

- Coordinate future land use policy changes with long-range regional transportation planning, including planning for transit, pedestrian, and bicycle improvements, to reduce local and regional vehicle miles traveled.
- Continue to develop land use policies which support complete neighborhoods.

#### Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.

#### Economy

- The city's exceptional urban form is integral to the health of its economy; its compact, walkable downtown and neighborhood centers, strong transit connections, and spectacular setting on Casco Bay all contribute to Portland's distinct advantages. (Introductory text to Economy Policy Guide)

### VII. PLANNING BOARD DELIBERATION

For the Planning Board's review included consideration of leaving the overlay unchanged, repealing it, or amending it. Board deliberations focused on: the regulatory complexity the overlay adds in combination with the new historic district, the base zone standards and design manual standards, all of which concurrently regulate new development in the neighborhood; questions about the need to treat this neighborhood differently from others, and from the rest of the R-6 zone in particular; the lessened need for the overlay in light of the new historic district having surveyed and designated the properties most warranting preservation; the lessened need for the overlay in light of the new historic district and its attendant advisory review providing additional design review over greater than a majority of the neighborhood; and, the concern that the overlay requirements were deterring housing creation when there is a clear policy directive for increased housing creation city-wide, particularly in neighborhoods such as Munjoy Hill that are zoned for relatively dense multifamily housing due to their proximity to transit, walking distance to shops, services, and employment. There was also discussion about the challenges of the on-site workforce housing requirement in addition to the Inclusionary Zoning requirements, and the consequences of the rooftop appurtenance limits to housing creation and ADA access.

Board deliberation also touched on the overlay addressing certain conditions at the time of adoption, but considered that conditions had changed substantially enough to no longer warrant this as a permanent zoning layer, particularly in light of the controls on demolitions and design that the new historic district brings to so many of the properties in the neighborhood. Concerns about the equity and sustainability implications of regulating this neighborhood differently than others in the R-6 were also raised.

In addition to concerns about a recent and future reduction in housing approvals, questions were raised about how many of the approvals were built or under construction, and current demo numbers, as of the Planning Board's hearing:

PROJECT STATUS	PROJECT TYPE	TOTAL # OF RES UNITS	# OF IZ UNITS	# OF WORKFORCE UNITS PER HEIGHT >35 FT	YEAR APPROVED	UNDER CONSTRUCTION (Y/N) or YEAR COMPLETED
<b>Approved</b>						
47 Monument Street	Single-family	1	0	0	2019	2020
57 St. Lawrence	Multi-family	16	1.6	1	2019	NO
130 Morning Street	Multi-family	7	0	1	2019	YES
27 Merrill Street	Two-family	2	0	0	2019	NO
126/128 R North Street	Multi-family	12	1.2	1	2020	YES
19 Willis Street	Multi-family	12	1.2	1	2021	NO
30-32 Atlantic Street	Multi-family	4	0	0	2021	NO
48 Cumberland Street	Single-family	1	0	0	2021	NO
42 Lafayette St	DU Addition	1	0	0	2021	NO
	<b>TOTAL</b>	<b>56</b>	<b>4</b>	<b>4</b>		

	Demo Permits	Determined Preferably Preserved	HP Board Approval	Issue Date
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>2</b>	
110 SHERIDAN ST				8/30/2018
47 MONUMENT ST				7/13/2018
128R NORTH ST				10/2/2019
37 MONTREAL ST		X	X	9/13/2019
165 SHERIDAN ST				10/16/2020
43 HOWARD ST		X	X	11/3/2020
48 CUMBERLAND AVE				3/25/2021

The Board acknowledged that some of the elements of the overlay, particularly in relation to dimensional standards and building form, might warrant consideration for inclusion in the R-6 zone, but since repeal of the overlay would put the area on an even regulatory plane with the rest of areas currently zoned R-6, the discussion landed on these particular elements being a suitable ReCode Phase II consideration of whether the zone could benefit from any modifications.

#### VIII. PUBLIC COMMENT

Written and spoken comment were provided to the Planning Board favor of retaining the overlay and in favor of modifying or repealing it. Comments in favor of retaining the overlay include a concern that removing the overlay would raise housing costs; that the overlay promotes neighborhood stability; that it stems gentrification; and the ongoing needs for protections against demolitions. Comments in favor of repeal or modification include a wish for zoning that encourages density and walkability; the challenges of the rooftop appurtenances prohibitions, particularly in regard to elevators; the challenges of the on-site inclusionary unit as a condition for 45 feet max. height allowed as the default elsewhere in the R-6.

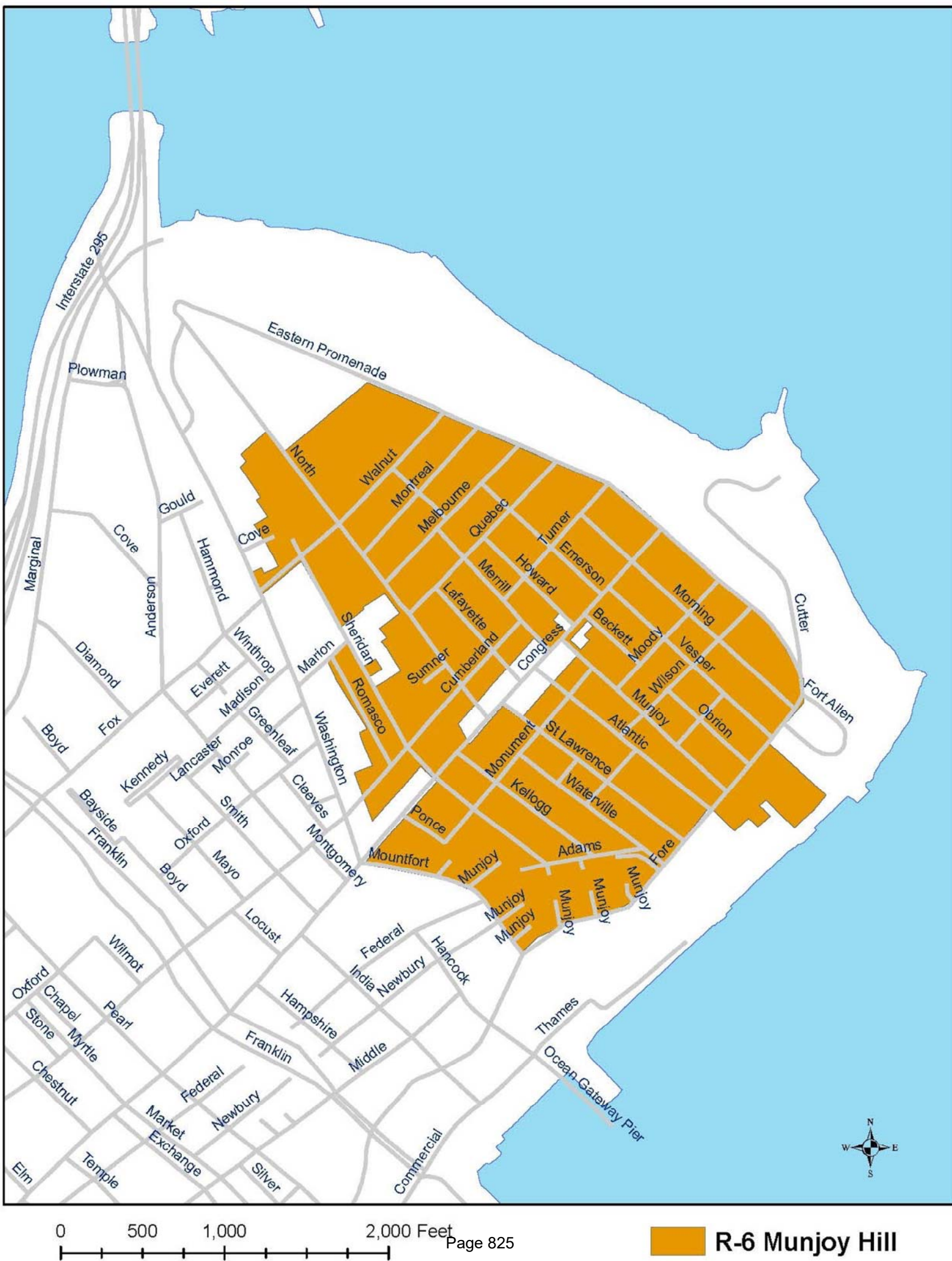
#### IX. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed zoning map and text amendments at a hearing on February 22, 2022. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to recommend to the City Council that the zoning map amendment to repeal the Munjoy Hill Neighborhood Conservation Overlay District and to amend Land Use Code Articles 5, 7, 8, and Table of Contents to strike references to the Munjoy Hill Neighborhood Conservation Overlay District.

X. ATTACHMENTS

1. Proposed Land Use Code Text Amendments
2. Munjoy Hill Neighborhood Conservation Overlay Map





**MEMORANDUM**  
**City Council Agenda Item**

**FROM:** Christine Grimando

**DATE:** May 23, 2022

**SUBJECT:** Order 284-21/22 Amendment to Portland City Code Chapter 14 Re: Repeal of Munjoy Hill Neighborhood Conservation Overlay District - Sponsored by the Planning Board, Maggie Stanley, Chair

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

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

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/6/2022**

**Final Action 6/22/2022**

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

**Does this item involve a new contract with the City: no**

**PRESENTATION:** Planning Board Chair Maggie Stanley will summarize Board recommendation, Planning staff will provide a brief overview. Both the Chair and staff will be available for Council questions.

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

On February 15, 2022, the Planning Board voted (7-0) to find repeal of the Munjoy Hill Neighborhood Conservation Overlay consistent with the Comprehensive Plan for the City of Portland and recommended the City Council amend the Land Use Code to reflect this change, striking applicable text from from Table 5-A, Table 7-A, and Sec. 8.7, as well as reference to it in the Table of Contents, from the City of Portland Land Use Code.

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

**III. BACKGROUND**

Attachment 1 is a report to the Council which contains background on the change and an overview of the proposed text changes as well as the corresponding map change.

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The Board's vote was premised on conditions that initially justified the adoption of the overlay having changed, and a conclusion that it was now an unnecessary regulatory layer with the potential to counter City goals around sustainability and housing where there is the potential to foster dense, walkable, transit-proximate on-peninsula neighborhoods.

**V. FINANCIAL IMPACT**

n/a

**VI. STAFF ANALYSIS AND BACKGROUND**



Attachment 1 is a report to the Council which contains background on the change and an overview of the proposed text changes as well as the corresponding map change.

## **VII. RECOMMENDATION**

The Planning Board unanimously voted (7-0) to find repeal of the Munjoy Hill Neighborhood Conservation Overlay consistent with the Comprehensive Plan for the City of Portland and recommends the City Council amend the Land Use Code to reflect this change, striking applicable text from Table 5-A, Table 7-A, and Sec. 8.7, as well as reference to it in the Table of Contents, from the City of Portland Land Use Code. The Board also recommends the corresponding overlay map be removed from the City of Portland zoning map.

## **VIII. LIST ATTACHMENTS**

1. Ch. 14 Repeal of Munjoy Hill Neighborhood Conservation Overlay District 6.6.2022
2. MHNCOD Council Report 5-20-2022
3. Overlay Text Amendments

Prepared by:

Christine Grimando

Date: 05/23/2022

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 14 RE: REPEAL OF  
MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT**

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

*That Chapter 14, Table of Contents, Tables 5-A and 7-A, and  
Section 8 are hereby amended to read as follows, on the  
following pages:*



TABLE OF CONTENTS

....

Article 8. OVERLAY ZONES ..... 8-1

- 8.1 Compact Urban Residential (R-7) Overlay
- 8.2 Downtown Entertainment Overlay
- 8.3 Fort Sumner Park Overlay
- 8.4 Helistop Overlay
- 8.5 Institutional Overlay
- 8.6 Island Transfer Station Overlay
- ~~8.7 Munjoy Hill Neighborhood Conservation Overlay District~~
- 8.8 Pedestrian Activities District (PAD) Overlay
- 8.9 Stream Protection Overlay
- 8.10 University of Southern Maine Overlay
- 8.11 Waynflete School Overlay

....



## 5 ZONES

### 5.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

### 5.2 ZONING MAP

#### 5.2.1 Zoning map adopted

The zones in Table 5-A are shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

#### 5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

- A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- B. Unless otherwise shown, lines within blocks less than 200 feet wide are median lines between their sides, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.
- C. The depictions of the Shoreland Zone and Stream Protection Zone on the zoning map are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the same as the location of the boundary of the zoning

TABLE 5-A: ZONES

Residential	R-1, R-2, R-3, R-4, R-5, R-5a, R-6, R-6a
Island	IR-1, IR-2, IR-3 I-B Island Business
Mixed-Use	B-1, B-1b Neighborhood Business B-2, B-2b, and B-2c Community Business B-3, B-3b, and B-3c Downtown Business B-4 Commercial Corridor B-5 and B-5b Urban Commercial B-6 Eastern Waterfront B-7 Mixed Development
Office	O-P Office Park R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact I-M, I-Ma, and I-Mb Moderate Impact I-H and I-Hb High Impact A-B Airport Business
Open Space	R-OS Recreation and Open Space
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Compact Urban Residential (R-7) Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) <del>Munjoy Hill Neighborhood Conservation</del> Island Transfer Station Overlay Pedestrian Activities District Overlay Stream Protection Overlay University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management RPZ Resource Protection

...

## 7 DIMENSIONAL STANDARDS

...

### 7.1 DIMENSIONAL STANDARDS

Tables 7-A to 7-H shall establish the dimensional standards for each zone.

...

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Lot area (min.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	1.5 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly	<10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	.5 ac.	10,000 SF	
		>10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.	15,000 SF	
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ³	6,000 SF / 2 ac. max ⁵	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	
	Lot area per dwelling unit (min.)	15,000 SF	10,000 SF	6,500 SF	3,000 SF	3,000 SF	1,600 SF	725 SF	
	Lot area per rooming unit (min.)					1,000 SF		250 SF ⁹	
	Lot area per multiplex unit (min.)				3,000 SF for first 3, 6,000 SF thereafter	4,500 SF			
Lot area per SNIDU ¹ (min.)					2,400 SF	3,600 SF			
Street frontage (min.)		75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	
Lot width (min.)		100 ft.	80 ft.	65 ft.	60 ft.	60 ft. 90 ft. for multiplex	60 ft.	20 ft.	
Front setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	5 ft.	
		Or average depth of adjacent front yards							
Rear setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	10 ft.	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Side setback (min.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.		<45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.	5 ft. ¹⁰	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		>45 ft. in height: 15 ft.
	On side street (min.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	

Or depth of front yard directly abutting the lot.

TABLE 7-A (CONT.): RESIDENTIAL ZONE DIMENSIONAL STANDARDS

	R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Stepbacks (above 35 ft. when property line abuts a residential zone)(min.)							10 ft. from side property line and 15 ft. from rear property line ¹¹	
Structure height (max.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft. ¹²	65 ft.
Detached accessory	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	
Lot coverage (max.)	20%	20%	35%	30%	40%	30%	60%	
Landscaped open space ratio (min.)							20%	
Width of garage opening on front façade (max.)							9 ft. or 40% of the front facade, whichever is greater, and in no case more than 20 ft.	

...

¹² Except as provided under the Fort Sumner Park Height Overlay, ~~the Munjoy Hill Conservation Overlay~~, and the Bayside Height Overlay.

...

## 8 OVERLAY ZONES

### 8.1 MUNJOY HILL NEIGHBORHOOD

#### CONSERVATION OVERLAY DISTRICT

The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City's Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the "District").

#### FIGURE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT BOUNDARIES

##### 8.7.1 Area of effect

This District will apply in the highlighted area depicted on the map in Figure 8-E and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

##### 8.7.2 Effect of the district

In addition to the standards contained in this Land Use Code that are applicable to properties in the R-6 zone, all properties within this District shall meet the standards of Section 8.7. Where this section imposes a standard that differs from the standards contained in Articles 6, 7, 14, and 15 of this Land Use Code, the City of Portland *Design Manual* or City of Portland *Technical Manual*, the standards in this section shall control.

##### 8.7.3 Dimensional standards

Within the District, the dimensional requirements in Table 8-E supersede those dimensional standards outlined elsewhere in this Land Use Code.

##### 8.7.4 Design review

A. Design standards. In addition to the general R-6 design standards, the following design standards shall apply in the Munjoy Hill Neighborhood Conservation District and shall supersede any conflicting design standards:

1. All buildings shall use simple, traditional roof forms as illustrated in Figure 8-F, except that flat roofs are permitted in buildings of three or more units. This requirement may also be modified through Subsection 8.7.4(B) below. Dormers and cross-gables are allowed but where readily visible from the public right-of-way shall be

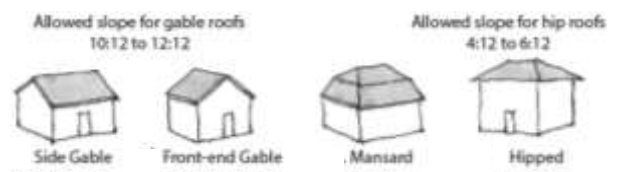


FIGURE 8-F: ROOF FORMS

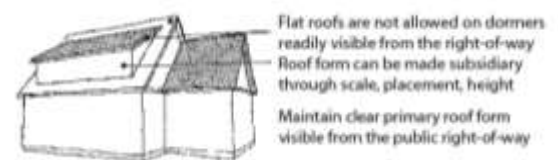




FIGURE 8-G: DORMERS AND SUBSIDIARY ROOFS

clearly subsidiary to the primary roof form.  
(See Figure 8-G.)



FIGURE 8-H: FRONT FACADE—ACTIVE LIVING SPACE

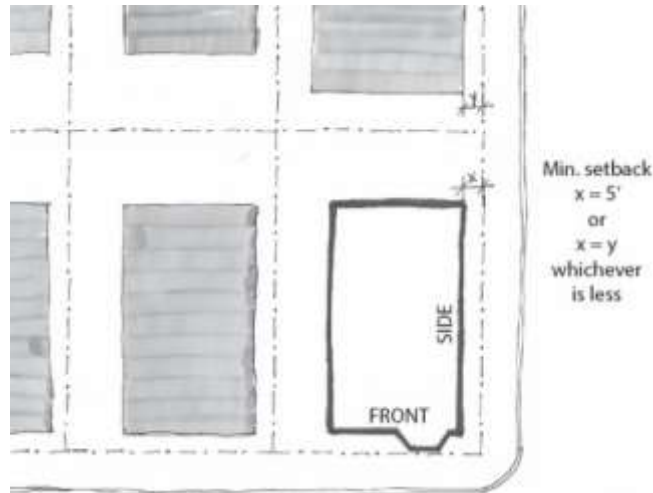
- 2.—The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total. (See Figure 8-H.) Active living space does not include space intended primarily for circulation or storage.

TABLE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT DIMENSIONAL REQUIREMENTS

		35 ft.
Height (max.) ¹		45 ft. for buildings with 3 or more units on lots over 2,000 SF that include at least one workforce housing unit. ²
Setbacks (min.)	Rear	Buildings up to 35 ft. in height: 10 ft.
		Buildings over 35 ft. in height: 15 ft.
	Side	As measured from rear decks, porches, or similar unenclosed space: 7.5 ft.
		As measured from accessory structures with a ground coverage of 250 SF or less: 5 ft.
	Side	Buildings up to 35 ft. in height: As per underlying zone.
		Buildings over 35 ft. in height: 10 ft. for all side yards, except that a side yard no less than 5 ft. is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.

5 ft. or the minimum depth of the immediately abutting street-facing yard, whichever is less.  
None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.

Side yard  
on side  
street



Stepbacks (min.) None

¹Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5 ft. above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5 ft. from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in Articles 6 and 7.

²Unit can be for sale or rent, as defined in Article 3. Workforce units shall be no smaller than 50% of the average size of the other units in the development, must meet the definition for such units and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.

- 3.—Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10 feet of depth of the building. The only exception shall be for lots smaller than 2,000 square feet, which shall be permitted one garage door on the front façade no wider than 30% of the

building width, but no less than nine feet.

In that case, the garage door shall:

- a.—Be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate.
- b.—Be located on one side of the façade.  
(See Figure 8-1.)

B.—Alternative Design Review.—Within the District, developments are only eligible for the R-6 “Alternative Design Review” as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:

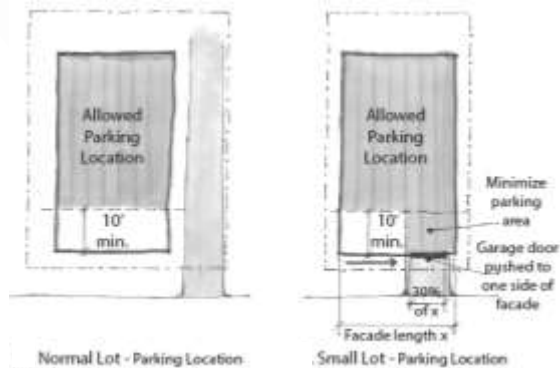


FIGURE 8-1: PARKING LOCATIONS

- 1.— Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing.
- 2.— Alternative Design Review does not permit waivers of the additional design requirements in Subsection 8.7.4(A) above except as explicitly stated.
- 3.— Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

#### 8.7.5—Demolition review

A.— **Purpose.** The purpose of this subsection is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings"), encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved

Buildings is regulated and may be delayed as provided below.

B.— **Definitions.** For the purposes of this subsection, the following words and phrases shall have the meanings set forth below:

- 1.— **Demolition.** Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three-year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.
- 2.— **Preferably Preserved Building.** Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:
  - a.— It was constructed prior to 1930.
  - b.— It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill.
  - c.— It retains sufficient integrity of design, materials, condition, and craftsmanship that adaptive reuse is a viable option.
- 3.— **Voluntarily demolished.** Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this subsection, the destruction of a Preferably Preserved Building for failure to

properly secure it or by neglect shall be considered voluntary demolition.

~~C. Exclusions. This subsection shall not apply to:~~

- ~~1. Any building either individually designated as a local landmark or located within the boundaries of any designated historic district.~~
- ~~2. Accessory structures with a ground coverage of 250 square feet or less.~~
- ~~3. Buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster.~~
- ~~4. Buildings that have received a previous determination that they are not Preferably Preserved.~~

~~D. Procedure. When the Building Authority receives a demolition permit application for a building within the District, the Building Authority shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.~~

- ~~1. Initial determination. The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within 30 days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this~~

determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6 of the City of Portland Code of Ordinances.

- ~~2. If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.~~
- ~~3. If the Planning Authority fails to act in accordance with this subsection or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.~~
- ~~4. Right to appeal Planning Authority determination. After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be filed with the Planning Authority within thirty days of the Planning Authority's decision.~~
- ~~5. Public hearing. The Historic Preservation Board shall conduct a hearing on the appeal of the Planning Authority's decision~~

within 45 days of the Planning Authority's decision. The Board shall give the public notice of the hearing at least 14 days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner, and all property owners within 100 feet of the subject property at least 10 days prior to the hearing.

6. ~~Final determination of Preferably Preserved Building:~~ Within 21 days following the conclusion of the public hearing, the Historic Preservation Board shall issue a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial decision of the Planning Authority is not timely appealed as outlined in Section 8.7.5(D)(4), that decision shall be considered a final decision with respect to the demolition permit, in which case the Planning Authority shall forward the final decision to the Building Authority.

- E. ~~Upon the final determination of Preferably Preserved status,~~ the Building Authority shall not issue a demolition permit for a period of up to 12 months except as specified in (2) below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural

significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.

1. ~~Upon a determination of Preferably Preserved status,~~ the owner shall be responsible for properly securing the building.
2. ~~Notwithstanding the preceding,~~ the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 12-month delay period. Examples of such proposals may include but are not limited to:

- a. ~~Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building.~~
- b. ~~Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under (G) below.~~
- c. ~~Notwithstanding the initial determination, demonstration by the~~

~~applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.~~

~~F.—Emergency demolition. Nothing in this subsection shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this subsection or is the result of fire, accidental catastrophic damage, or a natural disaster.~~

~~G.—Enforcement~~

~~1.—The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this subsection, or to prevent a threatened violation thereof.~~

~~2.—No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.~~

~~H.—Reporting. A demolition review shall be reported to the City Council annually as a communication.~~

Map and Text Amendment  
Munjoy Hill Neighborhood Conservation Overlay District  
Amendment to Article 5 (Table 5-A), Article 7 (Table 7-A) and Article 8 (Sec. 8.7), Table of Contents

Submitted to: Mayor Snyder and members of the City Council Council 1 st /2 nd Reading Dates: June 6, 2022/June 22, 2022	Prepared by: Christine Grimando, Director Date: May 20, 2022
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I. INTRODUCTION

In 2020, during the course of their review of the Munjoy Hill Historic District, the Planning Board requested the Munjoy Hill Neighborhood Conservation Overlay District (Sec. 8.7 of the City's Land Use Code, referred to as the overlay below), be brought to the Board for re-evaluation, for potential repeal or amendment. The Planning Board held a workshop to review the overlay on January 25, 2022 and a public hearing on February 22, 2022, and made a unanimous recommendation to the City Council to amend the Land Use Code and zoning map to remove the overlay. Below is a summary of the overlay, its background and contents, comparison of overlay regulations with the base zone and the historic district, and a summary of the Planning Board's recommendation.

II. BACKGROUND

In 2017 a planning initiative began in response to residents' concerns about the scale and character of recent development as well as about demolitions, in the Munjoy Hill neighborhood. On December 4, 2017, to provide time to study and manage the issue, the City Council adopted a moratorium that placed a 180-day pause during which no demolition applications were accepted, and a 65-day period during which no development applications were to be accepted. In June 2018 Planning staff presented and the Council subsequently adopted the current overlay district through map and text amendments to the City's Land Use Code. These included dimensional, design, and performance standards related to new construction and demolitions applications. The boundary included all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade (Figure 1).

The overlay exists within a portion of the R-6 zone. The purpose statement of the R-6 zone is: *To set aside areas on the peninsula for housing characterized primarily by multi-family dwellings at a high density providing a wide range of housing for differing types of households; to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses; and to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.*



At the time the overlay was adopted, exploration of a Historic District for a portion of the neighborhood was also suggested, with the understanding that the documentation and public process that a district would require would need more time before a proposal could be considered. Since that time, a new district has been adopted (April 12, 2021) for approximately half of the neighborhood.

During the historic district process, the Board questioned whether this one neighborhood would require so many regulatory layers once a district was adopted, and requested that staff bring the topic back for an evaluation as to whether it was still necessary in 2022.

### III. SUMMARY OF OVERLAY ELEMENTS

Currently, the base R-6 zone, the overlay, and in some areas the historic district are concurrently in effect on Munjoy Hill, and were written to be able to work together without conflict. The overlay contains standards for building form and dimensional requirements for new construction, with specific standards for maximum building height, roof forms, setbacks, parking placement, rooftop appurtenances, and front façade standards that vary from the base R-6 requirements. A summary of the key elements of the overlay, and differences from the base R-6 zone standards, are below.



Figure 1, Munjoy Hill Conservation Overlay District Boundaries

#### Comparison of Overlay and Base R-6 Zone

In addition to the standards that are applicable to properties in the R-6 zone, all properties within the overlay district have to meet the standards of Section 8.7 of the Land Use Code. Where the overlay district imposes a standard that differs from the base R-6 zone, the overlay district standards control. The R-6 and overlay district dimensional standards are described in Table 7-A and Table 8-E of the Land Use Code respectively, and a comparison of the two zones is provided below.

Elaboration on several substantive elements of the overlay that were discussed over the course of the Planning Board's review follow the table.

Standard (min unless otherwise specified)	R-6	Munjoy Hill Neighborhood Conservation Overlay District
-------------------------------------------	-----	--------------------------------------------------------



<b>Lot Area (residential)</b>	2,000 SF	Same as base R-6 standards
<b>Lot Area Per Dwelling Unit</b>	725 SF	Same as base R-6 standards
<b>Street Frontage</b>	20 ft.	Same as base R-6 standards
<b>Lot Width</b>	20 ft.	Same as base R-6 standards
<b>Height (max)</b>	45 ft.	35 ft.; or 45 ft. for buildings with 3 or more units on lots over 2,000 SF that include at least one workforce housing unit.
<b>Front Setback</b>	5 ft.	5 feet or the minimum depth of immediately abutting street-facing yard, whichever is less.
<b>Rear Yard Setback</b>	10 ft.	Buildings up to 35 ft. in height: 10 ft.
		Buildings over 35 ft. in height: 15 ft.
		As measured from rear decks, porches, or similar unenclosed space: 7.5 ft.
		As measured from accessory structures with a ground coverage of 250 SF or less: 5 ft.
<b>Side Yard Setback</b>	5 ft.	Buildings up to 35 ft. in height: Per underlying zoning
		Buildings over 35 ft. in height: 10 ft. for all side yards, except that a side yard no less than 5 ft. is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.
<b>Side Setback On Side Street</b>	none	5 ft. or the minimum depth of the immediately abutting street-facing yard, whichever is less.
		None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.
<b>Stepbacks</b>	Above 35 ft. when property line abuts a residential zone: 10 ft. from side property line and 15 ft. from rear property line.	none
<b>Lot Coverage (max)</b>	60%	Same as base R-6 standards
<b>Landscaped Open Area</b>	20%	Same as base R-6 standards
<b>Width of garage opening on front façade (max)</b>	9 ft. or 40% of the front façade, whichever is greater, and in no case more than 20 ft.	Lots smaller than 2,000 SF, shall be permitted one garage door on the front façade 9 ft. or no wider than 30% of the building width.

Height:

Under the base R-6 zoning regulations, the maximum building height is 45 feet, and in the case of lots where the property line abuts a residential zone, buildings above 35 feet are required to stepback 10 feet from side property lines and 15 feet from the rear property line. For buildings located in the overlay, the maximum

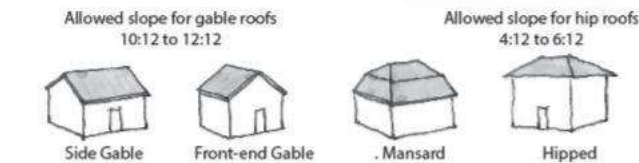
permitted building height is up to 35 feet, or 45 feet for buildings with three or more units on lots over 2,000 square feet that include at least one workforce housing unit on-site. Unlike the base R-6 requirements, buildings above 35 feet are not required to provide a setback. The two-tiered height standard in the overlay was implemented to encourage greater residential development in taller buildings, and also in recognition of historic development patterns, where buildings above 35 feet were most often associated with multi-family buildings, with single- and two-family buildings more often occurring in smaller buildings.

#### Rooftop Appurtenances:

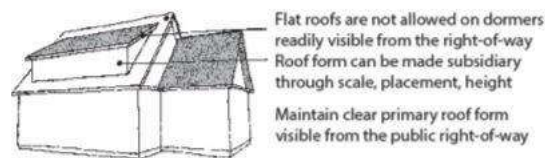
Within the overlay rooftop appurtenances other than chimneys are restricted from exceeding permitted building heights, except that HVAC equipment is permitted up to five feet above maximum heights if adequately screened, set back from the building edge, and integrated into the building design, and not visible from the public right-of-way. Alternative energy equipment, such as that used for wind or solar energy generation, is also permitted as regulated elsewhere in the Land Use Code. The ramification of rooftop appurtenance limits was discussed from the perspective of ADA compliance, and housing creation, and limitations on potential renovation projects.

#### Roof Forms:

The overlay includes requirements for simple, traditional roof forms, as show in Figure 2, which illustrates roof forms permitted for buildings up to 35 feet in height. Flat roofs are also permitted for buildings above 35 feet in height. While the R-6 zone does not include requirements for simple, traditional roof forms in the zoning, the R-6 Design Standards require roofs to refer to the architectural forms found within a two-block radius of the site.



**FIGURE 8-F: ROOF FORMS**



**FIGURE 8-G: DORMERS AND SUBSIDIARY ROOFS**

*Figure 2: Overlay Roof Forms*

#### Front Façade & Parking Placement:

Within the overlay front façade standards require the first floor to contain active living space, such as a living room or bedroom, with windows for at least 50 percent of the width of the front façade in total. The overlay standards require parking to be located on the side or the rear of a building and not within the front 10 feet of depth of the building. Tandem parking spaces are encouraged.

While the R-6 base zone standards are less prescriptive than the overlay regulations related to front façade and parking placement, the R-6 Design Standards include provisions related to composition of principal façades, relationship to street, garages, and fenestration that encourage building designs that will contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.



FIGURE 8-H: FRONT FAÇADE - ACTIVE LIVING SPACE

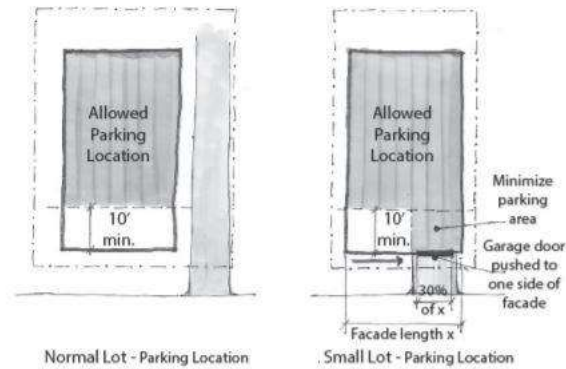


FIGURE 8-I: PARKING LOCATIONS

Figure 3: Overlay Front Façade & Parking Location Diagrams

#### Alternative Design Review:

For sites located within the R-6 zone a property owner may propose an alternative design by applying for an Alternative Review Design Certificate. The Alternative Design Review process is intended to allow for flexibility when a property owner desires a more contemporary design and does not meet the R-6 zone's design standards in the *City of Portland Design Manual*. In the case of the overlay the Historic Preservation Board is charged with conducting the Alternative Design review. Munjoy Hill is the only neighborhood in which the Alternative Design Review authority is under the jurisdiction of the Historic Preservation Board; this provision was added when the overlay district was originally adopted, which occurred prior to the historic district being established. With a historic district now in place, the Preservation has review authority for new construction, additions and alterations within the district; advisory review authority for sites within 100 feet of Historic District(s), designated landmarks, and landscapes, and alternative design review for all the extent of the overlay.

#### Demolition Review

A central component of the overlay includes demolition review standards for existing structures. Under the demolition provisions, applications to demolish existing structures determined by the Planning Authority to be "preferably preserved" are subject to a delay of up to 12 months in order to consider alternatives to demolition. A building will be considered Preferably Preserved provided: it was constructed prior to 1930; it is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill; it retains sufficient integrity of design, materials, condition, and craftsmanship that adaptive reuse is a viable option.

The demolition review is a delay and not a prohibition on demolition, and the delay period can be reduced if the applicant elects to have their new construction proposal reviewed and approved by the Historic Preservation Board. In that case, the stay is lifted and the preferably preserved building can be demolished

and replaced before the end of the 12 month delay. Alternatively, the applicant can wait and move forward with demolition after the 12-month stay. The delay is only applicable to buildings not in a historic district or not designated a landmark.

#### V. RELATIONSHIP OF OVERLAY TO HISTORIC DISTRICT

As concern with the amount and effect of overlapping regulatory layers was one of the impetuses of the Board's review, below is a summary of how the overlay differs from and works in conjunction with the historic district requirements. The boundaries of the historic district encompass portions of Munjoy Hill that exhibited the strongest concentration of historic structures (Figure 4).

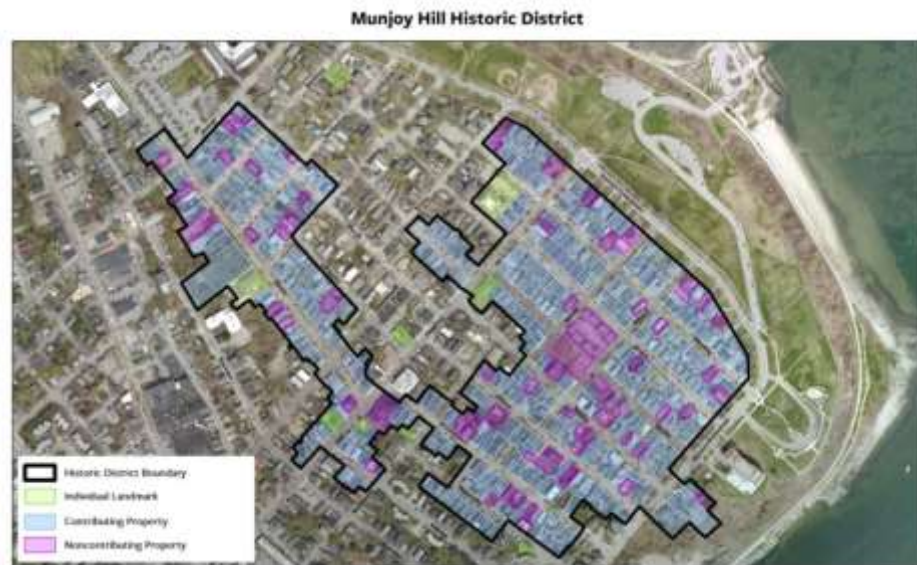


Figure 4: Munjoy Hill Historic District & Designated Landmarks

The Munjoy Hill Historic District is comprised of 427 parcels within the larger Munjoy Hill neighborhood, representing approximately 49% of Munjoy Hill's building stock. The majority of these properties are located within the R-6 residential zone and the overlay district. The remaining 51 percent of Munjoy Hill's building stock is outside the boundaries of the Historic District. There are 262 parcels that are within 100 feet of the Historic District(s), designated landmarks, and landscapes, which are subject to advisory design review of preservation staff or the Historic Preservation Board (Figure 6).

All of the standards of the overlay are applicable in the historic district, with the exception of the demolition delay provisions. The historic preservation ordinance governs demolition within districts. Districts themselves include properties that are considered contributing or noncontributing. Contributing structures may not be demolished, with rare exceptions. As the demolition delay provision of the overlay explicitly does not apply to historic districts, non-contributing structures in the Munjoy Hill Historic District are not subject to a demolition delay. Within the boundaries of a historic district, the merits and rationale for preservation of each property have already been determined at the time of designation, and so no further, duplicative process for consideration of "preferably preserved" is needed or appropriate. Therefore, non-contributing structures have the same ability to be demolished as any property in the city that is not either designated or subject to the demo delay provisions of the overlay.



In addition to the roof and building form standards of the overlay, the Historic Preservation Ordinance review standards for new construction are applied to new buildings as well as additions and alterations within the historic district. Historic designation does not alter the dimensional standards of the zone, and new construction, additions, inclusion of alternative energy features such as solar panels, and building alterations may all occur within the district. Designation puts in place a mechanism to review such changes to ensure that the overall historic character of the neighborhood is preserved and enhanced over time.



Figure 1: Boundary of Munjoy Hill Historic District within the Overlay



Figure 2: Parcels Within 100' of Historic District/Landscape/Landmark

#### IV. RECOMMENDED MAP & TEXT AMENDMENTS

##### Map Amendment

Current Zoning: R-6/Munjoy Hill Neighborhood Conservation Overlay District  
 Proposed Zoning: R-6

The overlay is entirely within the R-6 zone, and removal of the overlay would result in the area still being in the R-6 zone – there is no change proposed to the current base zoning.

#### Text Amendments

Text referencing the overlay appears in Articles 5, 7, and 8 of the Land Use Code.

The following amendment is proposed to Article 5, Zones, Table 5-A, which lists the overlay among other zoning overlays:

Overlay Zones	Compact Urban Residential (R-7)
	Downtown Entertainment
	Overlay
	Fort Sumner Park Height Overlay
	Helistop Overlay
	Institutional Overlay (IOZ)
	<del>Munjoy Hill Neighborhood</del>
	<del>Conservation</del>
	Island Transfer Station Overlay
	Pedestrian Activities District
	Overlay
	Stream Protection Overlay
	University of Southern Maine
	Overlay
	Waynflete School Overlay

The following amendment is proposed to Article 7, Dimensional Standards, Table 7-A, which removes the overlay from a list of overlays in which height exceptions apply:

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

	R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
...								
Structure height (max.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft. ¹²	65 ft.
	Detached accessory	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	
	...	20%	20%	35%	30%	40%	30%	60%
...								

¹² Except as provided under the Fort Sumner Park Height Overlay, ~~the Munjoy Hill Conservation Overlay~~, and the Bayside Height Overlay.

...

The amendment proposes to repeal sec. 8.7 of Article 8, Overlay Zones, in its entirety. Sec. 8.7 includes:

- 8.7.1 Area of effect;
- 8.7.2 Effect of the district;
- 8.7.3 Dimensional standards;
- 8.7.4 Design review;
- 8.7.5 Demolition review;
- Figure 8-E: Munjoy Hill Neighborhood Conservation District Boundaries;
- Figure 8-F: Roof Forms;
- FigureE 8-G: Dormers and Subsidiary Roofs;
- Figure 8-H: Front Facade – Active Living Space;
- Figure 8-I: Parking Locations; and
- Table 8-E: Munjoy Hill Neighborhood Conservation District Dimensional Requirements.

The full amendments also include a non-substantive change to the Table of Contents. Full text of the amendments are included in Attachment 1.

#### VI. COMPREHENSIVE PLAN

[*Portland's Plan 2030*](#) has numerous goals and strategies applicable to the proposed text and map amendments, in multiple sections, including Housing, Economy, and Environment. The change would revert to the base zoning currently in effect, and there are many references in the comprehensive plan to the importance of walkability, density, transit proximity, and complete neighborhoods, as well as of allowing incremental change to occur in existing residential neighborhoods – all of which support the intent of the R-6 zone in peninsula neighborhoods. The overlay was originally found consistent with *Portland's Plan 2030*, and there's nothing generally inconsistent with the comprehensive plan with zoning overlays that seek to foster improved or different development outcomes where unusual circumstances apply; the premise of the original overlay was that there were acute, unusual circumstances that required a response distinct and above the regulations of the underlying zone. Both the base R-6, as well as the base R-6 plus the Munjoy Hill Historic District have been affirmed as meeting City goals, and each have had extensive public processes and findings.

For the purposes of this amendment, if the City Council concluded that the overlay is no longer needed, and/or is hindering other goals of the comprehensive plan, this would serve as a basis for a finding of consistency between the proposed amendments and *Portland's Plan 2030*.

Below are a selection of goals and strategies related to the benefits of land use patterns and policies that support dense, compact, walkable neighborhoods and the city's housing needs.

#### Environment

- As Maine's largest city, Portland embodies core tenets of sustainable urbanism in its compact form and function, enabling efficiencies in resource consumption, waste reduction, and resiliency. Portland's diversity of housing types and increased densities, strong neighborhoods, proximity of residences to employment, and viability for multimodal transportation offer a durable framework to build upon and enhance. (Introductory text to Environment Policy Guide)
- Adopt sustainable land use and transportation policies that support connectivity, walkable neighborhoods, and multi-modal transportation.

- Coordinate future land use policy changes with long-range regional transportation planning, including planning for transit, pedestrian, and bicycle improvements, to reduce local and regional vehicle miles traveled.
- Continue to develop land use policies which support complete neighborhoods.

#### Housing

- Increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.
- Encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.

#### Economy

- The city's exceptional urban form is integral to the health of its economy; its compact, walkable downtown and neighborhood centers, strong transit connections, and spectacular setting on Casco Bay all contribute to Portland's distinct advantages. (Introductory text to Economy Policy Guide)

### VII. PLANNING BOARD DELIBERATION

For the Planning Board's review included consideration of leaving the overlay unchanged, repealing it, or amending it. Board deliberations focused on: the regulatory complexity the overlay adds in combination with the new historic district, the base zone standards and design manual standards, all of which concurrently regulate new development in the neighborhood; questions about the need to treat this neighborhood differently from others, and from the rest of the R-6 zone in particular; the lessened need for the overlay in light of the new historic district having surveyed and designated the properties most warranting preservation; the lessened need for the overlay in light of the new historic district and its attendant advisory review providing additional design review over greater than a majority of the neighborhood; and, the concern that the overlay requirements were deterring housing creation when there is a clear policy directive for increased housing creation city-wide, particularly in neighborhoods such as Munjoy Hill that are zoned for relatively dense multifamily housing due to their proximity to transit, walking distance to shops, services, and employment. There was also discussion about the challenges of the on-site workforce housing requirement in addition to the Inclusionary Zoning requirements, and the consequences of the rooftop appurtenance limits to housing creation and ADA access.

Board deliberation also touched on the overlay addressing certain conditions at the time of adoption, but considered that conditions had changed substantially enough to no longer warrant this as a permanent zoning layer, particularly in light of the controls on demolitions and design that the new historic district brings to so many of the properties in the neighborhood. Concerns about the equity and sustainability implications of regulating this neighborhood differently than others in the R-6 were also raised.

In addition to concerns about a recent and future reduction in housing approvals, questions were raised about how many of the approvals were built or under construction, and current demo numbers, as of the Planning Board's hearing:



PROJECT STATUS	PROJECT TYPE	TOTAL # OF RES UNITS	# OF IZ UNITS	# OF WORKFORCE UNITS PER HEIGHT >35 FT	YEAR APPROVED	UNDER CONSTRUCTION (Y/N) or YEAR COMPLETED
<b>Approved</b>						
47 Monument Street	Single-family	1	0	0	2019	2020
57 St. Lawrence	Multi-family	16	1.6	1	2019	NO
130 Morning Street	Multi-family	7	0	1	2019	YES
27 Merrill Street	Two-family	2	0	0	2019	NO
126/128 R North Street	Multi-family	12	1.2	1	2020	YES
19 Willis Street	Multi-family	12	1.2	1	2021	NO
30-32 Atlantic Street	Multi-family	4	0	0	2021	NO
48 Cumberland Street	Single-family	1	0	0	2021	NO
42 Lafayette St	DU Addition	1	0	0	2021	NO
	<b>TOTAL</b>	<b>56</b>	<b>4</b>	<b>4</b>		

	Demo Permits	Determined Preferably Preserved	HP Board Approval	Issue Date
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>2</b>	
110 SHERIDAN ST				8/30/2018
47 MONUMENT ST				7/13/2018
128R NORTH ST				10/2/2019
37 MONTREAL ST		X	X	9/13/2019
165 SHERIDAN ST				10/16/2020
43 HOWARD ST		X	X	11/3/2020
48 CUMBERLAND AVE				3/25/2021

The Board acknowledged that some of the elements of the overlay, particularly in relation to dimensional standards and building form, might warrant consideration for inclusion in the R-6 zone, but since repeal of the overlay would put the area on an even regulatory plane with the rest of areas currently zoned R-6, the discussion landed on these particular elements being a suitable ReCode Phase II consideration of whether the zone could benefit from any modifications.

#### VIII. PUBLIC COMMENT

Written and spoken comment were provided to the Planning Board favor of retaining the overlay and in favor of modifying or repealing it. Comments in favor of retaining the overlay include a concern that removing the overlay would raise housing costs; that the overlay promotes neighborhood stability; that it stems gentrification; and the ongoing needs for protections against demolitions. Comments in favor of repeal or modification include a wish for zoning that encourages density and walkability; the challenges of the rooftop appurtenances prohibitions, particularly in regard to elevators; the challenges of the on-site inclusionary unit as a condition for 45 feet max. height allowed as the default elsewhere in the R-6.

#### IX. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed zoning map and text amendments at a hearing on February 22, 2022. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies, the Planning Board voted unanimously (7-0) to recommend to the City Council that the zoning map amendment to repeal the Munjoy Hill Neighborhood Conservation Overlay District and to amend Land Use Code Articles 5, 7, 8, and Table of Contents to strike references to the Munjoy Hill Neighborhood Conservation Overlay District.

X. ATTACHMENTS

1. Proposed Land Use Code Text Amendments
2. Munjoy Hill Neighborhood Conservation Overlay Map



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Article 8. OVERLAY ZONES ..... 8-1

- 8.1 Compact Urban Residential (R-7) Overlay
- 8.2 Downtown Entertainment Overlay
- 8.3 Fort Sumner Park Overlay
- 8.4 Helistop Overlay
- 8.5 Institutional Overlay
- 8.6 Island Transfer Station Overlay
- ~~8.7 Munjoy Hill Neighborhood Conservation Overlay District~~
- 8.8 Pedestrian Activities District (PAD) Overlay
- 8.9 Stream Protection Overlay
- 8.10 University of Southern Maine Overlay
- 8.11 Waynflete School Overlay

....



## 5 ZONES

### 5.1 ESTABLISHMENT OF ZONES

In order to carry out the provisions of this Land Use Code, the City of Portland shall be divided into the zones in Table 5-A.

### 5.2 ZONING MAP

#### 5.2.1 Zoning map adopted

The zones in Table 5-A are shown upon a map filed in the Department of Planning and Urban Development. Such zoning map, with amendments, is hereby adopted as the official zoning map of the City of Portland and as part of this Land Use Code.

#### 5.2.2 Zone boundaries when uncertain

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map, the following rules shall apply:

- A. Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.
- B. Unless otherwise shown, lines within blocks less than 200 feet wide are median lines between their sides, and lines within blocks 200 feet or more wide are 100 feet distant from the less restricted side of the block.
- C. The depictions of the Shoreland Zone and Stream Protection Zone on the zoning map are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the map and in this Land Use Code from the normal high-water line of the water body or the upland edge of wetlands. Where such measurement is not the same as the location of the boundary of the zoning

TABLE 5-A: ZONES

Residential	R-1, R-2, R-3, R-4, R-5, R-5a, R-6, R-6a
Island	IR-1, IR-2, IR-3 I-B Island Business
Mixed-Use	B-1, B-1b Neighborhood Business B-2, B-2b, and B-2c Community Business B-3, B-3b, and B-3c Downtown Business B-4 Commercial Corridor B-5 and B-5b Urban Commercial B-6 Eastern Waterfront B-7 Mixed Development
Office	O-P Office Park R-P Residence Professional
Industrial & Airport	I-L and I-Lb Low-Impact I-M, I-Ma, and I-Mb Moderate Impact I-H and I-Hb High Impact A-B Airport Business
Open Space	R-OS Recreation and Open Space
Waterfront	EWPZ Eastern Waterfront Port WCZ Waterfront Central WPDZ Waterfront Port Development
Overlay Zones	Compact Urban Residential (R-7) Downtown Entertainment Overlay Fort Sumner Park Height Overlay Helistop Overlay Institutional Overlay (IOZ) <del>Munjoy Hill Neighborhood Conservation</del> Island Transfer Station Overlay Pedestrian Activities District Overlay Stream Protection Overlay University of Southern Maine Overlay Waynflete School Overlay
Form-Based	IS-FBC India Street Form-Based Code
Other	Shoreland Floodplain Management RPZ Resource Protection

...

## 7 DIMENSIONAL STANDARDS

...

### 7.1 DIMENSIONAL STANDARDS

Tables 7-A to 7-H shall establish the dimensional standards for each zone.

...

TABLE 7-A: RESIDENTIAL ZONE DIMENSIONAL STANDARDS

		R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Lot area (min.)	Governmental	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF			
	Hospital			10 ac.		5 ac.		2 ac.	
	Intermediate or long-term, extended care facility	3 ac.	3 ac.	2 ac.		2 ac.	1.5 ac.	1 ac. ⁸	
	Lodging house					9,000 SF		2,000 SF	
	Multiplex				9,000 SF	9,000 SF			
	Place of assembly	<10,000 SF	1 ac.	1 ac.	1 ac.	15,000 SF	.5 ac.		10,000 SF
		>10,000 SF	2 ac.	2 ac.	2 ac.	30,000 SF	1 ac.		15,000 SF
	Post-secondary school		2 ac.			2 ac.		2,000 SF	
	Elementary, middle, and secondary school	2 ac.	2 ac.	2 ac.	30,000 SF	30,000 SF		30,000 SF	
	Raising of animals	3 ac.							
	Residential	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF ³	6,000 SF / 2 ac. max ⁵	2,000 SF	4 ac.
	All other uses	15,000 SF	10,000 SF	6,500 SF	6,000 SF	6,000 SF		2,000 SF	
	Lot area per dwelling unit (min.)	15,000 SF	10,000 SF	6,500 SF	3,000 SF	3,000 SF	1,600 SF	725 SF	
	Lot area per rooming unit (min.)					1,000 SF		250 SF ⁹	
Lot area per multiplex unit (min.)					3,000 SF for first 3, 6,000 SF thereafter	4,500 SF			
Lot area per SNIDU ¹ (min.)					2,400 SF	3,600 SF			
Street frontage (min.)		75 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.	
Lot width (min.)		100 ft.	80 ft.	65 ft.	60 ft.	60 ft. 90 ft. for multiplex	60 ft.	20 ft.	
Front setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	5 ft.	
		Or average depth of adjacent front yards							
Rear setback (min.)		25 ft.	25 ft.	25 ft.	25 ft.	20 ft.	25 ft.	10 ft.	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	
Side setback (min.)	<1.5 stories to 1.5 stories	12 ft.	12 ft.	8 ft.	10 ft.	8 ft.	10 ft.		<45 ft. in height: 10 ft.
	2 stories	14 ft.	14 ft.	14 ft.	14 ft.	12 ft.	14 ft.		
	2.5 stories	16 ft.	16 ft.	16 ft.	16 ft.	14 ft.	16 ft.	5 ft. ¹⁰	
	Detached accessory (< 250 SF footprint)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.		>45 ft. in height: 15 ft.
	On side street (min.)	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	None	

Or depth of front yard directly abutting the lot.

TABLE 7-A (CONT.): RESIDENTIAL ZONE DIMENSIONAL STANDARDS

	R-1	R-2	R-3 ²	R-4	R-5 ^{2, 3}	R-5a ⁴	R-6 ^{6, 7}	R-6a ¹³
Stepbacks (above 35 ft. when property line abuts a residential zone)(min.)							10 ft. from side property line and 15 ft. from rear property line ¹¹	
Structure height (max.)	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	45 ft. ¹²	65 ft.
Detached accessory	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	
Lot coverage (max.)	20%	20%	35%	30%	40%	30%	60%	
Landscaped open space ratio (min.)							20%	
Width of garage opening on front façade (max.)							9 ft. or 40% of the front facade, whichever is greater, and in no case more than 20 ft.	

...

¹² Except as provided under the Fort Sumner Park Height Overlay, ~~the Munjoy Hill Conservation Overlay~~, and the Bayside Height Overlay.

...

## 8 OVERLAY ZONES

### 8.1 MUNJOY HILL NEIGHBORHOOD

#### CONSERVATION OVERLAY DISTRICT

The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of the existing building stock, further documented in work by the City's Planning & Urban Development Department in the winter of 2018. In order to address the negative impacts of these pressures and create a positive framework for investment in the area, there shall be a Munjoy Hill Neighborhood Conservation Overlay District (the "District").

#### FIGURE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT BOUNDARIES

##### 8.7.1 Area of effect

This District will apply in the highlighted area depicted on the map in Figure 8-E and includes all properties in the R-6 zoning district in an area east of Washington Avenue and Mountfort Street, north of Fore Street, and west of the Eastern Promenade.

##### 8.7.2 Effect of the district

In addition to the standards contained in this Land Use Code that are applicable to properties in the R-6 zone, all properties within this District shall meet the standards of Section 8.7. Where this section imposes a standard that differs from the standards contained in Articles 6, 7, 14, and 15 of this Land Use Code, the City of Portland *Design Manual* or City of Portland *Technical Manual*, the standards in this section shall control.

##### 8.7.3 Dimensional standards

Within the District, the dimensional requirements in Table 8-E supersede those dimensional standards outlined elsewhere in this Land Use Code.

##### 8.7.4 Design review

A. Design standards. In addition to the general R-6 design standards, the following design standards shall apply in the Munjoy Hill Neighborhood Conservation District and shall supersede any conflicting design standards:

1. All buildings shall use simple, traditional roof forms as illustrated in Figure 8-F, except that flat roofs are permitted in buildings of three or more units. This requirement may also be modified through Subsection 8.7.4(B) below. Dormers and cross-gables are allowed but where readily visible from the public right-of-way shall be

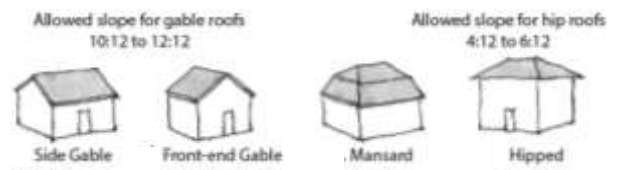


FIGURE 8-F: ROOF FORMS

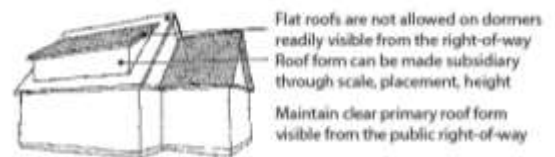




FIGURE 8-G: DORMERS AND SUBSIDIARY ROOFS

clearly subsidiary to the primary roof form.  
(See Figure 8-G.)



2.—The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total. (See Figure 8-H.) Active living space does not include space intended primarily for circulation or storage.

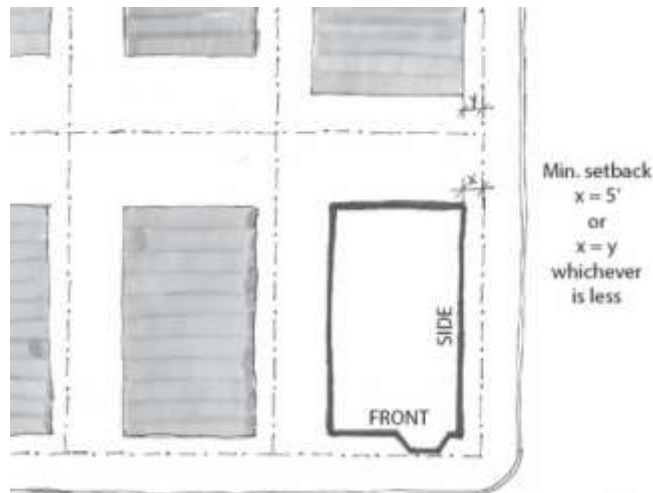
FIGURE 8-H: FRONT FACADE—ACTIVE LIVING SPACE

TABLE 8-E: MUNJOY HILL NEIGHBORHOOD CONSERVATION DISTRICT DIMENSIONAL REQUIREMENTS

Setbacks (min.)	Height (max.) ¹	35 ft.
		45 ft. for buildings with 3 or more units on lots over 2,000 SF that include at least one workforce housing unit. ²
	Rear	Buildings up to 35 ft. in height: 10 ft. Buildings over 35 ft. in height: 15 ft. As measured from rear decks, porches, or similar unenclosed space: 7.5 ft. As measured from accessory structures with a ground coverage of 250 SF or less: 5 ft.
		Buildings up to 35 ft. in height: As per underlying zone. Buildings over 35 ft. in height: 10 ft. for all side yards, except that a side yard no less than 5 ft. is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.

5 ft. or the minimum depth of the immediately abutting street-facing yard, whichever is less.  
None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.

Side yard  
on side  
street



Stepbacks (min.) None

¹Rooftop appurtenances other than chimneys shall not exceed permitted heights, except that HVAC equipment is permitted for up to 5 ft. above these maximum heights if (a) out of view from public rights-of-way, screened adequately, and integrated with the building design and (b) set back at least 5 ft. from the building edge. In addition, height limits and placement of alternative energy equipment is permitted as specified in Articles 6 and 7.

²Unit can be for sale or rent, as defined in Article 3. Workforce units shall be no smaller than 50% of the average size of the other units in the development, must meet the definition for such units and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law.

- 3.—Use of tandem spaces to meet desired parking levels, consistent with the built pattern of the neighborhood, is strongly preferred. Parking shall be located on the side or in the rear of a building, and not within the front 10 feet of depth of the building. The only exception shall be for lots smaller than 2,000 square feet, which shall be permitted one garage door on the front façade no wider than 30% of the

building width, but no less than nine feet. In that case, the garage door shall:

- a.—Be of high quality design, consistent with the character and pattern of the rest of the façade, including windows as appropriate.
- b.—Be located on one side of the façade. (See Figure 8-1.)

B.—Alternative Design Review.—Within the District, developments are only eligible for the R-6 “Alternative Design Review” as outlined by the following process, which shall supersede the process in the *City of Portland Design Manual* in cases of conflict:

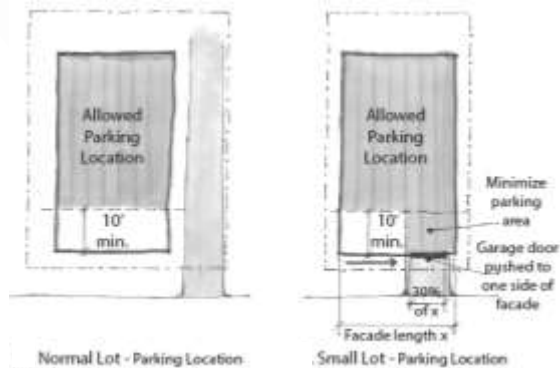


FIGURE 8-1: PARKING LOCATIONS

- 1.— Any use of Alternative Design Review must be approved by a majority of the Historic Preservation Board after a required public hearing.
- 2.— Alternative Design Review does not permit waivers of the additional design requirements in Subsection 8.7.4(A) above except as explicitly stated.
- 3.— Alternative Design Review is a privilege and is granted at the discretion of the Historic Preservation Board. The applicant has the burden of demonstrating that their proposal meets the criteria for Alternative Design Review Design Certificate.

#### 8.7.5—Demolition review

A.— **Purpose.** The purpose of this subsection is to preserve and protect buildings within the District that contribute significantly to one's understanding and appreciation of the architectural, cultural, and/or social history and development pattern of Munjoy Hill and which are outside any designated historic district ("Preferably Preserved Buildings"), encouraging owners of such Preferably Preserved Buildings to explore alternatives to demolition. To achieve this purpose, the issuance of demolition permits for Preferably Preserved

Buildings is regulated and may be delayed as provided below.

B.— **Definitions.** For the purposes of this subsection, the following words and phrases shall have the meanings set forth below:

- 1.— **Demolition.** Removal of more than 10% of the front façade of any building, removal of the primary roof line, or removal of 50% or more of the building surface, determined cumulatively over a three-year period. In kind replacement or similar replacement (such as new windows or siding that may differ from the original) is not considered demolition.
- 2.— **Preferably Preserved Building.** Any building which is determined to be in the public interest to be preserved or rehabilitated rather than demolished based on findings that the building meets the following criteria:
  - a.— It was constructed prior to 1930.
  - b.— It is representative of a building type and/or architectural style that contributes to the identifiable historic visual character of Munjoy Hill.
  - c.— It retains sufficient integrity of design, materials, condition, and craftsmanship that adaptive reuse is a viable option.
- 3.— **Voluntarily demolished.** Any act(s) done by design or intention, which is proposed, intended, or not accidental, that result in demolition. Results of weather events or natural hazards are not considered voluntary demolition. For the purposes of this subsection, the destruction of a Preferably Preserved Building for failure to

properly secure it or by neglect shall be considered voluntary demolition.

~~C.—Exclusions. This subsection shall not apply to:~~

- ~~1.—Any building either individually designated as a local landmark or located within the boundaries of any designated historic district.~~
- ~~2.—Accessory structures with a ground coverage of 250 square feet or less.~~
- ~~3.—Buildings that the Building Authority has determined are dangerous to life or property due to fire, accidental catastrophic damage, or a natural disaster.~~
- ~~4.—Buildings that have received a previous determination that they are not Preferably Preserved.~~

~~D.—Procedure. When the Building Authority receives a demolition permit application for a building within the District, the Building Authority shall, within three business days, notify the Planning Authority in writing that a demolition permit application has been received.~~

- ~~1.—Initial determination. The Planning Authority shall make an initial written determination as to whether the building that is the subject of the demolition permit application is a Preferably Preserved Building within 30 days of receiving a copy of the application. In making this determination, the Planning Authority may request additional information from the applicant, including photos of the existing building and the surrounding context or other data that may be relevant to making an initial determination. If the Planning Authority determines that the building is not Preferably Preserved, this~~

determination shall be transmitted to the Building Authority and the applicant of record. The applicant will not be required to take any further steps and the permit may be reviewed by the Building Authority under the standards in Chapter 6 of the City of Portland Code of Ordinances.

- ~~2.—If the Planning Authority makes an initial determination that the building is Preferably Preserved, it shall notify the Building Authority and the applicant.~~
- ~~3.—If the Planning Authority fails to act in accordance with this subsection or within the prescribed time periods, the Building Authority may grant the demolition permit, provided that the applicant has met all other required by Chapter 6 for a permit, and shall notify the Planning Authority that the permit has been granted.~~
- ~~4.—Right to appeal Planning Authority determination. After the Planning Authority's initial determination that a demolition permit application involves a Preferably Preserved Building, the applicant for a demolition permit may appeal the determination to the Historic Preservation Board with any background information regarding the structure and its context that may be deemed relevant to or appropriate for that review. Such material shall include plans for any replacement use of the parcel that may assist in making a determination. Such appeal must be filed with the Planning Authority within thirty days of the Planning Authority's decision.~~
- ~~5.—Public hearing. The Historic Preservation Board shall conduct a hearing on the appeal of the Planning Authority's decision~~

within 45 days of the Planning Authority's decision. The Board shall give the public notice of the hearing at least 14 days prior to the hearing. The Board shall also mail a notice of the public hearing to the applicant, the building owner, and all property owners within 100 feet of the subject property at least 10 days prior to the hearing.

6. ~~Final determination of Preferably Preserved Building:~~ Within 21 days following the conclusion of the public hearing, the Historic Preservation Board shall issue a final determination with the Building Authority. If the Board determines that the demolition of the building would be detrimental to the architectural, cultural, or social heritage of Munjoy Hill, it must uphold the initial determination of the Planning Authority of a Preferably Preserved Building. In a case where the initial decision of the Planning Authority is not timely appealed as outlined in Section 8.7.5(D)(4), that decision shall be considered a final decision with respect to the demolition permit, in which case the Planning Authority shall forward the final decision to the Building Authority.

- E. ~~Upon the final determination of Preferably Preserved status, the Building Authority shall not issue a demolition permit for a period of up to 12 months except as specified in (2) below. During this period, the applicant and the owner should actively pursue alternatives to demolition of the Preferably Preserved Building. Should the Historic Preservation Board determine that the building is of sufficient historic and/or architectural~~

~~significance that it should be designated a landmark or otherwise gain historic designation, that process will proceed as it would for any other building.~~

1. ~~Upon a determination of Preferably Preserved status, the owner shall be responsible for properly securing the building.~~
2. ~~Notwithstanding the preceding, the Building Authority may issue a demolition permit for all or any portion of subject building at any time upon authorization from the Planning Authority in the event the Historic Preservation Board approves a development for the site as consistent with the Historic Resource Design Standards as applied to a new building prior to the conclusion of the 12-month delay period. Examples of such proposals may include but are not limited to:~~

- a. ~~Demolition of a portion of the building while maintaining the principal structure and/or most architecturally significant portion of the building.~~
- b. ~~Demolition of the Preferably Preserved Building but with a replacement proposal that is acceptably contextual in the surrounding neighborhood. In this case, the Board may condition demolition on construction of a project substantively consistent with the approved replacement proposal, and any substantive variation from that plan would be treated as a violation under (G) below.~~
- c. ~~Notwithstanding the initial determination, demonstration by the~~

~~applicant, substantiated by the written opinion of a licensed engineer with experience in renovation, restoration or rehabilitation and confirmed by the Building Authority, that the structural condition of the building is so severe as to make it infeasible to rehabilitate.~~

~~F.—Emergency demolition. Nothing in this subsection shall interfere with the ability of the Building Authority to permit demolition of buildings determined dangerous to life or property due to a condition that pre-dates the effective date of this subsection or is the result of fire, accidental catastrophic damage, or a natural disaster.~~

~~G.—Enforcement~~

~~1.—The Planning Authority and Building Authority are each specifically authorized to institute any and all actions and proceedings, in law or in equity, as they deem necessary and appropriate to obtain compliance with the requirements of this subsection, or to prevent a threatened violation thereof.~~

~~2.—No building permit shall issue for a new building on any premises where a significant building is voluntarily demolished in violation of this ordinance for a period of two years after the date of demolition.~~

~~H.—Reporting. A demolition review shall be reported to the City Council annually as a communication.~~

June 1, 2022

Mayor Snyder and Members of the City Council:

Founded in 1964, Greater Portland Landmarks is a non-profit advocacy organization that works toward the preservation and revitalization of greater Portland's built environment. Our goal is to save greater Portland's historic places through preservation and adaptive use while promoting creative new architecture that enhances historic neighborhoods. We appreciate the opportunity to comment on projects that impact the historic character of the city.

Landmarks has been working with and in the Munjoy Hill neighborhood for many years and was deeply involved in the successful adoption of the Munjoy Hill Historic District. We have extensive knowledge of the neighborhood and the processes that led to both the Overlay and the Historic District. We are pleased to offer comments to City Council on its review of the Munjoy Hill Neighborhood Conservation Overlay Zone (MHNCOZ) and to express our concerns over the Planning Board's February 2022 recommendation for its dissolution.

Evaluation of the MHNCOZ should occur as part of the broader review of the impact of historic preservation being completed by Place Economics, as well as ReCode Phase II and the revision of the R6 design standards. With these three major reviews coming up, it is premature to pull the MHNCOZ out for review.

If the MHNCOZ is repealed, we would lose:

- Demolition delay, which allows the city, the property owner and the community an opportunity for conversation and study about the best path forward for the property
- Workforce housing incentive specific only to Munjoy Hill
- Opportunity for review in context of ReCode Phase II

There are a significant amount of historic properties located outside the historic district boundaries. Historic districts must be contiguous, and the approach to this particular district was intentionally conservative, including less than half of the overlay zone. While the 100ft site plan standard does provide a limited opportunity for staff review, this process does not provide demolition delay for properties located within 100ft of the district boundary or an individual landmark. Removing the only form of protection for historic structures on more than half of Munjoy Hill will not only negatively impact this dense district, it will remove the opportunity for thoughtful review and analysis that is helping shape the dynamic future of the eastern peninsula. We are afraid that removing the Overlay Zone, which was never meant to be temporary, will result in a divided neighborhood – creating two Munjoy Hill's – and destroy the cohesive and vibrant neighborhood we know today.

We are unclear as to why there is a sense of urgency surrounding this decision. The Munjoy Hill Historic District has officially been in place just over a year, and we do not believe there has been enough time to adequately evaluate how the MHNCOZ functions in concert with the historic district. Additionally, in the materials for the January 25th Planning Board workshop, staff noted that there are elements of the MHNCOZ that could successfully be applied throughout the R6 zone. We believe this warrants further study and conversation.

We agree with the planning staff's notation that the current limitations on rooftop appurtenances create challenges for accommodating mechanical equipment, especially including elevator overruns. We would recommend updating this provision of the overlay to expand the definition of appurtenances to include elevator overruns as an element that is permitted up to five feet above maximum height if adequately screened, set back from the building edge, and integrated into the building design, and not visible from the public right-of-way as regulated elsewhere in the Land Use Code.

With the above noted update, we believe the MHNCOZ supports the goals of Portland's Comprehensive Plan to identify, document, designate, and preserve Portland's historic resources and to stabilize and enhance historic areas by ensuring quality investment in existing structures and compatible infill development. We strongly encourage the City Council to hold off on making a decision about the overlay until the economic impact report is complete and there has been further opportunity for review through ReCode Phase II. Thank you for considering our views.

Cordially,



Sarah Hansen  
Executive Director



C. Ian Stevenson  
Director of Advocacy



# Munjoy Hill Neighborhood Conservation Overlay Zone

## comments for 6/6 City Council meeting

0 views



Ian Stevenson <istevenson@portlandlandmarks.org> Jun 1, 2022, 1:54:43 PM (4 days ago)  
to publiccomment@portlandmaine.gov, Sarah Hansen, rwiener@portlandmaine.gov

To Whom It May Concern:

Please find attached comments related to the Munjoy Hill Neighborhood Conservation Overlay Zone agenda item for the City Council meeting on June 6.

Sincerely,

Ian

**C. Ian Stevenson**

Director of Advocacy

Greater Portland Landmarks

93 High Street, Portland, ME 04101

207.774.5561 | [istevenson@portlandlandmarks.org](mailto:istevenson@portlandlandmarks.org)

[portlandlandmarks.org](http://portlandlandmarks.org)

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**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** May 23, 2022

**SUBJECT:** Order 285-21/22 Amendment to Portland City Code Chapter 9 (Elections) Article I  
Re: Redistricting - Sponsored by Katherine L. Jones, City Clerk

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

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

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading**

**Final Action**

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

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

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

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

This item addresses the State of Maine's redrawing of its Congressional, County Commission, and State House districts based on the 2020 Census results. New maps are ratified and sent to municipalities, which must change their districts in order to meet the within 10% requirement. Portland remains inside of the threshold in the 2020 Census. To alleviate long lines at some smaller polling places, this item will make a slight change to the district line between District 2 and District 3. This will change precinct lines to better balance voters both in the district and in polling places.

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

**III. BACKGROUND**

Background information that will not appear in the Agenda Description

**IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

**V. FINANCIAL IMPACT**

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

**VI. STAFF ANALYSIS AND BACKGROUND**

Staff Analysis that will not appear in the Agenda Description.

**VII. RECOMMENDATION**

### **VIII. LIST ATTACHMENTS**

1. Ch 9 Section 9-1 Redistricting Changes 6.6.2022
2. Redistricting Memo.docxfor 5-2-20222
3. 03_24 Notes.docx5-2-2022
4. District Lines DRAFT with TrackedChanges
5. District Lines DRAFT CleanCopy (1)
6. Census2020_Worksheet_boundary map_updates_DRAFT

Prepared by:

Date: 05/23/2022

KATE SNYDER (MAYOR)  
ANNA TREVORROW (1)  
VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 9 (ELECTIONS)  
ARTICLE I RE: REDISTRICTING**

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

1. *That Chapter 9, Article I of the Portland City Code is hereby amended to read as follows:*

**ARTICLE I. IN GENERAL**

**Sec. 9-1. Council districts.**

(a) *Map included.* The districts and precincts of the City for all elections of the City shall be as shown on the map dated January 29, 2014, on file in the Office of the City Clerk.

(b) *Narrative description of districts.* The districts shown on the map as enacted by this section are further described below. Any reference to Census Tracts, Block Groups, and/or Blocks refers to Census 2010 defined areas. The descriptions are as follows:

*District 1...*

*District 2.* Beginning at the intersection of the Casco Bay Bridge and the boundary between Portland and South Portland; thence following the Portland/South Portland boundary southwesterly, westerly, northwesterly along the Fore River until said Portland/South Portland boundary intersects ~~a projection of Danforth Street's~~ the centerline ~~to of~~ the ~~southwest~~ southbound lane of ~~the intersection of Danforth Street~~

~~and West Commercial Street I-295 ; thence following said projection of Danforth Street and the centerline of Danforth Street itself in a northeasterly direction to where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13; thence northerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the Union Branch tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence along the northwesterly edge of Census Tract 13 and along the railroad tracks of the Union Branch centerline of the southbound lane of I-295 to the centerline of Deering Avenue, then~~ thence northwesterly along the centerline of Deering Avenue to the intersection of Dartmouth St. Thence an extension of the centerline of Falmouth Street with the centerline of Deering Avenue, then ~~northeasterly~~ northeasterly along the centerline of ~~Dartmouth Falmouth~~ Dartmouth Falmouth Street to the ~~centerline intersection~~ intersection of Forest Avenue, then ~~southwesterly southeasterly~~ southeasterly along the centerline of Forest Avenue to its intersection with the centerline of the extension of High Street, that passes through Deering Oaks; thence southeasterly along the centerline of said extension of High Street, to the intersection of High Street and Park Avenue; thence southeasterly along the centerline of High Street to the centerline of Commercial Street; thence northeasterly along the centerline of Commercial Street to its intersection with the street on Hobson's Wharf; thence southeasterly along the street on Hobson's Wharf to the end of said wharf; thence southeasterly along the piers, wharfs, bulkheads, and shore of Portland Harbor, such that the piers, wharfs, and bulkheads in their entirety will be contained in District 2, to the Casco Bay Bridge; thence along the centerline of the Casco Bay Bridge to the Portland/South Portland boundary and the point of beginning.

*District 3.* Beginning on the Portland/South Portland boundary where it ~~would intersect a projection of Danforth Street's intersects the~~ intersects the centerline ~~if projected southwesterly of the intersection of Danforth Street and West Commercial Street;~~ if projected southwesterly of the intersection of Danforth Street and West Commercial Street; ~~thence northwesterly and westerly along of~~ thence northwesterly and westerly along of the Portland/South

~~Portland boundary, in the Fore River, to the centerline southbound lane~~ of I-295 as it crosses the Fore River; thence westerly along the Portland/South Portland boundary to the point where the Portland/South Portland and the Portland/Westbrook boundaries meet; thence northeasterly and northerly along the Portland/Westbrook boundary to where said town line intersects the former Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the former Boston and Maine Railroad's location to where it crosses Capisic Brook; thence southerly, westerly and southerly along the Capisic Brook to ~~where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel~~ a point at an intersection with a projection of Birchwood Drive in a northwesterly to southeasterly orientation and lies southerly of beyond the cul-de-sac at the homes on the southerly side of Birchwood Drive; thence southeasterly, then northerly, and end on Birchwood Drive to where it would intersect Capisic Brook if so projected southeasterly ~~again along the boundary between Census Tracts 21.02 and 20.01, and northerly of Penwood Drive and Woodvale Street, to a point on said Census Tract boundary; thence southeasterly along the previously projected line of Birchwood Drive to a point on the westerly lot lines of the houses lots located on the westerly side of Penwood Drive; thence northerly along the westerly side of the house lots located on the westerly side of Penwood Drive to the northerly side of the house lots along the cul-de-sac at the end of Penwood Drive~~ and the southerly boundary of Evergreen Cemetery~~†~~, thence ~~southeasterly~~ along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Penwood Drive's cul-de-sac, Woodvale Street, Glen Haven East, and Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01 in the 2020 Census, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southeasterly along a projection of the previously mentioned boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue to the centerline of Ludlow Street; thence southeasterly along the centerline of Ludlow Street to a point easterly of those residences fronting on and addressed on

~~Wayside Rd. to~~ Road between the intersections of Wayside Road with Ludlow Street and Groveside Road thereby placing these residences on Wayside Road within District 3; thence southwesterly, southeasterly, and southwesterly, staying easterly of those previously mentioned residences fronting on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road generally following their rear lots lines, until intersecting with an easterly projection of the centerline of Groveside Road projected easterly of the northerly intersection of Wayside Road and Groveside Road said point also being at the rear of the residences fronting and addressed along Wayside Road; thence along a line southwesterly, then southeasterly, and then southwesterly along the rear of the residences along Wayside Road and generally parallel with Wayside Road to the centerline of Brighton Avenue. ~~Thence,~~ meaning to include all residences along Wayside Road southwesterly of the intersection of Ludlow Street at Wayside Road in District 3; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 of the 2020 Census to a point on the shore of Back Cove; thence southeasterly along the shore of Back Cove, which is also the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census, to a point that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census at the shore of Back Cove; thence southerly to the centerline of Baxter Boulevard and along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census; thence

westerly along the centerline of Baxter Boulevard to the centerline of Dartmouth Street; thence southwesterly along the centerline of Dartmouth Street to the centerline of Deering Avenue; ~~thence southeasterly along the centerline of Deering Avenue to the railroad tracks of the Union Branch at the northerly edge of Census Tract 13; thence southwesterly along the railroad tracks of the Union Branch and the northwesterly edge of Census Tract 13 to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the Union Branch tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence southerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13 and said point is southeasterly of the easterly end of Veterans Memorial Bridge; thence southwesterly along the centerline of Danforth Street and a projection of Danforth Street's centerline~~Forest Avenue; thence southeasterly along the centerline of Forest Avenue to the intersection of Falmouth Street; thence southwesterly along the centerline of Falmouth Street and a projection of the centerline of Falmouth Street to an intersection with a projection of the centerline of Deering Avenue; thence southeasterly along a projection of the centerline and the centerline of Deering Avenue to the centerline of the southbound lane of I-295; thence westerly and southwesterly along the centerline of the southbound lane of I-295 to the Portland/South Portland boundary and the point of beginning.

*District 4. ...*

*District 5.* Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence northerly along the centerline of Lawn Avenue to the centerline of Pleasant Avenue; thence westerly along the centerline of Pleasant Avenue to the centerline of Stevens Avenue; thence northerly along the centerline of Stevens Avenue to the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to the centerline of Allen Avenue;



thence northeasterly along the centerline of Allen Avenue to the Portland/Falmouth boundary; thence northwesterly and then northeasterly along the Portland/Falmouth boundary to the Presumpscot River; thence along the Portland/Falmouth boundary and the Presumpscot River to the Falmouth Spur of the Maine Turnpike; thence southwesterly along the Falmouth Spur of the Maine Turnpike to a point where the Portland/Falmouth boundary changes direction and heads northwesterly across the Falmouth Spur of the Maine Turnpike, this point being northerly of Alice Court; thence southwesterly along the Portland/Falmouth boundary, again crossing the Falmouth Spur of the Maine Turnpike, to a point on the Portland/Falmouth boundary where said town line boundary turns northwesterly; thence northwesterly along the Portland/Falmouth boundary to the Portland/Falmouth Boundary along the Presumpscot River; thence southwesterly along the Portland/Falmouth boundary and the Presumpscot River to the point where the Portland/Falmouth boundary intersects the Portland/Westbrook boundary along the Presumpscot River; thence continuing southwesterly along the Portland/Westbrook boundary and the Presumpscot River to the point where the Portland/Westbrook boundary along the Presumpscot River turns southeasterly and leaves the river; thence southeasterly along the Portland/Westbrook boundary to where said town line intersects the former Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the former Boston and Maine Railroad's location to where it crosses Capisic Brook; thence southerly, westerly and southerly along the Capisic Brook to ~~where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel~~ a point at an intersection with a projection of Birchwood Drive southeasterly beyond the cul-de-sac at the southeasterly end on Birchwood Drive to where it would intersect Capisic Brook if so projected southeasterly; thence ~~southeasterly, then~~ along the previously projected line of Birchwood Drive to a point on the westerly lot lines of the houses lots located on the westerly side of Penwood Drive; ~~thence northerly, and southeasterly again along the boundary between Census Tracts 21.02 and 20.01, and~~ along the westerly side of the house lots located on the westerly side of Penwood

Drive to the northerly side of the house lots along the cul-de-sac at the end of Penwood Drive and Woodvale Street, to a point on said boundary and the southerly boundary of Evergreen Cemetery; ~~thence southeasterly~~ along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Penwood Drive's cul-de-sac, Woodvale Street, Glen Haven East, and Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01 in the 2020 Census, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence ~~southwesterly~~southeasterly along a projection of the previously mentioned boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue to the centerline of Ludlow Street; thence ~~northeasterly~~southeasterly along the centerline of Ludlow Street to a point ~~beyond the easterly side of of those residences fronting on and addressed on~~ Wayside Rd. to Road between the intersections of Wayside Road with Ludlow Street and Groveside Road thereby placing these residences on Wayside Road within District 3; thence southwesterly, southeasterly, and southwesterly, staying easterly of those previously mentioned residences fronting on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road generally following their rear lots lines, until intersecting with an easterly projection of the centerline of Groveside Road projected easterly of the northerly intersection of Wayside Road and Groveside Road said point also being at the rear of the residences fronting and addressed along Wayside Road; thence along a line southwesterly, then southeasterly, and then southwesterly along the rear of the residences along Wayside Road and generally parallel with Wayside Road to the centerline of Brighton Avenue., meaning to include all residences along Wayside Road southwesterly of the intersection of Ludlow Street at Wayside Road in District 3; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street thence easterly along the

centerline of Woodford Street to the centerline of Lawn Avenue  
and the point of beginning.

...

To: The Mayor and the Members of the Portland City Council

From: The Office of City Clerk – Katherine Jones

Subject: Municipal Reapportionment

Date 02/28/2022

This memorandum is intended to serve as an informational communication to this body on the processes and practices of Portland’s Municipal Redistricting and to request the formation of a special committee to assist in that process.

As you know, Portland is subdivided into five (5) Districts of which many of you represent, and those five (5) Districts are subdivided into two (2) voting Precincts each with one (1) polling location where voting occurs.

Every ten (10) years in accordance with the compilation and release of the new Census data, the State of Maine redraws their State House, State Senate, County Commissioner, and Congressional Districts to account for the newly reported data. Because of these changes, cities and towns may often see their Districts affected. Under Title 30-A §2503(1)(B) all municipalities have an obligation to reapportion their Districts to the following standards:

*Each district must contain as nearly as possible the same number of inhabitants as determined according to the latest Federal Decennial Census, but districts may not differ in number of inhabitants by more than 10% of the inhabitants in the smallest district created.*

After the Census data was compiled and the Legislature’s Redistricting was completed, it appears that Portland’s Districts remain in compliance with this requirement (Exhibit 1) such that shifting the City’s Council Districts likely is not required under the State statute. Below is a table illustrating our determination in that regard.

Exhibit 1)

District	Residents	Compliance
1	13,487	(smallest)
2	13,583	Under 14,836
3	13,715	Under 14,836
4	13,816	Under 14,836
5	13,779	Under 14,836

Notwithstanding our preliminary determination that shifts to the City’s Council Districts are not required, we do believe that a minor shift in the lines should be made in order to alleviate impacts to the City’s voting Precincts that result from changes at the State level. Our reasoning is outlined below:

Though the City is not required to reapportion its Council Districts in response to the Census data, the State was required to revise its House and Senate Districts. The 130th State Legislature ratified those changes on September 29, 2021. As a result of the State’s revision of its House and

Senate Districts, we anticipate impacts on the City’s voting Precincts and the distribution at polling places that we fear may place an inequitable and burdensome strain on voters within certain Districts.

Specifically, as a result of the release of the Census data, we are noting that there is now a significant imbalance in the number of voters assigned to designated polling locations. This may lead to longer wait times and may serve as a deterrent to voters. Additionally, because of the changes in the State House and Senate Districts, some Election Clerks will be required to distribute, and account for up to five (5) ballot styles depending on the voter's location within the Precinct. This adjustment in the volume of voters and in the number of ballots involved in any given election is burdensome on voters and Election Clerks alike. It has the potential to negatively impact voter participation and to overwhelm Election staff. The existing Precinct breakdown (Exhibit 2) helps to illustrate the issue:

Exhibit 2)

D/P	Location	Senate Districts	House Districts	Ballot Styles (During primaries, this expands to 3 ballots per Senate/House District)	Residents (2020 Census Data)	Residential Balance (How many would be moved for equilibrium)
1-1	East End Community School	28	119	28/119	5434	+763
1-2	Merrill Auditorium	28	115, 118, 119	28/115, 28/118, 28/119	6960	-763
1-3	Peaks Island Community Center	28	119	28/119	897	N/A
1-4/5	Islands	28	119	28/119	196	N/A
2-1	Reiche School	28	117, 119	28/117, 28/119	7090	-299
2-2	Portland Exposition Building	28	115, 117, 118	28/115, 28/117, 28/118	6493	+299
3-1	Woodford’s Club	27, 28	115, 116, 117, 118	27/116, 28/115, 28/116, 28/117, 28/118	7906	-1048
3-2	Italian Heritage Center	27	113, 116	27/113, 27,116	5809	+1048
4-1	St. Pius Church	27, 28	114, 115,	27/114, 27/115, 28/114	8332	-1424
4-2	First Baptist Church	27, 28	113, 114, 115	27/113, 27/115, 28/114	5484	+1424

5-1	Deering High School	27	113, 115, 116	27/113, 27/115, 27/116	5277	+1612
5-2	Grace Baptist Church	27	112, 113	27/112, 27/113	8502	-1612

As seen in Exhibit 2, 3-1 for example, Woodford's, following changes at the State level and the release of the Census data, if left unchanged in this process, would have at least five (5) different ballot styles, two more ballot styles than any other Precinct. In a primary election, that number would triple in order to account for all of the different parties.

To alleviate this issue of ballot distribution caused by State Redistricting our office is proposing **limited, offsetting** and **targeted** changes to the boundaries of District 3 and District 2 with the goal of eliminating one ballot style from 3-1 and assimilating those voters into 2-2 while still remaining in compliance with State law.

To alleviate the resident inequity between Precincts noted in Exhibit 2 as well as crowding of certain polling locations, the City Clerk's office proposes that we redraw Precinct lines to bring the numerical differences closer together. This process may, as a byproduct, also help us in eliminating ballot styles in the newly drawn Precincts as well.

The Office of the City Clerk is asking that this body create a special committee to meet with our staff, hear in more depth about our proposal, and assist finalizing a proposal for consideration and action by the full Council.

## 03/24 Informational Session

- This process is decennial and is born out of the results of the census. The state of Maine redraws its Congressional, County Commission, and State House districts based on the census results. Those new maps are ratified and sent to the municipalities to familiarize themselves with. The municipalities must change their districts in order to meet the within 10% requirement. As mentioned in our previous memo, Portland remains inside of the threshold.
- Woodford's has 5 ballot styles, our proposal of a district change will eliminate one ballot from Woodford's 28/117, and assimilating those voters into 2-2, the Expo, where that ballot is already present, and one ballot from The Expo, 28/115, assimilating those voters into 3-1 which already has that ballot. This alleviates the pressure on the poll workers and moves voters through quicker. These neighborhoods are already very close to their new polling location.
- Since we are within the legal threshold, this gave us an opportunity to evaluate the balance of voters at certain precincts within the districts. We noticed a theme where the location which is physically smaller and more limited serves a larger population. For example, as it stands in District 4, St Pius, a small polling location, serves 7435 registered voters, and First Baptist, a large location, serves 4616. This leads to acrimony at the polls with long wait times, insufficient parking, and overextended election staff. Our office set out to remedy this problem by redrawing our precinct lines to meet the goal of improving the voter experience and attaining a better balance of voters between the precincts.
- In District 1, we found no need for a change, because both facilities are adequate for their volume. Given the population density of the peninsula even a small shift of a block could result in hundreds of voters moving to a new location, it seemed best to leave this area alone.
- In District 2, Reiche always has very long lines, it is a small facility and never has enough parking, they serviced 7473 voters. The Expo, a larger, more centralized location with a much better parking situation serviced 5581. By shifting the district lines with 3, and moving the precinct line along state to Pine Street, we are able to shift the balance so that the larger polling location serves 7245 and the smaller location serves 6008. This

meets the need for a more equal distribution of voters, and leaves the smaller location with a smaller workload.

- In District 3, Woodfords serves a larger population than Italian Heritage. Woodfords currently has 6642 voters and Italian Heritage has 5329, the proposed shift of the district line with 2 and the move of the precinct line along Brighton will leave us with a balance of 5280 at Woodfords and 6691 at Italian Heritage.
- In District 4, as mentioned above, St. Pius has 7435 and First Baptist has 4616, the proposed shift along Forest Ave brings us to 5842 and 6642.
- District 5 was tricky, it is true that Deering HS and Grace Baptist have the largest delta between their voter numbers, but the State has made shifting these lines very difficult for us. The whole city is represented by County Commission District 5 with the exception of 5-1, which is represented by County Commission District 4, if we move the precinct lines of 5, we will be negatively impacting the distribution of ballot styles, causing a longer wait of the voter at the desk at Grace Baptist while the poll worker searches for County Commission 4, this can lead to a long line, thus negating the good we could do by moving the line and bringing the voter numbers closer together.
- This process must be completed 90 days before the November Election, but we have placed on ourselves a more stringent timeline of July 1 for it to be completed and voted upon by the council so Kathy can see the project through before she retires from her role as City Clerk. We also want ample time to notify the public of the change in their polling locations. We will advertise this change on the City's website, post in the newspaper and we will be sending each household a notice of change.
- These changes, no matter when we ratify, will not take effect until after the June election.



District 2. Beginning at the intersection of the Casco Bay Bridge and the boundary between Portland and South Portland; thence following the Portland/South Portland boundary southwesterly, westerly, northwesterly along the Fore River until said Portland/South Portland boundary intersects a projection of Danforth Street's centerline to the southwest of the intersection of Danforth Street and West Commercial Street; thence following said projection of Danforth Street and the centerline of Danforth Street itself in a northeasterly direction to where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13; thence northerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the Union Branch tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence along the northwesterly edge of Census Tract 13 and along the railroad tracks of the Union Branch to the centerline of Deering Avenue; *The the centerline of the southbound lane of I-295 ; ,thence northeasterly along the centerline of the southbound lane of I-295 to the centerline of Deering Avenue*, thence northwesterly along the centerline of Deering Avenue to the intersection of Dartmouth St. Thence northeasterly along the centerline of Dartmouth Street to the centerline of Forest Avenue; *an extension of the centerline of Falmouth Street with the centerline of Deering Avenue, thence northeasterly along the centerline of Falmouth Street to the intersection of Forest Avenue*, thence *southwesterly-southeasterly* along the centerline of Forest Avenue to its intersection with the centerline of the extension of High Street, that passes through Deering Oaks; thence southeasterly along the centerline of said extension of High Street, to the intersection of High Street and Park Avenue; thence southeasterly along the centerline of High Street to the centerline of Commercial Street; thence northeasterly along the centerline of Commercial Street to its intersection with the street on Hobson's Wharf; thence southeasterly along the street on Hobson's Wharf to the end of said wharf; thence southeasterly along the piers, wharfs, bulkheads, and shore of Portland Harbor, such that the piers, wharfs, and bulkheads in their entirety will be contained in District 2, to the Casco Bay Bridge; thence along the centerline of the Casco Bay Bridge to the Portland/South Portland boundary and the point of beginning.

District 3. Beginning on the Portland/South Portland boundary where it would intersect a projection of Danforth Street's centerline if projected southwesterly of the intersection of Danforth Street and West Commercial Street; thence northwesterly and westerly along the Portland/South Portland boundary, in the Fore River, to *intersects* the centerline of *the southbound lane of I-295* as it crosses the Fore River; thence westerly along the Portland/South Portland boundary to the point where the Portland/South Portland and the Portland/Westbrook boundaries meet; thence *northeasterly and northerly* along the Portland/Westbrook boundary to where said town line intersects the *former* Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the *former* Boston and Maine Railroad's location to where

it crosses Capisic Brook; thence southerly, westerly and southerly along the Capisic Brook to a point at ~~where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel with Birchwood Drive in a northwesterly to southeasterly orientation and lies southerly of the homes on the southerly side of Birchwood Drive; thence southeasterly, then northerly, and southeasterly again along the boundary between Census Tracts 21.02 and 20.01, and northerly of Penwood Drive and Woodvale Street, to a point on said Census Tract boundary and the southerly boundary of~~ a an intersection with a projection of the boundary of Evergreen Cemetery Birchwood Drive southeasterly beyond the cul-de-sac at the southeasterly end on Birchwood Drive to where it would intersect Capisic Brook if so projected southeasterly; thence southeasterly along the previously projected line of Birchwood Drive to a point on the westerly lot lines of the houses lots located on the westerly side of Penwood Drive; thence northerly along the westerly side of the house lots located on the westerly side of Penwood Drive to the northerly side of the house lots along the cul-de-sac at the end of Penwood Drive and the southerly boundary of Evergreen Cemetery, thence along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Penwood Drive's cul-de-sac, Woodvale Street, Glen Haven East, and Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01 in the 2020 Census, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southeasterly along a projection of the previously mentioned boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue to the centerline of Ludlow Street; thence southeasterly along the centerline of Ludlow Street to a point easterly of those residences fronting on and addressed on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road thereby placing these residences on Wayside Road within District 3; thence southwesterly, southeasterly, and southwesterly, staying easterly of those previously mentioned residences fronting on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road generally following their rear lots lines, until intersecting with an easterly projection of the centerline of Groveside Road projected easterly of the northerly intersection Wayside Road and Groveside Road said point also being at the rear of the residences fronting and addressed along Wayside Road; thence along a line southwesterly, then southeasterly, and then southwesterly along the rear of the residences along Wayside Road and generally parallel with Wayside Road to the centerline of Brighton Avenue.along Wayside Rd. to Brighton Avenue, meaning to include all residences along Wayside Road southwesterly of the intersection of Ludlow Street at Wayside Road in District 3; t.Thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 of the 2020 Census to a point on the shore of Back Cove; thence southeasterly along the shore

of Back Cove, which is also the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census, to a point that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census at the shore of Back Cove; thence southerly to the centerline of Baxter Boulevard and along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census; thence westerly along the centerline of Baxter Boulevard to the centerline of Dartmouth Street; thence southwesterly along the centerline of Dartmouth Street to the centerline of *Forest Avenue* Deering Avenue; *thence southeasterly along the centerline of* Deering Avenue ~~to the railroad tracks of the Union Branch at the northerly edge of Census Tract 13; thence southwesterly along the railroad tracks of the Union Branch and the northwesterly edge of Census Tract 13 to a point, just north of the Congress Street grade crossing with the Portland Terminal Company's tracks, where the Union Branch tracks diverge from the mainline tracks, said point is southerly of Park Avenue and westerly of Saint John Street; thence southerly along the westerly edge of Census Tract 13 and the Portland Terminal Company's railroad tracks to a point where the centerline of Danforth Street cross the railroad tracks of Portland Terminal Company, said intersection also being at the boundary between Census Tracts 3 and 13 and said point is southeasterly of the easterly end of Veterans Memorial Bridge;~~ *Forest Avenue to the intersection of Falmouth Street; thence southwesterly along the centerline of Falmouth Street and a projection of the centerline of Falmouth Street to an the intersection with a projection of the centerline of Deering Avenue; thence southeasterly along a projection of the centerline and the centerline of Deering Avenue to the centerline of the southbound lane of I-295;5, thence westerly and, southwesterly along the centerline of the southbound lane of I-295* thence southwesterly along the centerline of Danforth Street and a projection of Danforth Street's centerline to the Portland/South Portland boundary and the point of beginning.

District 5. Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence northerly along the centerline of Lawn Avenue to the centerline of Pleasant Avenue; thence westerly along the centerline of Pleasant Avenue to the centerline of Stevens Avenue; thence northerly along the centerline of Stevens Avenue to the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to the centerline of Allen Avenue; thence northeasterly along the centerline of Allen Avenue to the Portland/Falmouth boundary; thence northwesterly and then northeasterly along the Portland/Falmouth boundary to the Presumpscot River; thence along the Portland/Falmouth boundary and the Presumpscot River to the Falmouth Spur of the Maine Turnpike; thence southwesterly along the Falmouth Spur of the Maine Turnpike to a point where the Portland/Falmouth boundary changes direction and heads northwesterly across the Falmouth Spur of the Maine Turnpike, this point being northerly of Alice Court; thence southwesterly along the Portland/Falmouth boundary, again crossing the Falmouth Spur of the Maine Turnpike, to a point on the Portland/Falmouth boundary where said town line boundary turns northwesterly; thence northwesterly along the Portland/Falmouth boundary to the Portland/Falmouth Boundary along the Presumpscot River; thence southwesterly along the Portland/Falmouth boundary and the Presumpscot River to the point where the Portland/Falmouth boundary intersects the Portland/Westbrook boundary along the Presumpscot River; thence continuing southwesterly along the Portland/Westbrook boundary

and the Presumpscot River to the point where the Portland/Westbrook boundary along the Presumpscot River turns southeasterly and leaves the river; thence southeasterly along the Portland/Westbrook boundary to where said town line intersects the Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the Boston and Maine Railroad's location to where it crosses Capisic Brook; thence westerly and southerly along the Capisic Brook to where it intersects the boundary between Census Tracts 21.02 and 20.01, said boundary is a line running parallel with Birchwood Drive; thence southeasterly, then northerly, and southeasterly again along the boundary between Census Tracts 21.02 and 20.01, and northerly of Penwood Drive and Woodvale Street, to a point on said boundary and the southerly boundary of Evergreen Cemetery; thence southeasterly along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southwesterly to the centerline of Ludlow Street; thence northeasterly along the centerline of Ludlow Street to a point beyond the easterly side of Wayside Rd. to the intersection of Brighton Avenue; said town line intersects the former Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the former Boston and Maine Railroad's location to where it crosses Capisic Brook; thence southerly, westerly and southerly along the Capisic Brook to a point at an intersection with a projection of Birchwood Drive southeasterly beyond the cul-de-sac at the southeasterly end on Birchwood Drive to where it would intersect Capisic Brook if so projected southeasterly; thence southeasterly along the previously projected line of Birchwood Drive to a point on the westerly lot lines of the houses lots located on the westerly side of Penwood Drive; thence northerly along the westerly side of the house lots located on the westerly side of Penwood Drive to the northerly side of the house lots along the cul-de-sac at the end of Penwood Drive and the southerly boundary of Evergreen Cemetery, thence along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Penwood Drive's cul-de-sac, Woodvale Street, Glen Haven East, and Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01 in the 2020 Census, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southeasterly along a projection of the previously mentioned boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue to the centerline of Ludlow Street; thence southeasterly along the centerline of Ludlow Street to a point easterly of those residences fronting on and addressed on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road thereby placing these residences on Wayside Road within District 3; thence southwesterly, southeasterly, and southwesterly, staying easterly of those previously mentioned residences fronting on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road generally following their rear lots lines, until intersecting with an easterly projection of the centerline of Groveside Road projected easterly of the northerly intersection Wayside Road and Groveside Road said point also being at the rear of the residences fronting and addressed along Wayside Road; thence along a line southwesterly, then southeasterly, and then southwesterly along the rear of the residences along Wayside

Road and generally parallel with Wayside Road to the centerline of Brighton Avenue., meaning to include all residences along Wayside Road southwesterly of the intersection of Ludlow Street at Wayside Road in District 3; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street thence easterly along the centerline of Woodford Street to the centerline of Lawn Avenue and the point of beginning.

District 1. Beginning at the center of the mouth of Back Cove at the centerline of Tukey's Bridge and I-295; thence easterly, southeasterly, and then southerly along the northerly and easterly edges of Census Tracts 1, 2, and 3, around the northeasterly end of the Portland Peninsula, until it intersects with the Portland/South Portland boundary near the mouth of the Fore River in Portland Harbor, said point being southerly of Fish Point and northwesterly of Bug Light; thence following the Portland/South Portland boundary southwesterly to the centerline of Casco Bay Bridge; thence northwesterly along the centerline of the Casco Bay Bridge to a point directly above the shoreline of Portland Harbor; thence northeasterly along the shore of Portland Harbor and the southeasterly edge of the piers, bulkheads, and wharfs to Hobson's Wharf; thence northwesterly along the street on Hobson's Wharf to Commercial Street; thence southwesterly along the centerline of Commercial Street until it intersects the centerline of High Street; thence northwesterly along the centerline of High Street to the centerline of Park Avenue; thence northwesterly along the centerline of the extension of High Street, that passes through Deering Oaks, to the centerline of Forest Avenue; thence northwesterly along the centerline of Forest Avenue to the centerline of Dartmouth Street; thence northeasterly along the centerline of Dartmouth Street to the centerline of Baxter Boulevard; thence easterly along the centerline of Baxter Boulevard to a point on said centerline that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence northerly to Back Cove along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1; thence westerly and northwesterly along Back Cove which is also the northeasterly edge of Census Block 003, of Census Tract 15, Block Group 1 to a point along Back Cove, that is easterly of the intersection of Belmont Street and Baxter Boulevard; thence northeasterly along the boundary between Census Tract 15 and 18 to a point in Back Cove; thence southeasterly following the boundary between Census Tract 15 and 18 to a point in Back Cove where the boundaries of Census Tracts 15, 18, and 5 intersect; thence northeasterly along the boundary between Census Tract 18 and 5 to a point in Back Cove where the boundaries of Census Tracts 23, 18, and 5 intersect; thence continuing northeasterly along the boundary between Census Tracts 23 and 5 to the centerline of I-295 on Tukey's Bridge; thence southerly along the centerline of I-295 to the point of beginning. In addition to this area, District 1 includes all islands within the City limits.

District 2. Beginning at the intersection of the Casco Bay Bridge and the boundary between Portland and South Portland; thence following the Portland/South Portland boundary southwesterly, westerly, northwesterly along the Fore River until said Portland/South Portland boundary intersects the centerline of the southbound lane of I-295; thence northeasterly along the centerline of the southbound lane of I-295 to the centerline of Deering Avenue, thence northwesterly along the centerline of Deering Avenue to the intersection of an extension of the centerline of Falmouth Street with the centerline of Deering Avenue, thence northeasterly along the centerline of Falmouth Street to the intersection of Forest Avenue, thence southeasterly along the centerline of Forest Avenue to its intersection with the centerline of the extension of High Street, that passes through Deering Oaks; thence southeasterly along the centerline of said extension of High Street, to the intersection of High Street and Park Avenue; thence southeasterly along the centerline of High Street to the centerline of Commercial Street; thence northeasterly along the centerline of Commercial Street to its intersection with the street on

Hobson's Wharf; thence southeasterly along the street on Hobson's Wharf to the end of said wharf; thence southeasterly along the piers, wharfs, bulkheads, and shore of Portland Harbor, such that the piers, wharfs, and bulkheads in their entirety will be contained in District 2, to the Casco Bay Bridge; thence along the centerline of the Casco Bay Bridge to the Portland/South Portland boundary and the point of beginning.

District 3. Beginning on the Portland/South Portland boundary where it intersects the centerline of the southbound lane of I-295 as it crosses the Fore River; thence westerly along the Portland/South Portland boundary to the point where the Portland/South Portland and the Portland/Westbrook boundaries meet; thence northeasterly and northerly along the Portland/Westbrook boundary to where said town line intersects the former Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the former Boston and Maine Railroad's location to where it crosses Capisic Brook; thence southerly, westerly and southerly along the Capisic Brook to a point at an intersection with a projection of Birchwood Drive southeasterly beyond the cul-de-sac at the southeasterly end on Birchwood Drive to where it would intersect Capisic Brook if so projected southeasterly; thence southeasterly along the previously projected line of Birchwood Drive to a point on the westerly lot lines of the houses lots located on the westerly side of Penwood Drive; thence northerly along the westerly side of the house lots located on the westerly side of Penwood Drive to the northerly side of the house lots along the cul-de-sac at the end of Penwood Drive and the southerly boundary of Evergreen Cemetery, thence along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Penwood Drive's cul-de-sac, Woodvale Street, Glen Haven East, and Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01 in the 2020 Census, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southeasterly along a projection of the previously mentioned boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue to the centerline of Ludlow Street; thence southeasterly along the centerline of Ludlow Street to a point easterly of those residences fronting on and addressed on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road thereby placing these residences on Wayside Road within District 3; thence southwesterly, southeasterly, and southwesterly, staying easterly of those previously mentioned residences fronting on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road generally following their rear lots lines, until intersecting with an easterly projection of the centerline of Groveside Road projected easterly of the northerly intersection Wayside Road and Groveside Road said point also being at the rear of the residences fronting and addressed along Wayside Road; thence along a line southwesterly, then southeasterly, and then southwesterly along the rear of the residences along Wayside Road and generally parallel with Wayside Road to the centerline of Brighton Avenue., meaning to include all residences along Wayside Road southwesterly of the intersection of Ludlow Street at Wayside Road in District 3; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline



of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 of the 2020 Census to a point on the shore of Back Cove; thence southeasterly along the shore of Back Cove, which is also the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census, to a point that is northerly of Forest Park and is on the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census at the shore of Back Cove; thence southerly to the centerline of Baxter Boulevard and along the easterly edge of Census Block 003, of Census Tract 15, Block Group 1 of the 2020 Census; thence westerly along the centerline of Baxter Boulevard to the centerline of Dartmouth Street; thence southwesterly along the centerline of Dartmouth Street to the centerline of Forest Avenue; thence southeasterly along the centerline of Forest Avenue to the intersection of Falmouth Street; thence southwesterly along the centerline of Falmouth Street and a projection of the centerline of Falmouth Street to an intersection with a projection of the centerline of Deering Avenue; thence southeasterly along a projection of the centerline and the centerline of Deering Avenue to the centerline of the southbound lane of I-295; thence westerly and southwesterly along the centerline of the southbound lane of I-295 to the Portland/South Portland boundary and the point of beginning.

District 4. Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence easterly along the centerline of Woodford Street to the centerline of Clifton Street; thence northeasterly along the centerline of Clifton Street to the centerline of Vannah Avenue; thence easterly along the centerline of Vannah Avenue to the centerline of Baxter Boulevard; thence southerly along the centerline of Baxter Boulevard to the intersection of the centerlines of Baxter Boulevard and Belmont Street; thence easterly along the boundary of Census Tracts 15 and 18 to a point on the shore of Back Cove; thence northeasterly along the boundary between Census Tract 15 and 18 to a point in Back Cove; thence southeasterly following the boundary between Census Tract 15 and 18 to a point in Back Cove where the boundaries of Census Tracts 15, 18, and 5 intersect; thence northeasterly along the boundary between Census Tract 18 and 5 to a point in Back Cove where the boundaries of Census Tracts 23, 18, and 5 intersect; thence continuing northeasterly along the boundary between Census Tracts 23 and 5 to the centerline of I-295 on Tukey's Bridge; thence northerly to a point at the northerly shoreline at the mouth of Back Cove; then easterly and northeasterly along the shoreline of Casco Bay, between the mouth of Back Cove and the mouth of the Presumpscot River, to the Portland/Falmouth boundary at the Presumpscot River and the Route 1 Bridge at Martins Point; thence northwesterly by the Falmouth/Portland boundary and the Presumpscot River to a point easterly of the intersection of Interstate 295 and the Portland/Falmouth boundary; then westerly along the Portland/Falmouth boundary, crossing Interstate 295, and continuing in a generally westerly direction by the Portland/Falmouth boundary until said town boundary intersects the centerline of Allen Avenue; thence southwesterly along the centerline of Allen Avenue to the

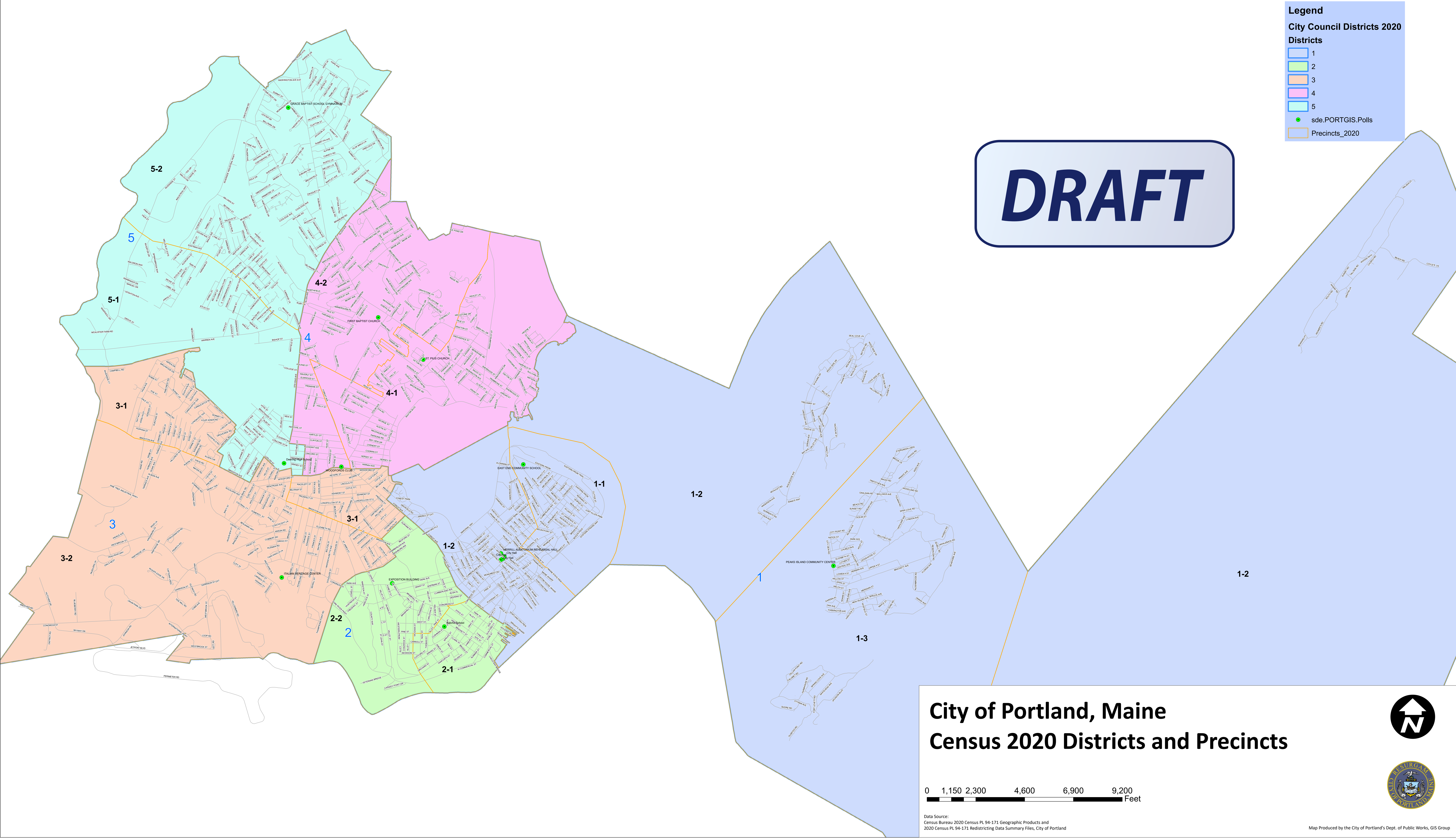


centerline of Forest Avenue; thence southerly along the centerline of Forest Avenue to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Pleasant Avenue; thence easterly along the centerline of Pleasant Avenue to the centerline of Lawn Avenue; thence southerly along the centerline of Lawn Avenue to the point of beginning.

District 5. Beginning at the intersection of the centerlines of Lawn Avenue and Woodford Street; thence northerly along the centerline of Lawn Avenue to the centerline of Pleasant Avenue; thence westerly along the centerline of Pleasant Avenue to the centerline of Stevens Avenue; thence northerly along the centerline of Stevens Avenue to the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to the centerline of Allen Avenue; thence northeasterly along the centerline of Allen Avenue to the Portland/Falmouth boundary; thence northwesterly and then northeasterly along the Portland/Falmouth boundary to the Presumpscot River; thence along the Portland/Falmouth boundary and the Presumpscot River to the Falmouth Spur of the Maine Turnpike; thence southwesterly along the Falmouth Spur of the Maine Turnpike to a point where the Portland/Falmouth boundary changes direction and heads northwesterly across the Falmouth Spur of the Maine Turnpike, this point being northerly of Alice Court; thence southwesterly along the Portland/Falmouth boundary, again crossing the Falmouth Spur of the Maine Turnpike, to a point on the Portland/Falmouth boundary where said town line boundary turns northwesterly; thence northwesterly along the Portland/Falmouth boundary to the Portland/Falmouth Boundary along the Presumpscot River; thence southwesterly along the Portland/Falmouth boundary and the Presumpscot River to the point where the Portland/Falmouth boundary intersects the Portland/Westbrook boundary along the Presumpscot River; thence continuing southwesterly along the Portland/Westbrook boundary and the Presumpscot River to the point where the Portland/Westbrook boundary along the Presumpscot River turns southeasterly and leaves the river; thence southeasterly along the Portland/Westbrook boundary to where said town line intersects the former Boston and Maine Railroad's location, this point of intersection is westerly of Riverside Street, southerly of Warren Avenue, and northerly of Larrabee Road; thence easterly along the former Boston and Maine Railroad's location to where it crosses Capisic Brook; thence southerly, westerly and southerly along the Capisic Brook to a point at an intersection with a projection of Birchwood Drive southeasterly beyond the cul-de-sac at the southeasterly end on Birchwood Drive to where it would intersect Capisic Brook if so projected southeasterly; thence southeasterly along the previously projected line of Birchwood Drive to a point on the westerly lot lines of the houses lots located on the westerly side of Penwood Drive; thence northerly along the westerly side of the house lots located on the westerly side of Penwood Drive to the northerly side of the house lots along the cul-de-sac at the end of Penwood Drive and the southerly boundary of Evergreen Cemetery, thence along the southerly boundary of Evergreen Cemetery as it runs north of the homes on the northerly side of Penwood Drive's cul-de-sac, Woodvale Street, Glen Haven East, and Ludlow Street, said line is also the boundary between Census Tracts 21.02 and 20.01 in the 2020 Census, to the point where this course intersects the boundary of Evergreen Cemetery that lies westerly of and roughly parallel to Hamblet Avenue; thence southeasterly along a projection of the previously mentioned boundary of Evergreen Cemetery that lies westerly of and roughly parallel to

Hamblet Avenue to the centerline of Ludlow Street; thence southeasterly along the centerline of Ludlow Street to a point easterly of those residences fronting on and addressed on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road thereby placing these residences on Wayside Road within District 3; thence southwesterly, southeasterly, and southwesterly, staying easterly of those previously mentioned residences fronting on Wayside Road between the intersections of Wayside Road with Ludlow Street and Groveside Road generally following their rear lots lines, until intersecting with an easterly projection of the centerline of Groveside Road projected easterly of the northerly intersection Wayside Road and Groveside Road said point also being at the rear of the residences fronting and addressed along Wayside Road; thence along a line southwesterly, then southeasterly, and then southwesterly along the rear of the residences along Wayside Road and generally parallel with Wayside Road to the centerline of Brighton Avenue., meaning to include all residences along Wayside Road southwesterly of the intersection of Ludlow Street at Wayside Road in District 3; thence southeasterly along the centerline of Brighton Avenue to the centerline of Columbia Road; thence northeasterly along the centerline of Columbia Road to the centerline of Ludlow Street; thence southeasterly and then northeasterly along the centerline of Ludlow Street to the centerline of Stevens Avenue; thence southerly along the centerline of Stevens Avenue to the centerline of Woodford Street thence easterly along the centerline of Woodford Street to the centerline of Lawn Avenue and the point of beginning.





**DRAFT**

**Legend**

**City Council Districts 2020**

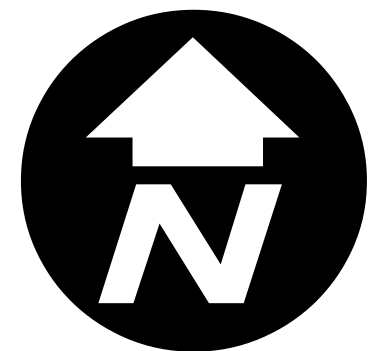
**Districts**

- 1
- 2
- 3
- 4
- 5

● sde.PORTGIS.Polls

▭ Precincts_2020

**City of Portland, Maine**  
**Census 2020 Districts and Precincts**



0 1,150 2,300 4,600 6,900 9,200 Feet

Data Source:  
Census Bureau 2020 Census PL 94-171 Geographic Products and  
2020 Census PL 94-171 Redistricting Data Summary Files, City of Portland

Map Produced by the City of Portland's Dept. of Public Works, GIS Group



**MEMORANDUM**  
**City Council Agenda Item**

**FROM:**

**DATE:** May 23, 2022

**SUBJECT:** Order 286-21/22 Traffic Schedule Amendment Re: Brighton Avenue and Deering Avenue Bikeway Projects - Sponsored by Danielle P. West, Interim City Manager

**SPONSOR:** Danielle P. West, Interim City Manager

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

**COUNCIL MEETING DATE ACTION IS REQUESTED:**

**1st Reading 6/6/2022**

**Final Action 6/20/2022**

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

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

**PRESENTATION:** If needed, Bruce Hyman, Transportation Program Manager, 5 minutes, verbal/PPT.

**I. SUMMARY**

**II. AGENDA DESCRIPTION**

Better Bikeways Initiative work was presented to the Sustainability & Transportation Committee in October 2021. During the meeting, Committee members recommended that staff conduct additional public outreach in advance of the design and construction of enhanced bikeways in the summer/fall of 2022. As recommended by Committee Members, staff conducted two phases of outreach: a high-level questionnaire in January/February 2022 designed to gather input on the types and locations of new bikeways or enhanced bikeways desired by the public, and a project-focused questionnaire in April 2022 regarding pilot project priorities and bikeway treatment preferences. Through the April questionnaire, the public generally rated the sections of Brighton Avenue and Deering Avenue outlined below as the highest priorities for bike lane enhancements.

This item will adjust the Traffic Schedule to remove short stretches of on-street parking, approximately 21 spaces (totaling 263') from the east side of Brighton Avenue (William Street to Falmouth Street) and approximately 6 spaces (totaling 104') from the east side of Deering Avenue (Chamberlain Avenue to Washburn Avenue). It also proposes to repurpose two unrestricted parking spaces on the east side of Deering Avenue along the Deering Oaks Park frontage to create two additional drop-off/pick-up spaces opposite King Middle School (NO Parking, 7AM-4PM, School Days Only). These adjustments will allow the implementation of enhanced buffered bike lanes as part of the Better Bikeways Initiative. The project will use approved CIP funding.

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

**III. BACKGROUND**

A FY2022 CIP allocation was approved by the City Council in April 2021 in the amount of \$100,000 to make enhancements to the city's existing bicycling infrastructure. In 2021, the Planning and Urban Development and Public Works Departments began the [Better Bikeways Initiative](#), an effort to design and construct a series of pilot bike lane enhancements. This work began with a screening the existing bikeway network for opportunities for enhancements. Screening criteria included cost, feasibility, connectivity, and equity.

Staff presented its findings of the screening exercise to the Sustainability and Transportation Committee in October 2021. During the meeting, committee members directed staff to conduct additional public outreach in advance of design and construction in the summer/fall of 2022. Two phases of outreach followed: a high-level questionnaire in January/February designed to gather input on the types and locations of new bikeways or enhanced bikeways desired by the public, and a project-focused questionnaire in April regarding pilot project priorities and bikeway treatment preferences. Through the April questionnaire, the public generally rated these sections of Brighton Avenue and Deering Avenue as the highest priorities for bike lane enhancements.

#### **IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED**

The bike lane enhancements enabled through the parking schedule changes described here will increase the safety and comfort of bicyclists. The ultimate goal is to make bicycling attractive to and realistic for a wider variety of potential riders. Not only does this work support the city's goals to provide broad transportation accessibility and choice, it contributes to the city's sustainability and climate action goals.

#### **V. FINANCIAL IMPACT**

The parking recommended for removal is not revenue-generating. Implementation of the Brighton Avenue and Deering Avenue enhanced bike lanes will be from a FY2022 CIP allocation for this purpose.

#### **VI. STAFF ANALYSIS AND BACKGROUND**

Existing bike lanes on Brighton Avenue and Deering Avenue in these locations are basic facilities, separated by vehicular travel lanes and parking lanes by single white lines. While considering redesign options to create safer and more comfortable bike lanes here, staff made all efforts to maintain on-street parking. Given existing curb-to-curb widths, however, the enhanced bikeway treatments sought for short sections of Brighton Avenue and Deering Avenue, which include wider striped buffer lanes and vertical delineation, require the removal of on-street parking from one side.

Under the traffic schedule changes proposed here, approximately 21 parking spaces on the east side of Brighton Avenue (William Street to Falmouth Street) and approximately 6 spaces on the east side of Deering Avenue (Bedford Street to Washburn Avenue) would be removed. Currently, this on-street parking is unrestricted on Brighton Avenue north of the roundabout. It is designated as two-hour parking south of the roundabout on Deering Avenue from Chamberlain Avenue to Washburn Avenue. Observations indicate that this parking is lightly used during weekday hours. The change on Deering Avenue along Deering Oaks is proposed to create two additional drop-off/pick-up spaces for use during school hours on school days. The spaces are currently unrestricted parking. Observations show pick-ups/drop-offs occurring within a No Parking zone along the King Middle School frontage.

#### **VII. RECOMMENDATION**

Staff from DPW and Planning recommend approval of the requested changes to the traffic schedule to allow the removal of on-street parking from the identified street segments.

#### **VIII. LIST ATTACHMENTS**

1. Bike Byways - Traffic Schedule Amendment 6.6.2022
2. BBIImplement_CouncilPacketAttachA-Map_May23-2022

Prepared by:

Date: 05/23/2022

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VICTORIA L. PELLETIER (2)  
TAE Y. CHONG (3)  
ANDREW ZARRO (4)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

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

**TRAFFIC SCHEDULE AMENDMENT  
RE: BRIGHTON AVENUE AND DEERING AVENUE BIKEWAY PROJECTS**

**ORDERED**, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

**By Adding under Brighton Avenue, from the intersection of William Street to the Deering's Corner Roundabout:**

North Side – Approximately 21 spaces:

➤ **Schedule I – No Parking**

**By Adding under Deering Avenue, from the intersection of Chamberlain Street to the intersection of Washburn Street:**

East Side – Approximately 6 spaces:

➤ **Schedule I – No Parking**

**By Adding under Deering Avenue, Across from King Middle School from 285' north of the intersection of Park Avenue and Deering Avenue extending for 40' north:**

East Side – Approximately 2 spaces:

➤ **Schedule VIII – No Parking –School Zone 7AM-4PM**

May 23, 2022

