

Special City Council Meeting
September 9, 2015

1. Agenda Only

Documents: [AGENDA ONLY 2015-09-09.PDF](#)

2. Agenda And Packet

Documents: [AGENDA AND PACKET 2015-09-09.PDF](#)

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK(A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 9, 2015

The Portland City Council will hold a Special City Council Meeting at 7:00 p.m. in City Council Chambers, City Hall. The Honorable Michael F. Brennan, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) August 3, 2015 Special City Council Meeting Minutes
 August 3, 2015 Regular City Council Meeting Minutes

PROCLAMATIONS:

Proc 4-15/16 Proclamation Honoring Shana DiMatteo, Health and Human Services
(Tab 2) Department, Barron Center as Employee of the Month for August,
 2015 – Sponsored by Mayor Michael F. Brennan.

Proc 5-15/16 Proclamation Declaring September 11th, 2015, as Roll Up Your Sleeve
(Tab 3) and Remember Blood Drive Day – Sponsored by Mayor Michael F.
 Brennan.

APPOINTMENTS:

Order 51-15/16 Order Appointing Constable for 2015 Re: Department of Public
(Tab 4) Services - Sponsored by Jon P. Jennings, City Manager.

This order appoints Paige L. Button, Park Ranger, for the Department of Public Services as a constable for the remaining calendar year 2015. This appointment shall be effective until 12:00 midnight, December 31, 2015.

Pursuant to Sections 20-19 and 20-19.5, Portland City Code, none are allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Staff is requesting that this item be passed as an emergency in order for it to take effect immediately. Emergency enactment requires seven affirmative votes after public comment.

CONSENT ITEMS:

LICENSES:

Order 52-15/16 (Tab 5) Order Granting Municipal Officers' Approval of Veranda Group LLC d/b/a Veranda Noodle House. Application for a Class I FSE License with Outdoor Dining on Public Property at 245 Commercial Street – Sponsored by Katherine L. Jones, City Clerk.

Application filed 7/30/15. New City and State applications. Former location of The Salt Exchange.

Five affirmative votes are required for passage after public comment.

Order 53-15/16 (Tab 6) Order Granting Municipal Officers' Approval of Shangri-la Sichuan Cuisine LLC d/b/a Piao Shang Sichuan Kitchen. Application for a Class XI Restaurant/Lounge at 612 Congress Street – Sponsored by Katherine L. Jones, City Clerk.

Application filed 8/4/15. New City and State applications. Former location of Anna's Used Furniture.

Five affirmative votes are required for passage after public comment.

Order 54-15/16 (Tab 7) Order Granting Municipal Officers' Approval of Raphael Kabata d/b/a Chez Okapi. Application for a Class XI Restaurant/Lounge License with Entertainment without Dance at 249 St. John Street – Sponsored by Katherine L. Jones, City Clerk.

Application filed 8/12/15. New City and State applications. Former location of Taqueria Tequila Mexican Food.

Five affirmative votes are required for passage after public comment.

Order 55-15/16 (Tab 8) Order Granting Municipal Officers' Approval of Tiqa LLC d/b/a Chez Tiqa. Application to Add Outdoor Dining on Public Property at 327 Commercial Street – Sponsored by Katherine L. Jones, City Clerk.

Application filed 8/18/15. New City application. Applicant holds a current Class XI Restaurant with Entertainment with Dance License with Outdoor Dining on Private Property.

Five affirmative votes are required for passage after public comment.

**Order 56-15/16
(Tab 9)**

Order Granting Municipal Officers' Approval of Nosh LLC d/b/a Nosh Kitchen Bar. Application to Expand Existing Alcohol Service Area for One-Day Event on September 20, 2015 at 551 Congress Street – Sponsored by Katherine L. Jones, City Clerk.

Application filed 8/21/15. Original event date of 6/28/15 was approved by City Council on 6/1/15. That event was cancelled due to rain and 9/20/15 is the new proposed date. Applicant currently holds Class XI FSE Restaurant/Lounge License with Outdoor Dining on Public Property. This event is entitled "Nosh Bow." A permit for use of the street will be forthcoming from the Public Services Event Office.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 3-15/16
(Tab 10)**

Communication Re: Final Recommendations of the Reed School Re-Use Task Force – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

The Final Recommendations and Report of the Reed School Re-Use Advisory Task Force includes recommendations for future uses for the former Reed School and grounds at Libby Street and Homestead Avenue. Included in the agenda backup are recommendations on the criteria and process for selecting development proposals for the property.

The report is the product of a strong public process and the dedicated efforts of the Task Force since they held their first meeting in November 2014. The recommendations received unanimous support at the final Task Force meeting on June 18. The Housing and Community Development Committee reviewed and accepted these recommendations on July 9, voting to inform the Council via a Communication of the recommended changes and the project's progress.

The recommendations support housing development while also allowing for the possibility of the building being repurposed for certain institutional and educational uses. Open space retention and preservation of the building are also strongly supported.

To facilitate these goals, the final report includes a recommendation to rezone the property from an R-3 zone to R-5, which will allow for greater density, multi-family development, and a modestly wider range of possible uses than the R-3 permits.

At the direction of the Housing & Community Development Committee, Planning staff has proceeded with issuing a Request for Qualifications (RFQ) for the property and will be initiating the rezoning and Historic

Preservation designation processes shortly. The RFQ process would be followed by a Request for Proposals (RFP) from top-qualified firms.

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

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 297-14/15 Amendment to Portland City Code Chapter 33 (Minimum Wage) (Tab 11)

On July 7, 2015, the Portland City Council passed the Minimum Wage Ordinance by a 6-3 vote, Councilors Mavodones, Brenerman and Suslovic opposed. The Minimum Wage Ordinance has an initial minimum wage increase at the rate of \$10.10 on January 1, 2016 and a second increase to \$10.68 on January 1, 2017. A Consumer Price Index (CPI) “escalator” requires the wage to increase with the rate of inflation on every July 1 that follows, starting July 1, 2018.

The ordinance also contains language setting the tipped employee wage credit, which is the amount by which an employer can reduce the paid wage to a tipped or service employee, at \$3.75, which is what it is now. Setting the credit at \$3.75 means there is an increase in the amount an employer actually pays for the tipped wage that parallels the minimum wage increases in the ordinance.

On July 20, 2015, the City Council voted to reconsider the Minimum Wage Ordinance to address, among other things, the tipped employee wage credit. At that meeting, the Council also voted to postpone action on this item until its first meeting in September, 2015. The Council will now consider various amendments to the Minimum Wage Ordinance, including amendments to the tipped employee wage credit, removal of the Consumer Price Index escalator, and amendments addressing minor workers.

Five affirmative votes are required for passage after public comment.

ORDERS:

Order 57-15/16 Order Authorizing the Deaccession of the Bayside Community Art (Tab 12) Mural - Sponsored by the Portland Public Art Committee, Lin Lisberger, Chair.

The Portland Public Art Committee recommends that the Bayside Community Art Mural located at 88 Anderson Street be deaccessioned from the Portland Public Art Collection and the site be made available for temporary art installations.

In accordance with the Public Art Committee Guidelines, the City Council must approve the deaccession of artwork within the City's public art collection. The Bayside Community Art Mural is part of the Portland Public Art collection – a community artwork created in 2004 by Andrew Schoultz and neighborhood children. The mural is deteriorating and has been defaced with graffiti. The site will be made available to temporary art mural installations until the building is sold and no longer city property.

Five affirmative votes are required for passage after public comment.

**Order 58-15/16
(Tab 13)**

Order Approving the Relocation of Common Ground Gazebo in the Public Art Collection - Sponsored by the Portland Public Art Committee, Lin Lisberger, Chair.

The Portland Public Art Committee recommends that the Common Ground Gazebo be relocated from its current location in Payson Park near the community garden and Seaside Rehabilitation to a new location in Payson Park near the community garden and path in Payson Park.

In accordance with the Public Art Committee Guidelines, the City Council must approve the relocation of artwork within the city's public art collection. The Common Ground Gazebo is part of the Portland Public Art collection – a community artwork created in 2000 by Alan Holt, residents of Seaside Rehabilitation, and neighborhood children. In its current location the gazebo is rarely used and not very visible.

Five affirmative votes are required for passage after public comment.

**Order 59-15/16
(Tab 14)**

Amending Order 235-14/15 Authorizing Increase in the Trash Bag Fee – Sponsored by Councilor Jon Hinck.

Councilor Jon Hinck has requested that Order 235-14/15 be placed on the Agenda in order to consider an amendment of this previously adopted order as authorized by §35 of Robert's Rules of Order. Order 235-14/15, Order Authorizing Increase in the Trash Bag Fee, was passed by a 5 to 4 vote on June 24, 2015, with Councilors Hinck, Brenerman, Donoghue and Marshall voting in opposition.

It authorized a transition from blue plastic trash bags to purple plastic trash bags and an increase in the price of the new, purple bags from \$1.00 to \$1.35 each for the 15-gallon size bag and from \$2.00 to \$2.70 each for the 30-gallon bag.

That bag fee increase was effective on July 4, 2015. Order 235-14/15 also allowed for an exchange of blue for purple bags at designated places in the City, with payment of the additional price, during the months of July, August and September. Both blue and purple bags are being picked up through that same period of time. According to the Order, starting October

2, 2015, only the purple trash bags will be picked up by the City's trash pick-up trucks.

Councilor Hinck hereby requests that the City Council amend Order 235-14/5 in order to allow for the use of blue plastic trash bags for trash pickup with no end date.

Department of Public Services personnel, who personally deliver the trash bags to stores around the City for sale, have delivered the new bags since the beginning of July, and the blue bags are no longer for sale.

Councilor Hinck, however, wishes to make sure that anyone who has blue bags following the October 2, 2015 deadline contained in Order 235-14/15 will be able to use them until the bags are used up and that no blue bags go to waste.

Five affirmative votes are required for passage after public comment.

**Order 60-15/16
(Tab 15)**

Order Accepting an Easement for Public Sidewalk and Granting a Revocable License to the Park-Danforth Condominium Association – Sponsored by Jon P. Jennings, City Manager.

The Department of Planning and Urban Development is forwarding a request from Park Danforth Condominium Association seeking the City Council's acceptance of an easement and granting of a license. Park Danforth is offering to the City an easement to allow public access on a sidewalk located on their property along Arbor Street. The applicant is also requesting a license agreement to allow raised traffic islands within the street right-of-way. The license agreement articulates the applicant's maintenance requirements for the raised traffic islands at the Forest and Stevens Avenue curb cuts.

On February 10, 2015 the Planning Board approved a Level III Site Plan and Subdivision application for the Park Danforth development located at 777 Stevens Avenue.

The project includes an addition to the existing Park Danforth facility and site work in the block encompassed by Stevens Avenue, Forest Avenue, Poland Street, and Arbor Street. The Planning Board voted unanimously to approve the application with waivers and conditions.

Five affirmative votes are required for passage after public comment.

**Order 61-15/16
(Tab 16)**

Traffic Schedule Amendments Re: Commercial Street – Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall, Chair.

Each fall the Parking Division removes the two parking meters in front of the Portland Lobster Company at Long Wharf on Commercial St. for the months of September and October to accommodate the increased number of tour buses in the area. This year, the owner of Portland Lobster Company and the owner of Portland Discovery Tours have asked for the removal of the two parking meters outside of the Portland Lobster Company as soon as possible due to the heavy bus loads already arriving on Commercial Street. In future years it is requested that these two meters be removed from May 15 through October 31, and the existing tour bus spot be extended during this time frame.

At their meeting on July 16, 2015, the Transportation, Sustainability, and Energy Committee met and voted unanimously to forward this item to the City Council with a recommendation for passage.

This item must be read on two separate days. In order for this item to take effect immediately, the Council will be asked to waive the second reading and enact this order as in emergency. Emergency enactment requires seven affirmative votes for passage after public comment.

**Order 62-15/16
(Tab 17)**

Order Accepting and Appropriating \$600,000 of Finance Authority of Maine Grant Funding to Expand the City's Regional Economic Development Revolving Loan Program (REDRLP) – Sponsored by Jon P. Jennings, City Manager.

A pool of \$8 million in additional REDRLP funding was approved by Maine voters in November 2014. FAME issued a Request for Proposals on April 6, 2015, seeking applications from nonprofit and governmental organizations for REDRLP funding to establish or expand this revolving loan fund within their organization.

Entities were able to apply for an amount that does not exceed \$3.5 million, including previous REDRLP and SSBCI (State Small Business Credit Initiative) funds.

The Portland Development Corporation (PDC) recommended to the City Council that the City apply for \$1 million in additional funding through

this program, and the City Council authorized that application on June 1, 2015.

FAME notified the City on July 29, 2015, that it has been approved for \$600,000 in new funding under this program. City Council acceptance and appropriation of this funding is requested and authorization for the City Manager to execute the necessary documents.

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

AMENDMENTS:

LICENSE RENEWALS:

DAVID BRENERMAN (S)
JILL C. DUSON (A/L)
JON HINCK(A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

This order appoints Paige L. Button, Park Ranger, for the Department of Public Services as a constable for the remaining calendar year 2015. This appointment shall be effective until 12:00 midnight, December 31, 2015.

Pursuant to Sections 20-19 and 20-19.5, Portland City Code, none are allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

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**Order 62-15/16
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AMENDMENTS:

LICENSE RENEWALS:

Tab 1 - 15/16

IN COUNCIL SPECIAL MEETING AUGUST 3, 2015 VOL. 131 PAGE 14

ROLL CALL: Mayor Brennan called the meeting to order at 5:30 P.M. (All Councilors present).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

PROCLAMATIONS:

Proc 3-15/16 Proclamation Proclaiming Purple Heart Day – August 7, 2015 – Sponsored by Mayor Michael F. Brennan.

APPOINTMENTS:

CONSENT ITEMS:

Order 39-15/16 Order Declaring Portland Trails Trail to Ale 10K Race & Festival - Sponsored by Jon P. Jennings, City Manager.

Order 40-15/16 Order Declaring Greater Portland Sustainability Council's Portland GreenFest as a Festival – Sponsored by Jon P. Jennings, City Manager.

Order 41-15/16 Order Declaring 24th Annual Maine Marathon/Rely and Maine Half Marathon – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Suslovic and seconded by Councilor Costa for passage of the Consent Items. Passage 9-0.

LICENSES:

Order 42-15/16 Order Granting Municipal Officers' Approval of Anna Connolly & Travis Colgan d/b/a Abilene. Application for Class I FSE License at 539 Deering Avenue – Sponsored by Katherine L. Jones, City Clerk.

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

Order 43-15/16 Order Granting Municipal Officers' Approval of FAB Corp d/b/a Figgy's Takeout & Catering. Application for a Qualified Catering License at 722B Congress Street – Sponsored by Katherine L. Jones, City Clerk.

IN COUNCIL SPECIAL MEETING AUGUST 3, 2015 VOL. 131 PAGE 15

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

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

Resolve 2-15/16 Resolution Adopting Portland Community Support Fund Program Guidelines for Eligibility and Benefits – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Hinck and seconded by Councilor Suslovic to amend Resolve 2 by deleting bullet two in the fourth paragraph “one year or less” and adding less than one year. Passage 9-0.

Motion was made by Councilor Hinck and second by Councilor Costa to amend Resolve 2 by deleting bullet two in the sixth paragraph “one year or less” and adding less than one year. Passage 9-0.

Motion was made by Councilor Costa and seconded by Councilor Brenerman for passage of the Substitute Resolve 2. Passage as amended 9-0.

UNFINISHED BUSINESS:

Order 32-15/16 Order Appropriating \$150,000 of Revenue from the Sale of Portland Technology Park Unit 4 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr. Chair. This item was given first reading on July 20, 2015.

Motion was made by Councilor Brenerman and seconded by Councilor Duson to add to the order language “broker commission and legal fees. Passage 8-0. (Costa out).

Motion was made by Councilor Mavodones and seconded by Councilor Duson for passage as amended. Passage 8-0. (Costa out).

IN COUNCIL SPECIAL MEETING AUGUST 3, 2015 VOL. 131 PAGE 16

Order 34-15/16 Order Approving the Fiscal Year 2016 Sustainable Transportation Fund Appropriation Schedule - Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall, Chair. This item was given first reading on July 20, 2015.

Motion was made by Councilor Marshall and seconded by Councilor Donoghue for passage. Passage 7-2 (Brenerman, Hinck).

Order 36-15/16 Order Allocating \$136,961 in Investment Partnerships Program Funds to Portland Housing Development Corporation for a Housing Project at 58 Boyd Street – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair. This item was given first reading on July 20, 2015.

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

ORDERS:

Order 44-15/16 Order Approving Purchase and Sale Agreement with PH Warren Ave, LLC for 42.5 Acres of Land on Farnham and Iffley Streets to Protect the Capisic Brook Watershed – Sponsored by the Transportation, Sustainability, and Energy Committee, Councilor David A. Marshall, Chair.

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

Order 45-15/16 Order Approving Loan of \$149,500 in HOME Investment Partnerships Program Funds to Rosa True LP for Rosa True School Renovations at 140 Park Street – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 9-0.

Order 46-15/16 Order Approving the Amended and Restated Lease with Rosa True LP for Land and Buildings at 140 Park Street – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 9-0.

IN COUNCIL SPECIAL MEETING AUGUST 3, 2015 VOL. 131 PAGE 17

AMENDMENTS:

Order 47-15/16 Amendment to Portland City Code Chapter 14. Land Use, Article VI. Re: Board of Appeals – Sponsored by Danielle West-Chuhta, Corporation Counsel.

Motion was made by Councilor Suslovic and seconded by Councilor Duson to waive second reading. Passage 9-0.

Motion was made by Councilor Marshall and seconded by Councilor Suslovic to pass as an emergency. Passed 9-0.

Motion was made by Councilor Suslovic and seconded by Councilor Marshall to adjourn. Passage 9-0, 7:30 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

ROLL CALL: Mayor Brennan called the meeting to order at 7:50 P.M. (All Councilors present).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Marshall and seconded by Councilor Costa to approve the minutes of July 20, 2015 Regular City Council Meeting. Passage 9-0.

PROCLAMATIONS:

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

BUDGET ITEMS:

PUBLIC HEARINGS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 35-15/16 **Order Allocating \$462,262 in HOME Investment Partnerships Program Funds to Developers Collaborative for a Senior Rental Housing Project at 605 Stevens Avenue – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair. This item was given first reading on July 20, 2015.**

Motion was made by Councilor Donoghue and seconded by Councilor Costa to amend Order 35 by deleting \$462,262 and adding \$426,262 on the order description. Passage 9-0.

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

Order 37-15/16 Order Designating 17 Carleton Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District – Sponsored by Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair. This item was given first reading on July 20, 2015.

Motion was made by Councilor Donoghue and seconded by Councilor Duson for passage. Passage 7-2 (Hinck, Costa).

Order 38-15/16 Order Approving and Authorizing the City Manager to Enter into the 17 Carleton Street Credit Enhancement Agreement with Avesta Carlton LP – Sponsored by the Housing and Community Development Committee, Councilor Kevin J. Donoghue, Chair. This item was given first reading on July 20, 2015.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage. Passage 7-2 (Hinck, Costa).

ORDERS:

Order 48-15/16 Order Setting Election Date on Citizen Initiative Amendment to Chapter 14 of the Portland City Code Re: Scenic Viewpoint Protection – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Duson and seconded by Councilor Mavodones to suspend Council Rule 1 taking up an item for discussion after 10:00 P.M. Passage 9-0.

Motion was made by Councilor Suslovic and seconded by Councilor Brenerman to add Councilor Hincks summary by deleting everything except : “New Scenic Viewpoint Protection Zone: First, this ordinance creates a new zoning tool called a “Scenic Viewpoint Protection Overlay Zone. Second, this ordinance uses this tool to create the “Fore Street/Working Waterfront Overlay “. Third, this ordinance establishes a Scenic Viewpoint Task Force. NEW ZONE CHANGE REQUEST SUBMISSION REQUIREMENTS: This proposed ordinance creates a new requirement for applicants for a zoning map amendment or text amendment to submit a site plan. Passage 8-1(Marshall).

Motion was made by Councilor Suslovic and seconded by Councilor Brenerman to amend Order 48 by adding the full ordinance text and amended summary by Councilor Hinck. Passage as amended 8-1(Marshall)

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

**Order 49-15/16 Order Enacting Citizen Initiative Amendment to Chapter 14
Portland City Code Re: Scenic Viewpoint Protection – Sponsored by
Katherine L. Jones, City Clerk.**

Motion was made by Councilor Donoghue and seconded by Councilor
Suslovic to postpone indefinitely. Passage 9-0.

**Order 50-15/16 Order Setting Election Date on Amendment to Chapter 14 of the
Portland City Code Re: Scenic Viewpoint Protection and Sending a
Competing Measure to the Voters – Sponsored by Katherine L. Jones,
City Manager.**

Motion was made by Councilor Costa and seconded by Councilor
Donoghue to postpone indefinitely. Passage 9-0.

Motion was made by Councilor Suslovic and seconded by Councilor Dusen
to adjourn. Passage 8-0 (Donoghue gone), 11:05 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Proc 4-15/16
Tab 2 9-9-15

PROCLAMATION

Honoring

Shana DiMatteo
Employee of the Month

August 2015

* * * * *

WHEREAS: **Shana DiMatteo** of the Health and Human Services Department, Barron Center, has been named the City of Portland Employee of the Month by a committee of her peers and selected for this distinct honor from a workforce of 1,400; and

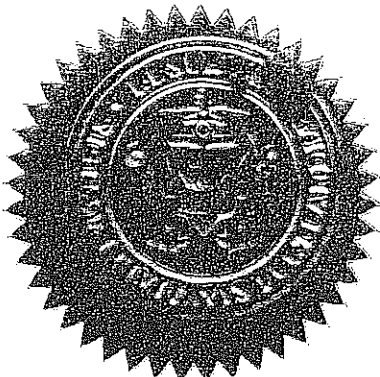
WHEREAS: This award is presented to **Shana** in recognition of her duties as a Unit Clerk with over 17 years of service with the City. As a Unit Clerk on BC II, the Barron Center's Dementia Unit, **Shana** goes well beyond job expectations. **Shana** keeps the unit organized regarding appointments and paperwork. She has the qualities of a strong leader; she looks ahead and solves problems. **Shana** provides exceptional, high quality work; and

WHEREAS: **Shana** is dedicated and always willing to work over when needed, even if it means rearranging or canceling previous plans. **Shana** is recognized as the kind of person people want to work with. **Shana** knows the residents, their families and friends and she knows all her co-workers; and

WHEREAS: **Shana** helps new employees learn their jobs and shares advice on the best approaches to use in difficult situations. People around **Shana** learn from her calm, supportive nature and the residents enjoy seeing and talking with her. She offers help to others with kindness and confidence. **Shana** has the heart and soul of a great nurse, a true caregiver and a committed employee. **Shana** truly is an asset to the Health and Human Services Department and to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Michael F. Brennan, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Shana DiMatteo** as **City Employee of the Month, August 2015.**

Signed and Sealed this 9th day of September, 2015.



Michael F. Brennan, Mayor
City of Portland, Maine

*Dec 5-15/16
Tab 3 9-9-15*

PROCLAMATION

Declaring Friday September 11, 2015 as Roll Up Your Sleeve and Remember Blood Drive Day

WHEREAS: On September 11, 2001 three jetliners were commandeered and used to attack the World Trade Center in New York and The Pentagon in Washington, DC where 2,996 people lost their lives; and

WHEREAS: United Airlines Flight 93, the fourth jetliner was flown into the ground near Shanksville, PA, as a result of a struggle in the cockpit between the hijackers and passengers in an attempt to prevent it from crashing into a strategic target where 44 people lost their lives; and

WHEREAS: After the attacks citizens spontaneously and voluntarily gathered at blood donation centers to donate blood across the United States; and

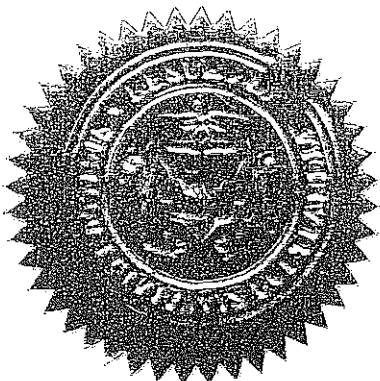
WHEREAS: Every two seconds someone in the United States needs blood. A single unit of blood can save three lives, is used to treat cancer, sickle cell disease, trauma victims; and

WHEREAS: The American Red Cross and the Portland Fire Department have worked together for 3 years on a common mission of increasing awareness about blood donation; and

WHEREAS: The American Red Cross and the Portland Fire Department are holding the third annual "Roll Up Your Sleeve and Remember" blood drive on September 11, 2015

NOW, THEREFORE, BE IT RESOLVED, THAT I, Michael F. Brennan, Mayor of the City of Portland, Maine, the members of the Portland City Council, and the Citizens of Portland do hereby honor and recognize The American Red Cross and the Portland Fire Department and hereby declare Friday September 11, 2015 "Roll Up Your Sleeve and Remember" Blood Drive Day in the City of Portland.

Signed and sealed this 9th day of September, 2015



A handwritten signature in black ink, reading "Michael F. Brennan", is written over a horizontal line.

Michael F. Brennan, Mayor
City of Portland, Maine

*Order 51-15/16
Tab 4 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING CONSTABLE FOR 2015
RE: DEPARTMENT OF PUBLIC SERVICES**

ORDERED, that Paige L. Button, Park Ranger for the Department of Public Services, is hereby appointed as constable for the remaining calendar year 2015; and

BE IT FURTHER ORDERED, that this appointment shall be effective from the effective date of this order until 12:00 midnight, December 31, 2015; and

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

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

Order 52-15/16
Tab 5 9-9-15

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Veranda Group LLC d/b/a Veranda Noodle House. Application for a Class I FSE License with
Outdoor Dining on Public Property at 245 Commercial St.**

Veranda Group, LLC

DBA Veranda Noodle House, 245 Commercial Street, Portland ME 04101

(207) 749-6715, Sknguyen81@gmail.com

Date: July 24, 2015

City of Portland
Portland Mayor and City Councils
389 Congress Street
Portland, ME 04101



Dear Portland Mayor and City Councils:

I am submitting this letter with the intent to open a Thai/Vietnamese restaurant in downtown Portland. The new restaurant will be set up with full dine-in service including full course meals and full service bar.

I am applying for Restaurant Class I with spirituous, Vinous and Malt privileges. The proposed opening date is the third week of August.

I look forward to hearing good news.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hai Pham', written over a horizontal line.

Hai Pham

Manager

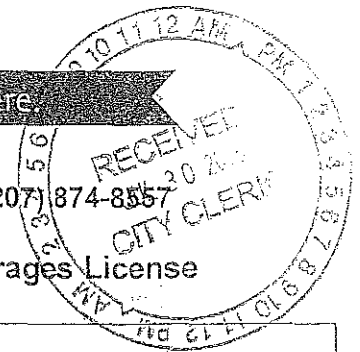
Portland, Maine



Yes, Life's good here.

Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8557

Application for Food Service Establishment with Alcoholic Beverages License



Business Information:	Veranda Group LLC		
Business Name (d/b/a):	veranda Noodle House	Phone:	749 6715
Location Address:	245 Commercial St	Zip:	04101
If new, what was formerly at this location:	The Salt Exchange		
Mailing Address:	same as above	Zip:	
Contact Person:	Sonka Nguyen	Phone:	749 6715
Contact Person Email:	sknguyen81@gmail.com		
Manager of Establishment:	Hai Pham	Phone:	838 4609
Owner of Premises (Landlord):	Casa View Holdings LLC		
Address of Premises Owner:	P.O. Box 11409 Portland	Zip:	ME 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	
Veranda Group LLC		245 Commercial St Portland 04101	
Contact Person:	Hai Pham	Phone:	838 4609
Principal Officers	Title	Date of Birth	Residence Address
Hai Pham	owner	12-31-71	35 Woodlands Drive 04105
Sonka Nguyen	manager	8-30-81	35 Woodlands Drive 04105

About Your Establishment

Class of Liquor License:	Class I	
Type of food served:	Vietnamese / Thai	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food: 70%	Generated from Alcohol: 30%
Hours & days of operation:	Sun - Sat 10am - 11pm	

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 Dancing & Entertainment is required.)	☒
Will you permit dancing on the premises?	☒
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? 8/20/15	
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):	
Veranda Thai 9 Veranda St Veranda Noodle Bar 14 Veranda St	
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 Hai X. Pham 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 7/23/15

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

BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A) VERANDA NOODLE HOUSE		
DOB:					
Veranda Group LLC			DOB:		
DOB:			Location (Street Address) 245 COMMERCIAL STREET		
Address			City/Town State Zip Code PORTLAND ME 04101		
245 Commercial St			Mailing Address 245 COMMERCIAL STREET		
City/Town State Zip Code PORTLAND ME 04101			City/Town State Zip Code PORTLAND ME 04101		
Telephone Number 838-4609 874-0044			Business Telephone Number Fax Number		
Federal I.D. # 02-0522010 45-4441074			Seller Certificate #		

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A

4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 0 LIQUOR \$ 0

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

complete Supplementary Questionnaire, If YES

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

7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: 8/3/15
 Requested inspection date: 8/3/15 Business hours: SUN-SAT 11AM-12AM
9. Business records are located at: 245 COMMERCIAL ST. PORTLAND ME 04101
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
 Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
HAI X. PHAM	12/31/71	VIETNAM
SONKA NGUYEN	8/31/81	VIETNAM

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

FALMOUTH, ME

PORTLAND, ME

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
 Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____
CASCO VIEW HOLDINGS, LLC

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) FULL SERVICE RESTAURANT SERVING VIETNAMESE/THAI FOOD & FULL LIQUOR

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
 YES ☐ NO ☒ (Applied for) RESELL CERTIFICATE, STATE FOOD LICENSE, LIQUOR LICENSE _____

19. 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? ~2miles _____ Which of the above is nearest? CHURCH

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

If YES, give details: _____

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

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

Dated at: Portland on 7-23, 2015
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
	FILE FEE	\$ 10.00



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

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

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Veranda Group, LLC

2. Other business name for your entity (DBA), if any:

Veranda Noodle House

3. Date of filing with the Secretary of State:

6/24/2015

4. State in which you are formed:

Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Hai X. Pham	35 Woodlands Drive	12/31/71	100%
	Falmouth, ME 04105		
U I	15 Brookside Lane		
	Portland, ME 04103		

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

7-23-15
Date

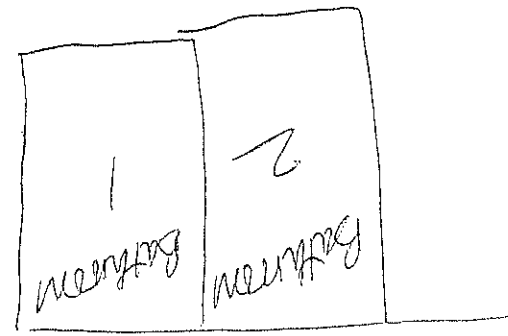
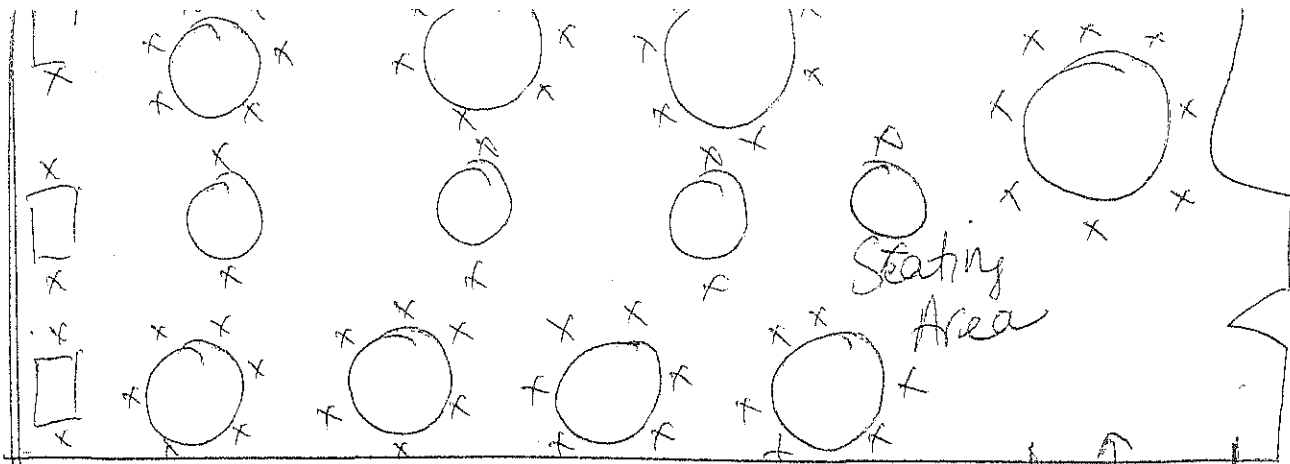
Hai X. Pham
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information -- please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

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

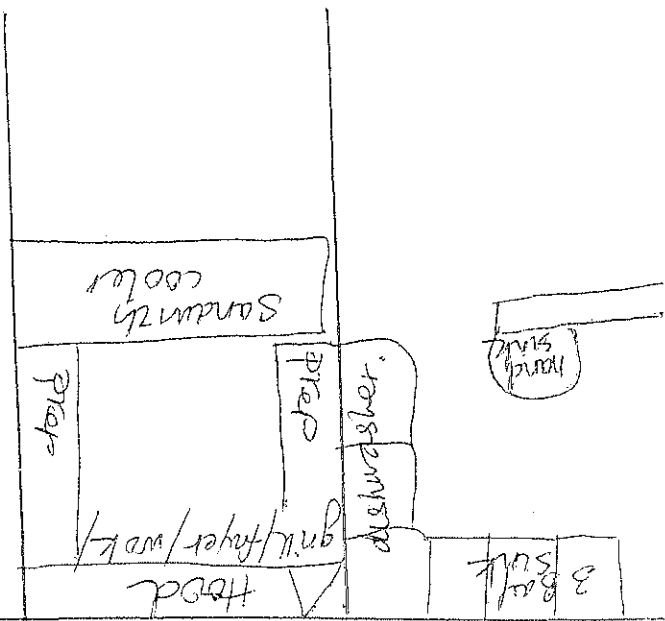
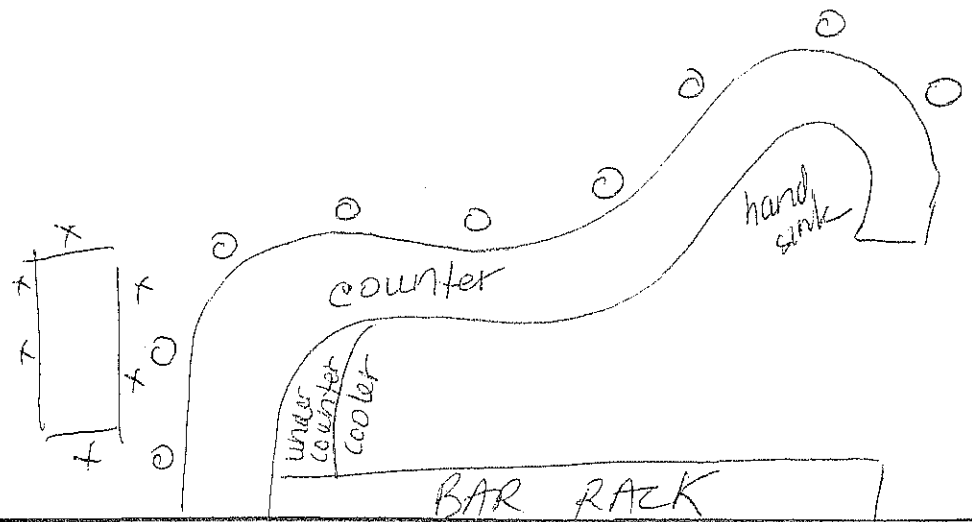
entrance previously The Soot Exchange



Seating Area

Back door

entrance



1/16/2022

Appetizer

Fresh Spring Rolls (2):
 Veg or Tofu or Chicken \$6
 Shrimp or Grilled Pork or Grilled Ham \$7

Thai Veggie Roll (2) \$6
Spring rolls stuffed with carrots, cabbage, black mushroom, scallion & clear noodles. Deep-fried & served with sweet & sour sauce

Vietnamese Egg Roll (3) \$6
Ground pork & shrimp flavored & mixed with carrots, black mushroom & clear noodle. Served with sweet & sour sauce

Mini Fried Spring Rolls \$6

Shrimp Sugarcane \$8
Ground shrimp marinated, wrapped around sugarcane stick & grilled to perfection. Served with sweet & sour sauce

Grilled Ham on Skewer \$8
Vietnamese ham balls on skewer & grilled to perfection. Served with sweet & sour sauce

Crab Rangoon (6) \$7
Crab meat with cream cheese wrapped in crispy wonton skins. Served with sweet & sour sauce

Calamari Puffs \$8
Lightly bread calamari deep-fried until crispy. Served with Thai cocktail sauce.

Thai Dumplings (Pan-Fried or Steamed) (6) \$8
Homemade dumpling dough stuffed with marinated ground pork. Served with ginger sauce

Pork Potsticker

Vegetable Dumplings

Chicken Dumplings

Chicken or Beef Satay (4) \$8
Chicken tender or beef slices marinated in coconut milk & light curry sauce. Served with peanut sauce

Tofu Triangle (6 Pieces) \$6
Crispy fried tofu. Served with peanut sauce

Tempura
Assortment of vegetables battered in tempura flour & deep-fried 'til crisp. Serve with sweet & sour sauce

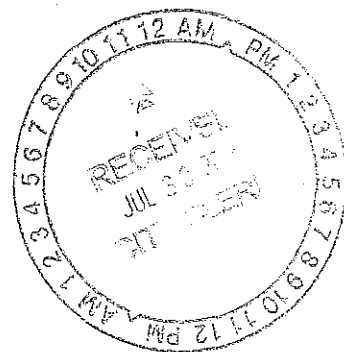
- Mix Vegetable \$7
- Add Chicken \$8
- Add Shrimp \$9

Shrimp Bikini (4) \$8
Jumbo shrimp wrapped with rice paper, deep-fried until crispy. Served with Thai cocktail sauce

Golden Chicken Wings \$8
Marinated Thai style and deep-fried. Served with sweet & sour sauce

Veranda Roasted Pork \$8
Oven roasted boneless pork marinated in our House's sauce. Serve with Thai's BBQ sauce

Bangkok Platter for 1 or 2 \$12/\$24
Appetizer sampler wings, chicken & beef satay, crab rangoon, dumpling, shrimp bikini, tofu triangle & Thai roll



Soup

	Single	Family
Veggie or Tofu or Chicken Tom Yum	\$5	\$9
Shrimp Tom Yum	\$6	\$10
Seafood Tom Yum	\$8	\$12

Aromatic lemongrass broth (spicy & sour) with mushroom, tomatoes, bamboo shoot, pineapple, red bell pepper & scallion.

Tom Yum Noodle Bowl
Aromatic lemongrass broth (spicy & sour) with rice noodle, mushroom, tomatoes, bamboo shoot, pineapple, red bell pepper & scallion. Served with side of steamed bean sprout & fresh Thai basil.

Wonton Soup \$5
Ground shrimp & pork wrapped in wonton skin cooked in chicken broth with mix vegetable.

Vegetable Soup \$5
Assorted veggie & fresh tofu cooked in a clear broth with bean thread noodle

Chicken Tom Kha Gai \$5
Chicken slowly cooked with galanga herb in coconut broth with mushroom & onion

Salad

Yum Nua (Beef Salad) 🍴 \$16

Grilled beef seasoned with lemon juice, onion, mint, cabbage, red bell pepper, lemongrass, lime leaves, and roasted rice powder. Served on a bed of lettuce

Larb Gai (Minced Chicken Salad) 🍴 \$16

Sautéed minced chicken tossed with onion, red bell pepper, cabbage & mint. Salad mixture is then seasoned with lime juice and roasted rice powder to give it a refreshing crisp in every bite. Served on a bed of lettuce, cucumber & fresh tomatoes.

Seafood Yum Woon Sen 🍴 \$18

Jumbo shrimp, mussels, scallop, calamari seasoned with lemon juice, onion, lemongrass, lime leaves, cabbage & clear rice noodle in House's Nam prik Pao sauce

Rice/Noodle

Vegetable or Tofu \$12

Beef or Pork or Chicken \$14

Shrimp or Scallop or Calamari or Mussel \$16

Combo Meat / Combo Seafood \$16/\$18

Famous Pad Thai

Rice noodle, egg, bean sprouts, scallions, ground peanut in pad sauce

Thai Radnar

Sautéed with veggie combo poured over flat noodle stir fry with egg

Thai Fried Rice

Broccoli, string bean, carrots, pineapple, onion & scallion

Veranda Fried Rice

Our very own B.B.Q pork & shrimp fried with broccoli, string bean, carrots, onion, scallion, pineapple & basil leaves

Veranda Lomein

Stir-fried soft yellow noodles with snow peas, carrots, bell peppers & cabbage

Drunken Noodle 🍴 Combination of vegetables pan-fried with flat rice noodles in drunken sauce

Chow Foon

Wide rice noodle stir-fried with mix vegetables

Vermicelli Noodle

Rice noodle stir-fried with egg and then gently tossed with string of carrot, bean sprout, onion & scallion

Mai-Qué-Lô Fried Rice

Vietnamese sausage, shrimp & roasted pork stir-fried over high heat using the Wok so the rice never sticks together. The chef then add a mixture of vegetables to this dish for added flavor and color.

Thailand Curry

(Served with white or brown rice)

Vegetable or Tofu \$14

Beef or Pork or Chicken \$15

Shrimp or Scallop or Calamari or Mussel \$18

Duck or Seafood \$18/\$20

Red Curry 🍴

Red bell pepper, basil leave, bamboo shoot, carrot, tomato, pineapple

Green Curry 🍴

Green bell pepper, basil leave, snow peas, broccoli, string bean & bamboo

Massaman Curry 🍴

Pineapple, onion, potato, carrot, bamboo shoot, basil leave, chopped peanut

Panang Curry 🍴

Pineapple, red pepper, snow peas, bamboo shoot, carrot & fresh basil leave

Wok Stir-Fry

(Served with white or brown rice)

Vegetable or Tofu \$14

Beef or Pork or Chicken \$15

Shrimp or Scallop or Calamari or Mussel \$18

Combo Meat or Combo Seafood \$16/\$20

Hot Basil Leaves 

Fresh mushroom, bell peppers, onions, bamboo, & basil leave in hot sauce

In Garlic Sauce

Carrots, snow peas, fresh mushroom in garlic sauce over a bed of spinach

Sweet & Sour

Tomatoes, carrots, pineapple, snow peas, water chestnut, red bell peppers & onions

Spicy Bamboo 

Bamboo shoots, bell peppers, string bean, onion & basil leave in hot sauce

Namprik Pao Sauce 

String bean, red bell pepper, carrots, bamboo and onion in namprik pao sauce

Roasted Peanut

Mushroom, carrots, water chestnut, string bean, onion & scallion in brown sauce

Star Ginger

Fresh mushroom, onion, tomatoes in Thai ginger sauce

Garden Fresh Broccoli

Broccoli, carrots & scallion in Thailand style sauce

Thai Cashew Nut

Roasted cashew nuts, pineapple, water chestnut, green pepper, fresh mushroom, carrot, onion in oyster sauce

Snow Peas

Fresh snow peas stir-fried with mushroom, water chestnut & scallion, Cooked just right leaving snow peas green and crispy in tasty garlic sauce

Spicy Sauce

Bell peppers, string bean, bamboo, carrot, onion & scallion

Curry Sauce

Bell peppers, mushroom, carrot, onion & scallion

Orange Chicken

Breaded chunks of chicken, deep-fried then sautéed with broccoli, carrots, snow peas, red bell pepper, onion & scallion in sweet & sour sauce

Pepper Steak 

Sliced steak stir-fry with red & green bell peppers, onion & scallion over Thai's pepper steak sauce

CHEF'S FAVORITES

(Served with white or brown rice)

Chicken Lemongrass  \$16

Sautéed chicken with onion, mushroom, snow peas, bell pepper lemongrass sauce

Basil Duck  \$18

Boneless duck, mushroom, bamboo shoot, bell peppers & onion in hot basil sauce

Triple Delight \$18

Chicken, beef, shrimp sautéed with ginger and mix vegetables in ginger sauce

Three King Party

Shrimp Lemongrass

Black Pepper Beef

Roasted Duck \$18

Oven roasted duck served over a bed of steamed broccoli and pour over with chopped snow peas, carrots, and onion & scallion sautéed with House's brown sauce

Bangkok House \$18

Sautéed chicken & shrimp with fresh mushroom, bamboo shoot, bell peppers, snow peas in oyster sauce

Shrimp Loves Scallop \$18

Jumbo shrimp & sea scallop stir fry w/ fresh mushroom, snow peas, onion, scallion in ginger sauce

Salmon Curry  \$18

Salmon filet topped with broccoli, snow peas, bamboo shoot, pineapple & tomato in red curry sauce

Blue Ocean \$18

Jumbo shrimp, scallop, mussels, calamari sautéed with combo of veggie in ginger sauce

Crispy Duck

\$18

Boneless crispy duck with carrots, snow pea, onion and scallion in House's spicy sweet & sour sauce

Crispy Bird Nest Meat \$15 Seafood \$18

choice of Beef, Chicken, Pork, Shrimps, or combination of meat or seafood to stir-fry with mix vegetables and served over a bed of soy loin

Sweet & Sour Haddock \$20

Have your haddock fried or steamed then topped with sautéed onion, pineapple, snow peas, tomato, carrots in sweet & sour

Spicy Basil Haddock \$20

Have your haddock fried or steamed then topped with bamboo, basil leave, mushroom, red bell pepper & onion in spicy basil sauce

Ginger Haddock \$20

Have your haddock fried or steamed then topped with mushroom, snow peas, tomatoes, onion & scallion in brown ginger sauce

Shrimp over ShangHai Bok Choy \$20

Jumbo shrimp stir-fried with red bell pepper, onion & scallion in House's B.B.Q sauce. Served over a bed of steamed Shang Hai Bok Choy.

Beef Eggplant \$16

Beef stir-fried with eggplant & scallion in brown sauce.

Beef Jalapenos \$16

Beef stir-fried with jalapenos, bell pepper, onion & scallion in oyster sauce.

VERMICELLI RICE NOODLE

Vermicelli noodle with fresh lettuce, cucumber, carrots, bean sprout, mint, roasted peanuts, and sweet and sour fish sauce on the side

V1.Grilled Sliced Pork \$12

Bún thịt heo nướng

V2.Grilled Sliced Beef \$12

Bún thịt bò nướng

V3.Egg Roll or Spring Roll \$12

Bún chả giò

V4.Grilled Jumbo Shrimp \$14

Bún tôm nướng

V5.Grilled Vietnamese Ham \$12

Bún nem nướng

V6.Shrimp Sugarcane \$12

Bún chạo tôm nướng

V7. Vietnamese Pork Salami \$12

Bún chả lụa

V8.Grilled Sliced Pork & Egg Roll \$14

Bún heo nướng chả giò

V9.Shrimp Sugarcane & Pork \$14

Bún chạo tôm, heo nướng

V10.Shrimp Sugarcane & Grilled Viet Ham \$14

Bún chạo tôm, nem nướng

V11.Grilled Shrimp & Pork \$14

Bún tôm, heo nướng

V12.Grilled Shrimp & Grilled Viet Ham \$14

Bún tôm, nem nướng

V13.Grilled Chicken Vermicelli \$12

Bún gà nướng

V14. Roasted Duck Vermicelli \$16

Bún vịt nướng

V15.Grilled Shrimp, Pork & Egg Roll \$14

Bún tôm, heo nướng chả giò

V16. Grilled Viet Ham & Fried Spring Roll \$14

Bún nem nướng chả giò

V17. Grilled Beef & Egg Roll \$14

Bún thịt bò nướng chả giò

V18. Grilled Beef & Shrimp \$14

Bún thịt bò nướng tôm nướng

V19. Grilled Beef & Viet Ham \$14

Bún thịt bò nướng nem nướng

V20. Grilled Chicken & Egg Roll \$14

Bún gà nướng chả giò

Rice Plate

All rice plate comes with Jasmine white or brown rice served over a bed of lettuce, tomato, cucumber & pickled vegetable.

Chả (Vietnamese Meatloaf made from ground pork, clear noodle, black mushroom & egg) Bì (shredded pork skin)

Pork Chop over Rice \$14

Pork chop grilled to perfection served with rice, vegetable, chả & bì

Sliced Pork over Rice \$14

Pork thinly sliced, marinated & grilled. Served with rice, vegetable, chả & bì

Grilled Chicken over Rice \$14

Chicken marinated with lemongrass, grilled to perfection and served with rice, vegetable, chả & bì

Grilled Shrimp over Rice \$16

Jumbo shrimp lightly marinated with Indian curry, grilled and served with rice, vegetable, chả & bì

Grilled Beef over Rice \$14

Flank steak thinly sliced and grilled. Served with rice, vegetable, chả & bì

Vietnamese Ham over Rice \$14

Vietnamese ham grilled using skewer and served over rice, vegetable, chả & bì



Outdoor Dining Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Check all that apply: ☒ New Application for Outdoor Dining or ☐ Renewal Application for Outdoor Dining ☐ Application for dining on Private Property		
☐ Outdoor Dining in a Public Park ☐ If Renewal, are there changes to previous permit?		
☐ Outdoor Dining in a Historic District ☐ Yes ☐ No		
☐ Petition for Exception for Special Circumstances		
☒ Liquor License required?		
City Clerk signature for liquor license approval: _____ OR Pending Council Date: <u>9/9/15</u>		
Location Name & Address:	Chart	Block Lot
<u>Veranda Noodle House</u>		
Owner Name: <u>Hai X. Pham</u>	Total Square Footage of Proposed Outdoor Dining Area: ¹	
Owner Phone #: <u>838-4609</u>	<u>456</u> <u>6FT</u> <u>38FT</u>	
Applicant *must* be owner or lessee		Fee: \$80 (Public-Annual) \$125 (Private 1X)
Name: <u>Hai X. Pham</u>		Total Sq. Ft.: <u>456</u>
Address: <u>245 Commercial St</u>		Sq. Ft. Fee: (sq ft x \$2) \$ <u>912</u>
City, State & Zip: <u>Portland ME 04101</u>		(sq ft x \$6 for public parks)
E-Mail: <u>sknguyen81@gmail.com</u>		Total Fees: \$ <u>912</u>
		(Permit not issued until all fees are paid)
Current use: <u>Restaurant</u>		
Business name: <u>Veranda Noodle House</u>		
Seating area dimensions: <u>36x24</u>		
How many chairs? <u>24</u> How many tables? <u>6</u>		
☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact: <u>Sonka Nguyen</u>		Phone: <u>749 6715</u>
Address: <u>35 Woodlands Drive Falmouth 04105</u>		E Mail: <u>sknguyen81@gmail.com</u>

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit. New applications and renewals are reviewed on an annual basis and should be submitted no later than June 1st.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

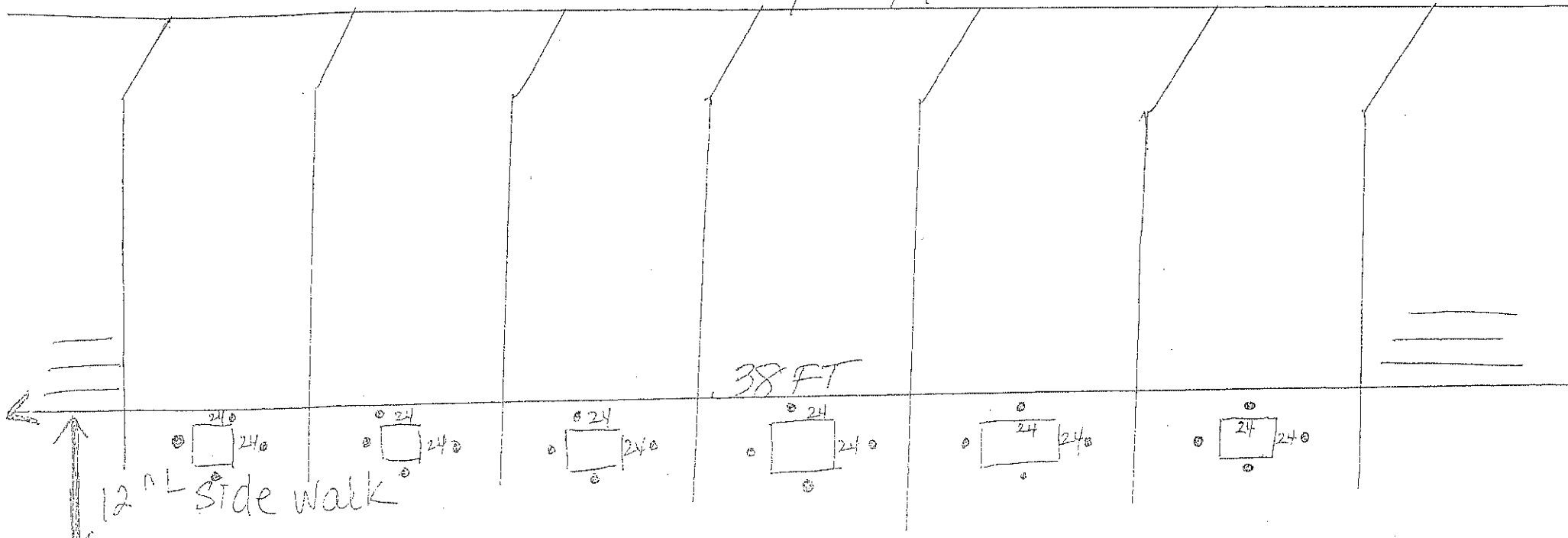
Signature of Applicant: _____

Date: 8/25/15

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.

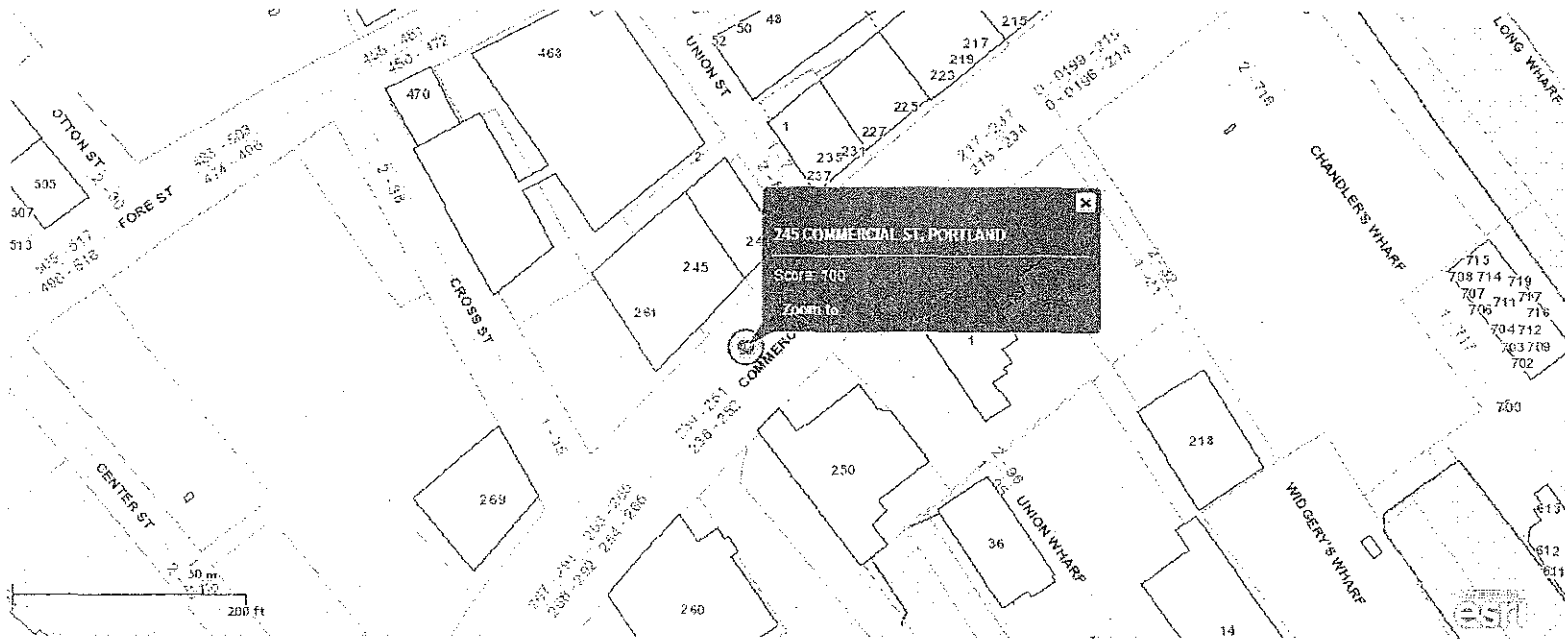
6 Story Building

245 Commercial St
1st Floor.



Veranda Noodle House

245 Commercial St.



Copyright 2011 Esri. All rights reserved. Wed Aug 26 2015 11:38:51 AM.

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Criminal History Record

This criminal history record was produced in response to the following request (Produced on 2015-08-13) :
Inquiries Name(s) HAI PHAM (1971-12-31)

... " <http://www.maine.gov/online/mor/atrrecord.n?e=hl@mainelandmaine.gov&f=MIO99C582964&i=2594488>



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4476 (TDD)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C582962

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-08-13) :

Inquiries Name(s) SONKA NGUYEN (1981-08-30)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - VERANDA NOODLE HOUSE - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 8/18/2015 3:01 PM
Subject: VERANDA NOODLE HOUSE - PENDING Business License Approval

VERANDA NOODLE HOUSE - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 8/18/2015

Zone:
Comments:

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295



Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

August 21, 2015

Sonka Nguyen
35 Woodlands Dr.
Falmouth, ME 04105

Re: Veranda Group LLC d/b/a Veranda Noodle House. Application for a Class I FSE License with Outdoor Dining on Public Property at 245 Commercial St.

Dear Ms. Nguyen,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, September 9th at 7:00 p.m.** for the review of your application for a Class I FSE License with Outdoor Dining on Public Property at 245 Commercial St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice Gardner".

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

*Order 53-15/16
Tab 6 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Shangri-la Sichuan Cuisine LLC d/b/a Piao Shang Sichuan Kitchen. Application for a Class XI Restaurant/Lounge at 612 Congress St.

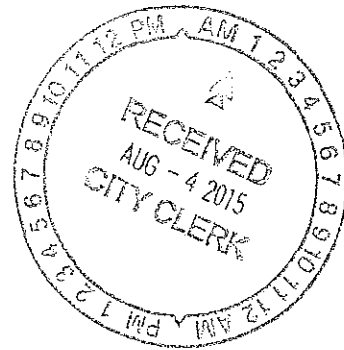
Aug 03,2015

City of Portland, Maine

Mayor & City Council

P.O. Box17796

Portland, ME 04112-7796



Dear Sir or Madam,

I am submitting my liquor license application to operate a full service restaurant with full liquor license at 612 Congress St. in Portland, Maine. I am looking to serve Malt, Spirituous and Vinous items in my restaurant and looking to receive a Class XI license. My restaurant menu will be a Sichuan Chinese Cuisine.

Thank you for your consideration

Sincerely,

Qi Shen

Qi Shen

Aug / 4 / 15

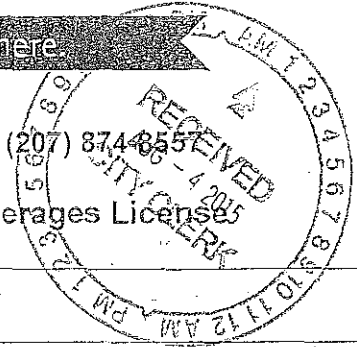
Portland, Maine



Yes, Life's good here.

Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8557

Application for Food Service Establishment with Alcoholic Beverages License



Business Information:	
Business Name (d/b/a):	Piao Shong and Sichuan kitchen
Location Address:	512 Congress St. Portland ME
If new, what was formerly at this location:	Antiq Furniture Store
Mailing Address:	444 North Rd. Yarmouth ME
Contact Person:	Qi Shen
Contact Person Email:	shenchime@gmail.com
Manager of Establishment:	Qi Shen
Owner of Premises (Landlord):	Blue Bay, LLC
Address of Premises Owner:	54 Meadow Pond Rd, South Berwick, ME

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	
Shangri-la Sichuan Cuisine LLC		444 North Rd, Yarmouth ME	
Contact Person:	Qi Shen	Phone:	415-871-3157
Zip:	04096		
Principal Officers	Title	Date of Birth	Residence Address
Qi Shen	Member	09/06/1977	444 North Rd, Yarmouth, ME 04096
Qiongfang Tan	Member	08/29/1948	444 North Rd, Yarmouth ME 04096

About Your Establishment

Class of Liquor License:	Class X I	
Type of food served:	Sichuan, Chinese	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 80%	Generated from Alcohol: 20%
Hours & days of operation:	11:00 am - 11:00 pm	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y(N)
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y(N)
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y(N)
Will you permit dancing on the premises?	Y(N)
Will you permit dancing after 1:00 a.m.?	Y(N)
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y(N)
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y(N)
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	Oct 16 / 2015
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y(N)
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y(N)
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	Y(N)
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y(N)
If Yes, please explain:	

I Qi Shen 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 Qi Shen Title Member Date Aug/3/2015

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

Department of Public Safety
Division

Liquor Licensing & Inspection



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☒ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ HOTEL (Class I,II,III,IV)

☐ CLASS A LOUNGE (Class X)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ CLUB (Class V)

☐ GOLF CLUB (Class I,II,III,IV)

☐ TAVERN (Class IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Shangri-la Sichuan Cuisine LLC</u> DOB: _____			2. Business Name (D/B/A) <u>Piao Shang Sichuan Kitchen</u>		
DOB: _____			Location (Street Address) <u>612 Congress St. Portland, ME</u>		
Address <u>444 North Rd</u>			City/Town <u>Portland</u>	State <u>ME</u>	Zip Code <u>04101</u>
DOB: _____			Mailing Address <u>444 North Rd</u>		
City/Town <u>Yarmouth</u>	State <u>ME</u>	Zip Code <u>04096</u>	City/Town <u>Yarmouth</u>	State <u>ME</u>	Zip Code <u>04096</u>
Telephone Number <u>415-871-3157</u>	Fax Number		Business Telephone Number		Fax Number
Federal I.D. # <u>47-1599926</u>			Seller Certificate #		

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ New LIQUOR \$ New
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire, If YES

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

7. If manager is to be employed, give name: N/A

8. If business is NEW or under new ownership, indicate starting date: Oct, 16/2015

Requested inspection date: Oct/8/2015 Business hours: 11:00 Am - 11:00 pm

9. Business records are located at: 444 North Rd, Yarmouth ME 04096

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

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

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Qi Shen	07/06/1977	China

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

43 Somerset Place, Freeport, ME 04032

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Blue Bay LLC, 54 Meadow Pond Rd, South Berwick, ME 03908

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Attached

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☐ NO ☒ Applied for: Aug 17/2015

19. 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? 300 yards Which of the above is nearest? church

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

If YES, give details: _____

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

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

Dated at: Portland on Aug 13/2015, 20 15
Town/City, State Date

Qi Shen
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Qi Shen
Signature of Applicant or Corporate Officer(s)

member

Qi Shen



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
Supplemental Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Shangri-la Sichuan Cuisine LLC

2. Other business name for your entity (DBA), if any:

Piao Shang Sichuan Kitchen

3. Date of filing with the Secretary of State: Aug 15 / 2014

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Ri Shen	43 Somerset Place Freeport, ME 04032	09/06/1977	50%
Qiongfang Tan	444 North Rd. Yarmouth, ME 04096	08/29/1948	50%

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes

☐

No

☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Qi Shen

Signature of Duly Authorized Person

Aug / 03 / 2015

Date

Qi Shen

Print Name of Duly Authorized Person

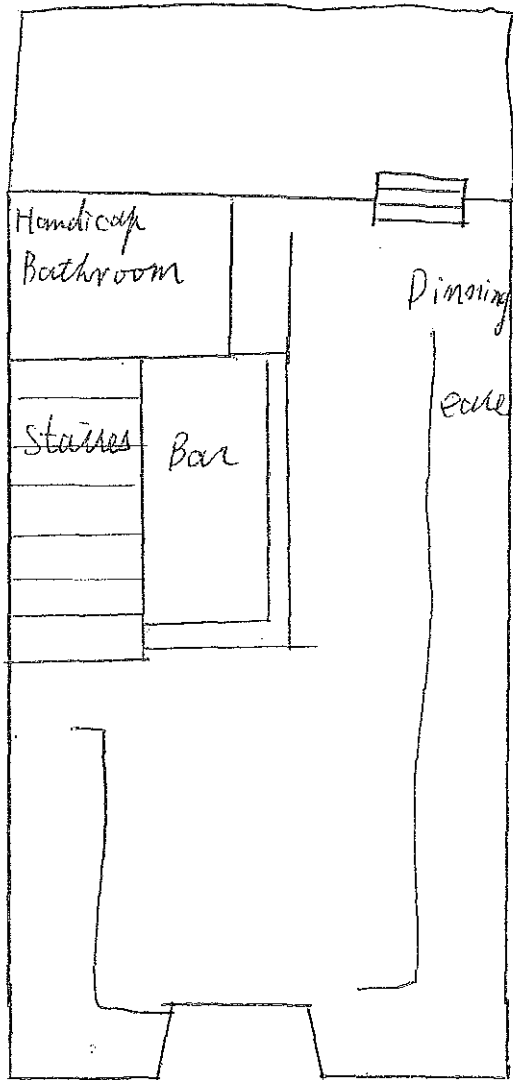
If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

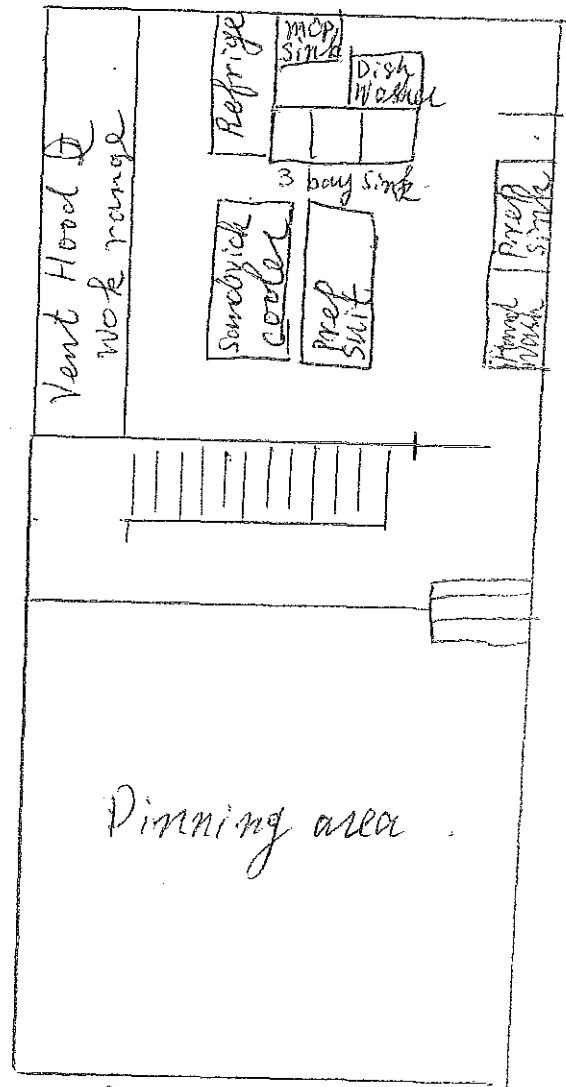
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov

PREMISE DIAGRAM

First Floor

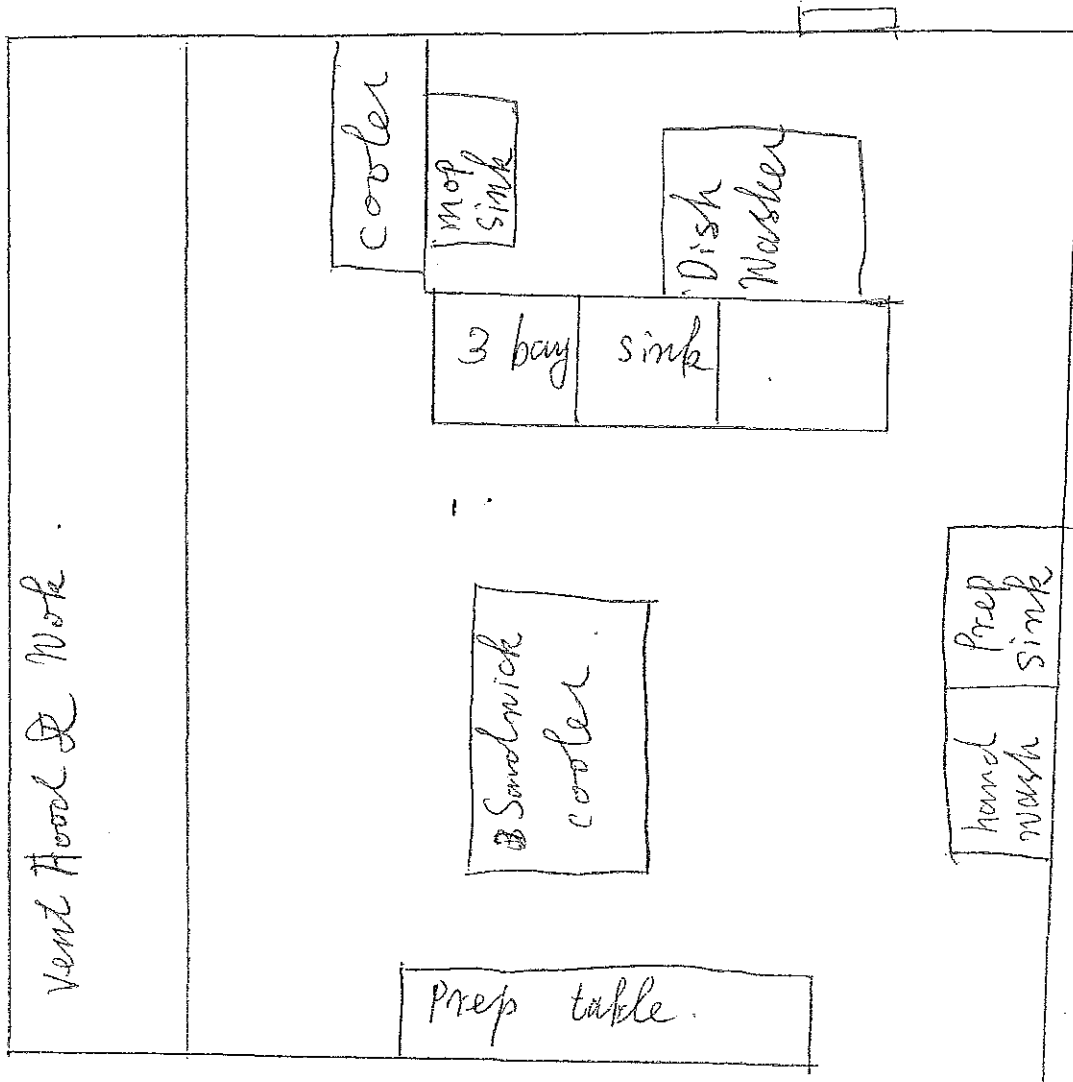


Ground Floor



Second Floor

Kitchen Layout



前菜 前1

凉拌三丝	Triple Veggie Slivers in a Spicy Dressing
凉拌黄瓜	cucumber salad with garlicky chili dressing
油酥花生	Crispy Peanuts
蒜泥白肉	Cold Pork in Hot and Garlicky Sauce
冰花煎饺	Ice Flake Pot-Sticker Dumplings
钟水饺	"Zhong" Crescent Dumplings
酥肉	Crispy Chicken Pork

卤肉	Boiled Aromatic
糖醋排骨	Sweet-and-Sour Spare Rib...

蔬菜 9 5

白油豆腐	Braised Doufu with Minced Beef
麻辣豆腐	Pock-Marked Mother Chen's Tofu (Minced Beef with Tofu in Spicy Sauce)
糖醋(圆白菜)	Stir-Fried Cabbage with Sweet and Sour Sauce
金沙玉米	Gold Sand Corn Kernels
番茄炒蛋	Fried Eggs with Tomatoes
干煸四季豆	Dry-Fried String Beans
糖醋土豆丝	Stir-Fried Potato Slivers with Sweet and Sour Sauce
青椒土豆丝	Stir-Fried Potato Slivers with Chiles and Sichuan Pepper

9

师傅拿手菜 13

鱼香肉丝	Fish-Fragrant Pork Slivers(Rib)
京酱肉丝	Stir-Fried Pork Slivers with Sweet Fermented Paste
回锅肉	Twice-Cooked pork
宫保鸡丁	Gong Bao chicken with Peanuts
甜椒肉丝	Shredded Beef with Sweet Peppers
干煸鸡	Dry-Fried Chicken
蚂蚁上树	Ants Climbing A Tree (minced beef with clear noodle in Spicy flavor)
粉蒸牛肉	Spicy Steamed Beef with Rice Meal
锅巴肉片	Pork in Lychee Sauce with Crispy Rice
红烧牛肉	Red-Braised Beef with
红烧排骨	Red-Braised Spare Rib

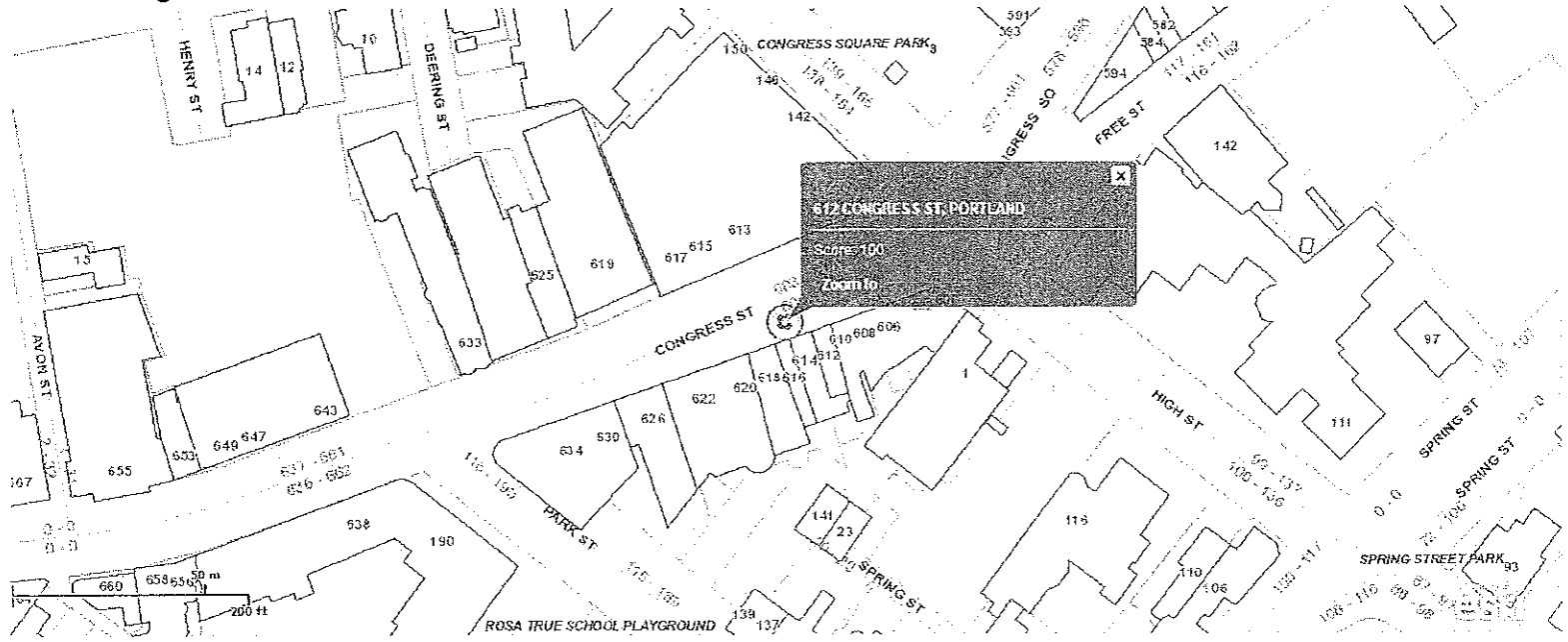
酸菜鱼	Fish Soup with Pickled Greens
水煮鱼	Boiled Fish Slices in a Fiery Sauce

饭面 9

蛋炒饭	Eggs Fried Rice
担担面	Traditional Dan-Dan Noodles
回锅肉炒饭	Twice-Cooked Pork Fried Rice...9.25
鸡米芽菜炒饭	
鱼香肉丝炒饭	

Piao Shang Sichuan Kitchen

312 Congress St.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

Transaction Response #: MIQ99C225465

Criminal History Record

Introduction

This rap sheet was produced in response to the following request (Produced on 2014-08-11) :

Inquiries Name(s)

QI SHEN (1977-09-06)

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C582967

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-08-13) :

Inquiries Name(s) QIONGFANG TAN (1948-08-29)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - PIAO SHANG SICHUAN KITCHEN - P Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 8/18/2015 3:01 PM
Subject: PIAO SHANG SICHUAN KITCHEN - P Business License Approval

PIAO SHANG SICHUAN KITCHEN - P is Approved for their Business License Inspection by the Police Dept.

Date: 8/18/2015

Zone:
Comments:

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295



Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

August 21, 2015

Qi Shen
444 North Rd.
Portland, ME 04096

Re: Shangri-la Sichuan Cuisine LLC d/b/a Piao Shang Sichuan Kitchen. Application for a Class XI Restaurant/Lounge License at 612 Congress St.

Dear Ms. Shen,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, September 9th at 7:00 p.m.** for the review of your application for a Class XI Restaurant/Lounge License at 612 Congress St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

Order 54-15/16
Tab 7 9-9-15

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Raphael Kabata d/b/a Chez Okapi. Application for a Class XI Restaurant/Lounge License with Entertainment without Dance at 249 St. John St.

City of Portland Maine
Mayor & City Council
P.O. BOX 17796
Portland, ME 04112-7796

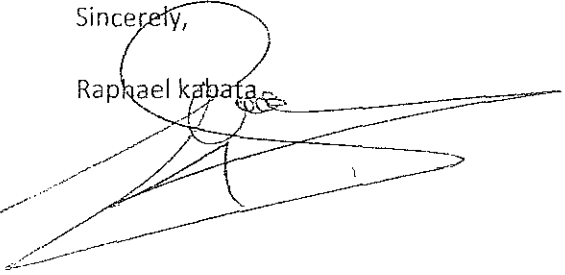
Dear Sir or Madam,

I am submitting my Liquor License application to operate a full service restaurant with full liquor license at 249 St John Street in Portland, Maine. I am looking to serve Malt, Spirituous and Vinous items in my restaurant and looking to receive a class XI License. My restaurant menu will be an African Restaurant cuisine.

Thank you for your consideration.

Sincerely,

Raphael kabata

A large, stylized handwritten signature in black ink, appearing to read 'Raphael Kabata', is written over the printed name. The signature is composed of several sweeping, interconnected strokes.

Portland, Maine



Yes. Life's good here.

Rec'd 8/12/15

2:30pm

Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8557

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	CHEZ OKAPI Phone: 207-409-2638
Location Address:	249 ST JOHN STREET PORTLAND Zip: 04102
If new, what was formerly at this location:	TAQUERIA TEQUILLA
Mailing Address:	246 AUBURN STREET #160 Zip: 04103
Contact Person:	RAPHAEL KABATA Phone: 207-409-2638
Contact Person Email:	
Manager of Establishment:	RAPHAEL KABATA Phone: 207-409-2638
Owner of Premises (Landlord):	DUKE HO
Address of Premises Owner:	248 SAINT JOHN STREET Zip: 04102

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

Name of Owner(s)	Date of Birth	Residence Address
RAPHAEL KABATA	4/14/1986	246 AUBURN STREET #160
		PORTLAND, ME 04103

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

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

About Your Establishment

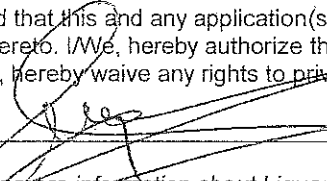
Class of Liquor License:	CLASS XI	
Type of food served:	AFRICAN FOOD	
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: 65%	Generated from Alcohol: 35%
Hours & days of operation:	11 AM - 1 AM MONDAY - SUNDAY	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒ Y ☐ N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y ☐ N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ Y ☐ N
Will you permit dancing on the premises?	☒ Y ☐ N RK
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?	10/1/2015
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☒ Y ☐ N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ Y ☐ N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	☒ Y ☐ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ Y ☐ N
If Yes, please explain:	

I RAPHAEL KABATA do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

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

Signature  Title OWNER Date 08/04/2015

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

Kcvd 8/12/15
2:30pm

Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Supplemental Application for Dancing and Entertainment License

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

☒ Entertainment without Dancing: \$270	☐ Entertainment with Dancing: \$485	☐ After-Hours (1 a.m. to 3 a.m.): \$545
--	--	--

Business Information			
Business Name (d/b/a):	CHEZ OKAPI	Phone:	207-408-2638
Location Address:	249 SAINT JOHN'S STREET PORTLAND		Zip: 04102

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:	
CD PLAYER	
Will music be (electric) acoustical, or both? (Circle)	
Will amplification be used? (N) Y	
If yes, where and at what level? (N) Y	
Lower than 92.	
Will music be played (Circle all that apply): (Inside) Outside (N) Y	
Will you permit dancing on the premises? (N) Y	
Will you permit dancing after 1:00 a.m.? (N) Y	
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? _____	
What is your targeted opening date? _____	
Does the issuance of this license directly or indirectly benefit any City employee(s)? (N) Y	
If Yes, list name(s) of employee(s) and department(s): _____	

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

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

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

Signature [Signature] Title OWNER Date 8/16/2015

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

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER: _____ **CLASS:** _____

DEPOSIT DATE _____

AMT. DEPOSITED: _____ **BY:** _____

CK/MO/CASH: _____

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☒ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>RAPHAEL KAPATA</u> DOB: <u>4/14/86</u>				2. Business Name (D/B/A) <u>CHEZ OKAPI</u>			
DOB: _____				Location (Street Address) <u>249 ST JOHN ST</u>			
DOB: _____				City/Town <u>PORTLAND</u> State <u>ME</u> Zip Code <u>04103</u>			
Address <u>246 AUBURN ST #160</u>				Mailing Address <u>246 AUBURN ST #160</u>			
City/Town <u>PORTLAND</u> State <u>ME</u> Zip Code <u>04103</u>		City/Town <u>PORTLAND</u> State <u>ME</u> Zip Code <u>04103</u>		City/Town <u>PORTLAND</u> State <u>ME</u> Zip Code <u>04103</u>		City/Town <u>PORTLAND</u> State <u>ME</u> Zip Code <u>04103</u>	
Telephone Number <u>207-409-2638</u>		Fax Number _____		Business Telephone Number _____		Fax Number _____	
Federal I.D. # _____				Seller Certificate # _____			

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ NEW FOOD \$ NEW LIQUOR \$ NEW
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☒
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: 9/30/2015
Requested inspection date: 9/15/2015 Business hours: 11:50 AM - 1:00 AM
9. Business records are located at: 246 AUBURN STREET #160
PORTLAND, ME 04103

10. Is/are applicants(s) citizens of the United States?

YES ☐ NO ☒

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
RAPHAEL KABATA	4/14/86	CONGO DR

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

1 SHERMAN STREET #6 PORTLAND, ME
#43 GRANT STREET #18 PORTLAND, ME 04101

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

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

YES ☒ NO ☐ Applied for: _____

19. 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? _____ Which of the above is nearest? NONE

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

If YES, give details: _____

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

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

Dated at: 8.10.2015 Portland ME on _____, 20____
Town/City, State Date

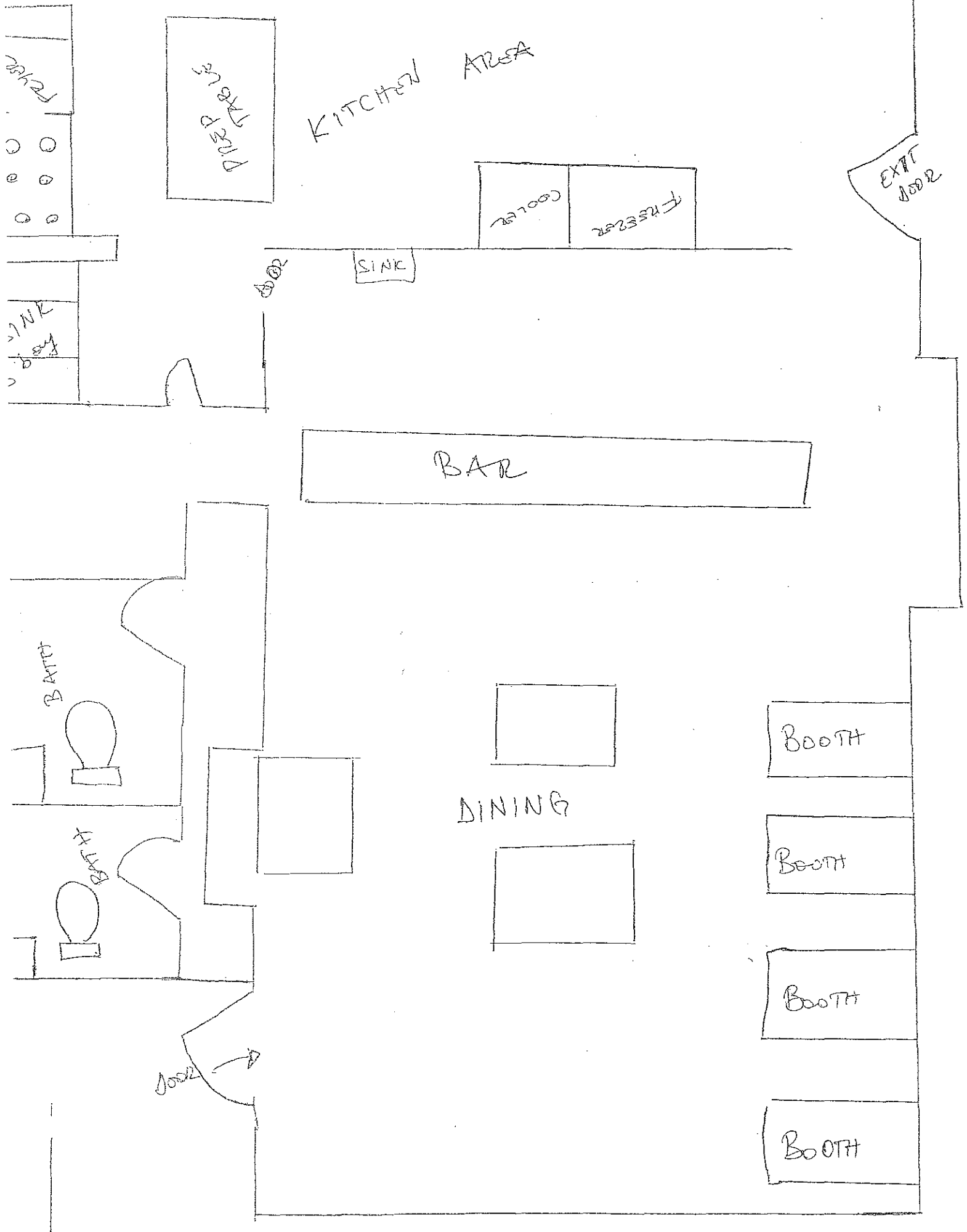
Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

RAPHAEL KABATA
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name



CHEZ OKAPI RESTAURANT – LOUNGE

249 ST JOHN STREET PORTLAND, MAINE 04102

207-409-2638

MENU

(Every meal served with a side of Rice, Potato sautés, French fries, Fried plantains, chikwangue or fufu)

MEALS

• Beef Steak.....	\$13.50
• Pork steak.....	\$13.50
• Brochettes (2).....	\$12.75
• Chicken grilled or fried.....	\$11.50
• Chicken Wings (5).....	\$10.45
• Salted fish.....	\$13.45
• Maquerelle fish (MUKEKE or Thompson).....	\$13.50
• Fried Tilapia.....	\$13.50
• Salmon fillet grilled or fried.....	\$15.50
• Goat meat.....	\$15.99
• Beef steak only.....	\$8.50
• Pork Steak only.....	\$8.50
• Chicken only.....	\$7.50
• Brochette (2) only.....	\$8.99
• Salted Fish only.....	\$8.50
• Tilapia only.....	\$10.00
• Goat Meat only.....	\$11.00
• Maquerelle (Mukeke or Thompson).....	\$11.00
• Sambusa (2).....	\$6.00

SIDES

• Spinach.....	\$4.35
• Cassava leaves (sombe, pondu, saka-saka).....	\$4.35
• Fumbwa.....	\$4.35
• Beans (madesu, haricot, Maharagi).....	\$4.35
• Salad (plain, chicken or bacon).....	\$5.00

CHEZ OKAPI RESTAURANT - LOUNGE

249 ST JOHN STREET PORTLAND, ME

207-409-2638

BEVERAGES

Beer

• Heineken.....	\$3.00
• Budweiser.....	\$3.00
• Coors lite.....	\$3.00
• Bud lite.....	\$3.00
• Becks.....	\$3.00
• Corona.....	\$3.00
• Guinness.....	\$3.50
• Leffe.....	\$3.50
• Bacardi.....	\$3.00

WINE

Glass

• White Zinfandel.....	\$4.00
• Pinot Grigiot.....	\$4.00
• Moscato.....	\$4.00
• Cabernet Sauvignon.....	\$4.00
• Chardonnay.....	\$4.00
• Merlot.....	\$4.00
• Other Assorted Wines.....	\$4.00
• Wine Bottle.....	\$20.00

Champagne.....\$45/Bottle.

LIQUOR

. Glass (shot).....\$6.00

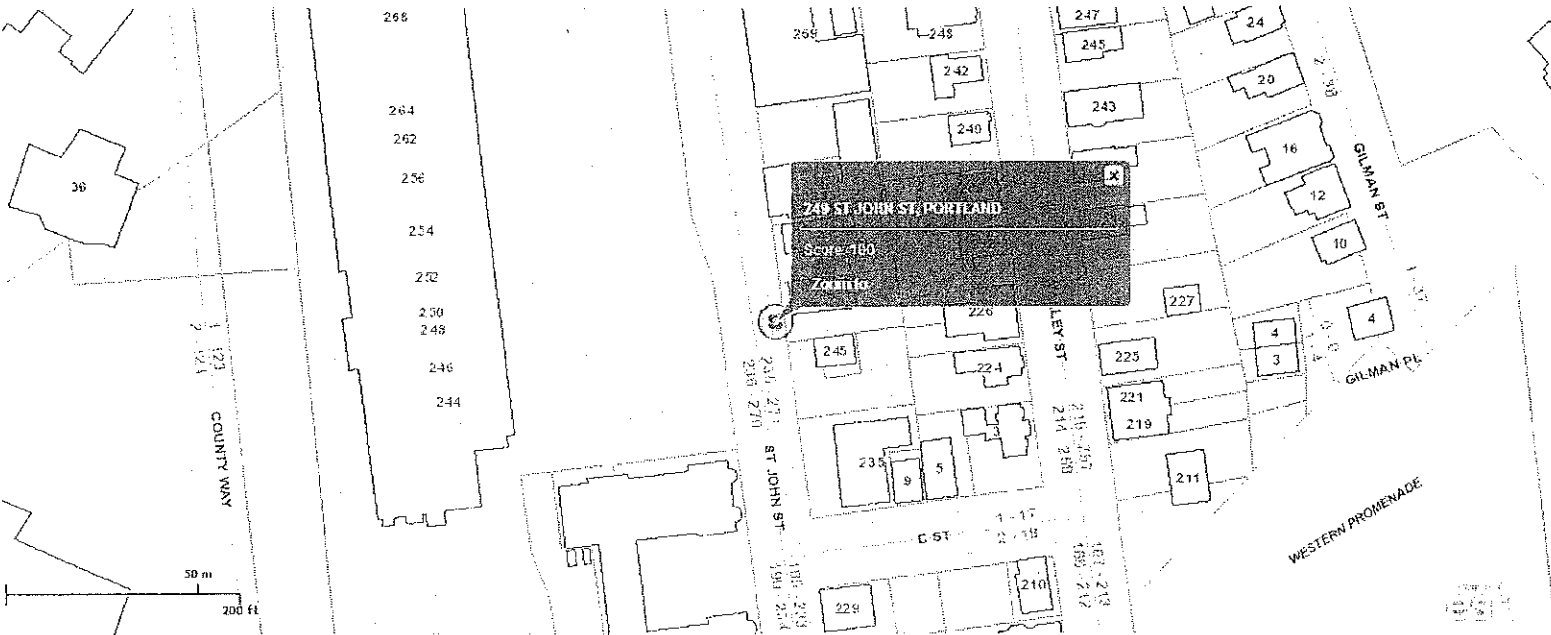
Juice.....\$2.50

Soda.....\$1.50

Water.....\$1.50

Chez Okapi

249 St. John St.





MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE) (207) 624-4478 (TDD)

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C582966

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2015-08-13) :

Inquiries Name(s) RAPHAEL KABATA (1986-04-14)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Business Licensing - CHEZ OKAPI - PENDING Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 8/18/2015 3:00 PM
Subject: CHEZ OKAPI - PENDING Business License Approval

CHEZ OKAPI - PENDING is Approved for their Business License Inspection by the Police Dept.

Date: 8/18/2015

Zone:
Comments:

Lt. Gary L. Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295

**Office of the City Clerk**

Katherine L. Jones, CCM, City Clerk

August 21, 2015

Chez Okapi
Attn: Raphael Kabata
246 Auburn St., #160
Portland, ME 04103

Re: Raphael Kabata d/b/a Chez Okapi. Application for a Class XI Restaurant/Lounge License with Entertainment without Dance at 249 St. John St.

Dear Mr. Kabata,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, September 9th at 7:00 p.m.** for the review of your application for a Class XI Restaurant/Lounge License with Entertainment without Dance at 249 St. John St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice Gardner".

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

*Order 55-15/16
Tab 8 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Tiqa LLC d/b/a Tiqa. Application to Add Outdoor Dining on Public Property at 327
Commercial St.**

TIQA LLC
327 Commercial Street
Portland, Maine 04103
(207) 808-8840
August 18, 2015



Mayor and Members of the City Council
389 Congress Street
Portland, Maine 04101
(207) 874-8557

Dear Mayor Brennan and Members of the City Council,

TIQA LLC is submitting this letter of intent to apply for an expansion of our liquor license in the city of Portland. The restaurant is located at 327 Commercial Street.

Please find enclosed the diagram of the layout of the premises, the city application for food & alcohol, the state application for food & alcohol, and the required fees.

Mr. Anthony Lindvall is authorized to respond to questions regarding this application. He can be reached at (207) 210-1087 or tony@tiqagrille.com

Sincerely,

Deen N. Haleem
President, TIQA LLC

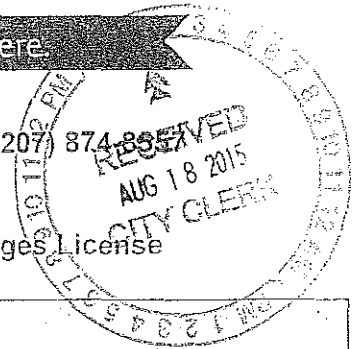
Portland, Maine



Yes. Life's good here.

Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8357
www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License



Business Information	
Business Name (d/b/a):	TIQA Phone: 207 808 8840
Location Address:	327 Commercial St Zip: 04103
If new, what was formerly at this location:	
Mailing Address:	327 Commercial St Zip: 04103
Contact Person:	Tony Lindvall Phone: 207 210 1087
Contact Person Email:	anthony.lindvall@gmail.com
Manager of Establishment:	Tony Lindvall Date of Birth: 10/21/86 Phone: 207 210 1087
Owner of Premises (Landlord):	Deen Haleem
Address of Premises Owner:	327 172 E. Promenade Zip: 04101

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

Name of Owner(s)	Date of Birth	Residence Address
Deen Haleem	9/24/63	172 E. Promenade
Carol Mitchell	12/26/55	172 E. Promenade

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

Corporate Name		Corporate Mailing Address	
TIQA LLC		327 Commercial St Zip: 04101	
Contact Person:	Deen Haleem	Phone:	207 808 8840
Principal Officers	Title	Date of Birth	Residence Address
Deen Haleem	President	9/24/63	172 E. Promenade
Carol Mitchell	Vice President	12/26/55	172 E. Promenade

About Your Establishment

Class of Liquor License:	XI	
Type of food served:	Pan Med	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 50	Generated from Alcohol: 50
Hours & days of operation:	7/week 11am - 11pm	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? Open now / patio 9/10/15	
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): Deer Haven, TICA	
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 Anthony Lordoval 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 General Manager Date 8/18/15

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

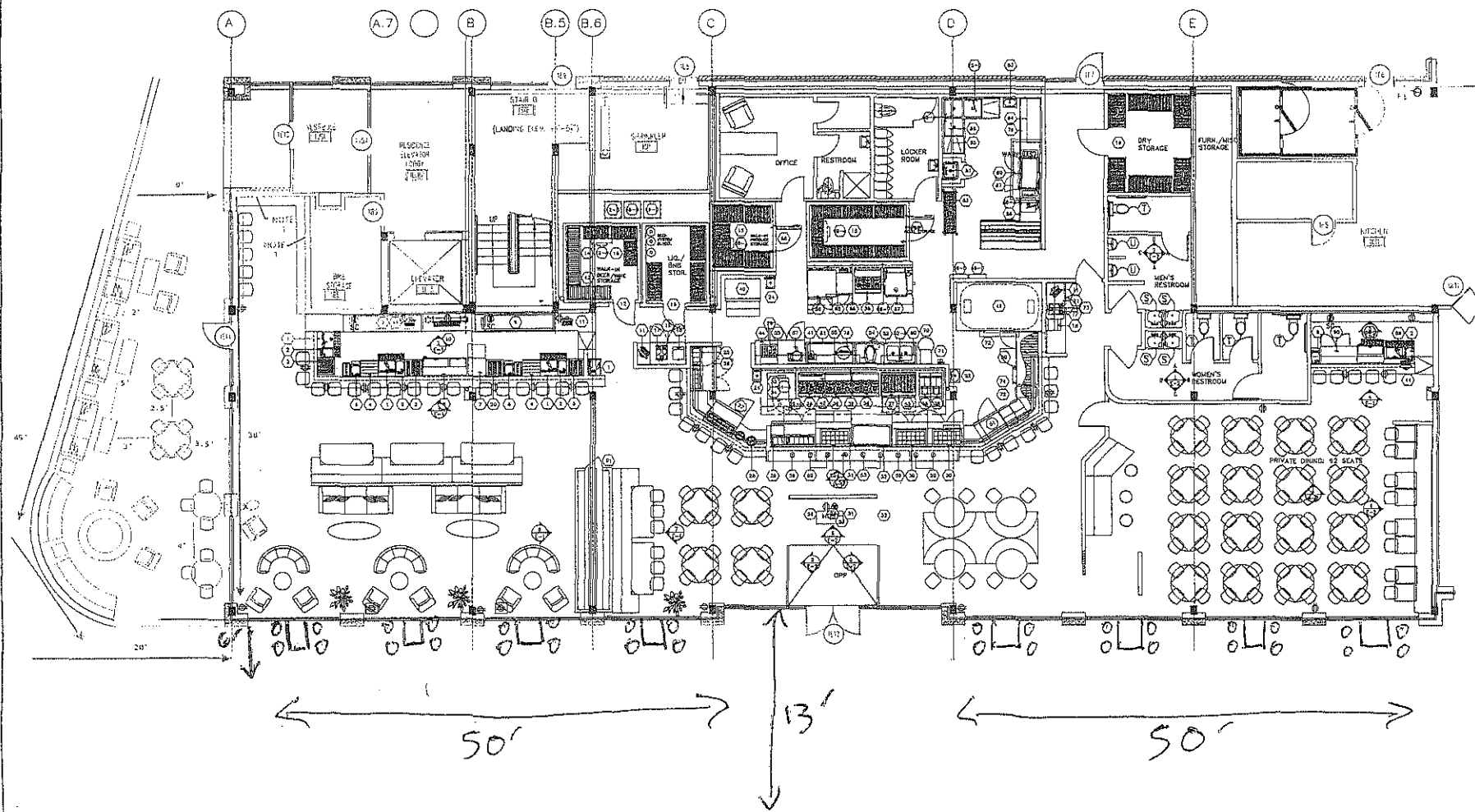
ISSUES	DATE	DESCRIPTION	STATUS
1	10/1/01	ISSUED FOR PERMIT	OPEN
2	10/1/01	ISSUED FOR PERMIT	OPEN
3	10/1/01	ISSUED FOR PERMIT	OPEN
4	10/1/01	ISSUED FOR PERMIT	OPEN
5	10/1/01	ISSUED FOR PERMIT	OPEN
6	10/1/01	ISSUED FOR PERMIT	OPEN
7	10/1/01	ISSUED FOR PERMIT	OPEN
8	10/1/01	ISSUED FOR PERMIT	OPEN
9	10/1/01	ISSUED FOR PERMIT	OPEN
10	10/1/01	ISSUED FOR PERMIT	OPEN
11	10/1/01	ISSUED FOR PERMIT	OPEN
12	10/1/01	ISSUED FOR PERMIT	OPEN
13	10/1/01	ISSUED FOR PERMIT	OPEN
14	10/1/01	ISSUED FOR PERMIT	OPEN
15	10/1/01	ISSUED FOR PERMIT	OPEN
16	10/1/01	ISSUED FOR PERMIT	OPEN
17	10/1/01	ISSUED FOR PERMIT	OPEN
18	10/1/01	ISSUED FOR PERMIT	OPEN
19	10/1/01	ISSUED FOR PERMIT	OPEN
20	10/1/01	ISSUED FOR PERMIT	OPEN
21	10/1/01	ISSUED FOR PERMIT	OPEN
22	10/1/01	ISSUED FOR PERMIT	OPEN
23	10/1/01	ISSUED FOR PERMIT	OPEN
24	10/1/01	ISSUED FOR PERMIT	OPEN
25	10/1/01	ISSUED FOR PERMIT	OPEN
26	10/1/01	ISSUED FOR PERMIT	OPEN
27	10/1/01	ISSUED FOR PERMIT	OPEN
28	10/1/01	ISSUED FOR PERMIT	OPEN
29	10/1/01	ISSUED FOR PERMIT	OPEN
30	10/1/01	ISSUED FOR PERMIT	OPEN

APPROVAL
APPROVED AS SUBMITTED
APPROVED AS NOTED
NOT APPROVED/REWORK

GENERAL NOTES
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
2. ALL MATERIALS AND FINISHES SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED BUDGET.
5. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED QUALITY STANDARDS.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED SAFETY STANDARDS.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED ENVIRONMENTAL STANDARDS.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED ACCESSIBILITY STANDARDS.
9. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED FIRE SAFETY STANDARDS.
10. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED HEALTH AND SAFETY STANDARDS.

INTERIOR DESIGN	
Equipment Schedule	
Equipment	TIQA
Model	*****
Manufacturer	JRD
Model No.	JRD
Quantity	JRD
Unit Price	424.00
Total Price	424.00

K.101



Commercial St.



311 Commercial

Outdoor Dining Permit Application



If you or the property owner owes real estate or personal property taxes or user charge within the City, payment arrangements must be made before permits of any kind are

Reviewed for Code Compliance
Inspections Division
Approved with Conditions

Check all that apply: ☒ New Application for Outdoor Dining
or ☐ Renewal Application for Outdoor Dining
☐ Application for dining on Private Property

Date: 08/03/15

☐ Outdoor Dining in a Public Park ☐ If Renewal, are there changes to previous permit?
☒ Outdoor Dining in a Historic District ☐ Yes ☐ No
☐ Petition for Exception for Special Circumstances
☐ Liquor License required?

City Clerk signature for liquor license approval: [Signature]

Location Name & Address: <u>TIGA, 327 Commercial St.</u>		Chart	Block	Lot
Owner Name: <u>Deen Haleem</u>		Total Square Footage of Proposed Outdoor Dining Area: ¹ <u>600 sq/ft.</u>		
Owner Phone #: <u>207 808 8840</u>		Fee: \$80 (Public-Annual) \$125 (Private 1X) Total Sq. Ft.: _____ Sq. Ft. Fee: (sq ft x \$2) \$ <u>1200.00</u> (sq ft x \$6 for public parks)		
Applicant *must* be owner or lessee Name: <u>Deen Haleem</u> Address: <u>172 E. Promenade</u> City, State & Zip: <u>Portland, ME 04101</u> E-Mail: <u>deen@tiga.net</u>		Total Fees: <u>\$ 1280.00</u> (Permit not issued until all fees are paid)		
Current use: _____				
Business name: _____				
Seating area dimensions: <u>100ft X 5'9 ft</u>				
How many chairs? <u>64</u> How many tables? <u>16</u>				
☒ Yes Alcohol is served. ☐ No Alcohol being served.				
Who should we contact: <u>Tony Lindvall</u> Phone: <u>207 210 1087</u> *Has				
Address: <u>327 Commercial St</u> E Mail: <u>anthony.lindvall@gmail.com</u>				

Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit. New applications and renewals are reviewed on an annual basis and should be submitted no later than June 1st.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature of Applicant: [Signature]Date: 7/6/15

¹ In no instance shall the total square footage of dining area equal more than 10% of park space, unless the applicant receives a waiver from the Director of Parks and Recreation or his or her designee.

Business Licensing - TIQA Business License Approval

From: Gary Hutcheson
To: Business Licensing
Date: 8/18/2015 2:47 PM
Subject: TIQA Business License Approval

TIQA is Approved for their Business License Inspection by the Police Dept.

Date: 8/18/2015

Zone:

Comments: I approve as long as they abide by the setbacks.

Lt. Gary L Hutcheson
Portland Police Department
109 Middle St
Portland, Maine 04101
(207) 756-8295



Office of the City Clerk

Katherine L. Jones, CCM, City Clerk

August 21, 2015

Tiqa LLC
Attn: Deen Haleem
327 Commercial St.
Portland, ME 04101

Re: Tiqa LLC d/b/a Tiqa. Application to Add Outdoor Dining on Public Property at 327 Commercial St.

Dear Mr. Haleem,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, September 9th at 7:00 p.m.** for the review of your application to add outdoor dining on public property to your Class XI FSE license at 327 Commercial St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice Gardner".

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

*Order 56-15/16
Tab 9 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Nosh LLC d/b/a Nosh Kitchen Bar. Application to expand existing alcohol service area for one-day event on September 20, 2015 at 551 Congress St.

From: Matt <mjmoranptld@aol.com>
To: Janice Gardner <JGARDNER@portlandmaine.gov>
Date: 8/21/2015 12:15 PM
Subject: Fwd: NoshBow

>> Dear Mayor Brennan and Council Members,

>>

>> Greetings from Nosh! We are writing this letter to ask approval of you and the council to host our 3rd annual NoshBow event on Oak St on September 20th. This is the rain date from the event originally scheduled for June 28th. Last year the event was a rousing success with support from the neighborhood and city. This year we are hoping to make the event bigger and better by getting more people involved. We have partnered with Oxbow Brewing company for the event and are bringing in local bands, djs and food vendors as well as local artists to do a live art demonstration. The attendance last year was over 1000 people and we look to be closer to 1500 this year throughout the day. We are asking to expand the footprint covered by our liquor license in order to accommodate the attendees. The requested area will be fenced in and monitored by our staff and also 2 Portland Police officers as well as a private security company. Thank you for your consideration in this matter and please feel free to contact us with any questions or concerns.

>> Sincerely,
>> Nosh Kitchen Bar
>> (Matt Moran)

>>

>> Sent from my iPhone

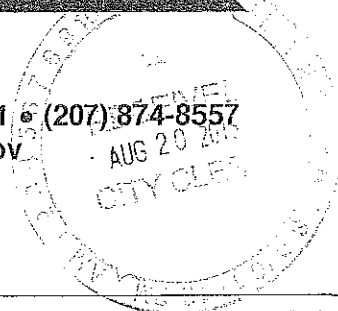
Portland, Maine



Yes. Life's good here.

Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8557
bl@portlandmaine.gov • www.portlandmaine.gov

Single Concert/Dance Permit Application
Permit Fee: \$36/Day



If the concert/dance is proposed for **outdoors**, in a park, or on city property, you must obtain the necessary permits from Public Services Event Office. They can be reached at: 207-874-8826.

Applicant Information:	
Business/Group Name(s):	NOSH KITCHEN BAR
Business Address:	551 CONGRESS ST.
Applicant/Contact Person's Name:	MATT MORAN
Daytime Phone Number:	
Phone Number Day of Event:	(207) 749-0340
Email Address:	

Event Information:	
Name of Festival/Event:	NOSH BOW
Location of Event:	OAK ST.
Date of Event:	SEPT. 20
Time of Event (start to finish):	11-6
Estimated Attendees:	1,000-1,500
Style of Music: (ex. DJ, Live, Acoustic)	DJ : LIVE MUSIC (PARANOID SOCIAL CLUB, PUD CRAWLERS, TIGERMAN WOAH, EDMUND KRIMM)
NOTE: Please utilize back of page if a number of bands or musicians are performing.	
Premises Owner's Name and Address:	CITY OF PORTLAND : TOM MOULTON (551 CONGRESS ST.)
Does the award of this license benefit any City employee?	Y/N
If yes, list name(s) and department(s):	

Read Carefully & Sign:

I/we, understand that any misstatement of material fact in the above application may result in denial of this license or revocation if a license has already been issued.

Signature [Signature]

Date 8/20/15

For more information about City Codes regarding Single Concert/Single Dance permits, please see Chapter 4 of the Code of Ordinances at www.portlandmaine.gov.

Email Sent:	Dept.	Approval Received:	Fee:
	Fire		Cash: _____
	Health		Check #: _____
	PD		Charge: _____
	Public Services		
	Treasury		
	Zoning		

Business Licensing - Re: NoshBow - Rain Date - 9/20

From: Michael Rand
To: Business Licensing
Date: 8/23/2015 4:51 PM
Subject: Re: NoshBow - Rain Date - 9/20

PD approves with the hiring of the previously scheduled detail officers.

Sgt. Michael Rand
Traffic Division
Portland Police Department
109 Middle Street
Portland, Maine 04101
(207) 874- 8554

>>> Business Licensing 8/21/2015 3:41 PM >>>
Hello,

For your approval: NoshBow on 6/28 was canceled due to rain. They have a new date of 9/20 from 11 a.m. to 6 p.m. Same set-up, vendors, and concert info. They will go before Council on 9/9.

Thanks,
Janice

>>> Business Licensing 5/11/2015 4:26 PM >>>
Hello,

For your approval:

Nosh Kitchen Bar is hosting their third annual **NoshBow on Oak St. on 6/28 from 11 a.m. to 6 p.m.** They are going before Council on June 1st to have their request to expand their liquor license for the event considered. Estimated attendees: 500-600. The following permit applications have been submitted:

Single Concert:
DJ & Live Music from Mallet Brothers, Rustic Overtones, and Spose

TFSE:
Pizza Pie on the Fly - Not licensed in Portland. Ryan Carey - 299-6995
Hella Good Tacos - Licensed in Portland - Josh or Melissa Bankhead - 310-3974 or 775-2722

Contact: Matt Moran - 749-0340

Thanks,
Janice

Business License Administrator
bl@portlandmaine.gov
207.874.8557

**Office of the City Clerk**

Katherine L. Jones, CCM, City Clerk

August 24, 2015

Nosh Kitchen Bar
Attn: Matt Moran
551 Congress St.
Portland, ME 04101

Re: Nosh LLC d/b/a Nosh Kitchen Bar. Application to expand existing alcohol service area for one-day event on September 20, 2015 at 551 Congress St.

Dear Mr. Moran,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, September 9th, at 7:00 p.m.** for the review of your application to expand Nosh Kitchen Bar's existing alcohol service area for one-day event on September 20, 2015. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the City Council has questions regarding the license application. If there is no representation and questions arise, the issue could be postponed.

Should you have any questions or concerns, please do not hesitate to contact our office directly at (207) 874-8557 or by email, BL@portlandmaine.gov

Sincerely,

Janice Gardner
Business License Administrator
207-874-8557
bl@portlandmaine.gov

Com 3-15/16
Gab 10 9-9-15

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Christine Grimando, Senior Planner

DATE: July 21, 2015

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Communication Re: Final Recommendations of the Reed School Re-Use Task Force

SPONSOR: Housing and Community Development Committee (July 8, 2015, 4-0)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading ___ Aug. 3, 2015 ___ **Final Action** ___ No Action Required

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

PRESENTATION:

None required (Christine Grimando will be available to answer questions from City Council).

I. SUMMARY OF ISSUE

Attached is the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force*. It includes recommendations for future uses for the former Reed School and grounds at Libby Street and Homestead Avenue. Also included are recommendations on the criteria and process for selecting development proposals for the property. The report is the product of a strong public process and the dedicated efforts of the Task Force since they held their first meeting in November 2014. The recommendations received unanimous support at the final Task Force meeting, on June 18th. HCDC reviewed and accepted these recommendations on July 8th, voting to inform the Council via Communication of the recommended changes and the project's progress.

The recommendations support housing development while also allowing for the possibility of the building being repurposed for certain institutional and educational uses. Open space retention and preservation of the building are also strongly supported. To facilitate these goals, the final report includes a recommendation to rezone the property from R-3 zone to R-5, which will allow for greater density, multi-family development, and a modestly wider range of possible uses than the R-3 permits.

At the direction of the Housing & Community Development Committee, Planning staff has proceeded with issuing a Request for Qualifications (RFQ) for the property, and will be initiating the rezoning and Historic Preservation designation processes shortly. The RFQ process would be followed by a Request for Proposals (RFP) from top qualified firms. A draft RFQ is also included as an Appendix in the final report.

II. REASON FOR SUBMISSION

To keep the City Council informed of this planning initiative.

III. INTENDED RESULT

The Council will be kept informed of the process involved in repurposing this property, and will have an opportunity to ask any questions that members might have.

IV. COUNCIL GOAL ADDRESSED

The site and the buildings have the potential to be repurposed for housing. A goal listed in the Goals of the City Council Common Goals and Objectives for 2014 is to *Promote Housing Availability: Provide increased availability in all segments of the housing market while insuring that there is a suitable balance of housing opportunities among those sectors.* The first objective of that goal is to *Complete assessment of and, as appropriate, begin to offer city owned property to construct affordable housing.*

V. FINANCIAL IMPACT

An application has been filed to MaineDEP for funding to conduct a Phase I Environmental Site Assessment for the property to reduce costs in this area. The potential re-use of an underutilized city property offers likely long term positive financial benefits for the City in the future. Transferring the property to new ownership will require minor short term costs to prepare an historic landmark designation application.

The process is staffed by the Planning Division.

VI. STAFF ANALYSIS

The Planning Division looks forward to furthering the goal of repurposing the Reed School property.

VII. RECOMMENDATION

None.

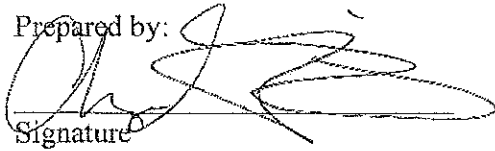
VIII. LIST ATTACHMENTS

VIII. LIST ATTACHMENTS

- Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

Prepared by:

Signature

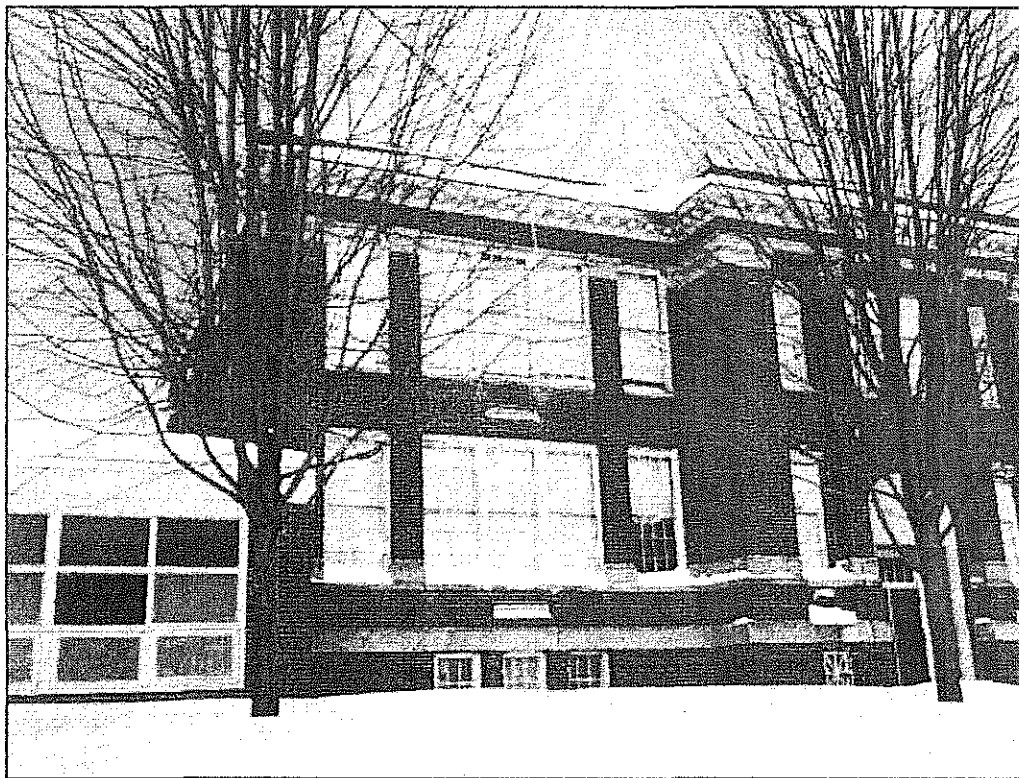
A handwritten signature in black ink, appearing to be "O. J. [unclear]", written over a horizontal line.

Date

7-21-2015

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

Produced by the Planning & Urban Development Department, Planning Division
7/1/2015



Acknowledgements

Taskforce Members

Councilor David Brenerman, John Coyne, Co-Chairs
HCDC Committee Liaison Designee - David Brenerman
Portland Planning Board Designee - Sean Dundon
Portland Trails Designee - Kara Wooldrik
Workforce Housing Designee - Jan McCormick
Portland Society for Architecture Designee - Leslie Burnham
Greater Portland Landmarks Designee - Hilary Bassett
GPCOG Designee - Rebecca Schaffner
Denise Harlow, State Representative, District #116
Parks Commission Designee - Steve Morgenstein
Elise Scala - Neighborhood Resident
Hillary Krapf - Neighborhood Resident
Dyan Albano - Neighborhood Resident
Mark Johnson - Neighborhood Resident
Andrew Bowman - Neighborhood Resident

Housing and Community Development Committee

Kevin J. Donoghue, Chair
David Brenerman, Vice Chair
Nicholas M. Mavodones Jr.
David Marshall

City Staff

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I.	EXECUTIVE SUMMARY	page 3
II.	RECOMMENDATIONS ON USE, CRITERIA, AND PROCESS	page 6
III.	REED SCHOOL RE-USE NEXT STEPS	page 13
IV.	APPENDICES	page 14
	a. Meeting Flyers	
	b. Press Release	
	c. Public Meeting Results	
	d. R3/R5 Comparison Tables	
	e. Property Transfer Letter	
	f. MHPD Letter	
	g. Written Public Comment	
	h. Meeting Notice	
	i. Draft RFQ	

I. EXECUTIVE SUMMARY

The Reed School property has been a distinct presence in the Riverton neighborhood since its inception in 1926, when it served as the area elementary school. In later years it served as the central kitchen and a warehouse for the Portland Public Schools. On June 24, 2014 the Portland Board of Public Education voted to authorize closing of the former Reed School and transfer of the school and grounds to the City of Portland, notifying the City on July 8, 2014. The building sits largely empty now, but it remains an integral part of the neighborhood's fabric and history, and in the case of the open space on the site, it remains a frequently used and valued amenity.

The Reed School Re-Use Advisory Task Force was created in September of 2014 with a diverse membership, consisting of neighborhood representatives and members representing a diversity of professional and organizational perspectives, including District 5 Counselor David Brenerman and former District 5 Counselor John Coyne as co-chairs, representatives from Portland Society for Architecture, Greater Portland Landmarks, Portland Trails, the Parks Commission, the State Representative for District #116, and a Workforce Housing specialist to make recommendations on process and future uses to insure a sensitive and contextual re-activation of the property. The Task Force met five times between November 2014 and June 2015, with an additional meeting by a drafting subcommittee to review drafts of the recommendations. The Task Force's charge was to provide recommendations on the future of the Reed School property, including the building and the grounds. Originally an elementary school, the Reed School served for many years as the central kitchen for the Portland Public Schools, until that function was transferred to Waldron Way in 2013. The property is not currently in active use, though it continues to be used for intermittent safety trainings and residual storage; the grounds, though unmaintained, serve as informal and important neighborhood open space. The Task Force held a site visit, 5 meetings, including a public forum, and a drafting subcommittee met to work with Planning staff on earlier iterations of this report. The Reed School Re-Use Advisory Task Force presents these recommendations on uses for the property, criteria for review of proposals, and the review process to the Housing and Community Development Committee for their consideration and fulfillment of their charge as assigned by the City Council.

Below is a summary of the Task Force's key recommendations:

- Rezone the property from R-3 to R-5, and include a text amendment to the R-5 zone allowing artist live/work space.
- Provide preference for proposals generally consistent with the R-5 zone.
- Require that all proposals substantially preserve the existing open space as a publically accessible neighborhood amenity.
- Designate the building as a Portland City Landmark.
- Conduct a two-tier solicitation process consisting of a Request for Qualifications followed by a detailed Request for Proposals from up to five top ranked development teams.
- Give preference to the uses that were identified by the Task Force, including residential uses, combined living/working spaces, educational uses, and wellness-related uses.

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

These recommendations support the following central themes that arose over the course of a thorough and deliberative planning process:

Historic Preservation. Retention of the original building received support from the Task Force, and in the Public Forum results. The Maine Historic Preservation Commission has found both the original, 1926 structure, and the 1950 addition to be eligible for nomination to the National Register of Historic Places. These were found eligible for their combined architectural significance, as examples of two distinct types of school styles built before and after WWII, and for the way in which the building speaks to the neighborhood's post-War development. Though the retention of the original structure received the most consistent support, both this and the 1950s addition are recommended for designation as a locally designated historic landmark. It was suggested, in feedback received at Task Force meetings, that there might be particular structural challenges with repurposing the 1950 addition; the Task Force is consequently prioritizing re-use of the original structure in their recommendation, and deferring to a determination on feasibility for the 1950 addition.

In addition to recognizing that the Reed School building is architecturally valuable to the community, historic preservation gained support to the extent it would insure a significant amount of design review by the Historic Preservation Board when the site is redeveloped. As a building that has long been part of the fabric and history of the neighborhood, but one that stands in contrast to the predominantly single family neighborhood immediately abutting it, the quality of the redevelopment of the existing building, and any potential modifications or additions, should be held to high design standards.

Open Space. The most consistent feedback received regarding the re-use of the site was the value of the existing open space is to the community, and how important it is to retain as much of this as practicable as a publically accessible amenity. Apart from nearby school grounds, there is no parkland within a ½ mile radius of the property, nothing that provides a comparable service. Even in its unimproved state, it is frequently utilized. A number of specific variations on the future of the open space were discussed, such as ball fields, gardens, playgrounds, passive recreation area, or a combination of one or more of these suggestions.

Neighborhood Compatibility. The Task Force recommendations recognize that the preservation of the building and the preservation of a significant amount of contiguous open space are interrelated goals that require allowing for a greater residential density, and a greater diversity of possible uses, than would have otherwise been supported. The recommendations assume that in order for the redevelopment of the structure to be viable, while also including preservation of open space, a certain amount of flexibility and additional development potential is required. There was discussion over the course of the planning process about allowing certain small scale commercial uses, such as cafes, on the site. However, out of deference to the residential character of the neighborhood, there was most support for the property being made part of the R-5 zone, a somewhat more permissive residential zone than the R-3. There was a great deal of support for allowing for the possibility of a redevelopment that would incorporate community space, artist space, or some creative interpretation of new housing, as well as support for day care, senior care, and varied educational uses. All of these articulations of support were framed by the desire for new activities on the site to be sensitive to the surrounding community in terms of incorporating

excellent design, and introducing improvements that do not unreasonably impact the character and vitality of the area.

II. RECOMMENDATIONS ON USE, CRITERIA, AND PROCESS

INTRODUCTION

The Reed School Re-Use Advisory Task Force was created by the City Council on September 15, 2014 to provide recommendations on the future of the Reed School property, including the building and the grounds, at 19 Libby Street. The Portland Public Schools transferred control of the property to the City in July 2014. Originally an elementary school, the Reed School served for many years as the central kitchen for the Portland Public Schools, until that function was transferred to Waldron Way in 2013. The property is not currently in active use, though it continues to be used for intermittent safety trainings and residual storage; the grounds, though unmaintained, continue to serve as informal and important neighborhood open space. The Task Force held a site visit, 5 meetings, including a public forum, and a drafting subcommittee met to work with Planning staff on draft versions of this report. The Reed School Re-Use Advisory Task Force presents these recommendations on uses for the property, criteria for review of proposals, and the review process to the Housing and Community Development Committee for their consideration and fulfillment of their charge as assigned by the City Council.

The document is structured according to the charge to the Task Force established by the City Council and is organized by:

- A. Use
- B. Criteria
- C. Process

The language is largely framed as might be found in a request for proposals document to ensure that the Task Force's recommendations may be specifically utilized in the request and evaluation of proposals. In drafting an RFP document, the organization will likely require amendment.

RECOMMENDATIONS

A. USES

I. Generally

Re-use of the Reed School building and property is intended to support and enhance the integrity of the surrounding neighborhood. Proposals for re-use of the property will show consistency with this intent by sensitively preserving the building and introducing new uses, occupants, and improvements that do not unreasonably impact the character and vitality of the area.

II. Zoning

The Reed School property is located in the R-3 residential zone, which provides uses, residential density, and dimensional standards consistent with the predominant neighborhood character, but in contrast to the Reed School site. Due to the distinct nature of this property, the Task Force is recommending that this parcel be rezoned to the R-5

Residential Zone, as a zone that better fits the anticipated future redevelopment of this site in regard to permitted uses and dimensional standards. In addition to the zoning map change, in response to public input received, the Task Force is recommending a text amendment to allow for the following residential use: *Combined living/working spaces including, but not limited to, artist residences with studio space.*

Unlike the current R-3 zone, the R-5 allows for repurposing the existing building, including the 1926 original structure, and potentially the mid-century one story addition. As a character defining feature of the neighborhood, and of the City's and Riverton's history, enabling creative repurposing of the original structure, and possibly the 1950 addition, is a central component of these recommendations. Consideration of proposals that require additional zoning changes, or that alternately propose a contract zone for the property, will be reviewed in relation to their consistency with the prioritized uses and criteria below.

III. Uses Encouraged

The following uses are specifically encouraged to compatibly add value, vitality and interest to the Reed School property and surrounding neighborhood.

- a. Publicly accessible, contiguous open space that incorporates community gardens, playground, or a compelling combination of active and passive recreation areas.
- b. Residential uses, including multi-family residential and senior housing, particularly those that help preserve the economic and physical character of the neighborhood.
- c. Combined living/working spaces, including but not limited to artist residences with studio space.
- d. Educational uses such as arts education, early childhood education or care, research and continuing education.
- e. Wellness-related uses such as adult day care or childcare.
- f. Community spaces such as art studios or a community center.
- g. Creative mix of uses that protect and enhance the character and vitality of the neighborhood, provided the mix is a low impact, low traffic combination.

IV. Uses Discouraged

The following uses are strongly discouraged:

- a. High intensity commercial, industrial, and/or institutional uses or those that include a large amount of traffic, parking, and, external impacts;
- b. Residential unit counts that are drastically higher density than allowed under the R-5 zone are discouraged.

B. CRITERIA

The City will accept and rate Developer Team proposals for re-use of the Reed School property using the following criteria:

I. Thresholds for Evaluating Developer Qualifications

Prior to requesting full proposals for re-use and development of the Reed School property, Development Teams shall submit qualifications to the City. This documentation shall include the following information in order to be considered:

a. *Development Team*

Identify the principal members of the development team and their respective roles in the project.

b. *Program and Redevelopment Description*

Provide a conceptual development and re-use narrative including goals, program, business plan and timeline for the development.

c. *Development team experience and financial capacity*

The Qualifications shall include documentation demonstrating that the development team can complete and operate the concept development by supplying:

1. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and,
2. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete and operate the proposal.

II. Criteria for Evaluating Qualifications

The city will apply the following criteria to rate competing Developer Team qualifications for selection to submit full proposals.

a. *Use*

The uses described in the conceptual development and re-use narrative are consistent with Section A., Uses, above;

b. *Financial Strength and Experience of the Development Team*

The Development Team has the experience, financial capacity and a proven track record to confidently achieve the goals and program(s) described in the conceptual development and re-use narrative.

III. Requirements for Full Proposals

All proposals shall include information and documentation of the following in order to be considered:

a. *Development Team*

The proposal shall identify the principal members of the development team and their respective roles in the project.

b. *Restoration of Building*

The proposal shall describe commitments and measures to protect the short-term and long-term integrity of the building that at a minimum:

1. Address the stability and safety of the building by immediately protecting the structure from further deterioration.

2. Preserve the structural and architectural integrity of the building consistent with established historic preservation standards.

c. *Publicly Accessible Open Space*

Publicly accessible open space shall be incorporated into all proposals.

Proposals that require the land area included in the open spaces and or play areas for residential density requirements under the R-5 zoning may propose public access easements or other methods to preserve the maximum residential density allowed. Residential projects proposing that the City retain fee ownership of open areas would either lose residential density potential, or would require a zone change to allow higher residential density on the residual project site, which would need to be evaluated for consistency with these recommendations.

d. *Program and Redevelopment Description*

The proposal shall include a detailed description of the uses and development of the property including sufficient detail for the City to understand the intent of the proposal and a zoning assessment for consistency with the R-5 zone. At a minimum the proposal shall include:

1. A re-use narrative describing the development program for interior and exterior uses of the property;
2. Sketch level or conceptual drawings showing proposed improvements including floor plans, elevations, additions, new structures, publicly accessible areas, landscaping, parking, site lighting, fencing, and other site features; and,
3. A project business plan, market analysis, time line, and development pro forma demonstrating the long-term success and viability of the project.
4. A summary of where the proposal differs with what is permitted in the R-5 zone, if applicable.
5. Indication of intent to preserve solely the original structure or intent to preserve this and the 1950 addition, as well as indication whether there is intent to pursue nomination to the National Register of Historic Places for the same.

e. *Purchase Offer, Estimated Project Value, and Property Tax Impact to the City*

The proposal shall include:

1. The purchase offer to the City;
2. Description & estimated cost of the proposed improvements;
3. Estimated post-development property value;
4. Estimated net and gross property tax impacts to the City;
5. Any financial support requested from the City for the project.

f. *Financial and Technical Capability*

The proposal shall include documentation demonstrating that the development team can complete and operate the proposal as described in (b),(c)and (d) above by supplying:

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

1. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and,
2. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete and operate the proposal.

IV. Criteria for Prioritizing Full Proposals:

The city will apply the following criteria to rate competing proposals. Primary criteria are given greater than secondary, but all criteria represent important considerations when evaluating and selecting a preferred proposal. All proposals must demonstrate sufficient strength of financial and technical capability and the project business plan to successfully complete the project in a timely manner in order to be considered.

The Reed School Re-Use Advisory Task Force suggests the following weights be given in evaluation of the proposals to the criteria below:

a. *Primary Criteria*

The Proposal:

1. Promotes a positive impact on the neighborhood as demonstrated by specific commitments within the proposal. The character, vitality and property value of the neighborhood will be protected and enhanced by the proposal. Any new construction shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood. (25%)
2. Provides a neighborhood amenity. Proposals including a greater extent and higher quality of publically accessible open space will be given a higher preference. Proposals that include a portion of community oriented space within the building will also be considered favorably. All open space proposals shall include a significant portion of contiguous open space on the Libby Street facing side of the property, retaining the historic site layout of the property to the greatest extent practicable. (20%)
3. Contains one or more of the encouraged uses listed in A.III, above in addition to the publically accessible open space indicated in A.III.a. (25%)
4. Contains a portion of workforce dwelling units (workforce here refers to housing units that a household earning 100% of the county's median income can afford, assuming they spend no more than 30% of their income for housing. This is currently approximately \$75,000 for a family of four) in the event of a proposal for new housing. (15%)

Note: Mixed use proposals that are not consistent with the R-5 zone will be considered, but must demonstrate compatibility with the building, the neighborhood and the City's Comprehensive Plan.

b. *Secondary Criteria:*

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

Note: When applying the secondary criteria below, the weight of any single or collective secondary criteria shall not outweigh any single primary criteria above.

1. Purchase price
2. Benefits to the City tax base

Secondary criteria 1 and 2 combine for 15% weight in the evaluation of the proposals.

C. RECOMMENDED PROCESS FOR REQUESTS FOR AND REVIEW OF PROPOSALS

The Reed School Re-Use Advisory Task Force recommends the following process steps to ensure the appropriate re-use and long-term stewardship of the property:

I. Historic Landmark Designation

The Task Force recommends that the original structure, as well as the 1950 addition if found to be practicable, be retained and that the City Council immediately begins the process of designating the building as an individually listed historic landmark. Landmark designation will manage change to the building and potential impacts to the surrounding neighborhood, as well as provide clear assurances that the character defining features of the structure will be preserved.

II. Rezoning of Reed School Property

The Task Force recommends that the City initiate a Zoning map amendment to the Reed School property, from R-3 to R-5, and a Zoning text amendment to allow for *Combined living/working spaces including, but not limited to, artist residences with studio space.*

III. Request for Qualifications

As soon as possible, the City should widely advertise and aggressively promote a request for qualifications (RFQ) from developers and institutions with interest in re-use of the Reed School property. The intent is to generate as much interest as possible from a wide and diverse cross-section of developer and institutional interests by providing a low threshold for entry to the process.

Interested parties would be asked to submit a concept development and re-use narrative, a conceptual business plan, development timeline, and development team qualifications and financial capabilities. The RFQ would not require detailed architectural drawings or development pro formas as the generation of such documents are expensive and may provide a barrier or disincentive for otherwise interested teams to submit.

In publicizing the RFQ, the City should utilize conventional and new media, as well as press releases and direct outreach to the development community. Sufficient time should be allowed between the issuance of the RFQ and the deadline for submittal to encourage diverse teams to collaborate and craft creative development concepts that meet the intent and specifics outlined in A and B above.

IV. Request for Proposals

From 5 or fewer top ranked development teams identified through the Request for Qualifications, the City should request full proposals for re-use of the Reed School property to be evaluated according to the specifics outlined in A and B above.

V. Review of Proposals

The Task Force recommends that a Proposal Review Committee be appointed to evaluate proposals against the criteria established herein. In addition to City staff members from Purchasing, Finance, and Planning, the Review Committee shall be comprised of community representatives including a neighborhood representative, a design professional, Greater Portland Landmarks, and a real estate professional. The Review Committee shall report their findings and recommendations back to HCDC at an advertised public hearing.

The HCDC's recommendation should be reported to the City Council for adoption and direction to the City Manager's Office to negotiate the final terms of sale of the property.

Public participation and testimony will be encouraged at both the HCDC's meetings the and City Council's public hearings through use of the City's website and use of the interested parties email addresses generated through the Reed School Re-Use Task Force process.

III. REED SCHOOL RE-USE NEXT STEPS AND TENTATIVE TIMELINE

July 8, 2015	HCDC Review of Task Force Recommendations
July 2015	Initiate Rezoning Process with Planning Board Initiate Historic Landmark Designation Process (Historic Preservation Board, Planning Board, City Council, 6 month min.) Submit Application for Municipal Brownfields Site Assessment Funding Draft Request for Qualifications (RFQ) and Request for Proposals and (RFP) Documents Issue RFQ
August 2015	Appointment of Proposal Review Committee RFQ Due
September 2015	Select Limited # of Development Teams to submit full proposals guided by RFP document
Nov./Dec. 2015	Full Proposals Due
January 2016	Review Committee evaluates proposals/interviews Development Teams
February 2016	Review Committee recommends lead proposal to HCDC HCDC votes to recommend lead proposal to City Council
March 2016	City Council reviews HCDC Recommendation and votes to direct the City Manager to negotiate sale of the Reed School property based on the conditions and specifications outlined in the selected proposal.
April 2016	Reed School property ownership transfers to the development team

IV. APPENDICES



The Reed School Re-Use Advisory Task Force will hold a site visit at the former Reed School, 28 Homestead Avenue, on Thursday, November 20th, at 4:00 PM. The site visit will be immediately followed by a meeting at 5:00 PM in the Riverton Elementary School Community Room, 1600 Forest Avenue.

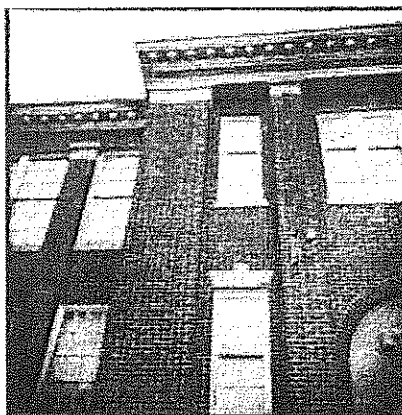
The Reed School Re-Use Advisory Task Force was established to:

- Report potential uses of the property;
- Develop criteria for making final recommendations on the preferred uses of the property;
- Recommend a process to review proposals for re-use of the property; and
- Report findings to the City Council's Housing and Community Development Committee.

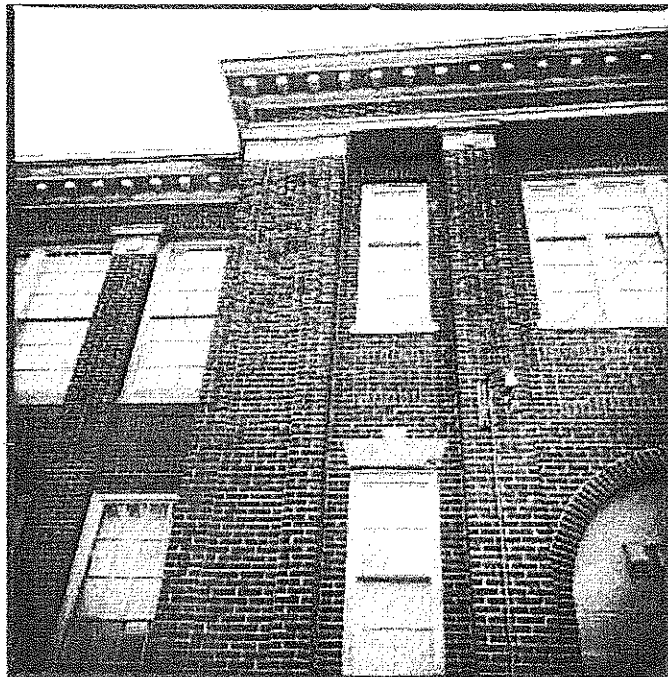
This is a first meeting of the Task Force. The meeting is open to the public. A future forum is planned specifically for public feedback on the future of the property, and invitations for that event will follow. A webpage on the project can be found at:

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

For more information, please contact Christine Grimando at cdg@portlandmaine.gov or 207-874-8608.



The Reed School Re-Use Advisory Task Force
meeting will be held in the Large Learning
Room, accessed through the school's front
entrance.



What: Reed School Re-Use Advisory Task Force
When: May 21st, 6:30 PM
Where: Riverton Elementary Large Learning Room
1600 Forest Avenue

For More Information

Questions and comments regarding the re-use of the Reed School property can
be forwarded to Christine Grimando, Senior Planner at (207) 874-8608 or
emailed to cdg@portlandmaine.gov.
<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>



***** NOTICE *****
of
Public Meeting

**Reed School Re-Use:
A Public Meeting on the Future Use of the Building and Grounds**

The City of Portland and the Reed School Re-Use Advisory Task Force invite the public to provide input on the future of the former Reed School, located between Libby Street and Homestead Avenue in the Riverton neighborhood.

The Reed School facility consists of a 33,692 structure on approximately 2.5 acres. Originally a utilized as a school, it was more recently the central kitchen and warehouse for the Portland Public Schools. In June of 2014 the property was transferred from the Portland Public Schools to the City of Portland. The Task Force was created in September to report on preferred uses of the property, and develop criteria for prioritizing future review proposals for redevelopment of the property.

The Task Force and City Planning staff seeks opinions and insights from the Riverton neighborhood, design professionals, real estate professionals, and anyone interested in the future of this important property. At the Public Meeting, City of Portland staff and Task Force members will present information on building and neighborhood context, and a range of ideas that have been discussed for the building to date. The Public will be invited to provide additional ideas, for incorporation into the eventual recommendations on prioritized uses made by the Task Force to the City Council for consideration.

Questions and comments regarding the re-use of the Reed School property can be forwarded to Christine Grimando, Senior Planner at (207) 874-8608 or emailed to cdg@portlandmaine.gov.

Background material for the process and meeting can be found at:

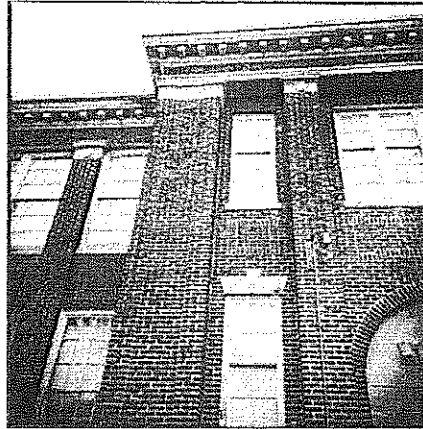
<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

What: Reed School Re-Use Public Meeting

When: January 29th, 6:30 to 8:00 pm

Where: Riverton Elementary School Community Room, 1600 Forest Avenue

Reed School Public Meeting on Options for Re-Use



Welcome and Introductions

Reed School Re-Use Task Force Members

John Coyne/Councilor David Greenman, Co-Chairs
HBCDC Committee Liaison/Designer: David Greenman
Portland Planning Board Designer: Sean Dundo
Riverton Community Association Designer: J2
Portland Trails Designer: Kara Woodruff
Workforce Housing Designer: Jan McCormick
Portland Society for Architecture Designer: Leslie Bunham
Greater Portland Landmarks Designer: Hilary Bassett/Designer
CPD&G Designer: Rebecca Schaffner
Depute Mayor, State Representative, District 10
Riverton Elementary PTA Designer: Gina MacVane/Designer
Parks Commission Designer
Parks Commission
Elise Seale, Riverton resident

Reed School Students, ca. 1931.
Collections of Maine Historical Society.

Agenda

Welcome and Introductions of the Task Force

Charge to the Task Force Review Agenda and Meeting Format

Reed School Context

Potential Re-Use Options for Building and Grounds

Break to distribute keypad voting clickers

Survey of Re-Use Options

Discussion on Re-Use Voting Results

Next Steps

Adjourn

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>

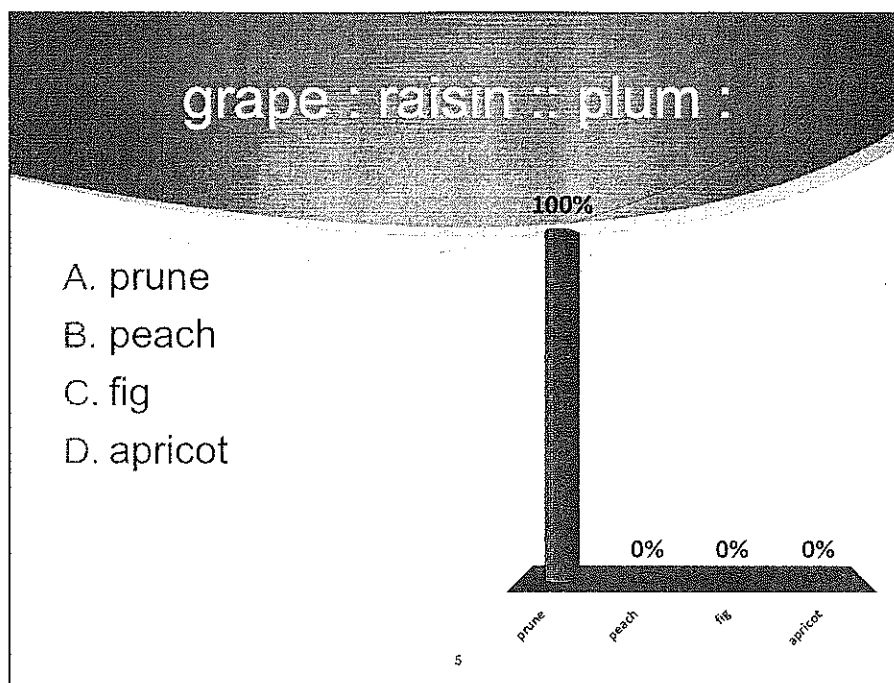
Meeting Goals and Task Force Charge

The Reed School Re-Use Advisory Task Force was established to:

- Report potential uses of the property;
- Develop criteria for making final recommendations on the preferred uses of the property;
- Recommend a process to review proposals for re-use of the property; and
- Report findings to the City Council's Housing and Community Development Committee within six months of Task Force inception.



4



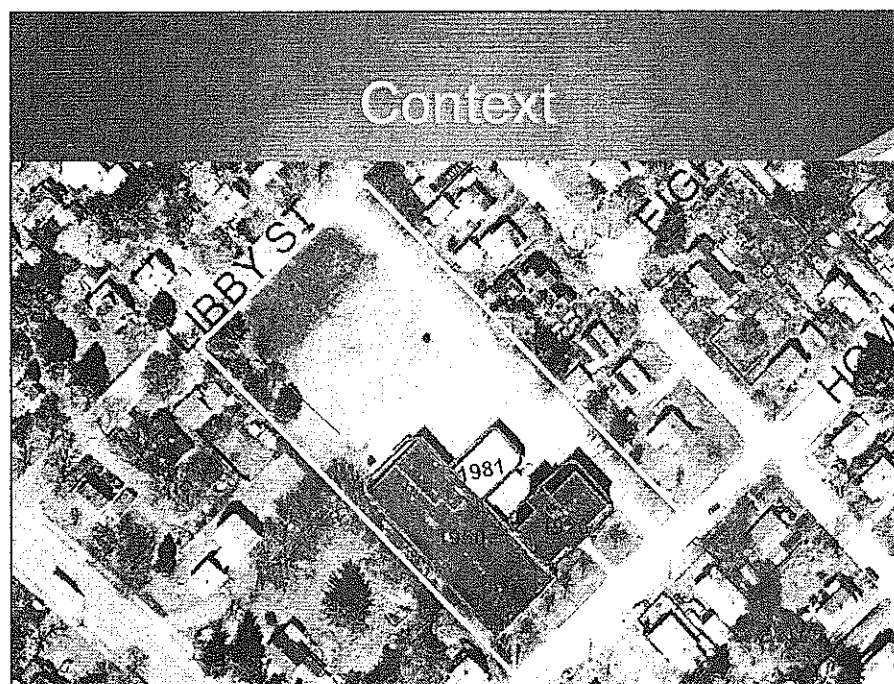
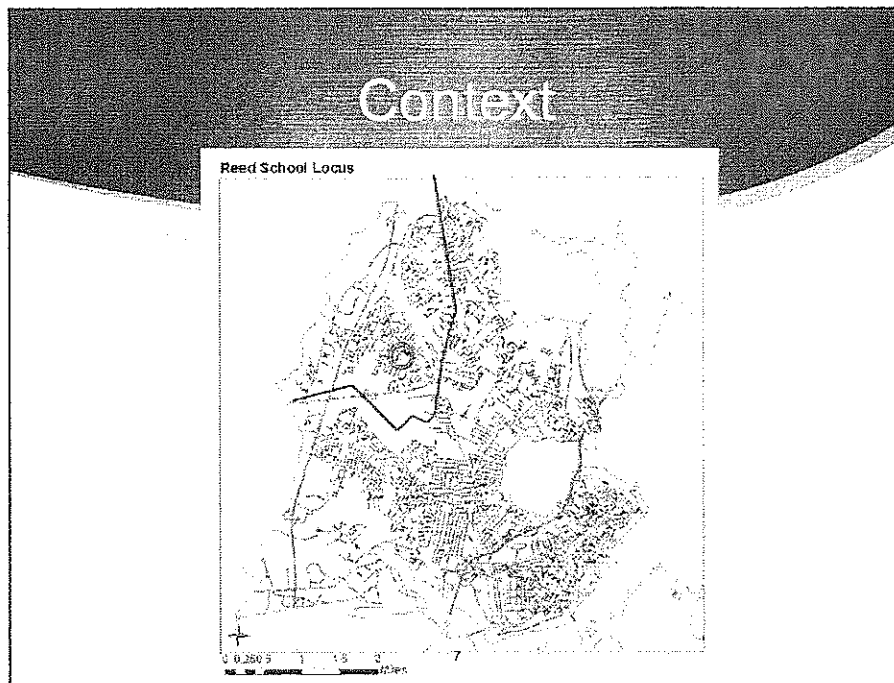
Recent Precedents

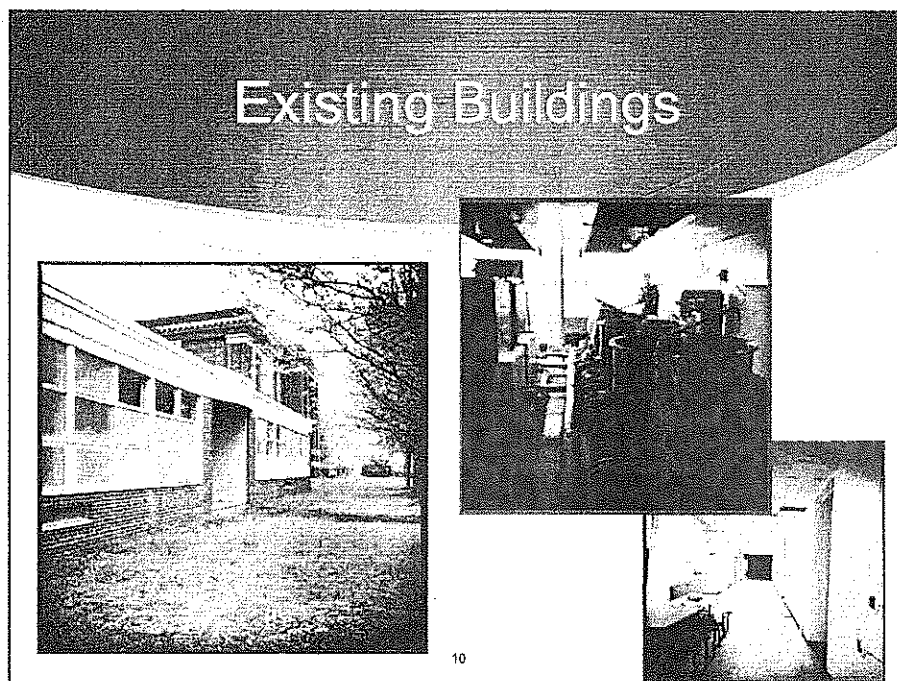
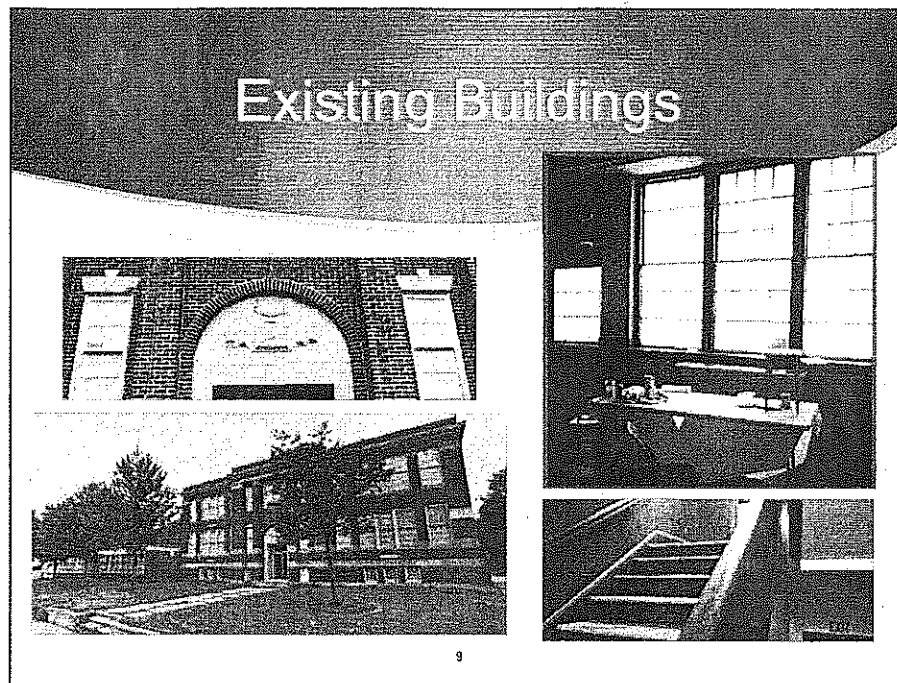
Nathan Clifford School

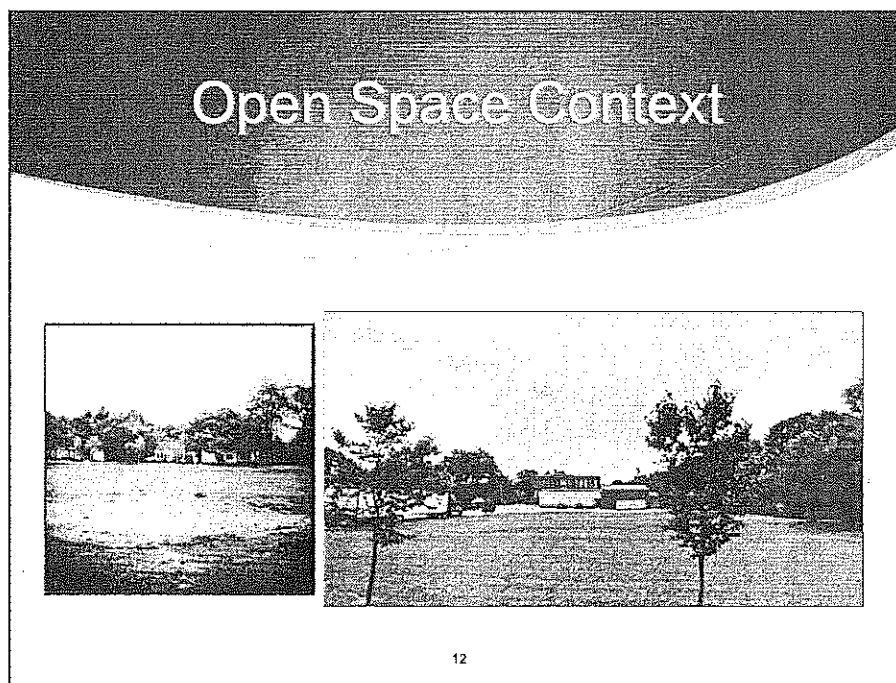
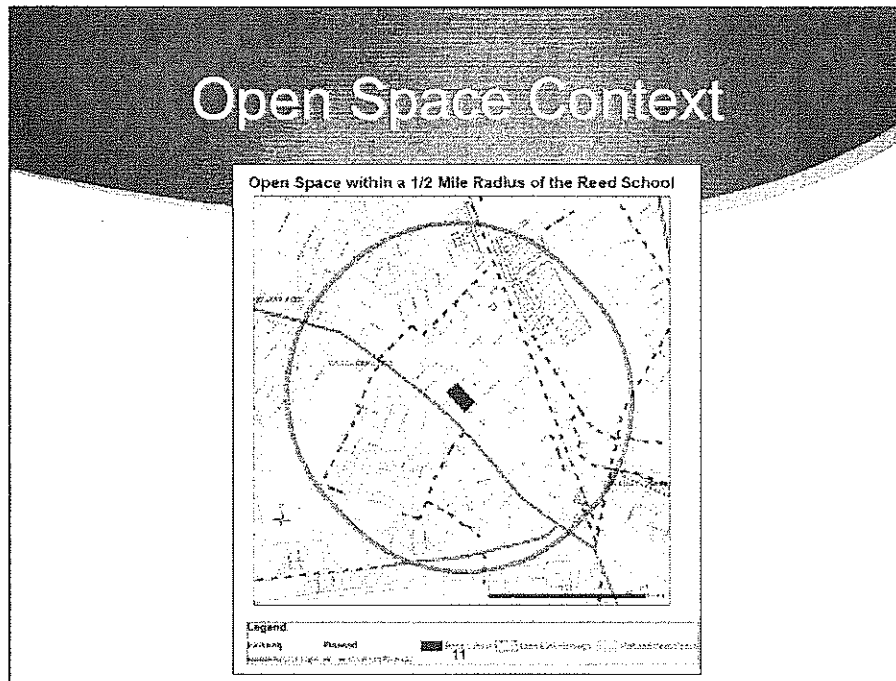
- Being converted to market rate 22 apartments

Adams School

- 16 workforce condominiums (6 2 bedroom/8 3 bedroom)







Zoning Context

R-3 Permitted and Conditional Uses

The following uses are permitted in the R-3 residential zone:

1	Single-family
2	Planned residential unit development (PRUD)
3	Handicapped family unit, for handicapped persons plus staff
2	Parks, and other active and passive noncommercial recreation spaces
3	Accessory uses
4	Home occupations
5	Municipal uses
6	Wind energy systems

The following conditional uses are permitted in the R-3 residential zone:

<i>Residential:</i>	
1	Sheltered care group homes
2	Accessory Dwelling Units
<i>Institutional:</i>	
1	Elementary, middle, and secondary school
2	a. Long-term and extended care facilities b. Intermediate care facility for thirteen (13) or more persons
3	Places of assembly
4	Hospital

13

Zoning Context

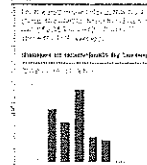
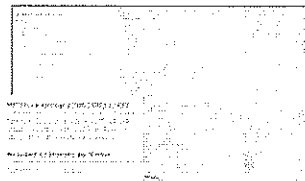
Minimum Lot Size examples:

<i>Residential</i>	6,500 sf
<i>PRUD</i>	3 acres
<i>School</i>	2 acres
<i>Hospital</i>	10 acres
Minimum Frontage	50 feet
Front Yard Setback	25 feet or avg. depth of adjacent properties
Rear Yard Setback	25 feet
Side Yard Setback	8-16, variable by height of structure
Rear and Side Yard Setbacks - Accessory Structures	5 feet
Maximum Lot Coverage	35%
Minimum Lot Width	65 feet
Maximum Structure Height	35 feet

14

Riverton Demographics

- Total Residents 5,576 (114% of Portland total)
- Total Households:
- Riverton Population 18 and under: 24.4% (17.1% for Portland)
- Riverton Population 65 and over: 8.5%
- Median Age: 33
- Total % Owner-Occupied Units: 57.6 (42.7 Portland)
- Total % Renter-Occupied Units: 42.4 (57.3 Portland)
- Housing Units in Multi-Units: 29.4% (54% Portland)
- Average Household Size: 2.5
- Median Home Value: \$173,394 (2012, Block Group)
- Homeowner and Rental Vacancy Rates less than 1% (Block Group)



15

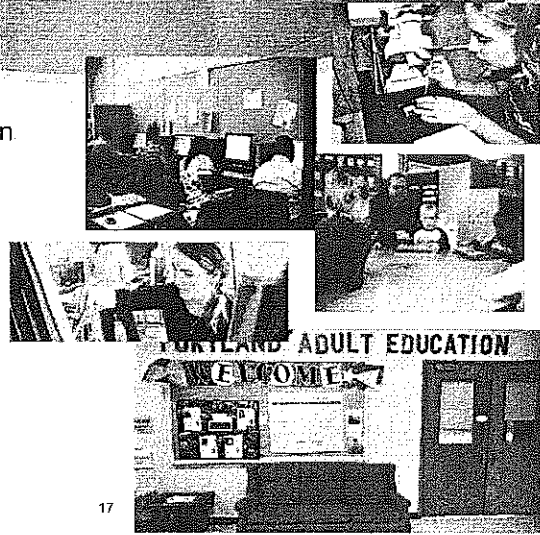
Potential Re-Uses

- Educational
- Residential
- Wellness
- Community Space
- Mixed Use

16

Education

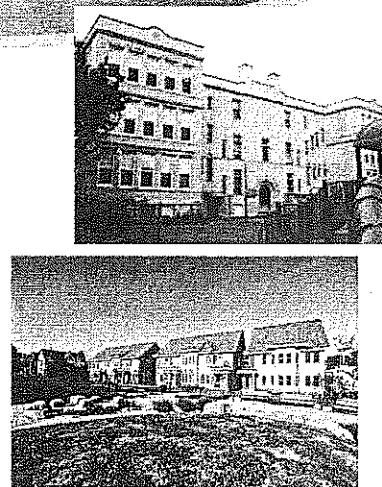
- Continuing Education
- Arts Education
- Private School
- Pre-K
- Research



17

Residential

- Market Rate
 - Condominiums
 - Rental Apartments
- Affordable
- Workforce
- Inclusionary
- Senior housing
- Live/Work



18

Wellness

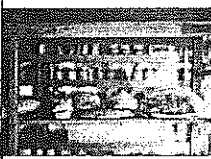
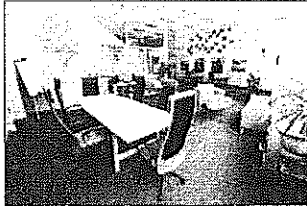
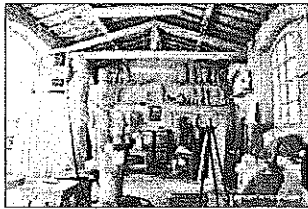
- Health Care
- Adult Day Care
- Childcare
- Respite Care



19

Community Space

- Community Center
- Artist Studios
- Coworking/Incubator Space
- Makerspace



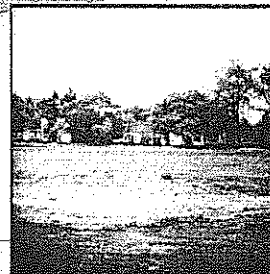
Mixed Use

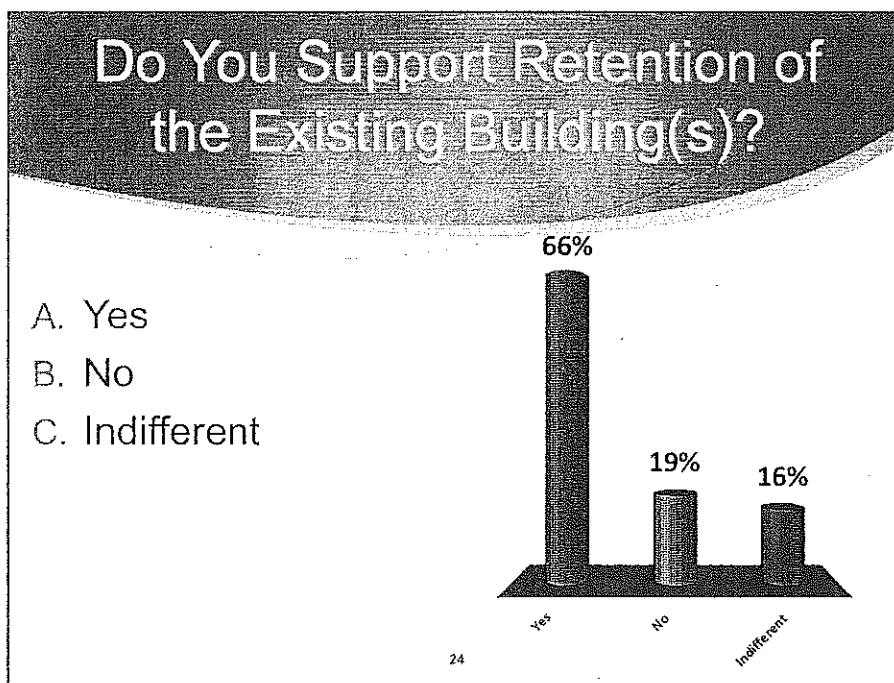
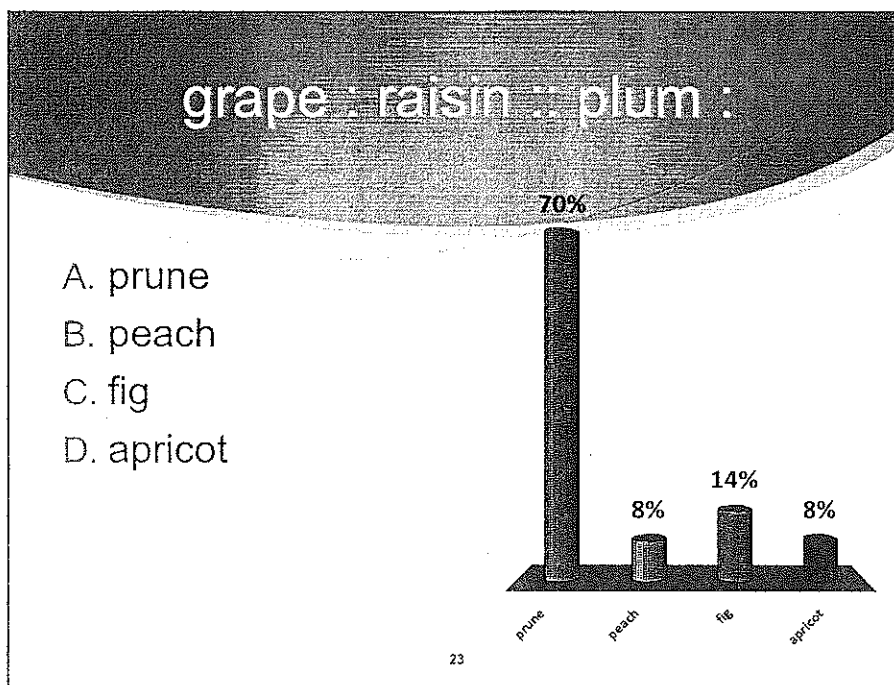
- Residential/Non-residential mix
- Artist Studio + Classes + Work for Sale
- Other combinations possible

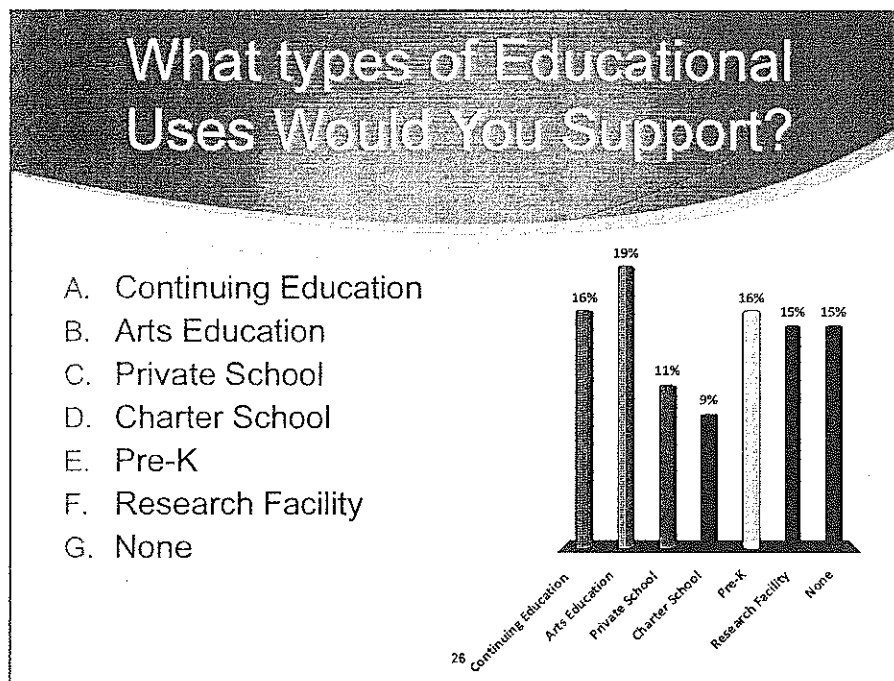
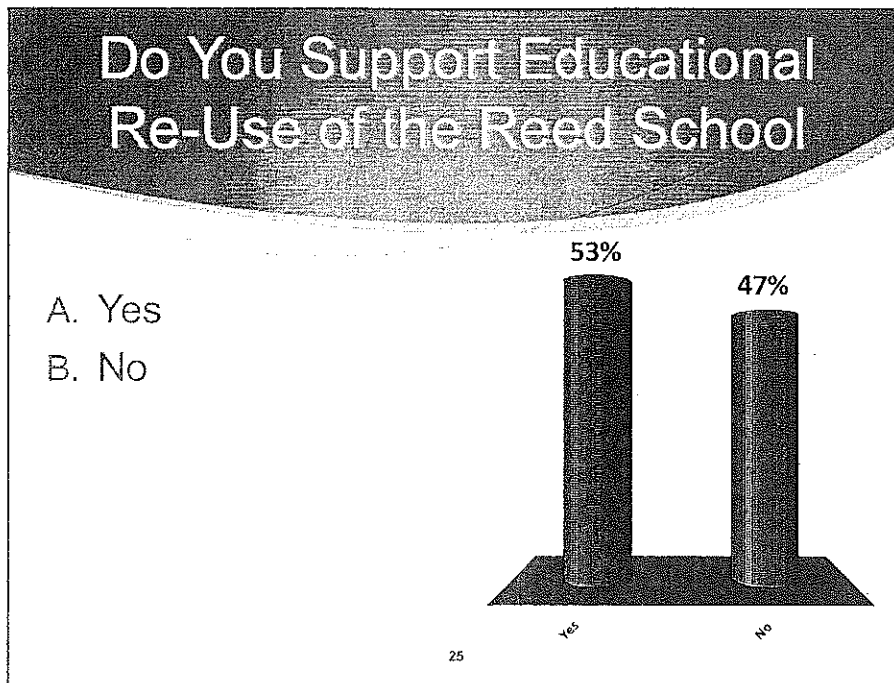


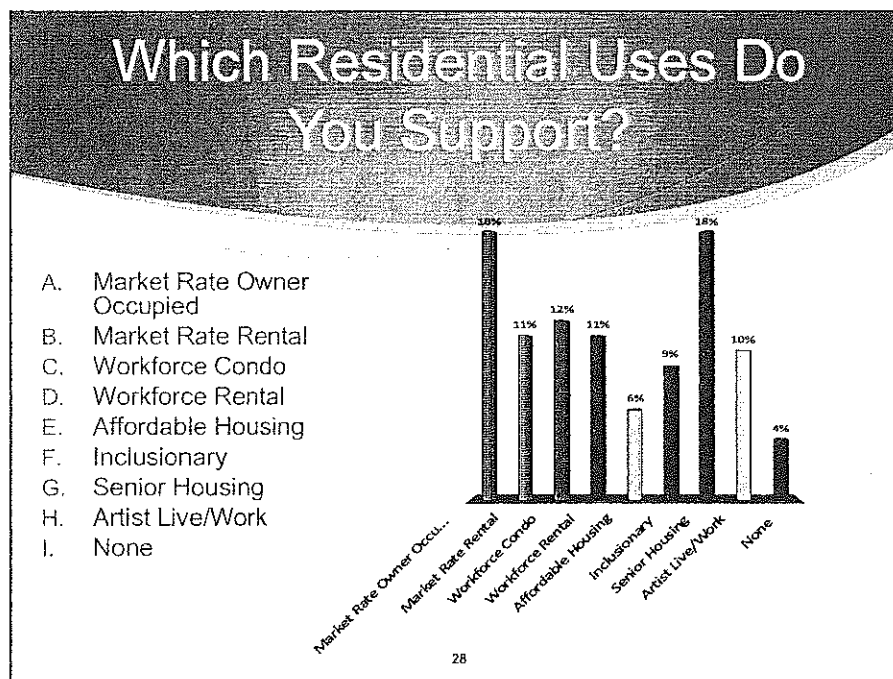
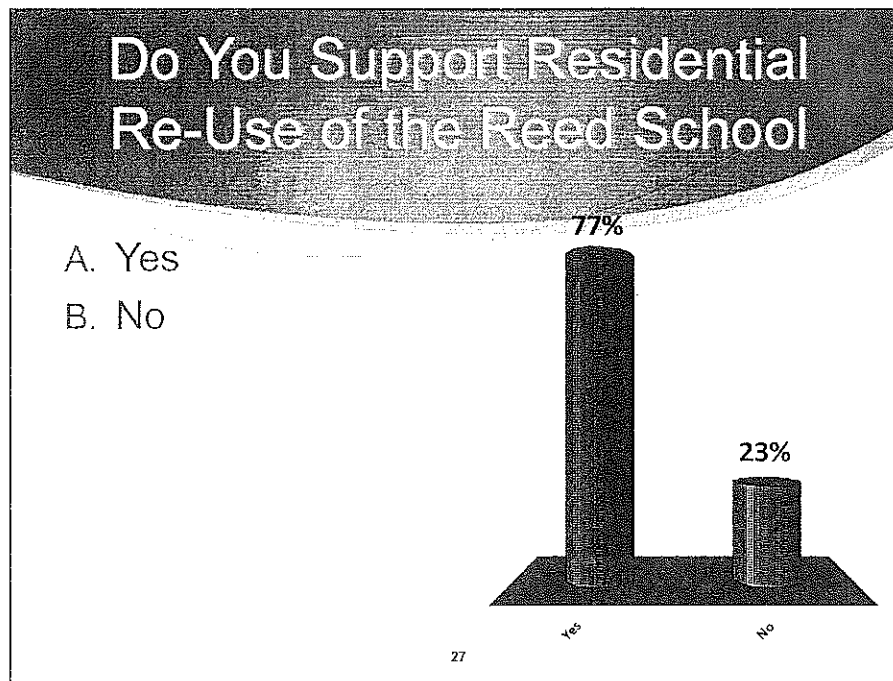
Open Space

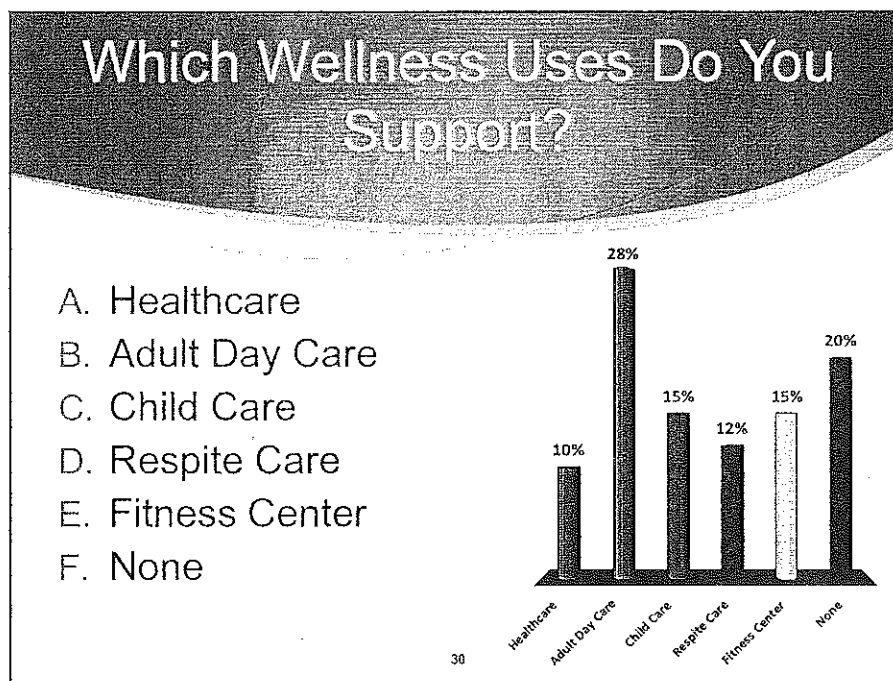
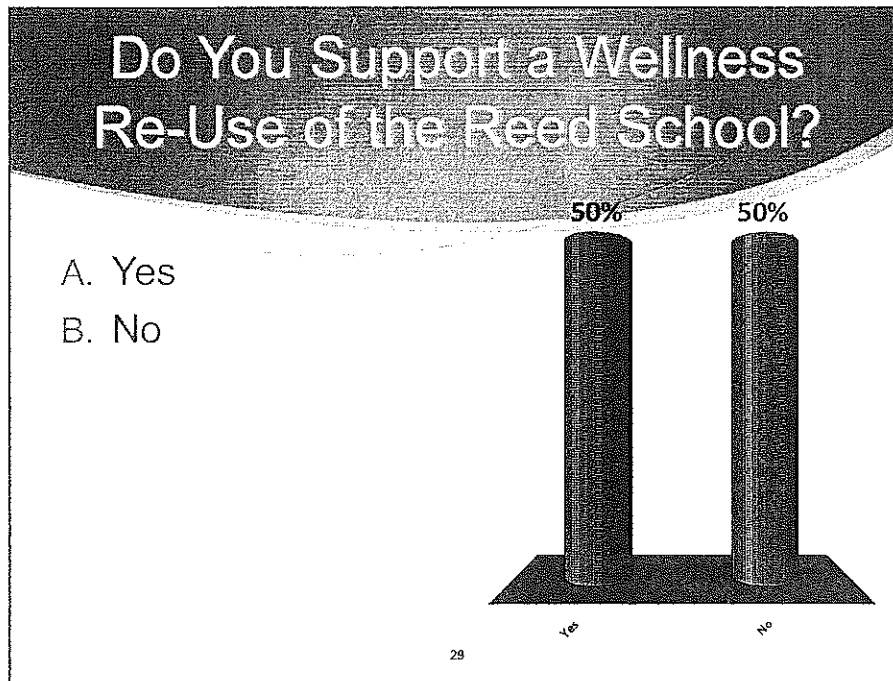
- Community Garden
- Athletic Fields
- Dog Park
- Passive Recreation
- Unimproved
- None

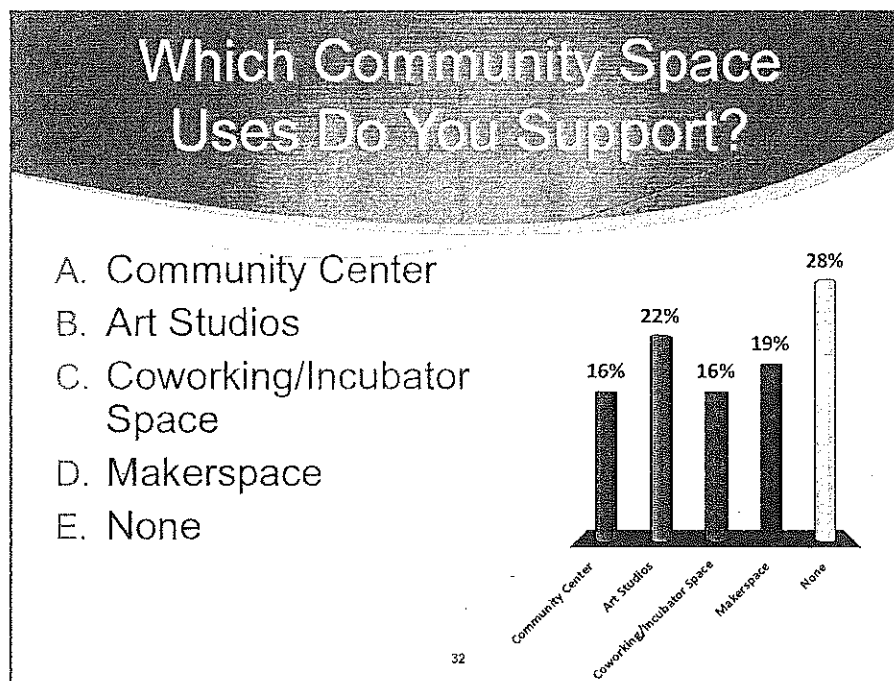
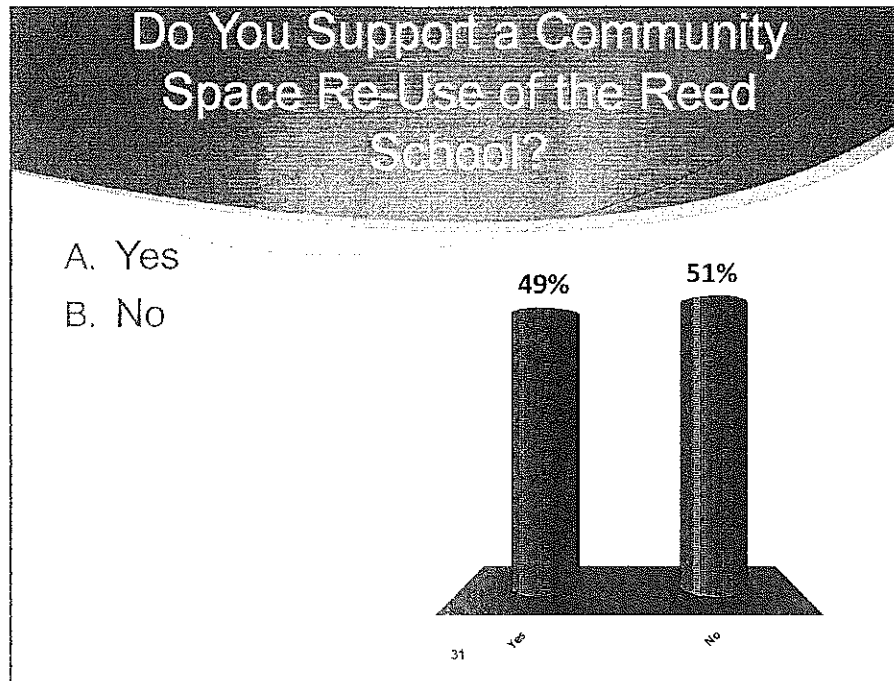


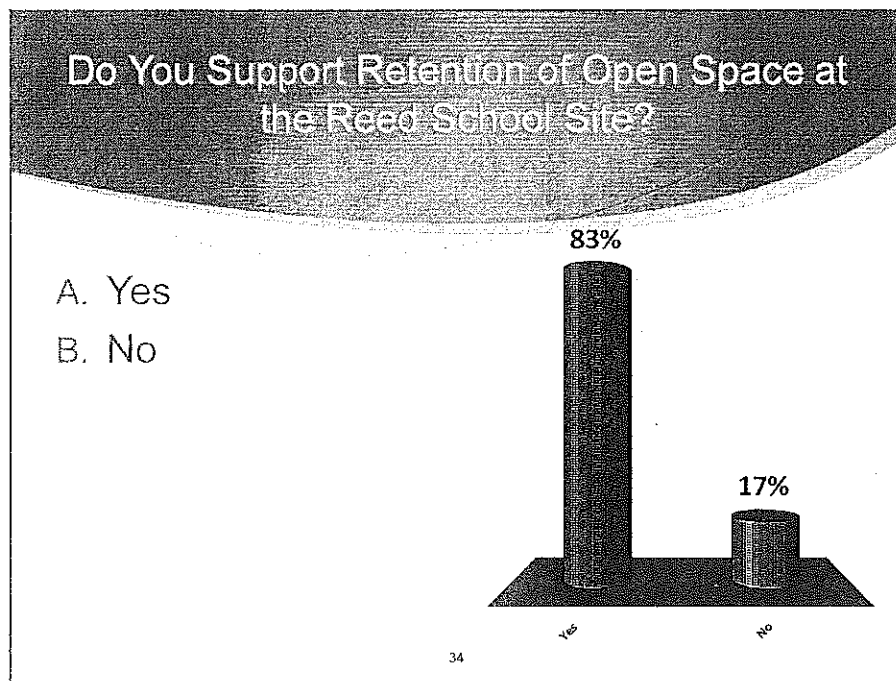
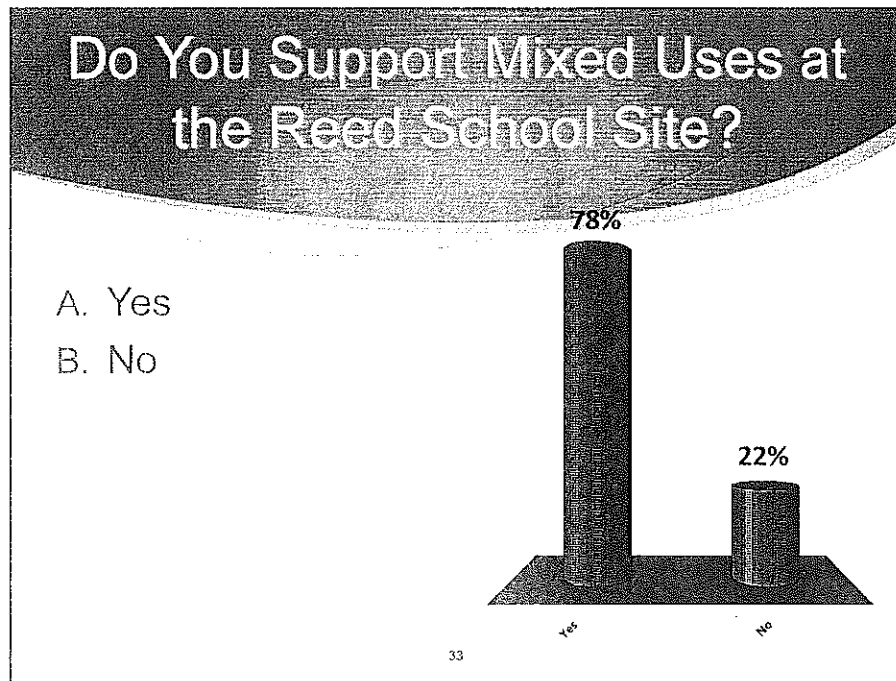






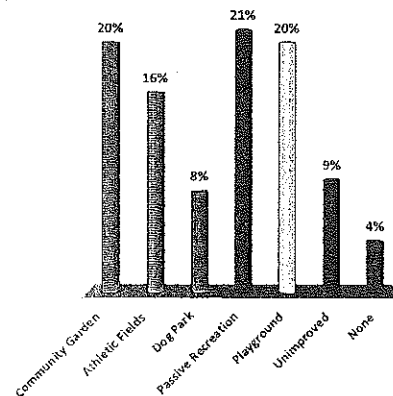






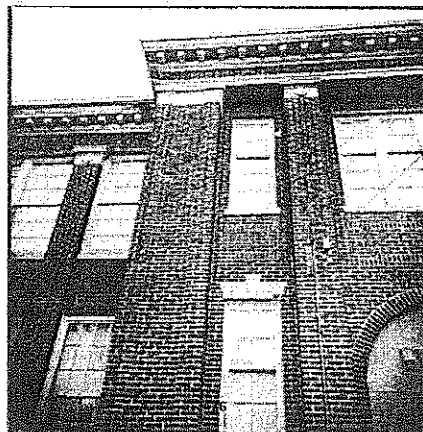
Which Types of Open Space do you Support?

- A. Community Garden
- B. Athletic Fields
- C. Dog Park
- D. Passive Recreation
- E. Playground
- F. Unimproved
- G. None



35

Discussion



Next Steps

- ◆ Task Force meets to assess input to date, follow-up on Historic Preservation, Comprehensive Plan Policies, etc.
- ◆ Drafting Subcommittee meets to produce 1st draft of recommendations.
- ◆ Task Force meetings to review draft and final report.

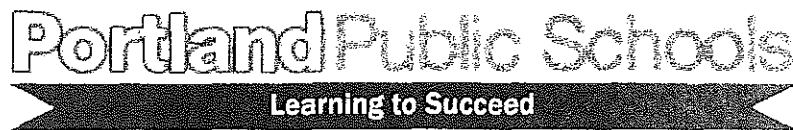
For more information contact: Christine Grimando, Senior Planner.
cdg@portlandmaine.gov or 207-874-8608

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>

37

	R-3	R-5
Min. Lot Size	Residential: 6,500 SF Sing. Fam to 2-Fam: 10,000 SF Long-term, extended, intermediate care: 2 ac. School: 2 ac. Place of assembly: see code Municipal: 6,500 SF Hospital: 10 ac. PRUD: 3 ac. Other: 6,500 SF	Residential: 6,000 SF Long-term, extended, intermediate care: 2 ac. School: 30,000 SF Place of assembly: see code Municipal: 6,000 SF Hospital: 5ac. College, univ.: 2 ac. Multiplex: 9,000 SF PRUD: 2 ac. Lodging house: 9,000 SF Other: 6,000 SF
Min. Lot Area per D.U.	PRUD: 6,500 SF net land area Other: 6,500 SF	PRUD: 3,000 SF Special needs independent living units: , 3,600-4,800 SF Other: 3,000 SF, except as provided for multiplex
Min. Street Frontage	50 ft.	50 ft.
Min. Lot Width	65 ft.	60 ft.; 90 ft. for multiplex
Min. Front Yard	25 ft. (principal or accessory)	20 ft. (principal or accessory)
Min. Rear Yard	Principal or attached accessory > 100 SF: 25 ft. Accessory detached <144 SF: 5 ft.	Principal or attached accessory > 100 SF: 20 ft. Accessory detached <144 SF: 5 ft.
Min. Side Yard	1 story: 8 ft. 1 1/2 stories : 8 ft. 2 stories : 14 ft. 2 1/2 stories: 16 ft. Accessory detached <144 SF: 5 ft. Side yard on side street: 20 ft.	1 story: 8 ft. 1 1/2 stories : 8 ft. 2 stories : 12 ft. 2 1/2 stories: 14 ft. Accessory detached <144 SF: 5 ft. Side yard on side street: 15 ft.
Max. Structure Height	Principal or attached accessory: 35 ft. Accessory detached: 18 ft.	Principal or attached accessory: 35 ft. Accessory detached: 18 ft.
Max. Lot Coverage	35%	40%

			R-3	R-5
Permitted	Residential	Single-family and two-family dwellings	•	•
		Handicapped family units	•	•
		Single-family single- or multiple-component manufactured housing	•	•
		Combined living/working spaces		X
		PRUDs	•	•
		Multiplex development		•
	Other	Governmental buildings and uses/municipal uses	•	•
		Accessory uses	•	•
		Parks	•	•
		Home occupation	•	•
		Special needs independent living units		•
		Wind energy systems	•	•
Conditional	Residential	Sheltered care group homes	•	•
		Additional accessory dwelling units	•	•
		Alteration of non-residential structure to 3+ dwelling units		•
		Conversion of multi-family structure to lodging house		•
	Institutional	Schools	•	•
		Long-term and extended care facilities	•	•
		Intermediate care facility	•	•
		Places of assembly	•	•
		Hospitals	•	•
		Day care facilities	•	•
		College, university, trade schools		•
	Other	Utility substations	•	•
		Off-street parking	•	•
		Temporary wind anemometer towers	•	•
		Wind energy systems	•	•



Administration

Emmanuel Caulk, Superintendent
David Galin, Chief Academic Officer
Michael Wilson, Chief Financial Officer
Peter Eglinton, Chief Operations Officer

196 Allen Avenue, Portland, Maine 04103
(207) 874-8100

July 8, 2014

Mr. Mark Rees
City Manager
City Hall
389 Congress St
Portland, ME 04101

Dear Mark:

The Portland Board of Public Education voted unanimously on June 24, 2014, to authorize the Superintendent to take all steps necessary to implement the closing of the former Reed School and the transfer of control of the property to the city, including notifying the City Manager and City Council. The facility is a 33,692 square foot structure located on 2.5 acres accessed from Homestead Avenue, and was most recently used as a Central Kitchen and warehouse. Because the building does not currently operate as a school, state approval of the facility closure and transfer is not required.

Accordingly, Portland Public Schools can transfer control of the property to the City of Portland. Please let me know if additional steps are required to complete the transfer. Note that later this summer we plan to sell a few remaining pieces of kitchen equipment and relocate stored district materials to other suitable facilities. We would appreciate continued access to the building until our moves are complete. Otherwise, the city can take control of the property effective immediately.

Sincerely,

Emmanuel Caulk
Superintendent
Portland Public Schools



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

PAUL R. LEPAGE
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

19 March 2015

Deborah Andrews
Historic Preservation Program Manager
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Ms. Andrews:

Thank you for submitting the National Register Eligibility Assessment form, photographs and other information pertaining to the Thomas B. Reed School in Portland, Maine. These have been carefully examined by our staff.

I am pleased to say that in our judgment, based on the information and photographs submitted to date, this property is eligible for nomination to the National Register of Historic Places. The school is eligible for its architectural significance as a good example of two distinct types of school buildings built before and after World War II. We are particularly impressed that the building retains its original windows and interior finishes. The building is also significant under Criterion A for the manner in which it illustrates the associated neighborhood's post War development.

I am writing and researching National Register nominations as my schedule allows, and it is possible that I will have the time in 2016 to write a the nomination for this property, should the City of Portland decide to pursue listing. However, should you wish to proceed immediately with the development of the nomination for this property please consider hiring an architectural historian to research and prepare the nomination documentation. A list of architectural historian known to work in the state is enclosed

All nominations, before being sent to Washington for final approval, must first be presented to our Commission for approval at one of their quarterly meetings. We will schedule this nomination for presentation once a final draft of the nomination has been received and approved by this office. Once you have identified who will prepare your nomination please have them contact me at (207) 287-2132 or christi.mitchell@maine.gov to discuss scheduling and submission requirements.

In the meantime, the property will be included in the Maine Historic Resources Inventory which will provide the same protection as if it were already listed in the National Register. Please do not hesitate to contact me if you have any questions.

Sincerely,

Christi A. Mitchell
Architectural Historian

Enc.

From: Jonah Fertig <jonah.fertig@gmail.com>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 2/2/2015 12:53 PM
Subject: Reed Street School

Hello Christine,

I recently learned about the re-use process for the Reed Street School. I was unable make the meeting last week as I just learned about it today. I am the co-chair of the Urban Agriculture Sub-Committee of the Mayor's Initiative for a Healthy and Sustainable Food System and co-chair of the Machigonne Community Land Trust. In the first role I'm working to secure land for urban agriculture and in the second role I'm working to secure land for affordable housing. So I'd love to provide some input into this process and be kept abreast of future meetings and opportunities for input.

Thanks,

Jonah Fertig

Sent from my iPhone

From: Ashley Bahlkow <bahlkow.a@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 2/2/2015 11:40 AM
Subject: Make Reed School Portland's Urban Farm!

Hi Christine,

I'm a Portland resident and I wanted to express my desire to use the Reed School land as an urban farm to grow food for the city and/or a community garden. Burlington, VT's Intervale is a great example of city land use. The Intervale is huge, but an amazing community resource and tourist attraction. Check it out at <http://www.intervale.org/what-we-do/mission-vision/>. I realize Reed St. doesn't have enough land for a farm incubator program and all that the Intervale encompasses, however, I think similar could be achieved on a smaller scale and that expands Portland's food security.

Thank you for taking the time to read my response.
have a good day
Ashley Bahlkow
79 Congress St. Apt. L Portland

From: <jogero@myfairpoint.net>
To: <cdg@portlandmaine.gov>
Date: 2/2/2015 9:21 AM
Subject: Reed School

Hello Christine,

I live near Homestead Avenue and Libby Street. I drive by the former Reed School everyday and often think how this statuous building could be an asset to the city of Portland. I would like to pass on my thoughts. I feel the building would be bendficial as a secondary site for city offices, such as car registrations, voter registrations, one one floor. On a second floor, my thought would be to relocate the Maine Historical Society.

Best of

Luck on this project,

Geri Rose

From: Judith Southworth <jsouthworth@CCMAINE.ORG>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 1/31/2015 12:30 PM
Subject: Please consider Portland's Urban Farm

Hello,
Please consider using the Reed School land to establish Portland's Urban Farm for growing food for residents.
Sincerely,
Judith Southworth

From: Hazel Onsrud <hazel.onsrud@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 1/30/2015 3:41 PM
Subject: Reed School property

Dear Ms. Grimando,

I think it would be great if the Reed School property could connect with the local food movement, specifically the urban agriculture portion of the the Mayor's Initiative in order to facilitate more growing space which is desperately needed in our community.

Thanks!
Best wishes,
Hazel

Hazel Onsrud
hazel.onsrud@gmail.com
207.299.2657

From: Anna Sommo <annasommo@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 1/30/2015 3:19 PM
Subject: Reed School Input

Hello!

I would like to put in my comment to encourage the city to turn the Reed School into an urban farm. Urban agriculture is a great way to accomplish many goals- growing food close to home, providing an outdoor classroom for students of all ages, preserving open space and many more. Agriculture brings together people from many backgrounds, and it is projects such as these that encourage people to move to places like Portland.

Here are some examples of incredible urban farms in New York:
<http://inhabitat.com/nyc/top-5-urban-farms-in-new-york-city/>.

Many thanks for your time and consideration.

Sincerely,
Anna Sommo

MEETING NOTICE: The City Council's Housing and Community Development Committee will meet on Wednesday, July 8th at 5:30 pm in City Hall, Room 209 to review the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force* and a draft Request for Qualifications regarding the possible sale and development of city-owned property at 19 Libby Street (also fronting on Homestead Avenue). For more information contact Christine Grimando, Senior Planner, 874-8608 or cdg@portlandmaine.gov. Information regarding this item will be available after 4:00 pm on July 2nd on the city website, <http://www.portlandmaine.gov/582/Housing-Community-Development-Committee>, under Most Recent Agenda.

**CITY of PORTLAND, MAINE
Request for Qualifications**

**Expression of Interest
Re-use and Re-Development of the Reed School property
19 Libby Street, Portland Maine**

Portland Planning and Urban Development Department

Sealed responses to provide expression of interest and evidence of qualification to re-develop the Reed School property, situated between Homestead Avenue and Libby Street, will be received by the Purchasing Office, City Hall, Room 103, 389 Congress Street, Portland, Maine 04101 until 3:00 p.m. (DATE), 2015*, at which time they will be publicly opened.

Proposals shall be submitted in envelopes plainly marked on the outside with the RFQ's title and number. No late, faxed, or electronic proposals shall be accepted.

Proposals from proposers not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should an interested party receive this Request from a source other than the City, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this RFP.

Respondents are required to have a representative at a pre-submission walk through of the property scheduled for (DATE/TIME).

QUESTIONS

All questions shall be made *in writing* only, can be hand delivered, mailed to the Purchasing Office, faxed to 207-874-8652 or e-mailed to mff@portlandmaine.gov, being received no later than **July X, 2015**. A written response, if provided, will be in the form of an Addendum. Corrections or changes to this document will be made only by written addendum; any oral explanation or interpretation shall not be binding.

GENERAL INFORMATION

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. All proposers are advised that the property will be sold "as-is" and "where is," in its existing condition, with no warranties to be expressed or implied. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The property will be conveyed by quitclaim deed.

Any and all improvements made to said property must be done in accordance with existing City Codes and Ordinances.

BACKGROUND

The City requests qualifications from developers and institutions with interest in re-use and re-development of the Reed School property. The City seeks a new owner for the property and re-development of the former central kitchen and school building.

The building is currently under consideration for listing as a locally designated historic landmark, and all potential developers should anticipate that alterations and repairs to the school and grounds will be reviewable under the City's Historic Preservation Ordinance.

Interested parties are asked to submit a concept development and re-use narrative, general project budget with projected funding sources, development timeline, and development team qualifications and financial capabilities. This RFQ does not require detailed architectural drawings or development pro formas.

Based on the relative strength of the development teams and the proposal narratives, the City will select top-tier, financially viable development teams to present full proposal packets through an invitation only Request for Proposals (RFP).

This request for qualifications results from the July 8, 2015 acceptance by the City Council's Housing and Community Development Committee of the recommendations of the Reed Re-Use Advisory Task Force. In preparing responses to this request, respondents are directed to the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force* and background material at:

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

USES CONSIDERED

I. Generally

Re-use of the Reed School building and property is intended to support and enhance the integrity of the surrounding neighborhood. Proposals for re-use of the property will show consistency with this intent by sensitively preserving the building, maintaining publicly accessible open space, and introducing new uses, occupants, and improvements that do not unreasonably impact the character and vitality of the area.

II. Existing Zoning

Due to the distinct nature of this property, the City of Portland is pursuing rezoning of the property from R-3 to the R-5 residential zone, as one that better fits the anticipated future redevelopment of this site in regard to permitted uses and dimensional standards. The zoning map change will be accompanied by a text amendment to the R-5 zone to allow for the following residential use: *Combined living/working spaces including, but not limited to, artist residences with studio space.*

Consideration of proposals that require additional zoning changes, or that alternately propose a contract zone for the property, will be reviewed in relation to their consistency with the prioritized uses and criteria below.

Proposals that include residential unit counts that significantly exceed the current maximum R-5 allowances are discouraged.

III. Uses Encouraged

The following uses are specifically encouraged to compatibly add value, vitality and interest to the Reed School property and surrounding neighborhood.

- a. Publicly accessible, contiguous open space that incorporates community gardens, playground, or a compelling combination of active and passive recreation areas.
- b. Residential uses, including multi-family residential and senior housing, particularly those that help preserve the economic and physical character of the neighborhood.
- c. Combined living/working spaces, including but not limited to artist residences with studio space.
- d. Educational uses such as arts education, early childhood education or care, research and continuing education.
- e. Wellness-related uses such as adult day care or childcare.
- f. Community spaces such as art studios or a community center.
- g. Creative mix of uses that protect and enhance the character and vitality of the neighborhood, provided the mix is a low impact, low traffic combination.

IV. Uses Discouraged

The following uses are strongly discouraged:

- a. High intensity commercial, industrial, and/or institutional uses or those that include a large amount of traffic, parking, and, external impacts;
- b. Residential unit counts that are drastically higher density than allowed under the R-5 zone are discouraged.

GENERAL INFORMATION

Location: 19 Libby Street, Portland, Maine 04103

Current use: Uninhabited. Intermittent fire life safety trainings take place on sight on a temporary basis.

Condition of the property at the time of sale: The existing structure is currently unoccupied.

Environmental Conditions: The City of Portland does not have any specifics with regard to environmental conditions and makes no representations or guarantees with respect to the environmental condition of the site.

Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of proposal. The City's Zoning Administrator can be contacted at (207) 874-8709. The City's Planning Office can be contacted at (207) 874-8719.

PROCESS OUTLINE

- I. Submissions will be reviewed for completeness.
- II. City Staff and a *Proposal Review Committee* will review the submissions and select a final list of qualified proposers.
- III. Upon completion of the list, an RFP document outlining specific project details and submission requirements will be sent to the pre-qualified interested parties.

Respondents are required to have a representative at a pre-submission walk through of the property scheduled for (DATE/TIME). Development Team representatives will meet in the parking area at the rear/southerly side of the building. The tour, which will be attended by City Planning and Facilities staff, will begin promptly at X:X0 p.m. and take approximately 1 hour.

Please be advised that responding to this inquiry will not ensure that your firm is placed upon the final Proposers List. However failure to respond will eliminate you from the list. The selection of bidders on the final Proposers List will be based upon a detailed evaluation of these responses, and will be chosen in the best interests of the City of Portland, Maine according to the following criteria:

CRITERIA

The city will apply the following criteria to rate competing Developer Team qualifications for selection to submit full proposals.

I. Use**50% Weight**

The uses described in the conceptual development and re-use narrative are consistent with the recommendations of the Reed School Re-Use Advisory Task Force, as summarized in the *Uses Considered* section above; and,

II. Financial Strength and Experience of the Development Team**50% Weight**

The Development Team has the experience, financial capacity and a proven track record to confidently achieve the goals and program(s) described in the *conceptual development and re-use narrative*.

SUBMISSION INFORMATION

- I. Development Narrative – Provide a concept development and re-use narrative, general project budget with projected funding sources, and development timeline. The proposed uses, unit counts, and nature and extent of occupation of the Reed School building and site must be included. Sketch level drawings may be useful to augment this information but are not required. This RFQ does not require detailed architectural drawings or development pro formas.
- II. A complete description of the structure of your team, including administration and project management team as well as major shareholders.
 - a. Developer – Name, address, telephone, fax number of the proposed
 - b. Owner/developer and the name(s) of an alternative contact person(s)
- III. Developer Capacity – Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This may include key staff of the developer, architect, general contractor and future property management. The submission should include indication of experience with similar development projects, and experience with Historic Preservation projects, where applicable.
- IV. A list of current projects, with a brief description of type, and expected completion dates.
- V. A list of projects of comparable size and complexity that you have developed in the past five years. Provide photos, demonstrative drawings and project particulars.
- VI. A list of not less than four recent (within the past five years) client references for similar size or complexity of project, complete with names and contact information (phone and email ideally), and date of project completion.
- VII. Evidence of financing capability sufficient to undertake a project of this scope, including a letter of reference from a Financial Institution.

VIII. Eight (8) copies, with the original so marked, of each submittal along with a single digital copy.

Reservation of Rights

The City reserves the right to waive any informalities in proposals, to accept any proposal or portions thereof (Proposers are advised to note this and quote accordingly) and to reject any or all responses should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows: The successful bidder shall agree to defend, indemnify and save the City harmless from all losses, costs or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the City's Corporation Counsel of coverage for General Public and Automobile Liability insurance in amounts not less than \$400,000 per person, for bodily injury, death and property damage, protecting the contractor and the City, and naming the City as an additional insured from such claims, and shall also procure Workers' Compensation insurance.

All materials and equipment used as well as all methods of construction and/or demolition shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

Equal Employment Opportunities. Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts; both trade and time allowed in accordance with this payment policy and quote a net price. The City is exempt from the State's sales and use tax as well as all Federal excise taxes.

June 25, 2015

Matthew F. Fitzgerald
Purchasing Manager

Attachments: Go to: <http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>



PROPOSAL**NOTE: THESE PAGES ARE TO BE COMPLETED AND RETURNED**

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, which it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered _____

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: _____ FAX: _____

FEDERAL TAX I.D. NUMBER: _____

STATE OF INCORPORATION _____

(If incorporated in another State, businesses must be authorized to do business in the State of Maine.)

Order 297-14/15
Tab 11 9-9-15

Order 297-14/15

Passage as Amended: 5-3 (Mavodones, Brenerman, Suslovic) on 7/6/2015

Effective 1/1/2016

Returned to Agenda for Reconsideration: 9-0 on 7/20/2015

Order Postponed till 9/9/2015; 9-0 on 7/20/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 33 (MINIMUM WAGE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That the Portland City Code is hereby amended by adding a section, to be numbered Chapter 33, Articles I to VIII, Sections 33-1 to 33-12, which said Sections read as follows:

Chapter 33 MINIMUM WAGE

Art. I. Purpose, §33.1
Art. II. Definitions, §33.2 - 33-6
Art. III. Minimum Wage, 33-7
Art. IV. Notice, Posting and Records, 33-8
Art. V. Enforcement and Violations, 33-9
Art. VI. Relationship To Other Requirements, 33-10
Art. VII. Severability Clause, 33-11
Art. VIII. Effective Date, 33-12

ARTICLE I

Sec. 33.1. Purpose.

WHEREAS, the City of Portland is a home-rule unit of government under the Maine Constitution and 30-A M.R.S. §3001 and, as such, may exercise any power and perform any function in order to protect health, safety and welfare of the citizens of the City; and

WHEREAS, promoting the welfare of the City's citizens, its most important asset, and those who work within the

City's borders is an endeavor that plainly meets this criterion; and

WHEREAS, after years of inaction by the United States Congress, it is time for municipalities and states to lift families out of poverty and stimulate the economy by raising the minimum wage; and

WHEREAS, Mayor Michael Brennan created a working group, which included community, labor and business leaders, and tasked them with reviewing the minimum wage issue within the City of Portland; and

WHEREAS, the cost of living in Portland has increased making life here cost, as a percentage of income, as much as is paid by residents of Chicago, Illinois, Sacramento, California and other major United States cities where the minimum wage is much higher; and

WHEREAS, an estimated 20,000 workers in the State of Maine work for minimum wage, and a substantial number of them are among the City of Portland's more than 65,000 wage and salary earners; and

WHEREAS, The Massachusetts Institute of Technology has calculated that, for a single adult to support him- or herself in Portland at the current minimum wage, he or she would need to work over 50 hours a week; and

WHEREAS, more than 50 percent of Portland public school students are eligible for free lunch, meaning their families have incomes at between 100 percent and 185 percent of the Federal poverty level, which is higher than what a single parent with one child in school would earn with a full-time minimum wage job; and

WHEREAS, rising housing costs, including an increase in the median home price from \$125,200 in 2000 to \$238,400 in 2012, are pushing low wage workers out of the City; and

WHEREAS, the Fair Market Rent in the Portland Area for a two-bedroom apartment is \$1,012, and a full-time worker job would have to earn at least \$19.46 per hour to afford that rent;

WHEREAS, phasing in the wage increase over time will allow businesses to adjust and result in reasonable annual increases in expenses;

WHEREAS, based on the work of the working group (the materials and report of which are incorporated herein by reference) and the aforementioned facts, Mayor Brennan proposed that the minimum wage be increased within the City of Portland;

NOW THEREFORE, to promote the health, safety and welfare of its citizens and pursuant to and consistent with 26 M.R.S. §664, the City Council of the City of Portland, Maine hereby establishes the following minimum wage ordinance applicable to all Employers and Employees within the City of Portland:

ARTICLE II

Sec. 33.2. Definitions.

Unless the context otherwise indicates, the following words shall have the following meanings.

City: City of Portland.

City limits: the physical boundaries of the City.

Consumer Price Index - All Urban Consumers ("CPI-U") means the national, annual average of the Consumer Price Index for all urban consumers as reported by the United States Bureau of Labor Statistics, with the Series identification number of CUUR0000SA0.

Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours, or working conditions of any Employee and who has a place of business within the City limits. "Employer" shall include but not be limited to the City of Portland.

Employee: Any person who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. Employee shall not include

any person who is exempted from the definition of Employee under 26 M.R.S. §663(3) of Chapter 7, Employment Practices.

Minimum wage: The minimum hourly rate of monetary compensation that an Employer shall legally pay an Employee for work within the City.

Service Employee: Any Employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month or more in tips.

Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

Tipped Employee: Any Service Employee engaged in an occupation in which he or she customarily and regularly receives tips from customers.

Sec. 33.5 - 33-6 Reserved.

Article III.

Section 33.7. Minimum Wage.

- (a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the Minimum Wage established by this ordinance for each hour worked within the City Limits.
- (b) Tipped Employees:
 - (i) As provided in 26 M.R.S. §664(2), an Employer may consider tips as part of the wages of a Tipped Employee toward satisfaction of the Minimum Wage established by this ordinance, but such a tip credit may not exceed the amount established in 26 M.R.S. §664(2).
- (c) Minimum Wage rate:
 - (i) Beginning on January 1, 2016, the regular Minimum Wage for all Employees, including,

but not limited to, Tipped Employees, shall be raised to \$10.10 per hour;

(ii) Beginning on January 1, 2017, the regular Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be raised to \$10.68 per hour; and

(iii) Beginning on every first day of July following January 1, 2018, and every first day of July thereafter, the Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be increased according to the Consumer Price Index - All Urban Consumers (CPI-U) percentage increase from the prior year. If there is no increase, the Minimum Wage will be unchanged. The percentage increase in the annual CPI-U for the previous calendar year from the annual CPI-U for the calendar year preceding that shall be the percentage by which the Minimum Wage is increased on the first day of July 2018 and every July 1 thereafter.

(d) Overtime.

(i) The Minimum Wage set out in this ordinance are subject to the overtime compensation provisions in 26 M.R.S. §664(3).

(e) Collective Bargaining Agreements.

(i) Nothing in this ordinance shall be deemed to interfere with, impede, or in any way diminish the right of all Employees including, but not limited to, Tipped Employees to bargain collectively with their Employers in order to establish wages or other conditions of work in excess of the applicable minimum standards of this ordinance.

(f) Retaliation Prohibited.

(i) It shall be unlawful for any Employer to discriminate in any manner or take any

adverse action against any Employee including, but not limited to a Tipped Employee in retaliation for exercising any right under this ordinance.

ARTICLE IV.

Sec. 33.8. Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice informing Employees of the City's current Minimum Wage rates, as well as a copy of this ordinance.
- (b) Records. Employers shall maintain payroll records showing hours worked daily by and the wages paid to all Employees, including, but not limited to, Tipped Employees. Employers shall retain such payroll records pertaining to all Employees for a period of at least three (3) years after an Employee has left employment.
- (c) Access. The City shall have access to any and all Employer payroll records subject to this ordinance during business hours to investigate whether or not an Employer has violated any of the provisions of this chapter.
- (d) Paycheck Notice. Every Employer shall provide with the first paycheck issued to an Employee, including a Tipped Employee, a notice advising the Employee of the current Minimum Wage under this ordinance and of the Employee's rights under this ordinance.

ARTICLE V.

Sec. 33.9. Enforcement and Violations.

- (a) Enforcement.
 - (i) The City Manager or his/her designee shall enforce the provisions of this ordinance.
 - (ii) The City Manager is authorized to adopt rules and regulations for the proper

administration and enforcement of this ordinance.

(b) Complaint Process.

- (i) Any Employee, including, but not limited to, a Tipped Employee, receiving less than the Minimum Wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.
- (ii) The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (iii) If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of not less than \$100.00 or more as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

- (i) Any Employee, including, but not limited to, a Tipped Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of

suit including, but not limited to,
reasonable attorney's fees.

ARTICLE VI.

Sec. 33.10. Relationship To Other Requirements.

This ordinance provides for payment of Minimum Wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy, including any that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the Minimum Wage rates established herein.

ARTICLE VII.

Sec. 33.11. Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

ARTICLE VIII.

Sec. 33.12. Effective Date.

This ordinance shall take effect on January 1, 2016.



Executive Department
Jon P. Jennings, City Manager

TO: City Council
FROM: Jon Jennings, City Manager
DATE: September 3, 2015
RE: Minimum wage – enforcement, communications/marketing

City staff has reviewed municipal practices from around the country, articles and academic journals to gain insight into how minimum wage is enforced at the municipal level.

Enforcement

Municipal minimum wage law enforcement is a challenge around the country. State labor departments can only enforce state statute. Large municipalities often have labor standards enforcement departments, while smaller ones rarely do. Portland does not.

Other cities are facing similar challenges with enforcement. Kansas City, for example, estimates needing \$250,000 and five or more investigators to adequately enforce their ordinance. They also underscore the need for an aggressive marketing campaign for workers and employers as well as translated materials.

To understand more about relative costs and staffing needs for enforcement, staff learned that the Maine Department of Labor (MDOL) has 4.5 FTE investigators (plus a .5 FTE supervisor), with two in Southern Maine. Last year, they received only 23 minimum wage-related complaints, though that number has been higher in years immediately following an increase (the last was in 2009). However, the MDOL spokeswoman stated in a Portland Press Herald article that they had investigated 300 complaints related to minimum wage in 2014 alone.

MDOL has no licensing or certification for investigators; they are trained internally. Maine's investigators take a mediation approach to resolving worker complaints, providing technical assistance to the employer. They stated that they do not have the staffing to conduct full investigations when responding to a complaint.

"To make any of these [minimum wage] policies more than aspirational, we have to be thinking about new enforcement strategies." (Fine, Rutgers) Cities will have to rely on a network of local agencies and community groups. San Francisco has two dozen

investigators working with community organizations serving low-wage workers. Los Angeles city staff recommended having 36 investigators and a budget of \$2 million. Seattle created a new Office of Labor Standards and made wage theft a crime under city ordinance in 2011, but have yet to prosecute anyone. Seattle added 5.5 FTEs and an annual budget of \$1.4 million focused solely on minimum wage complaints. They average about 80 complaints annually.

In December 2014, the Chicago City Council passed an ordinance to raise the minimum wage in the city to \$13 per hour by 2019. Their focus has been on extensive, targeted communications to employers and workers and less on enforcement.

Portland's new ordinance's two-paragraph section on enforcement reads: "The city manager or his/her designee shall enforce the provisions of this ordinance," and "The city manager is authorized to adopt rules and regulations for the proper administration and enforcement of this ordinance."

It does go on to describe a procedure for workers to submit complaints about their employers, sets a fine of at least \$100 a day per worker for employer violations, and gives the manager's office 15 work days to follow up on complaints. The ordinance also grants underpaid workers the right to sue their employers in civil court to recover lost wages and attorney's fees.

Conclusion

Staff recommends that at least one full-time position would be created to ensure adequate communications with employers and workers and to respond to complaints. Given the complexity of the issues involved, this position's annual salary would likely range between \$45-55,000 plus benefits. In addition, a legal budget of at least \$50,000 should be set aside, as has been done for stormwater ordinance enforcement. Finally, to ensure effective outreach and communications, approximately \$12,000 is needed to identify addresses; write, design, translate into at least five languages, print and send materials to employers and workers; conduct informational sessions, and provide equipment and supplies for the staff person. The estimated total budget required for minimum wage communications and enforcement is \$117,000.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Corporation Counsel

DATE: 8/25/2015

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan

SUBJECT: Reconsideration of the Minimum Wage Ordinance

SPONSOR: Councilor Jill Duson

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading September 9, 2015 Final Action September 9, 2015

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

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

I. SUMMARY OF ISSUE (Agenda Description)

On July 7, 2015, the Portland City Council passed the Minimum Wage Ordinance by a 6-3 vote, Councilors Mavodones, Brennerman and Suslovic opposed. The Minimum Wage Ordinance has an initial minimum wage increase at the rate of \$10.10 on January 1, 2016 and a second increase to \$10.68 on January 1, 2017. A Consumer Price Index (CPI) "escalator" requires the wage to increase with the rate of inflation on every July 1 that follows, starting July 1, 2018.

The ordinance also contains language setting the tipped employee wage credit, which is the amount by which an employer can reduce the paid wage to a tipped or service employee, at \$3.75, which is what it is now. Setting the credit at \$3.75 means there is an increase in the amount an employer actually pays for the tipped wage that parallels the minimum wage increases in the ordinance.

On July 20, 2015, the City Council voted to reconsider the Minimum Wage Ordinance to address, among other things, the tipped employee wage credit. At that meeting, the Council also voted to postpone action on this item until its first meeting in September, 2015. The Council will now consider various amendments to the Minimum Wage Ordinance that it passes, including amendments to the tipped employee wage credit, removal of the Consumer Price Index escalator, and amendments addressing minor workers.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

To reconsider the tipped minimum wage.

III. INTENDED RESULT

See above.

IV. COUNCIL GOAL ADDRESSED.

n/a

V. FINANCIAL IMPACT

A change in the tipped wage credit, removal of the CPI escalator and amendments regarding minor workers would affect service employees, employers of tipped or service employees, and minor workers' wages.

VI. STAFF ANALYSIS

Amendments in the back-up material have been approved as to form by Corporation Counsel.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

- Order as passed;
- Memo from BernsteinShur Attorney, Glenn Israel;
- Amendment changing the tipped minimum wage to 50% of the minimum wage;
- Amendment setting the tipped minimum wage at the rate set by state law, presently \$3.75 an hour;
- Amendment exempting workers under 16 years of age; and
- Amendment deleting the Consumer Price Index Escalator

Prepared by: Danielle West-Chuhta

Date: 8/26/2015

BERNSTEIN SHUR

COUNSELORS AT LAW

207 774-1200 main
207 774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Memorandum

To: Danielle West-Chuhta
From: Glenn Israel, Esq.
Date: July 15, 2015
Re: Tip Credits

This memo provides an explanation of the federal and State laws related to “tip credits” and also provides some observations and recommendations regarding Portland’s recently adopted minimum wage ordinance.

The State and Federal Laws

The federal Fair Labor Standards Act (“FLSA”) establishes a minimum hourly wage, which currently is \$7.25 per hour. The FLSA also permits employers of “Service Employees” who receive at least \$30 per month in tips to take a “tip credit” that can reduce the “required cash wage” paid to those Service Employees by the employer by up to \$5.12 per hour. This results in a minimum required cash wage of \$2.13 per hour for Service Employees. It is important to note that the “tip credit” does not result in the payment of a sub-minimum wage to Service Employees. Employers are required to track the amount of tips received by those employees and, if the required cash wage plus tips does not equal or exceed the minimum wage, the employer must make up the difference.

For example, if a Service Employee works 40 hours in a particular week, that employee must be paid cash wages of \$85.20 ($\2.13×40) by the employer for that work. If that employee receives \$220 in tips during that week the employee has “earned” an additional \$5.50 per hour ($\$220 \div 40$) attributable to those tips which brings the employees total hourly wage to \$7.63. Since that exceeds the FLSA minimum wage of \$7.25, the provisions of the FLSA have been satisfied. However, if that same employee were to receive only \$160 in tips for that same week’s work, the employee’s total hourly wage would only be \$6.13. In that case, the employer would be required by the FLSA to pay the employee an additional \$1.12 per hour to bring the employee’s hourly wage for that week up to the FLSA minimum wage. Finally, if that employee were to receive \$300 in tips during that week – the equivalent of \$7.50 per hour – the employer still would be obligated to pay the employee the minimum direct wage of \$2.13 per hour which would result in the employee earning \$9.63 per hour for that week.

The minimum wage provisions of Maine law are similar to the FLSA in that they set a minimum wage (currently \$7.50) and provide for a tip credit for Service Employees. However, while the FLSA caps the amount of the tip credit at \$5.12 per hour, the State law provides that the tip credit “may not exceed 50% of the minimum wage established by this section.” Thus, under State law, the current minimum “direct wage”¹ for Service Employees is \$3.75 per hour (50% of the current minimum wage). Since the State minimum wage and the State minimum direct wage both are higher than the FLSA minimums, Service Employees in Maine must receive a direct wage of at least \$3.75 per hour, and the total of their direct wages plus any tips received must equal at least \$7.50 per hour.

¹ The Maine law uses the term “direct wage” to refer to what the FLSA calls the “required cash wage.”

The Portland Ordinance

The minimum wage ordinance adopted by the City of Portland on July 6, 2015 sets a minimum wage of \$10.10 per hour and provides for a tip credit “but such tip credit may not exceed the amount established in 26 M.R.S. §644(2).” Since the amount of the tip credit established by Section 644(2) is capped at 50% of the State minimum wage, the maximum tip credit allowed by Section 644(2) is \$3.75. When this amount is subtracted from the Portland minimum wage of \$10.10, the resulting minimum direct wage is \$6.35.

This means that an employer must pay its Service Employees at least \$6.35 per hour regardless of the amount of tips received by those employees. In situations where Service Employees already receive tips in excess of the \$6.35 per hour that would be required to make up the difference between the State minimum direct wage of \$3.75 and the Portland minimum wage of \$10.10, those Service Employees (who already are making at least \$10.10 per hour) would receive a pay raise of \$2.60 per hour and their employers would be required to fund that pay raise. It has been suggested that this was not the intent of the Ordinance.

There are several other ways that the tip credit might be defined under the Ordinance to produce a different result. If the tip credit were defined as an amount that is no greater than the amount required to reduce the direct wage paid under the Ordinance to an amount equal to the direct wage required to be paid by State law, then the Portland direct wage for Service Employees would be \$3.75. The minimum wage for those employees would remain at \$10.10, and the total of their direct wages plus any tips received must equal at least \$10.10 per hour.

Alternatively, the tip credit could be capped at 50% of the Portland minimum wage. This would result in an increase in the direct wage from the current \$3.75 per hour to \$5.05 per hour. The minimum wage for those employees would remain at \$10.10. For Service Employees already earning at least \$10.10 per hour in direct wages and tips, the 50% tip credit cap would require their employers to provide them with a \$1.30 per hour pay raise.

Another alternative would be to exempt Service Employees from the Portland minimum wage Ordinance in its entirety. That would result in the direct wage and the minimum wage for Service Employees in Portland continuing to be controlled by the State law which sets the minimum direct wage at \$3.75 and the minimum wage at \$7.50.

PROPOSED AMENDMENTS TO ORDER 297-14/15

Order 297-14/15

Passage as Amended: 5-3 (Mavodones, Brenerman, Suslovic) on 7/6/2015

Effective 1/1/2016

MICHAEL F. BRENNAN (MAYOR)
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**CITY OF PORTLAND
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WHEREAS, promoting the welfare of the City's citizens, its most important asset, and those who work within the City's borders is an endeavor that plainly meets this criterion; and

PROPOSED AMENDMENTS TO ORDER 297-14/15

WHEREAS, after years of inaction by the United States Congress, it is time for municipalities and states to lift families out of poverty and stimulate the economy by raising the minimum wage; and

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PROPOSED AMENDMENTS TO ORDER 297-14/15

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Service Employee: Any Employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month or more in tips.

Tip: A sum presented by a customer in recognition of services performed by one or more Service Employees, including a charge automatically included in the customer's bill. "Tip" does not include a service charge added to a customer's bill in a banquet or private club setting by agreement between the customer and the Employer.

Sec. 33.5 - 33-6 Reserved.

Article III.

Section 33.7. Minimum Wage.

- (a) Minimum wage payment required: Except as provided herein, Employers shall pay all Employees no less than the Minimum Wage established by this ordinance for each hour worked within the City Limits.
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 - (i) Beginning on January 1, 2016, the regular Minimum Wage for all Employees, including, but not limited to, Service Employees, shall be raised to \$10.10 per hour;
 - (ii) Beginning on January 1, 2017, the regular Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be raised to \$10.68 per hour; and
 - (iii) Beginning on every first day of July following January 1, 2018, and every first day of July thereafter, the Minimum Wage for all Employees, including, but not limited to, Service Employees, shall be increased

PROPOSED AMENDMENTS TO ORDER 297-14/15

according to the Consumer Price Index - All Urban Consumers (CPI-U) percentage increase from the prior year. If there is no increase, the Minimum Wage will be unchanged. The percentage increase in the annual CPI-U for the previous calendar year from the annual CPI-U for the calendar year preceding that shall be the percentage by which the Minimum Wage is increased on the first day of July 2018 and every July 1 thereafter.

(c) Tip Credit:

- (i) As provided in 26 M.R.S. §664(2), an Employer may consider tips as part of the wages of a Service Employee toward satisfaction of the Minimum Wage established by this ordinance. Such a tip credit shall be no greater than the amount necessary to reduce the direct wages paid to a Service Employee to an amount equal to the minimum direct wages required to be paid to Service Employees pursuant to 26 M.R.S. §664(2). Minimum direct wages pursuant to 26 M.R.S. §664(2) is the amount required by state law to be paid to a Service Employee after an Employer reduces the state minimum wage by the maximum allowable tip credit as provided in 26 M.R.S. §664(2).
- (ii) An employer who elects to use the tip credit must inform the affected employee in advance and must be able to show that the employee receives at least the Minimum Wage established by this ordinance when direct wages and the tip credit are combined. Upon a satisfactory showing by the employee or the employee's representative that the actual tips received were less than the tip credit, the employer shall increase the direct wages by the difference.
- (iii) The tips received by a Service Employee become the property of the employee and may not be shared with the employer. Tips that are automatically included in the customer's

PROPOSED AMENDMENTS TO ORDER 297-14/15

bill or that are charged to a credit card must be treated like tips given to the Service Employee. A tip that is charged to a credit card must be paid by the employer to the employee by the next regular payday and may not be held while the employer is awaiting reimbursement from a credit card company.

(iv) This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement among service employees that is consistent with the federal Fair Labor Standards Act and regulations made pursuant to that Act.

(v) The meaning of the language used in this section shall be interpreted consistently with the interpretation of the language of 26 M.R.S. §663 and 26 M.R.S. §664.

(d) Overtime.

(i) The Minimum Wage set out in this ordinance is subject to the overtime compensation provisions in 26 M.R.S. §664(3).

(e) Collective Bargaining Agreements.

(i) Nothing in this ordinance shall be deemed to interfere with, impede, or in any way diminish the right of all Employees including, but not limited to, Tipped Employees to bargain collectively with their Employers in order to establish wages or other conditions of work in excess of the applicable minimum standards of this ordinance.

(f) Retaliation Prohibited.

(i) It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Employee including, but not limited to a Service Employee in retaliation for exercising any right under this ordinance.

ARTICLE IV.

Sec. 33.8. Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice informing Employees of the City's current Minimum Wage rates, as well as a copy of this ordinance.
- (b) Records. Employers shall maintain payroll records showing hours worked daily by and the wages paid to all Employees, including, but not limited to, Service Employees. Employers shall retain such payroll records pertaining to all Employees for a period of at least three (3) years after an Employee has left employment.
- (c) Access. The City shall have access to any and all Employer payroll records subject to this ordinance during business hours to investigate whether or not an Employer has violated any of the provisions of this chapter.
- (d) Paycheck Notice. Every Employer shall provide with the first paycheck issued to an Employee, including a Service Employee, a notice advising the Employee of the current Minimum Wage under this ordinance and of the Employee's rights under this ordinance.

ARTICLE V.

Sec. 33.9. Enforcement and Violations.

- (a) Enforcement.
 - (i) The City Manager or his/her designee shall enforce the provisions of this ordinance.
 - (ii) The City Manager is authorized to adopt rules and regulations for the proper administration and enforcement of this ordinance.
- (b) Complaint Process.

PROPOSED AMENDMENTS TO ORDER 297-14/15

- (i) Any Employee, including, but not limited to, a Service Employee, receiving less than the Minimum Wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.
 - (ii) The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
 - (iii) If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of not less than \$100.00 as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.
- (c) Private Cause of Action.
- (i) Any Employee, including, but not limited to, a Service Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.

ARTICLE VI.

PROPOSED AMENDMENTS TO ORDER 297-14/15

Sec. 33.10. Relationship To Other Requirements.

This ordinance provides for payment of Minimum Wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy, including any that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the Minimum Wage rates established herein.

ARTICLE VII.

Sec. 33.11. Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

ARTICLE VIII.

Sec. 33.12. Effective Date.

This ordinance shall take effect on January 1, 2016.

AMENDMENT TO ORDER 297-14/15
RE: MAKE DIRECT WAGE SAME AS UNDER MAINE LAW
PREPARED BY CORPORATION COUNSEL FOR THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 33 (MINIMUM WAGE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That the Portland City Code is hereby amended by adding a section, to be numbered Chapter 33, Articles I to VIII, Sections 33-1 to 33-12, which said Sections read as follows:

Chapter 33 MINIMUM WAGE

- Art. I. Purpose, §33.1
- Art. II. Definitions, §33.2 - 33-6
- Art. III. Minimum Wage, 33-7
- Art. IV. Notice, Posting and Records, 33-8
- Art. V. Enforcement and Violations, 33-9
- Art. VI. Relationship To Other Requirements, 33-10
- Art. VII. Severability Clause, 33-11
- Art. VIII. Effective Date, 33-12

ARTICLE I

Sec. 33.1. Purpose.

WHEREAS, the City of Portland is a home-rule unit of government under the Maine Constitution and 30-A M.R.S. §3001 and, as such, may exercise any power and perform any function in order to protect health, safety and welfare of the citizens of the City; and

WHEREAS, promoting the welfare of the City's citizens, its most important asset, and those who work within the City's borders is an endeavor that plainly meets this criterion; and

WHEREAS, after years of inaction by the United States Congress, it is time for municipalities and states to lift families out of poverty and stimulate the economy by raising the minimum wage; and

WHEREAS, Mayor Michael Brennan created a working group, which included community, labor and business leaders, and tasked them with reviewing the minimum wage issue within the City of Portland; and

WHEREAS, the cost of living in Portland has increased making life here cost, as a percentage of income, as much as is paid by residents of Chicago, Illinois, Sacramento, California and other major United States cities where the minimum wage is much higher; and

WHEREAS, an estimated 20,000 workers in the State of Maine work for minimum wage, and a substantial number of them are among the City of Portland's more than 65,000 wage and salary earners; and

WHEREAS, The Massachusetts Institute of Technology has calculated that, for a single adult to support him- or herself in Portland at the current minimum wage, he or she would need to work over 50 hours a week; and

WHEREAS, more than 50 percent of Portland public school students are eligible for free lunch, meaning their families have incomes at between 100 percent and 185 percent of the Federal poverty level, which is higher than what a single parent with one child in school would earn with a full-time minimum wage job; and

WHEREAS, rising housing costs, including an increase in the median home price from \$125,200 in 2000 to \$238,400 in 2012, are pushing low wage workers out of the City; and

WHEREAS, the Fair Market Rent in the Portland Area for a two-bedroom apartment is \$1,012, and a full-time worker job would have to earn at least \$19.46 per hour to afford that rent;

WHEREAS, phasing in the wage increase over time will allow businesses to adjust and result in reasonable annual increases in expenses;

WHEREAS, based on the work of the working group (the materials and report of which are incorporated herein by reference) and the aforementioned facts, Mayor Brennan proposed that the minimum wage be increased within the City of Portland;

NOW THEREFORE, to promote the health, safety and welfare of its citizens and pursuant to and consistent with 26 M.R.S. §664, the City Council of the City of Portland, Maine hereby establishes the following minimum wage ordinance applicable to all Employers and Employees within the City of Portland:

ARTICLE II

Sec. 33.2. Definitions.

Unless the context otherwise indicates, the following words shall have the following meanings.

City: City of Portland.

City limits: the physical boundaries of the City.

Consumer Price Index - All Urban Consumers ("CPI-U") means the national, annual average of the Consumer Price Index for all urban consumers as reported by the United States Bureau of Labor Statistics, with the Series identification number of CUUR0000SA0.

Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours, or working conditions of any Employee and who has a place of business within the City limits. "Employer" shall include but not be limited to the City of Portland.

Employee: Any person who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. Employee shall not include any person who is exempted from the definition of Employee under 26 M.R.S. §663(3) of Chapter 7, Employment Practices.

Minimum wage: The minimum hourly rate of monetary compensation that an Employer shall legally pay an Employee for work within the City.

Service Employee: Any Employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month or more in tips.

Tip: A sum presented by a customer as a gift or gratuity in recognition of ~~some services~~ performed by one or more the Service Employees, including a charge automatically included in the customer's bill. "Tip" does not include a service charge added to a customer's bill in a banquet or private club setting by agreement between the customer and the Employer.

~~*Tipped Employee:* Any Service Employee engaged in an occupation in which he or she customarily and regularly receives tips from customers.~~

Sec. 33.5 - 33-6 Reserved.

Article III.

Section 33.7. Minimum Wage.

(a) *Minimum wage payment required:* Except as provided herein, Employers shall pay all Employees no less than the Minimum Wage established by this ordinance for each hour worked within the City Limits.

~~(b) *Tipped Employees:*~~

~~(i) As provided in 26 M.R.S. §664(2), an Employer may consider tips as part of the wages of a Tipped Employee toward satisfaction of the Minimum Wage established by this ordinance, but such a tip credit may not exceed the amount established in 26 M.R.S. §664(2).~~

~~(c) (b) *Minimum Wage rate:*~~

(i) Beginning on January 1, 2016, the regular Minimum Wage for all Employees, including,

but not limited to, ~~Service~~~~Tipped~~ Employees, shall be raised to \$10.10 per hour;

- (ii) Beginning on January 1, 2017, the regular Minimum Wage for all Employees, including, but not limited to, ~~Tipped-Service~~ Employees, shall be raised to \$10.68 per hour; and
- (iii) Beginning on every first day of July following January 1, 2018, and every first day of July thereafter, the Minimum Wage for all Employees, including, but not limited to, ~~Service~~~~Tipped~~ Employees, shall be increased according to the Consumer Price Index - All Urban Consumers (CPI-U) percentage increase from the prior year. If there is no increase, the Minimum Wage will be unchanged. The percentage increase in the annual CPI-U for the previous calendar year from the annual CPI-U for the calendar year preceding that shall be the percentage by which the Minimum Wage is increased on the first day of July 2018 and every July 1 thereafter.

4-10. Tip Credit:

- (i) As provided in 26 M.R.S. §664(2), an Employer may consider tips as part of the wages of a Service Employee toward satisfaction of the Minimum Wage established by this ordinance. Such a tip credit shall be no greater than the amount necessary to reduce the direct wages paid to a Service Employee to an amount equal to the minimum direct wages required to be paid to Service Employees pursuant to 26 M.R.S. §664(2). Minimum direct wages pursuant to 26 M.R.S. §664(2) is the amount required by state law to be paid to a Service Employee after an Employer reduces the state minimum wage by the maximum allowable tip credit as provided in 26 M.R.S. §664(2).

An employer who elects to use the tip credit must inform the affected employee in advance and must be able to show that the employee receives at least the Minimum Wage established by this ordinance when direct wages and the tip credit are combined. Upon a satisfactory showing by the employee or the employee's representative that the actual tips received were less than the tip credit, the employer shall increase the direct wages by the difference.

Nothing in this section shall be construed to prohibit an employer from establishing a valid tip pooling arrangement among service employees that is consistent with the federal Fair Labor Standards Act and regulations made pursuant to that Act. The meaning of the language used in this section shall be interpreted consistently with the interpretation of the language of 26 M.R.S. §663 and 26 M.R.S. §664.

(iv) This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement among service employees that is consistent with the federal Fair Labor Standards Act and regulations made pursuant to that Act.

(v) The meaning of the language used in this section shall be interpreted consistently with the interpretation of the language of 26 M.R.S. §663 and 26 M.R.S. §664.

(d) Overtime.

(i) The Minimum Wage set out in this ordinance isare subject to the overtime compensation provisions in 26 M.R.S. §664(3).

(e) Collective Bargaining Agreements.

(i) Nothing in this ordinance shall be deemed to interfere with, impede, or in any way

diminish the right of all Employees including, but not limited to, ~~Tipped~~ Service Employees to bargain collectively with their Employers in order to establish wages or other conditions of work in excess of the applicable minimum standards of this ordinance.

(f) Retaliation Prohibited.

- (i) It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Employee including, but not limited to a ~~Tipped~~ Service Employee in retaliation for exercising any right under this ordinance.

ARTICLE IV.

Sec. 33.8. Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice informing Employees of the City's current Minimum Wage rates, as well as a copy of this ordinance.
- (b) Records. Employers shall maintain payroll records showing hours worked daily by and the wages paid to all Employees, including, but not limited to, ~~Tipped~~ Service Employees. Employers shall retain such payroll records pertaining to all Employees for a period of at least three (3) years after an Employee has left employment.
- (c) Access. The City shall have access to any and all Employer payroll records subject to this ordinance during business hours to investigate whether or not an Employer has violated any of the provisions of this chapter.
- (d) Paycheck Notice. Every Employer shall provide with the first paycheck issued to an Employee, including a ~~Tipped~~ Service Employee, a notice advising the Employee of the current Minimum Wage under this ordinance and of the Employee's rights under this ordinance.

ARTICLE V.

Sec. 33.9. Enforcement and Violations.

(a) Enforcement.

- (i) The City Manager or his/her designee shall enforce the provisions of this ordinance.
- (ii) The City Manager is authorized to adopt rules and regulations for the proper administration and enforcement of this ordinance.

(b) Complaint Process.

- (i) Any Employee, including, but not limited to, a Service~~Tipped~~ Employee, receiving less than the Minimum Wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.
- (ii) The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (iii) If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of not less than \$100.00 ~~or more~~ as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

- (i) Any Employee, including, but not limited to, a ~~Service~~^{Tipped} Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.

ARTICLE VI.

Sec. 33.10. Relationship To Other Requirements.

This ordinance provides for payment of Minimum Wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy, including any that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the Minimum Wage rates established herein.

ARTICLE VII.

Sec. 33.11. Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

ARTICLE VIII.

Sec. 33.12. Effective Date.

This ordinance shall take effect on January 1, 2016.

AMENDMENT TO ORDER 297-14/15
RE: TIP CREDIT OF
50% OF CITY'S NEW MINIMUM WAGE
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR DONOGHUE

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 33 (MINIMUM WAGE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That the Portland City Code is hereby amended by adding a section, to be numbered Chapter 33, Articles I to VIII, Sections 33-1 to 33-12, which said Sections read as follows:

Chapter 33 MINIMUM WAGE

- Art. I. Purpose, §33.1
- Art. II. Definitions, §33.2 - 33-6
- Art. III. Minimum Wage, 33-7
- Art. IV. Notice, Posting and Records, 33-8
- Art. V. Enforcement and Violations, 33-9
- Art. VI. Relationship To Other Requirements, 33-10
- Art. VII. Severability Clause, 33-11
- Art. VIII. Effective Date, 33-12

ARTICLE I

Sec. 33.1. Purpose.

WHEREAS, the City of Portland is a home-rule unit of government under the Maine Constitution and 30-A M.R.S. §3001 and, as such, may exercise any power and perform any function in order to protect health, safety and welfare of the citizens of the City; and

WHEREAS, promoting the welfare of the City's citizens, its most important asset, and those who work within the City's borders is an endeavor that plainly meets this criterion; and

WHEREAS, after years of inaction by the United States Congress, it is time for municipalities and states to lift families out of poverty and stimulate the economy by raising the minimum wage; and

WHEREAS, Mayor Michael Brennan created a working group, which included community, labor and business leaders, and tasked them with reviewing the minimum wage issue within the City of Portland; and

WHEREAS, the cost of living in Portland has increased making life here cost, as a percentage of income, as much as is paid by residents of Chicago, Illinois, Sacramento, California and other major United States cities where the minimum wage is much higher; and

WHEREAS, an estimated 20,000 workers in the State of Maine work for minimum wage, and a substantial number of them are among the City of Portland's more than 65,000 wage and salary earners; and

WHEREAS, The Massachusetts Institute of Technology has calculated that, for a single adult to support him- or herself in Portland at the current minimum wage, he or she would need to work over 50 hours a week; and

WHEREAS, more than 50 percent of Portland public school students are eligible for free lunch, meaning their families have incomes at between 100 percent and 185 percent of the Federal poverty level, which is higher than what a single parent with one child in school would earn with a full-time minimum wage job; and

WHEREAS, rising housing costs, including an increase in the median home price from \$125,200 in 2000 to \$238,400 in 2012, are pushing low wage workers out of the City; and

WHEREAS, the Fair Market Rent in the Portland Area for a two-bedroom apartment is \$1,012, and a full-time worker job would have to earn at least \$19.46 per hour to afford that rent;

WHEREAS, phasing in the wage increase over time will allow businesses to adjust and result in reasonable annual increases in expenses;

WHEREAS, based on the work of the working group (the materials and report of which are incorporated herein by reference) and the aforementioned facts, Mayor Brennan proposed that the minimum wage be increased within the City of Portland;

NOW THEREFORE, to promote the health, safety and welfare of its citizens and pursuant to and consistent with 26 M.R.S. §664, the City Council of the City of Portland, Maine hereby establishes the following minimum wage ordinance applicable to all Employers and Employees within the City of Portland:

ARTICLE II

Sec. 33.2. Definitions.

Unless the context otherwise indicates, the following words shall have the following meanings.

City: City of Portland.

City limits: the physical boundaries of the City.

Consumer Price Index - All Urban Consumers ("CPI-U") means the national, annual average of the Consumer Price Index for all urban consumers as reported by the United States Bureau of Labor Statistics, with the Series identification number of CUUR0000SA0.

Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours, or working conditions of any Employee and who has a place of business within the City limits. "Employer" shall include but not be limited to the City of Portland.

Employee: Any person who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. Employee shall not include any person who is exempted from the definition of Employee under 26 M.R.S. §663(3) of Chapter 7, Employment Practices.

Minimum wage: The minimum hourly rate of monetary compensation that an Employer shall legally pay an Employee for work within the City.

Service Employee: Any Employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month or more in tips.

Tip: A sum presented by a customer ~~as a gift~~ in recognition of ~~the~~ service performed by ~~an~~ Employee. ~~It is not a gift, but a payment made by the customer to the employee for services rendered. It is not a gratuity, but a payment made by the customer to the employee for services rendered. It is not a tip, but a payment made by the customer to the employee for services rendered.~~

~~It is not a tip, but a payment made by the customer to the employee for services rendered. It is not a gratuity, but a payment made by the customer to the employee for services rendered. It is not a tip, but a payment made by the customer to the employee for services rendered.~~

Sec. 33.5 - 33-6 Reserved.

Article III.

Section 33.7. Minimum Wage.

- (a) **Minimum wage payment required:** Except as provided herein, Employers shall pay all Employees no less than the Minimum Wage established by this ordinance for each hour worked within the City Limits.

~~It is not a tip, but a payment made by the customer to the employee for services rendered. It is not a gratuity, but a payment made by the customer to the employee for services rendered. It is not a tip, but a payment made by the customer to the employee for services rendered.~~

~~It is not a tip, but a payment made by the customer to the employee for services rendered. It is not a gratuity, but a payment made by the customer to the employee for services rendered. It is not a tip, but a payment made by the customer to the employee for services rendered.~~

~~(c)~~ (b) **Minimum Wage rate:**

- (i) Beginning on January 1, 2016, the regular Minimum Wage for all Employees, including, but not limited to, ~~Service Employees~~ Employees, shall be raised to \$10.10 per hour;
- (ii) Beginning on January 1, 2017, the regular Minimum Wage for all Employees, including, but not limited to, ~~Tipped Service~~ Employees, shall be raised to \$10.68 per hour; and
- (iii) Beginning on every first day of July following January 1, 2018, and every first day of July thereafter, the Minimum Wage for all Employees, including, but not limited to, ~~Service Employees~~ Employees, shall be increased according to the Consumer Price Index - All Urban Consumers (CPI-U) percentage increase from the prior year. If there is no increase, the Minimum Wage will be unchanged. The percentage increase in the annual CPI-U for the previous calendar year from the annual CPI-U for the calendar year preceding that shall be the percentage by which the Minimum Wage is increased on the first day of July 2018 and every July 1 thereafter.

~~(j)~~ (c) Tip Credit

- (i) As provided in 29 M.S.R. §14.11, an employer may consider 15% or less of the credit of a Service Employee toward satisfaction of the Minimum Wage established by this ordinance, even if the credit is greater than 15% of the Minimum Wage established by this ordinance.
- (ii) An employer who elects to use the tip credit must inform the affected employee in advance and must be able to show that the employee receives at least the Minimum Wage established by this ordinance when actual wages and the tip credit are combined. Upon a satisfactory showing by the employee or the employee's representative that the

26 M.R.S. §664(3) shall not apply to the extent that the employer shall reimburse the employee by the next payday.

- (iii) The tips received by a Service Employee become the property of the employee and may not be shared with the employer. Tips that are automatically included in the customer's bill or that are charged to a credit card must be treated like tips given to the Service Employee. A tip that is charged to a credit card must be paid by the employer to the employee by the next regular payday and may not be held while the employer is awaiting reimbursement from a credit card company.

(iv) Fair labor payment or compensation is provided an employer from establishing a valid tie between management and service employees that is consistent with the Federal Fair Labor Standards Act and regulations made pursuant to such Act.

iv. The meaning of the language used in this ordinance shall be interpreted consistently with the interpretation of the language of 26 M.R.S. §664 and 26 N.E.S. §664.

(d) Overtime.

- (i) The Minimum Wage set out in this ordinance is subject to the overtime compensation provisions in 26 M.R.S. §664(3).

(e) Collective Bargaining Agreements.

- (i) Nothing in this ordinance shall be deemed to interfere with, impede, or in any way diminish the right of all Employees including, but not limited to, ~~Tipped~~ Service Employees to bargain collectively with their Employers in order to establish wages or other conditions of work in excess of the applicable minimum standards of this ordinance.

(f) Retaliation Prohibited.

- (i) It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Employee including, but not limited to a ~~discriminate~~ Employee in retaliation for exercising any right under this ordinance.

ARTICLE IV.

Sec. 33.8. Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice informing Employees of the City's current Minimum Wage rates, as well as a copy of this ordinance.
- (b) Records. Employers shall maintain payroll records showing hours worked daily by and the wages paid to all Employees, including, but not limited to, ~~part-time~~ Employees. Employers shall retain such payroll records pertaining to all Employees for a period of at least three (3) years after an Employee has left employment.
- (c) Access. The City shall have access to any and all Employer payroll records subject to this ordinance during business hours to investigate whether or not an Employer has violated any of the provisions of this chapter.
- (d) Paycheck Notice. Every Employer shall provide with the first paycheck issued to an Employee, including a ~~part-time~~ Employee, a notice advising the Employee of the current Minimum Wage under this ordinance and of the Employee's rights under this ordinance.

ARTICLE V.

Sec. 33.9. Enforcement and Violations.

- (a) Enforcement.

(i) The City Manager or his/her designee shall enforce the provisions of this ordinance.

(ii) The City Manager is authorized to adopt rules and regulations for the proper administration and enforcement of this ordinance.

(b) Complaint Process.

(i) Any Employee, including, but not limited to, a ~~Service-Related~~ Employee, receiving less than the Minimum Wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.

(ii) The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.

(iii) If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of not less than \$100.00 ~~or more~~ as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

(i) Any Employee, including, but not limited to, a ~~Service-Related~~ Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Upon a

judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.

ARTICLE VI.

Sec. 33.10. Relationship To Other Requirements.

This ordinance provides for payment of Minimum Wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy, including any that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the Minimum Wage rates established herein.

ARTICLE VII.

Sec. 33.11. Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

ARTICLE VIII.

Sec. 33.12. Effective Date.

This ordinance shall take effect on January 1, 2016.

AMENDMENT TO ORDER 297-14/15
RE: EXEMPTION OF PERSONS UNDER 16 YEARS OF AGE
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR BRENERMAN

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 33 (MINIMUM WAGE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That the Portland City Code is hereby amended by adding a section, to be numbered Chapter 33, Articles I to VIII, Sections 33-1 to 33-12, which said Sections read as follows:

Chapter 33 MINIMUM WAGE

- Art. I. Purpose, §33.1
- Art. II. Definitions, §33.2 - 33-6
- Art. III. Minimum Wage, 33-7
- Art. IV. Notice, Posting and Records, 33-8
- Art. V. Enforcement and Violations, 33-9
- Art. VI. Relationship To Other Requirements, 33-10
- Art. VII. Severability Clause, 33-11
- Art. VIII. Effective Date, 33-12

ARTICLE I

Sec. 33.1. Purpose.

WHEREAS, the City of Portland is a home-rule unit of government under the Maine Constitution and 30-A M.R.S. §3001 and, as such, may exercise any power and perform any function in order to protect health, safety and welfare of the citizens of the City; and

WHEREAS, promoting the welfare of the City's citizens, its most important asset, and those who work within the City's borders is an endeavor that plainly meets this criterion; and

WHEREAS, after years of inaction by the United States Congress, it is time for municipalities and states to lift families out of poverty and stimulate the economy by raising the minimum wage; and

WHEREAS, Mayor Michael Brennan created a working group, which included community, labor and business leaders, and tasked them with reviewing the minimum wage issue within the City of Portland; and

WHEREAS, the cost of living in Portland has increased making life here cost, as a percentage of income, as much as is paid by residents of Chicago, Illinois, Sacramento, California and other major United States cities where the minimum wage is much higher; and

WHEREAS, an estimated 20,000 workers in the State of Maine work for minimum wage, and a substantial number of them are among the City of Portland's more than 65,000 wage and salary earners; and

WHEREAS, The Massachusetts Institute of Technology has calculated that, for a single adult to support him- or herself in Portland at the current minimum wage, he or she would need to work over 50 hours a week; and

WHEREAS, more than 50 percent of Portland public school students are eligible for free lunch, meaning their families have incomes at between 100 percent and 185 percent of the Federal poverty level, which is higher than what a single parent with one child in school would earn with a full-time minimum wage job; and

WHEREAS, rising housing costs, including an increase in the median home price from \$125,200 in 2000 to \$238,400 in 2012, are pushing low wage workers out of the City; and

WHEREAS, the Fair Market Rent in the Portland Area for a two-bedroom apartment is \$1,012, and a full-time worker job would have to earn at least \$19.46 per hour to afford that rent;

WHEREAS, phasing in the wage increase over time will allow businesses to adjust and result in reasonable annual increases in expenses;

WHEREAS, based on the work of the working group (the materials and report of which are incorporated herein by reference) and the aforementioned facts, Mayor Brennan proposed that the minimum wage be increased within the City of Portland;

NOW THEREFORE, to promote the health, safety and welfare of its citizens and pursuant to and consistent with 26 M.R.S. §664, the City Council of the City of Portland, Maine hereby establishes the following minimum wage ordinance applicable to all Employers and Employees within the City of Portland:

ARTICLE II

Sec. 33.2. Definitions.

Unless the context otherwise indicates, the following words shall have the following meanings.

City: City of Portland.

City limits: the physical boundaries of the City.

Consumer Price Index - All Urban Consumers ("CPI-U") means the national, annual average of the Consumer Price Index for all urban consumers as reported by the United States Bureau of Labor Statistics, with the Series identification number of CUUR0000SA0.

Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours, or working conditions of any Employee and who has a place of business within the City limits. "Employer" shall include but not be limited to the City of Portland.

Employee: Any person who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. Employee shall not include any person who is exempted from the definition of Employee under 26 M.R.S. §663(3) of Chapter 7, Employment Practices. Employee also shall not include individuals under 16 years of age. Such individuals shall not be subject to the

provisions of this ordinance, and the terms and conditions of their employment including, but not limited to, minimum wages shall continue to be governed by the applicable State and Federal laws, rules, and regulations."

Minimum wage: The minimum hourly rate of monetary compensation that an Employer shall legally pay an Employee for work within the City.

Service Employee: Any Employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month or more in tips.

Tip: A sum presented by a customer as a gift or gratuity in recognition of some service performed by the Employee.

Tipped Employee: Any Service Employee engaged in an occupation in which he or she customarily and regularly receives tips from customers.

Sec. 33.5 - 33-6 Reserved.

Article III.

Section 33.7. Minimum Wage.

- (a) *Minimum wage payment required:* Except as provided herein, Employers shall pay all Employees no less than the Minimum Wage established by this ordinance for each hour worked within the City Limits.
- (b) *Tipped Employees:*
 - (i) As provided in 26 M.R.S. §664(2), an Employer may consider tips as part of the wages of a Tipped Employee toward satisfaction of the Minimum Wage established by this ordinance, but such a tip credit may not exceed the amount established in 26 M.R.S. §664(2).
- (c) *Minimum Wage rate:*

- (i) Beginning on January 1, 2016, the regular Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be raised to \$10.10 per hour;
 - (ii) Beginning on January 1, 2017, the regular Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be raised to \$10.68 per hour; and
 - (iii) Beginning on every first day of July following January 1, 2018, and every first day of July thereafter, the Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be increased according to the Consumer Price Index - All Urban Consumers (CPI-U) percentage increase from the prior year. If there is no increase, the Minimum Wage will be unchanged. The percentage increase in the annual CPI-U for the previous calendar year from the annual CPI-U for the calendar year preceding that shall be the percentage by which the Minimum Wage is increased on the first day of July 2018 and every July 1 thereafter.
- (d) Overtime.
- (i) The Minimum Wage set out in this ordinance are subject to the overtime compensation provisions in 26 M.R.S. §664(3).
- (e) Collective Bargaining Agreements.
- (i) Nothing in this ordinance shall be deemed to interfere with, impede, or in any way diminish the right of all Employees including, but not limited to, Tipped Employees to bargain collectively with their Employers in order to establish wages or other conditions of work in excess of the applicable minimum standards of this ordinance.
- (f) Retaliation Prohibited.

- (i) It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Employee including, but not limited to a Tipped Employee in retaliation for exercising any right under this ordinance.

ARTICLE IV.

Sec. 33.8. Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice informing Employees of the City's current Minimum Wage rates, as well as a copy of this ordinance.
- (b) Records. Employers shall maintain payroll records showing hours worked daily by and the wages paid to all Employees, including, but not limited to, Tipped Employees. Employers shall retain such payroll records pertaining to all Employees for a period of at least three (3) years after an Employee has left employment.
- (c) Access. The City shall have access to any and all Employer payroll records subject to this ordinance during business hours to investigate whether or not an Employer has violated any of the provisions of this chapter.
- (d) Paycheck Notice. Every Employer shall provide with the first paycheck issued to an Employee, including a Tipped Employee, a notice advising the Employee of the current Minimum Wage under this ordinance and of the Employee's rights under this ordinance.

ARTICLE V.

Sec. 33.9. Enforcement and Violations.

- (a) Enforcement.
 - (i) The City Manager or his/her designee shall enforce the provisions of this ordinance.

- (ii) The City Manager is authorized to adopt rules and regulations for the proper administration and enforcement of this ordinance.

(b) Complaint Process.

- (i) Any Employee, including, but not limited to, a Tipped Employee, receiving less than the Minimum Wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.
- (ii) The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (iii) If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of not less than \$100.00 or more as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

- (i) Any Employee, including, but not limited to, a Tipped Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to

the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.

ARTICLE VI.

Sec. 33.10. Relationship To Other Requirements.

This ordinance provides for payment of Minimum Wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy, including any that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the Minimum Wage rates established herein.

ARTICLE VII.

Sec. 33.11. Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

ARTICLE VIII.

Sec. 33.12. Effective Date.

This ordinance shall take effect on January 1, 2016.

AMENDMENT TO ORDER 297-14/15
RE: REMOVAL OF CPI ESCALATOR
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR DONOHUE

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 33 (MINIMUM WAGE)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That the Portland City Code is hereby amended by adding a section, to be numbered Chapter 33, Articles I to VIII, Sections 33-1 to 33-12, which said Sections read as follows:

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ARTICLE I

Sec. 33.1. Purpose.

WHEREAS, the City of Portland is a home-rule unit of government under the Maine Constitution and 30-A M.R.S. §3001 and, as such, may exercise any power and perform any function in order to protect health, safety and welfare of the citizens of the City; and

WHEREAS, promoting the welfare of the City's citizens, its most important asset, and those who work within the City's borders is an endeavor that plainly meets this criterion; and

WHEREAS, after years of inaction by the United States Congress, it is time for municipalities and states to lift families out of poverty and stimulate the economy by raising the minimum wage; and

WHEREAS, Mayor Michael Brennan created a working group, which included community, labor and business leaders, and tasked them with reviewing the minimum wage issue within the City of Portland; and

WHEREAS, the cost of living in Portland has increased making life here cost, as a percentage of income, as much as is paid by residents of Chicago, Illinois, Sacramento, California and other major United States cities where the minimum wage is much higher; and

WHEREAS, an estimated 20,000 workers in the State of Maine work for minimum wage, and a substantial number of them are among the City of Portland's more than 65,000 wage and salary earners; and

WHEREAS, The Massachusetts Institute of Technology has calculated that, for a single adult to support him- or herself in Portland at the current minimum wage, he or she would need to work over 50 hours a week; and

WHEREAS, more than 50 percent of Portland public school students are eligible for free lunch, meaning their families have incomes at between 100 percent and 185 percent of the Federal poverty level, which is higher than what a single parent with one child in school would earn with a full-time minimum wage job; and

WHEREAS, rising housing costs, including an increase in the median home price from \$125,200 in 2000 to \$238,400 in 2012, are pushing low wage workers out of the City; and

WHEREAS, the Fair Market Rent in the Portland Area for a two-bedroom apartment is \$1,012, and a full-time worker job would have to earn at least \$19.46 per hour to afford that rent;

WHEREAS, phasing in the wage increase over time will allow businesses to adjust and result in reasonable annual increases in expenses;

WHEREAS, based on the work of the working group (the materials and report of which are incorporated herein by reference) and the aforementioned facts, Mayor Brennan proposed that the minimum wage be increased within the City of Portland;

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Sec. 33.2. Definitions.

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~~*Consumer Price Index -- All Urban Consumers ("CPI-U")*~~
~~means the national, annual average of the Consumer Price~~
~~Index for all urban consumers as reported by the United~~
~~States Bureau of Labor Statistics, with the Series~~
~~identification number of CUUR0000SA0.~~

Employer: Any individual, group of individuals, partnership, association, corporation, business trust, or any other entity or group of persons or entities who employs or exercises control over the wages, hours, or working conditions of any Employee and who has a place of business within the City limits. "Employer" shall include but not be limited to the City of Portland.

Employee: Any person who performs work for an Employer for monetary compensation within the municipal limits of the City. Employee shall include persons who perform work for an employer on a full-time, part-time, seasonal or temporary basis. Employee shall not include any person who is exempted from the definition of Employee under 26 M.R.S. §663(3) of Chapter 7, Employment Practices.

Minimum wage: The minimum hourly rate of monetary compensation that an Employer shall legally pay an Employee for work within the City.

Service Employee: Any Employee engaged in an occupation in which he or she customarily and regularly receives more than \$30.00 a month or more in tips.

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Sec. 33.5 - 33-6 Reserved.

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Section 33.7. Minimum Wage.

(a) *Minimum wage payment required:* Except as provided herein, Employers shall pay all Employees no less than the Minimum Wage established by this ordinance for each hour worked within the City Limits.

(b) *Tipped Employees:*

(i) As provided in 26 M.R.S. §664(2), an Employer may consider tips as part of the wages of a Tipped Employee toward satisfaction of the Minimum Wage established by this ordinance, but such a tip credit may not exceed the amount established in 26 M.R.S. §664(2).

(c) *Minimum Wage rate:*

(i) Beginning on January 1, 2016, the regular Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be raised to \$10.10 per hour;

(ii) Beginning on January 1, 2017, the regular Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be raised to \$10.68 per hour; and

~~(iii) Beginning on every first day of July following January 1, 2018, and every first day of July thereafter, the Minimum Wage for all Employees, including, but not limited to, Tipped Employees, shall be increased according to the Consumer Price Index - All Urban Consumers (CPI-U) percentage increase from the prior year. If there is no increase, the Minimum Wage will be unchanged. The percentage increase in the annual CPI-U for the previous calendar year from the annual CPI-U for the calendar year preceding that shall be the percentage by which the Minimum Wage is increased on the first day of July 2018 and every July 1 thereafter.~~

(d) Overtime.

(i) The Minimum Wage set out in this ordinance are subject to the overtime compensation provisions in 26 M.R.S. §664(3).

(e) Collective Bargaining Agreements.

(i) Nothing in this ordinance shall be deemed to interfere with, impede, or in any way diminish the right of all Employees including, but not limited to, Tipped Employees to bargain collectively with their Employers in order to establish wages or other conditions of work in excess of the applicable minimum standards of this ordinance.

(f) Retaliation Prohibited.

(i) It shall be unlawful for any Employer to discriminate in any manner or take any adverse action against any Employee including, but not limited to a Tipped

Employee in retaliation for exercising any right under this ordinance.

ARTICLE IV.

Sec. 33.8. Notice, Posting and Records.

- (a) Notice to Employees. Every employer shall post in a conspicuous place at any workplace or job site where any Employee works, a notice informing Employees of the City's current Minimum Wage rates, as well as a copy of this ordinance.
- (b) Records. Employers shall maintain payroll records showing hours worked daily by and the wages paid to all Employees, including, but not limited to, Tipped Employees. Employers shall retain such payroll records pertaining to all Employees for a period of at least three (3) years after an Employee has left employment.
- (c) Access. The City shall have access to any and all Employer payroll records subject to this ordinance during business hours to investigate whether or not an Employer has violated any of the provisions of this chapter.
- (d) Paycheck Notice. Every Employer shall provide with the first paycheck issued to an Employee, including a Tipped Employee, a notice advising the Employee of the current Minimum Wage under this ordinance and of the Employee's rights under this ordinance.

ARTICLE V.

Sec. 33.9. Enforcement and Violations.

- (a) Enforcement.
 - (i) The City Manager or his/her designee shall enforce the provisions of this ordinance.
 - (ii) The City Manager is authorized to adopt rules and regulations for the proper administration and enforcement of this ordinance.

(b) Complaint Process.

- (i) Any Employee, including, but not limited to, a Tipped Employee, receiving less than the Minimum Wage he or she is required to receive under this ordinance may file a written complaint with the City Manager's office.
- (ii) The City Manager or his or her designee may investigate and issue a response to the complaint within fifteen (15) work days following the receipt of a complaint. The City Manager's or his or her designee's response to the complaint shall be final.
- (iii) If the City Manager finds that a violation of this chapter has occurred, he or she may order any and all appropriate relief including, but not limited to, the payment of any back wages withheld and/or the payment of not less than \$100.00 or more as a penalty for each day that a violation of this chapter has occurred. A violation of this Ordinance may also be considered a civil violation subject to the general penalty provisions of section 1-15 of this Code.

(c) Private Cause of Action.

- (i) Any Employee, including, but not limited to, a Tipped Employee, the City or any person aggrieved by a violation of this ordinance may bring an action in a Court of competent jurisdiction against the Employer for any and all violations of this ordinance, including, but not limited to, wages owed under this ordinance. Upon a judgment being rendered in favor of any employee(s), in any action brought pursuant to this ordinance, such judgment shall include, in addition to the wages adjudged to be due and any penalties assessed, any and all costs of suit including, but not limited to, reasonable attorney's fees.

ARTICLE VI.

Sec. 33.10. Relationship To Other Requirements.

This ordinance provides for payment of Minimum Wage rates within the City and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement or policy, including any that provides for payment of higher wages and/or benefits. Nothing contained in this ordinance prohibits an employer from paying more than the Minimum Wage rates established herein.

ARTICLE VII.

Sec. 33.11. Severability Clause.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

ARTICLE VIII.

Sec. 33.12. Effective Date.

This ordinance shall take effect on January 1, 2016.

*Order 57-1514
Tab 12 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING THE DEACCESSION OF
THE BAYSIDE COMMUNITY ART MURAL**

ORDERED, that the City of Portland, through the Portland Public Art Committee, is hereby authorized to proceed with deaccession of the Bayside Community Art Mural at 88 Anderson Street.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Caitlin Cameron, Urban Designer, Department of Planning & Urban Design

DATE: September 9, 2015

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Order to approve deaccession of the Bayside Community Art Mural

SPONSOR: Lin Lisberger, Chair of the Portland Public Art Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action _____ **X** _____

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

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

Staff and Public Art Committee Chair, 2 minutes to present plan for deaccession of artwork

I. SUMMARY OF ISSUE (Agenda Description)

The Portland Public Art Committee recommends that the Bayside Community Art Mural located at 88 Anderson Street be deaccessioned from the Portland Public Art Collection and that the site be made available for Temporary Art installations.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

In accordance with the Public Art Committee Guidelines, City Council must approve the deaccession of artwork within the City's Public Art collection. The Bayside Community Art Mural is part of the Portland Public Art collection – a community artwork created in 2004 by Andrew Schoultz and neighborhood children. The mural is deteriorating and has been defaced with graffiti. The site would be made available to temporary art mural installations until the building is sold and no longer City property.

III. INTENDED RESULT

The intended result of deaccessioning the mural is to remove the artwork from the public art collection and therefore remove the responsibility of the Public Art Committee to conserve and maintain it. The deteriorated mural will be overpainted to allow for new temporary art murals.

IV. COUNCIL GOAL ADDRESSED

n/a

V. FINANCIAL IMPACT

The process is staffed by the Planning Division. The work to paint over the mural will be coordinated between the Public Art Committee, the conservator under contract, and the

temporary artists. The PPAC has funds in its approved 2015 budget for maintenance and conservation. No additional financial impact is anticipated.

VI. STAFF ANALYSIS

PPAC adequately followed the sequence of action to relocation from the Public Art Guidelines:

VIII. Deaccession of Public Art:

c1. The PPAC has determined the artwork meets one of the deaccession criteria - The artwork has been damaged or has deteriorated to the point where restoration is impractical or unfeasible, or the cost of restoration is excessive in relation to the appraised value of the artwork.

c2. The PPAC informed the artist (Andrew Schoultz) that the artwork is being considered for deaccession.

c3. The PPAC held a public meeting on 7.15.15 to consider the recommendation to deaccession the Bayside Community Art Mural. No members of the public were in attendance. The PPAC voted on a recommendation to City Council for deaccession of the artwork.

Staff supports the recommendation from the PPAC for deaccession of this artwork.

VII. RECOMMENDATION

At a public meeting on July 15, 2015, the PPAC made the following recommendation:

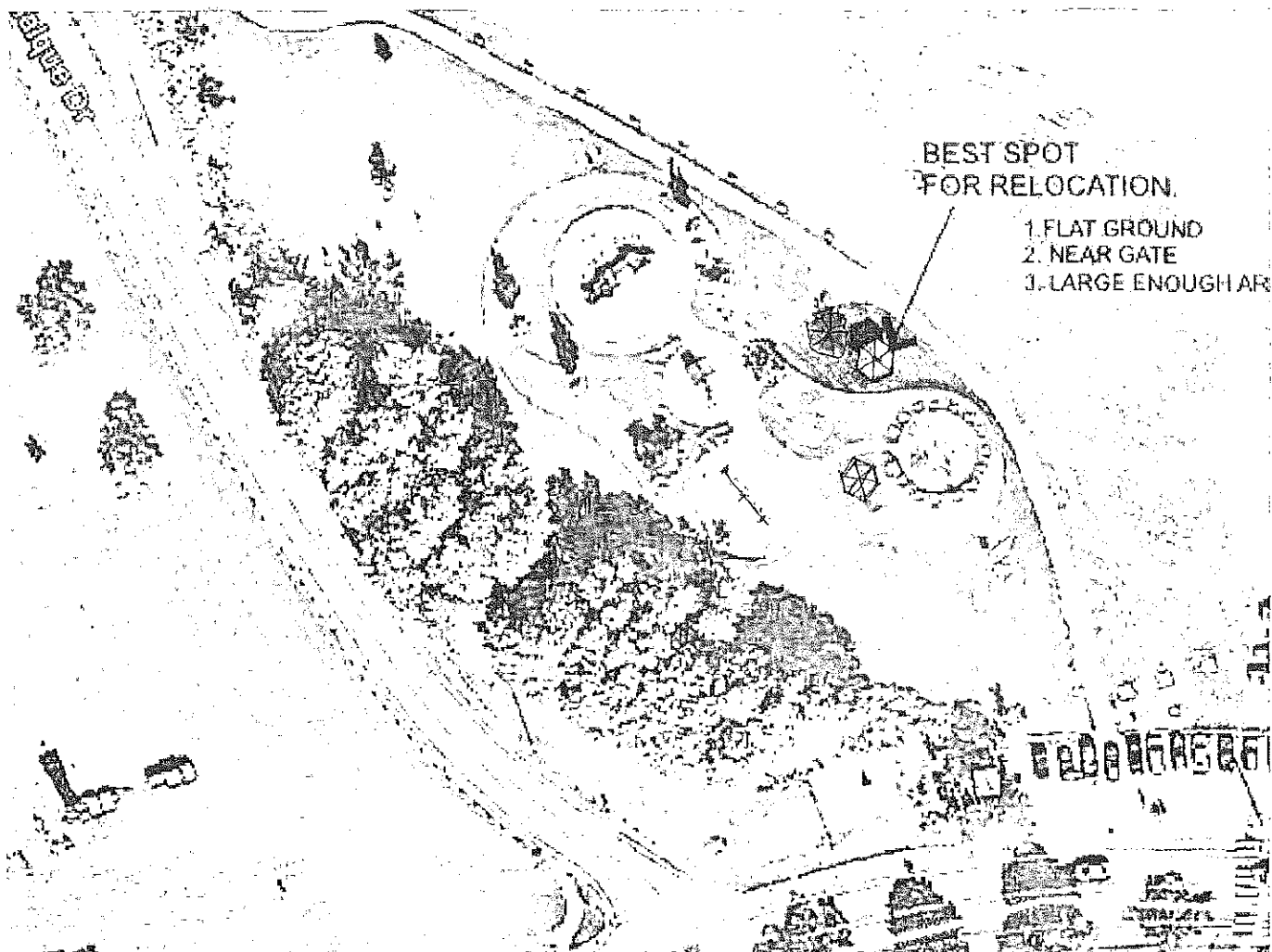
The Portland Public Art Committee recommends that the Bayside Community Art Mural located at 88 Anderson Street be deaccessioned from the Portland Public Art Collection and that the site be made available for Temporary Art installations. [8-0 in favor, Lisberger moved, Muench seconded]

VIII. LIST ATTACHMENTS

- Photograph of mural

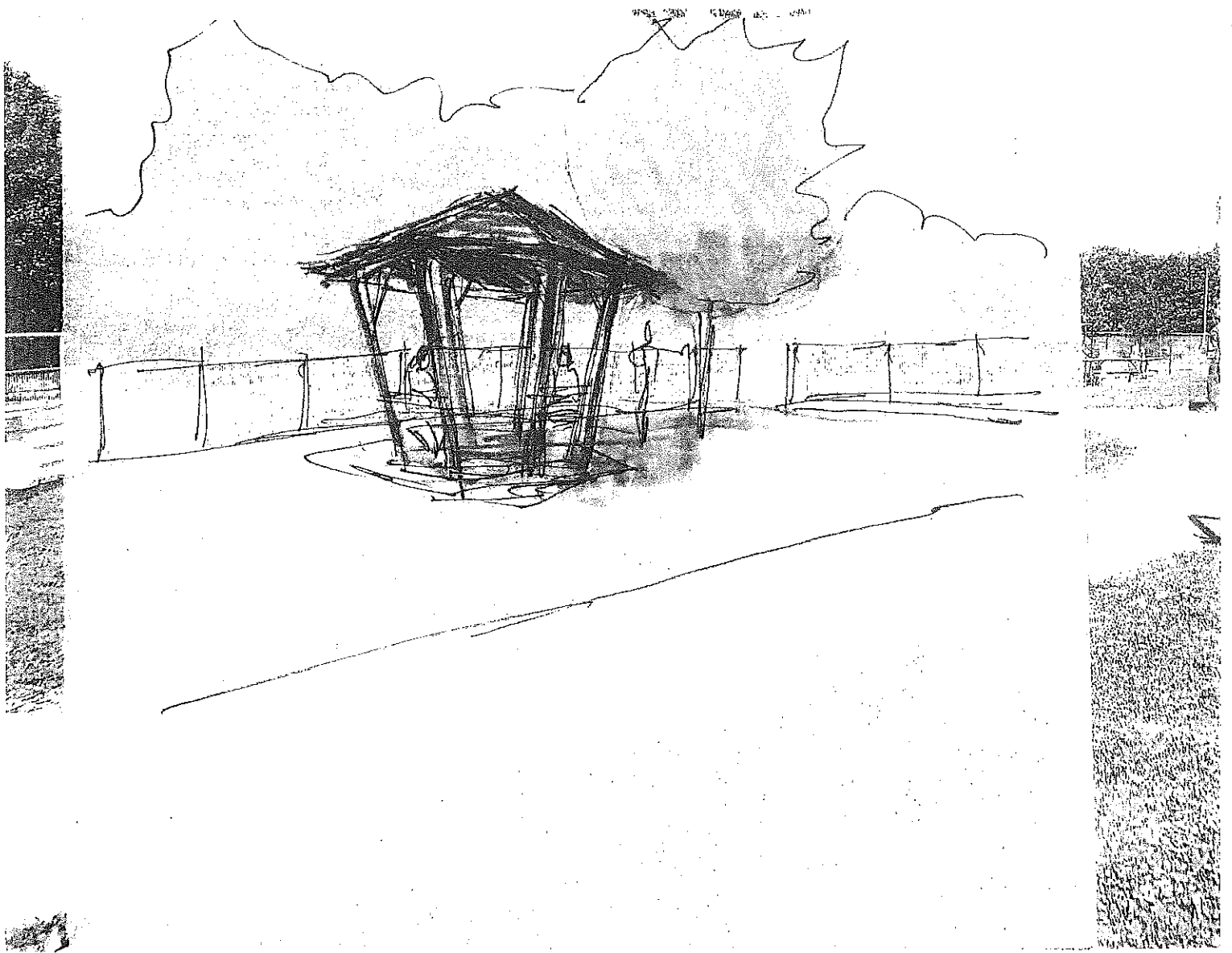
Prepared by: Caitlin Cameron

Date: 7/24/15



BEST SPOT
FOR RELOCATION.

1. FLAT GROUND
2. NEAR GATE
3. LARGE ENOUGH AREA



*Order 58-15/16
Tab 13 9.9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE RELOCATION OF THE COMMON GROUND
GAZEBO IN THE PUBLIC ART COLLECTION**

ORDERED, that the relocation of Common Ground Gazebo, which is in the Portland Public Art Collection, from its current location in Payson Park to a new location adjacent to the Payson Park playground and path is hereby approved.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Caitlin Cameron, Urban Designer, Department of Planning & Urban Design

DATE: September 9, 2015

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Order to approve relocation of the Common Ground Gazebo

SPONSOR: Lin Lisberger, Chair of the Portland Public Art Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action X

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

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

Staff and Public Art Committee Chair, 2 minutes to present new location for the gazebo

I. SUMMARY OF ISSUE (Agenda Description)

The Portland Public Art Committee recommends that the Common Ground Gazebo be relocated from its current location in Payson Park near the community garden and Seaside Rehabilitation to a new location as identified on the map adjacent to the playground and path in Payson Park.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

In accordance with the Public Art Committee Guidelines, City Council must approve the relocation of artwork within the City's Public Art collection. The Common Ground Gazebo is part of the Portland Public Art collection – a community artwork created in 2000 by Alan Holt, residents of Seaside Rehabilitation, and neighborhood children. In its current location, the gazebo is rarely used and not very visible.

III. INTENDED RESULT

The intended result of relocating the gazebo is twofold – to improve the visibility of the artwork and to place the functional art piece in a location that is more accessible and useful to the greater public.

IV. COUNCIL GOAL ADDRESSED

n/a

V. FINANCIAL IMPACT

The process is staffed by the Planning Division. The gazebo relocation work will be performed by the Department of Public Services. The PPAC has funds in its approved 2015 budget for maintenance and conservation to repair the gazebo. No additional financial impact is anticipated.

VI. STAFF ANALYSIS

PPAC adequately followed the sequence of action to relocation from the Public Art Guidelines:

VII. Relocation of Art:

b1. The PPAC has determined the artwork meets one of the relocation criteria - The current location of artwork limits public accessibility.

b2. The PPAC informed the artist (Alan Holt) that the artwork is being considered for relocation.

b3. The PPAC has informed City Departments or Committees that have a vested interest in the relocation. These groups include the following:

- Parks Commission
- Department of Public Services

b4. The PPAC held a public meeting on 7.15.15 to consider the recommendation to relocate the Common Ground Gazebo. One member of the public was in attendance from the Friends of Payson Park. The PPAC voted on a recommendation to City Council to relocate the artwork.

In addition, the PPAC got approval to relocate the gazebo from the following stakeholder groups:

- Friends of Payson Park
- Seaside Rehabilitation

Staff supports the recommendation from the PPAC for relocation and the new location selected.

VII. RECOMMENDATION

At a public meeting on July 15, 2015, the PPAC made the following recommendation:

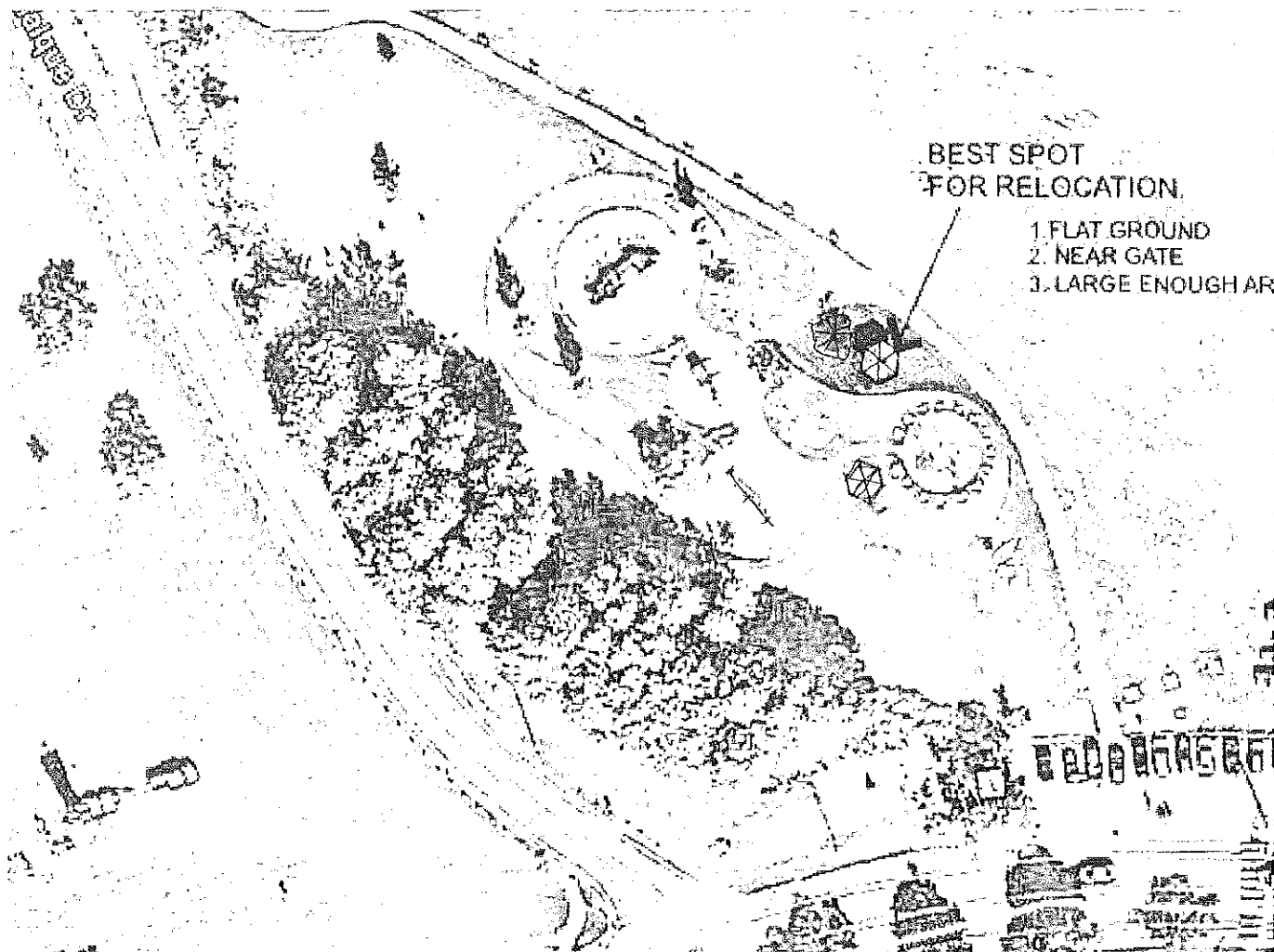
The Portland Public Art Committee recommends that the Common Ground Gazebo be relocated from its current location in Payson Park near the community garden and Seaside Rehabilitation to a new location as identified on the map adjacent to the playground and path in Payson Park. [8-0 in favor, Kirby moved, Lisberger seconded]

VIII. LIST ATTACHMENTS

- Map identifying new gazebo location
- Rendering of gazebo in new location

Prepared by: Caitlin Cameron

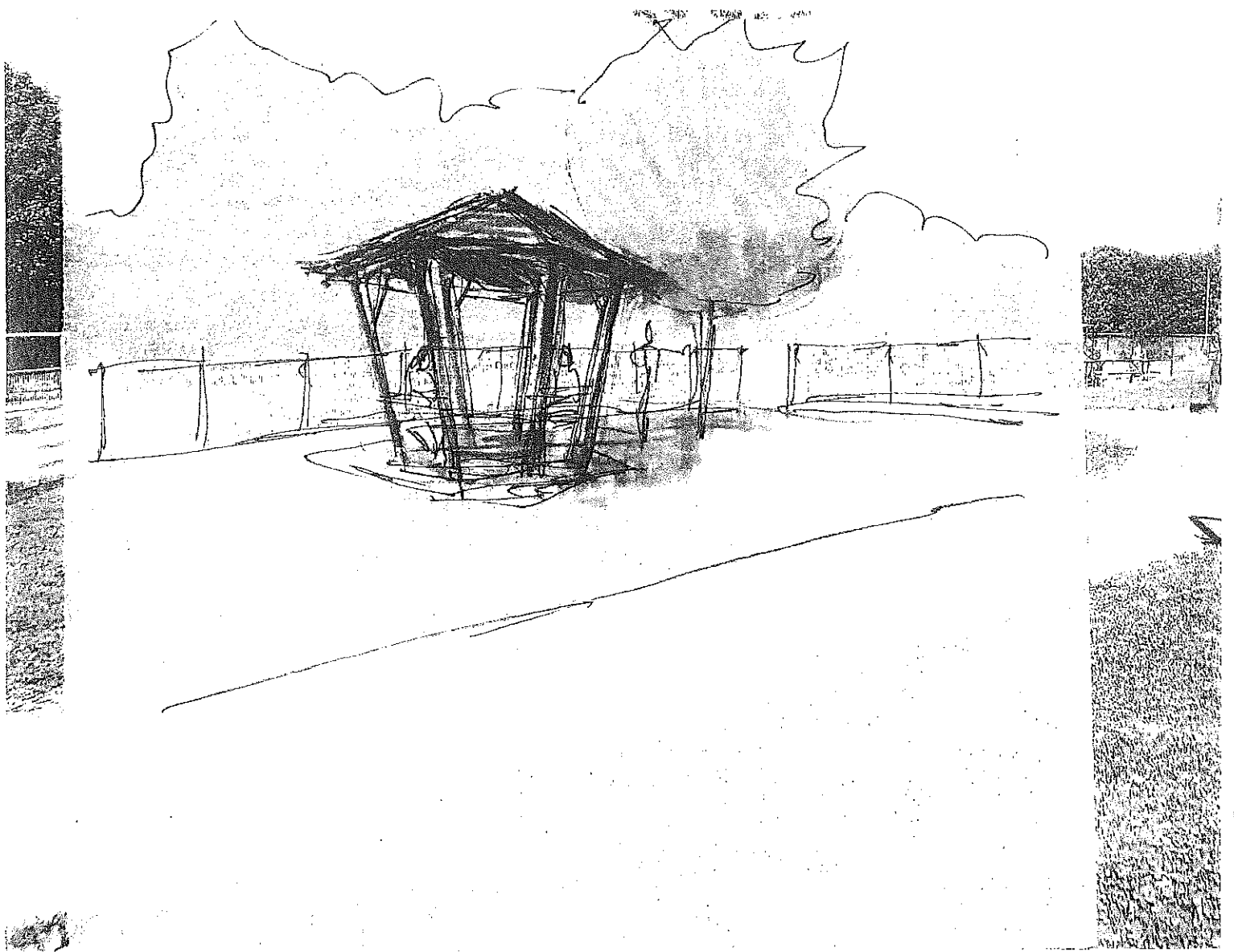
Date: 7/24/15



BEST SPOT
FOR RELOCATION.

- 1. FLAT GROUND
- 2. NEAR GATE
- 3. LARGE ENOUGH AREA

1000000



Order 59-15/16
Tab 14 9.9.15

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDING ORDER 235-14/15 AUTHORIZING
INCREASE IN THE TRASH BAG FEE**

WHEREAS, Order 235-14/15 as amended was passed by a 5 to 4 vote by the City Council on June 24, 2015, in the form attached hereto; and

WHEREAS, an amendment to that order has been proposed by Councilor Jon Hinck;

NOW THEREFORE, BE IT ORDERED, that Order 235-14/15 be amended as follows:

ORDERED, pursuant to Section 12-18(d) of the Portland City Code, the cost of purple city trash bags, which will replace blue city trash for curbside trash collection, shall be as follows:

Size	Current Cost	Proposed Cost
15 Gallon	1.00 each	1.35
30 Gallon	2.00 each	2.70

BE IT FURTHER ORDERED, that both the blue and the purple city trash bags shall be accepted for curbside collection; and

BE IT FURTHER ORDERED, that blue bags do not need to be exchanged for purple bags and both can be used for the same purposes.

Order 235-14/15

Amended to allow use of blue bags for 90 days and to allow blue bags to be turned in for purple, with payment of difference, for 90 days: 9-0

Passage as amended: 5-4 (Brenerman, Hinck, Donoghue, Marshall) on 6/24/2015

Effective 7/4/2015

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER AUTHORIZING INCREASE IN THE TRASH BAG FEE

ORDERED, pursuant to Section 12-18(d) of the Portland City Code, the cost of purple city trash bags, which will replace blue city trash for curbside trash collection, shall be as follows:

Size	Current Cost	Proposed Cost
15 Gallon	1.00 each	1.35
30 Gallon	2.00 each	2.70

BE IT FURTHER ORDERED, the current blue and the new purple city trash bags shall both be accepted for curbside collection in the months of July, August and September. During the same period of time, blue bags may be exchanged at City locations for purple bags after paying the difference in price. Beginning on October 2, 2015, only purple trash bags will be accepted for curbside collection; and

BE IT FURTHER ORDERED, that the effective date of this order is July 4, 2015.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Councilor Jon Hinck

DATE: 9/1/2015

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julie Sullivan

SUBJECT: Amending Order 235-14/15 Authorizing Increase in the Trash Bag Fee

SPONSOR: Councilor Jon Hinck

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading 9/9/2015 Final Action 9/9/2015

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

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

I. SUMMARY OF ISSUE (Agenda Description)

Councilor Jon Hinck has requested that Order 235-14/15 be placed on the Agenda in order to consider an amendment of this previously adopted order as authorized by §35 of Robert's Rules of Order. Order 235-14/15, Order Authorizing Increase in the Trash Bag Fee, was passed by a 5 to 4 vote on June 24, 2015, with Councilors Hinck, Brenerman, Donoghue and Marshall voting in opposition. It authorized a transition from blue plastic trash bags to purple plastic trash bags and an increase in the price of the new, purple bags from \$1.00 to \$1.35 each for the 15-gallon size bag and from \$2.00 to \$2.70 each for the 30-gallon bag.

That bag fee increase was effective on July 4, 2015. Order 235-14/15 also allowed for an exchange of blue for plastic bags at designated places in the City, with payment of the additional price, during the months of July, August and September. Both blue and purple bags are being picked up through that same period of time. According to the Order, starting October 2, 2015, only the purple trash bags will be picked up by the City's trash pick-up trucks.

Councilor Hinck hereby requests that the City Council amend Order 235-14/5 in order to allow for the use of blue plastic trash bags for trash pick up with no end date.

Department of Public Services personnel, who personally deliver the trash bags to stores around the City for sale, have delivered the new bags since the beginning of July, and the blue bags are no longer for sale. Councilor Hinck, however, wishes to make sure that anyone who has blue bags following the October 2, 2015 deadline contained in Order 235-14/15 will be able to use them until the bags are used up and that no blue bags go to waste.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

Amend previously adopted Order 235-14/15 to allow for continued use of blue bags.

III. INTENDED RESULT

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

Proposed Order and Order 235-14/15

Prepared by: Nancy English

Date: 9/1/2015



Michael J. Bobinsky
Director of Public Services

To: Honorable Mayor Michael Brennan and City Councilors
From: Michael J. Bobinsky, Director of Public Services
Date: September 3, 2015
Subject: Background information on Blue Bags for Solid Waste Disposal

Councilor Jon Hinck will be making a proposal to the City Council to allow Portland residents to continue to use blue trash bags for an indefinite period of time rather than use of the new purple trash bags. It is my understanding that the proposal will be presented at the September 9, 2015 City Council meeting. Current policy as adopted in the FY16 Budget calls for residents to continue to use their blue bags until October 4, 2015; allows residents to exchange their older blue bags with the purple ones at three (3) locations of the City including 55 Portland Street, City Hall Treasury Office and Riverside Golf Course main Club House; and required staff to remove all blue bag inventory from our various retail outlets and replaced with new purple bags. The cost of the new bags went from \$10.00 to \$13.50 for a package of bags. The increase fee was associated with other budget adjustments to keep the tax rate increase as low as possible while increasing General Fund revenues.

There is concern that we would be sending mixed messages to our residents if we allow anyone with blue bags to continue to use them for an indefinite period of time, as most residents have been active with either exchanging older blue bags for new bags and paying the difference, or purchasing new purple bags at the higher price in our various retail outlet. Staff worked hard at timely removal of the blue bag inventory in our retail outlets and replacing with the new purple bags to ensure minimal opportunity for hoarding with the implementation of the approved FY16 Budget. I anticipate we would receive complaints from residents who have already exchanged old blue bags and or have begun to purchase and use the new purple bags. In addition, our solid waste staff reports that residents are in fact purchasing and using the new purple bags, use of blue bags is reduced as each week gets close to October 4, 2015; exchanges have occurred, and we are hearing few complaints about the new bags. For these reasons, staff does not recommend endorsement of the proposal.

City Manager Jon Jennings requested background information on the transition from the blue bags to the new purple bags. The following reflects that information:

Here is the blue bag information:

- We have credited back \$60,000 to stores for bags we recovered from them to be applied toward the new bag costs. (240 cases).
- We have collected \$700 from residents exchanging bags (2,000 bags) from the three (3) locations, including 55 Portland Street, City Hall Treasury and Riverside Golf Course Club House.

Portland, Maine



Yes. Life's good here.

Michael J. Bobinsky
Director of Public Services

- We have 735 cases of blue 30 gallon bags that were in our inventory as of the beginning of FY16 (91,875 bags).
- We have 489 cases of blue 15 gallon bags that were in our inventory as of the beginning of FY 16 (122,250 bags).

Cc: Jon Jennings, City Manager

Troy Moon, Environmental Programs and Open Space Manager

*Order 60-15/16
Feb 15 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AN EASEMENT FOR
PUBLIC SIDEWALKS AND GRANTING
A REVOCABLE LICENSE TO THE
PARK-DANFORTH CONDOMINIUM ASSOCIATION**

ORDERED that a revocable license agreement to Park-Danforth Condominium Association to allow raised traffic islands within the street right-of-way at entrances on both Forest Avenue and Stevens Avenue is hereby granted in substantially the form attached hereto as Exhibit A; and

BE IT FURTHER ORDERED, that an easement from Park-Danforth Condominium Association to allow public sidewalks on property owned by Park-Danforth Condominium Association is hereby accepted in substantially the form attached hereto as Exhibit B; and

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

MEMORANDUM
City Council Agenda Item

TO: Mayor Brennan and City Council

FROM: Jeff Levine, Director, Planning and Urban Development Department

DATE: August 26, 2015

DISTRIBUTION: City Manager Jon Jennings, Mayor Michael Brennan, Assistant City Manager Anita LaChance, Sonia Bean, Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean, Nancy English, and Julie Sullivan

SUBJECT: **ORDER to ACCEPT** Sidewalk Easement and
ORDER to GRANT License Agreement Request from Park Danforth

SPONSOR: Department of Planning and Urban Development

COUNCIL MEETING DATE ACTION IS REQUESTED:

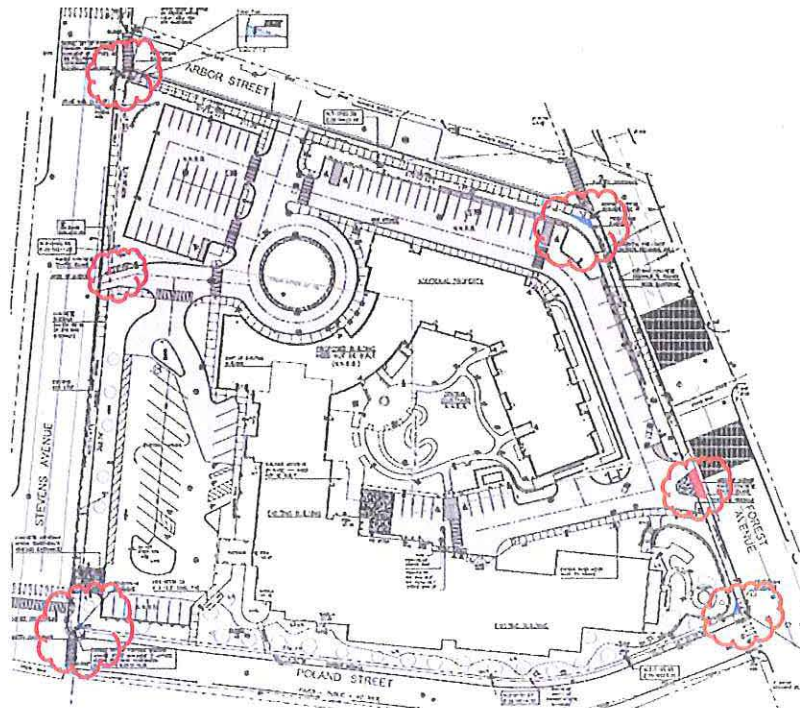
1st reading _____ Final Action: September 9th, 2015

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

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

I. SUMMARY OF ISSUE (Agenda Description)

The Department of Planning and Urban Development is forwarding a request from Park Danforth Condominium Association seeking the City Council's acceptance of an easement and granting of a license. Park Danforth is offering to the City an easement to allow public access on a sidewalk located on their property along Arbor Street. The applicant is also requesting a license agreement to allow raised traffic islands within the street right-of-way. The license agreement articulates the applicant's maintenance requirements for the raised traffic islands at the Forest and Stevens Avenue curb cuts.



The site plan on the left side illustrates the proposed easement and license. The areas in the orange are the sidewalk easement, whereas the areas in the red are the license. A large version of this plan is included as Attachment 3.

On February 10, 2015, the Planning Board approved a Level III Site Plan and Subdivision application for the Park Danforth development located at 777 Stevens Avenue. The project includes an addition to the existing Park Danforth facility and site work in the block encompassed by Stevens Avenue, Forest Avenue, Poland Street, and Arbor Street. The Planning Board voted

unanimously 6-0 (Morrisette absent) to approve the application with waivers and conditions.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

The easement and license require City Council approval and, per Corporation Counsel, qualifies as a one-reading item.

III. INTENDED RESULT

The request is for the approval of the easement and license agreement and authorization of the City Manager to grant the easement and license on the City's behalf.

Department of Public Services had requested that the applicant install a concrete sidewalk with granite curb along Arbor Street and all four street corners of the block will be constructed with sidewalks ramps that are ADA compliant. The applicant had proposed putting the sidewalk along the curb line in order to have more green space along the property line for landscaping. This design was hampered by existing power poles that became obstructions in the sidewalk. The plan was revised to provide an esplanade and public access easements are offered at the corners where the sidewalk crosses onto private property of Park Danforth.

As part of the approved plans, the applicant proposed a raised concrete island within the street right of way for both the Forest and Steven Avenues driveway cuts. The raised concrete island will channel traffic and are supported by Thomas Errico, consulting traffic engineer for the City. A license agreement is required between the City and the applicant stipulating the required maintenance of each island and that it is to be the responsibility of the applicant.

IV. COUNCIL GOAL ADDRESSED

Granting the proposed easement and license and thus allowing this elderly building project, which includes 55 units of rental housing, to proceed, will promote housing availability and connectivity on the streets of Portland.

V. FINANCIAL IMPACT

The project will ultimately result in tax revenue to the city. The City will not incur construction or maintenance expenses as a result of these agreements.

VI. STAFF ANALYSIS AND RECOMMENDATION

The Corporation Counsel office has reviewed the easement and license agreement and has approved the draft as presented here. As noted above, the Planning Board approved the proposed development on February 10, 2015 with the conditions that the applicant obtain the required easement and licenses.

VII. LIST ATTACHMENTS

1. Draft Sidewalk Easement between City of Portland and Park-Danforth Condominium.
2. License Agreement between City of Portland and Park-Danforth Condominium.
3. Plan with the Easement and License.

Prepared by: Shukria Wiar, Planner

Date: August 26, 2015

SIDEWALK EASEMENT
TO THE
CITY OF PORTLAND

Park-Danforth Condominium Association, a Maine nonprofit corporation with a mailing address of 777 Stevens Avenue, Portland, Maine 04103 (hereinafter, "GRANTOR"), for one dollar and other good and valuable consideration, pursuant to 33 M.R.S.A. §1603-102(A)(9) and Article 6 of Amended and Restated Declaration of Condominium of Park-Danforth Condominium, dated November 19, 1997, and recorded in the Cumberland County Registry of Deeds in Book 13480, Page 188, as amended from time to time (collectively, the "Declaration"), hereby grants to the CITY OF PORTLAND, Maine, a municipal corporation and body politic, an easement to maintain, replace and repair a sidewalk for public use and enjoyment for pedestrian access only and for no other purpose in, on, under and over the portions of the Common Elements of Park-Danforth Condominium as established under the Declaration that are identified as "Pedestrian Easement" on the plan entitled "The Park Danforth, 777 Stevens Avenue, Portland, Maine," dated October 17, 2014, revised through _____, 2015, prepared by Mitchell & Associates, and recorded in said Registry of Deeds in Plan Book ___, Page ___ (the "Plan").

The easement granted by this instrument shall not be effective, however, unless and until the project shown on the Plan has been completed and issued a Certificate of Occupancy by the City of Portland.

Without limitation, GRANTOR reserves to itself and its members, successors and assigns, the use and enjoyment of the property affected by the easement granted by this instrument for all purposes and at all times not inconsistent with such easement.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by _____, its _____ thereunto duly authorized as of the _____ day of _____, 2015.

WITNESS:

PARK-DANFORTH CONDOMINIUM
ASSOCIATION

By: _____

Its _____

Print Name:

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

_____, 2015

Personally appeared the above named _____, in his/her capacity as _____ of Park-Danforth Condominium Association, who acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of Park-Danforth Condominium Association.

Before me,

Name:

Notary Public / Attorney at law

My Commission Expires: _____

LICENSE AGREEMENT
FOR
FOREST AVENUE AND STEVENS AVENUE TRAFFIC ISLANDS

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of Portland, Maine, a municipal corporation and body politic ("Licensor") hereby grants to Park-Danforth Condominium Association, a Maine nonprofit corporation with an address at 777 Stevens Avenue, Portland, Maine 04103 ("Licensee") a revocable license to occupy as Common Elements of the Condominium (as defined below) portions of land owned by Licensor on Forest Avenue and Stevens Avenue, which property abuts the Park-Danforth Condominium established by Amended and Restated Declaration of Condominium of Park-Danforth Condominium, dated November 19, 1997, and recorded in the Cumberland County Registry of Deeds in Book 13480, Page 188, as amended from time to time (the "Condominium"), for the purpose of installing and maintaining traffic-control islands into the right of way (each, a "Traffic Control Island" and collectively, the "Traffic Control Islands") in the locations identified on the plan entitled "The Park Danforth, 777 Stevens Avenue, Portland, Maine," dated October 17, 2014, revised through _____, 2015, prepared by Mitchell & Associates, and recorded in said Registry of Deeds in Plan Book ___, Page ___ (the "Plan"). Occupancy of such portions of the right of way by Licensee is subject to the following conditions:

1. Licensee, its successors and assigns shall indemnify the City, its officers, agents, and employees from any and all claims which arise out of its use, or the use of others, of the City's property encroached upon in connection with the installation and maintenance of the Traffic Control Islands.

2. Licensee shall procure and maintain liability insurance in an amount of Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this license.

3. This license is assignable to any subsequent owners of or holders of mortgage interests in the property shown on the Plan or any portion thereof.

4. This license may be revoked as to a particular Traffic Control Island upon six (6) months written notice by the City in the event that: 1) such Traffic Control Island fails to be constructed substantially in accordance with the Plan or any amendments thereto; or 2) such Traffic Control Island is destroyed and not replaced within one year after its destruction or is otherwise removed for a continuous period of one year or more.

CITY OF PORTLAND

By: _____
Sheila Hill-Christian
Its Acting City Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

_____, 2015

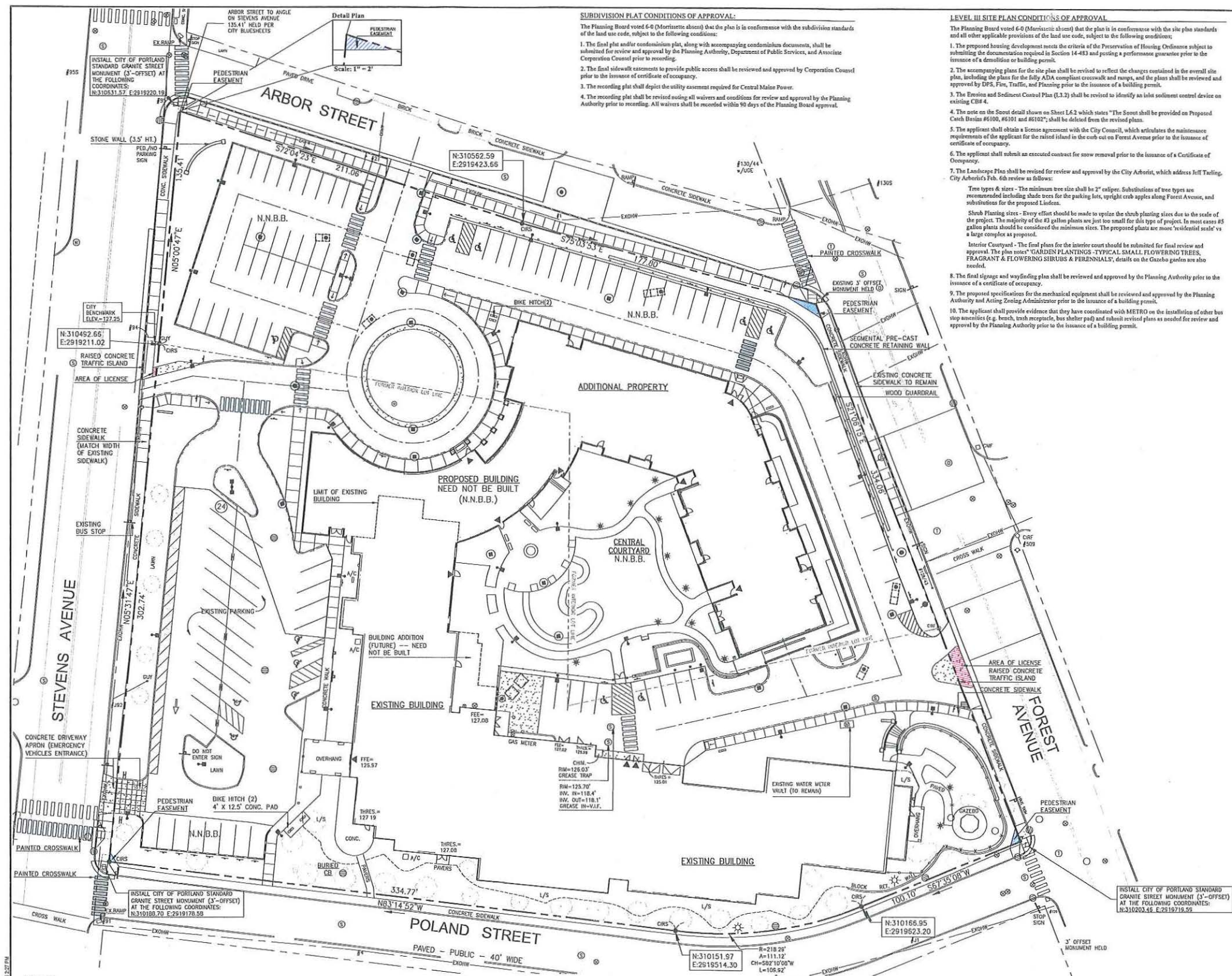
Personally appeared the above named Sheila Hill-Christian, in her capacity as Acting City Manager of the City of Portland, who acknowledged the foregoing instrument to be her free act and deed in her capacity and the free act and deed of the City of Portland.

Before me,

Name:
Notary Public / Attorney at law

Seen and Agreed to by:
PARK-DANFORTH CONDOMINIUM ASSOCIATION

Its: _____



*Order 61-15/16
Feb 16 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**TRAFFIC SCHEDULE AMENDMENT
RE: COMMERCIAL STREET**

Ordered, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

Adding: Southside -- from a point 25 feet from the Intersection of Chandler's Wharf and Commercial Street and running easterly to a point 110 feet easterly of that intersection. Schedule IX -- Bus Zone

Further adding to the Comment Section: Please note that this is a seasonal change. Meters will be removed for the period from May 15-October 31 each year and then replaced by November 1.

Be It Further Ordered, that this amendment is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Michael J. Bobinsky, Director, Dept. of Public Services

DATE: August 27, 2015

DISTRIBUTION: City Manager, Mayor, Sonia Bean, Danielle West-Chuhta,
Nancy English, Julie Sullivan, Anita LaChance, Michael Bobinsky,
Jeremiah Bartlett & John Peverada.

SUBJECT: Two Parking Meters on Commercial St. @ Long Wharf

SPONSOR:

The Transportation, Sustainability and Energy Committee met on July 16, 2015, and voted unanimously to forward this item to the City Council

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading Sept. 9, 2015 Final Action Sept. 9, 2015

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

Due to the short tourist season and safety related issues it is requested that this change be approved ASAP

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

I. SUMMARY OF ISSUE (Agenda Description)

Each fall the Parking Division removes the two parking meters in front of the Portland Lobster Company @ Long Wharf on Commercial St. for the months of September and October to accommodate the increased number of tour busses in the area. This year, the owner of Portland Lobster Company and the owner of Portland Discovery Tours have asked for the removal of the 2 parking meters outside of the Portland Lobster Company as soon as possible due to the heavy bus loads already arriving on Commercial Street. In future years it is requested that these two meters be removed from May 15th through October 31st, and the existing tour Bus spot be extended during this time frame

II. REASON FOR SUBMISSION (Summary of Issue/Background)

To facilitate easier drop off/pick up and mitigate what could be a dangerous situation right now with buses sometimes dropping off and picking up passengers in the traffic lane on Commercial Street. In addition the Commercial Street road construction is adding even more to this precarious situation.

III. INTENDED RESULT

Annual removal of two parking meters from May 15-October 31st, giving space for the extension of the Tour Bus Zone on Commercial St at Long Wharf

IV. COUNCIL GOAL ADDRESSED

Public Safety for the loading and unloading of bus passengers

V. FINANCIAL IMPACT

Lost meter revenue of approx. \$1,000 year

VI. STAFF ANALYSIS

Staff recommends approval of this request.

VII. RECOMMENDATION

Approval

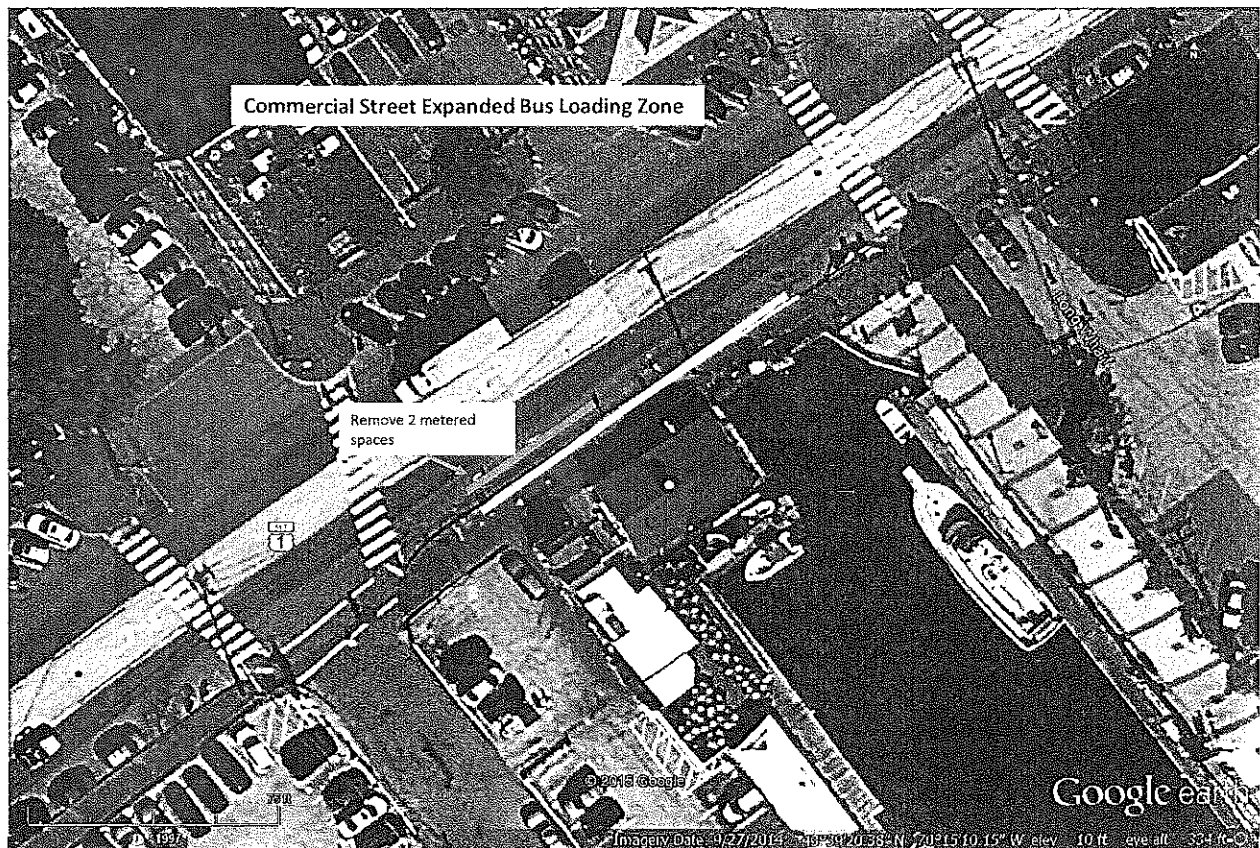
VIII. LIST ATTACHMENTS

A. Map

B. Council Order

Prepared by: John Peverada

Date: 8/26/2015



*Order 62-15/16
Grab 17 9-9-15*

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ACCEPTING AND APPROPRIATING \$600,000 OF
FINANCE AUTHORITY OF MAINE GRANT FUNDING TO EXPAND
THE CITY'S REGIONAL ECONOMIC DEVELOPMENT
REVOLVING LOAN PROGRAM (REDRLP)**

ORDERED, that the amount of \$600,000 be and hereby is accepted and appropriated from grant funding from the Finance Authority of Maine (FAME) to expand the City's Regional Economic Development Revolving Loan Program (REDRLP); and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute the FAME grant agreement and whatever other documents are necessary to effect the intent and purpose of the agreement.



Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

City Council Agenda Item

TO: Mayor and Members of the City Council

FROM: Greg Mitchell, Economic Development Director

DATE: August 20, 2015

SUBJECT: Order Authorizing City to Accept and Appropriate Grant Funding of \$600,000 from the Finance Authority of Maine (FAME) to Expand the City's Regional Economic Development Revolving Loan Program (REDRLP), administered by the Portland Development Corporation.

SPONSOR: Jon P. Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: September 9, 2015; 2nd Reading and Final Action: September 21, 2015

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

PRESENTATION: Greg Mitchell, Economic Development Director (5 Minutes if needed)

I. SUMMARY OF ISSUE

A pool of \$8 Million in additional REDRLP funding was approved by Maine voters in Nov. 2014. FAME issued a Request for Proposals on April 6, 2015 seeking applications from nonprofit and governmental organizations for REDRLP funding to establish or expand this revolving loan fund within their organization. Entities were able to apply for an amount that does not exceed \$3.5 million, including previous REDRLP and SSBCI (State Small Business Credit Initiative) funds.

The Portland Development Corporation (PDC) recommended to the City Council that the City apply for \$1 Million in additional funding through this program, and the City Council authorized that application on June 1, 2015.

FAME notified the City on July 29, 2015, that it has been approved for \$600,000 in new funding under this program. City Council acceptance and appropriation of this funding is requested and authorization for the City Manager to execute the necessary documents.

II. REASON FOR SUBMISSION (Summary of Issue/Background)

City Council approval and appropriation is needed to expand the REDLP fund administered by the PDC Board and staff, and authorize the City Manager to execute the necessary documents.

III. INTENDED RESULT

The intended result is the expansion of the City's REDRLP fund, administered by the PDC, for loans to Portland businesses.

IV. COUNCIL GOAL ADDRESSED

Promote economic development in the City in a manner that provides for increased property values, diversification across industry sectors, and high paying jobs.

V. FINANCIAL IMPACT

There is no financial impact in the City accepting and appropriating the additional REDRLP grant funding of \$600,000 to be administered by the PDC for loans to Portland businesses. FAME will hold the \$600,000 for the City and release them as each eligible loan project is approved.

VI. STAFF ANALYSIS

Presently, \$148,998 remains available to lend in PDC's REDRLP fund, all of which is second generation, meaning these funds have been lent out once and paid back with interest. The principal balance of outstanding REDRLP loans is \$374,693.

There is a \$3.5 million FAME cap and City of Portland cap on grant funds received from FAME for lending from REDRLP and SSBCI. To date, the City has received a total of \$1,380,492 (comprised of \$425,038 in REDRLP; \$132,954 in special category REDRLP; and, \$822,500 in SSBCI). The additional \$600,000 approved would bring the City's total to just over \$1.9 Million. That would allow the City to also access just over \$1.5 million in additional SSBCI funds before reaching the \$3.5 million cap.

There are differing benefits and costs for both funds, making it helpful to have the opportunity to access either source, depending on the project. While the SSBCI Program has fewer constraints than REDRLP relative to the borrower's business type, number of employees and annual sales, it does have substantial private funding leverage requirements that are challenging for many of the smaller projects that seek PDC funds. The PDC requests SSBCI dollars from FAME as needed because that program is first-come-first-served until the funds run out. At this time there is at least several million dollars remaining, with more that FAME could access from the U.S. Treasury once Maine uses what it currently has.

VII. RECOMMENDATION

At its meeting on June 1, 2015, the City Council unanimously voted (9-0) to authorize the City to apply for \$1 Million in grant funds from FAME to expand the PDC's REDRLP fund for loans to Portland businesses.

Staff recommends the City Council now accept and appropriate the \$600,000 to expand the PDC's REDRLP fund, and authorize the City Manager to execute the necessary documents.

VIII. LIST ATTACHMENTS

- FAME Approval letter of July 29, 2015 with its attachments, including document for execution by the City Manager.



July 29, 2015

Gregory A. Mitchell, Director
City of Portland
389 Congress Street
Portland, ME 04101

RE: Regional Economic Development Revolving Loan Program - Award Notification

Dear Mr. Mitchell:

Congratulations! On behalf of the Finance Authority of Maine ("FAME"), I am pleased to inform you that City of Portland has been approved for \$600,000 in new funding under the Regional Economic Development Revolving Loan Program ("REDRLP" or the "program") for use in connection with your agency's REDRLP revolving loan fund.

In determining REDRLP award amounts, FAME took several factors into account:

In the 2015 round of proposal solicitations, FAME received 15 applications seeking a total of \$12,300,000 in funding. Of the 15, 14 agencies were approved for funding from State bond proceeds in the amount of \$8,000,000.

FAME sought to secure the broadest possible distribution of REDRLP funds to eligible agencies, making sure that businesses in every area of the State would have access to these funds.

FAME awarded funds based on: the population of each applicant's service area; the applicant's level of utilization of prior loan funds under the program (if applicable); the amount of new funding requested by the applicant; as well as any overlap or duplication of geographic region or sub-region.

Upon receipt of signature on the enclosed addendum to the Disbursement and Pledge Agreement by an authorized official of City of Portland, you may begin to request funds for REDRLP loans under this new allocation. (Agencies with funds remaining from prior allocations should use those allocations first.) The recent statutory changes to the program and the amendment to the REDRLP Rule (Chapter 314 of FAME's Rules) are effective as of June 30, 2015.

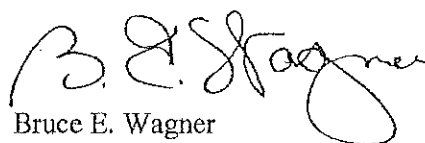
E:\AwardLetterForm Portland.doc

Also enclosed is a complete list of the organizations awarded funds under the 2015 allocation, and an updated list of all participating agencies and their REDRLP service areas. Because REDRLP funding is limited, FAME encourages regional cooperation among participating organizations to insure maximum loan availability for potential borrowers.

Charlie Emmons, Senior Commercial Loan Officer at FAME, is available to work with you as you begin to request new funds. You should feel free to contact him at (207) 620-3510.

Once again, congratulations. All of us at FAME look forward to continued successful operation of the program.

Sincerely,

A handwritten signature in black ink, appearing to read "B. E. Wagner". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

Bruce E. Wagner
Chief Executive Officer

**FIFTH ADDENDUM TO REGIONAL ECONOMIC DEVELOPMENT REVOLVING LOAN PROGRAM
DISBURSEMENT AND PLEDGE AGREEMENT**

This Addendum is made as of this _____ day of _____, 2015 by and between City of Portland ("Contractor") and the Finance Authority of Maine ("Authority").

RECITALS:

A. Pursuant to the terms and conditions set forth in a certain Regional Economic Development Revolving Loan Program Disbursement and Pledge Agreement dated February 9, 1996, as previously amended (the "Agreement"), the Authority has disbursed funds to the Contractor for use in accordance with the terms and conditions of the Agreement.

B. The Fund has been replenished by the State of Maine and Contractor has applied for an additional disbursement and the Authority has agreed to make an additional disbursement, in accordance with the Agreement, as amended hereby.

C. In addition, recent statutory and regulatory changes have affected the Regional Economic Development Revolving Loan Program and other updates are necessary to the Agreement.

NOW, THEREFORE, in consideration of the mutual representations, covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Section 1. The following specific provisions of the Agreement are amended as follows:

- A. **Section 1.1** is amended to read: The Authority agrees to disburse an amount up to \$3,500,000 ("Disbursement") to Contractor from the Fund, to the extent that funds become available and in accordance with the Authority's processes for disbursement of funds from time to time, and in accordance with the provisions hereinafter set forth. Contractor agrees to use the Disbursement and its proceeds solely for purposes set forth in its application(s), in any commitments issued by the Authority and accepted by Contractor, and in accordance with this Agreement and Chapter 314 of the Rules of the Authority, as may be amended, governing the Program, a copy of which is attached hereto as Exhibit A ("Rule"). In particular, Contractor may only use a Disbursement for real estate development projects as described in the Rule if Contractor provided a real estate development strategy to the Authority in connection with the 2015 disbursement of funds.
- B. A revised Fund Requisition form, as referenced in **Section 1.4**, is attached as an updated Exhibit B to the Agreement. In addition, the last sentence of **Section 1.4** is amended to read: Contractor shall requisition the Authority for the most recently allocated portion of its total Disbursement within three years of the date hereof, or forfeit any claim to any part of the Disbursement not yet released by such date.
- C. **Section 1.6**: The amount of \$100,000 is changed to \$150,000.
- D. **Section 4.3** is amended to read: Contractor is authorized to approve or deny any loan applications it receives from potential borrowers under this Program, provided that Contractor must obtain the Authority's prior written approval to make its loans of \$150,000 or more.
- E. The second sentence of **Section 4.7** is deleted.
- F. **Section 4.8** is deleted and reserved.
- G. **Section 5.1**, as previously amended, is amended to read: Contractor may not use monies disbursed from the fund for administrative expenses, but may charge a commitment fee to Borrowers of up to two percent (2%) and may use interest earnings on its Revolving Loan Fund not to exceed seven percent (7%) of each loan annually on loans to cover its reasonable operating costs, including loan fund management, technical assistance and education.
- H. **Section 6.1(B)** is amended to read: Failure of Contractor to pay any amounts owed to the Authority pursuant to the Authority's request for any such payment;

- I. Section 6.1(F) is amended to read: Failure of Contractor to maintain the loan program default rate set forth herein.

Section 2. The Contractor agrees to comply with the Rule, as amended. The most recent version of the Rule is attached hereto as an updated Exhibit A to the Agreement.

Section 3. This Addendum shall be construed in accordance with Maine law and shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 4. Except as modified herein, the provisions of the Agreement are hereby ratified and confirmed and shall remain in full force and effect.

Section 5. The Agreement as amended hereby may not be further modified except by written agreement executed by each of the parties hereto.

Section 6. Terms used herein and not otherwise defined are used as defined in the Agreement.

IN WITNESS WHEREOF, the Authority and the Contractor have caused this Addendum to be executed in their corporate names by duly authorized representatives as of the date first above written.

WITNESS

CITY OF PORTLAND

By: _____

Its:

Finance Authority of Maine

By: Bruce E. Wagner

Its: Chief Executive Officer

Chapter 314: REGIONAL ECONOMIC DEVELOPMENT REVOLVING LOAN PROGRAM

Summary: This rule establishes the procedures and standards applicable to eligible local, regional or statewide nonprofit or governmental economic development organizations which may receive disbursements from the Regional Economic Development Revolving Loan Program Fund administered by the Authority for purposes of making loans to eligible borrowers in order to create or retain jobs, as well as revitalize downtowns and build strong communities and a sustainable economy, or for quality child care projects. The Authority may make disbursements of up to \$3,500,000 to applicants, pursuant to a contract, and the applicants may make loans of up to \$350,000 to eligible borrowers within the parameters established by this rule. The Authority may also make direct loans to eligible borrowers for quality childcare projects.

SECTION 1. Definitions

Defined Terms. The following terms, some of which are defined in the *Finance Authority of Maine Act*, 10 MRSA §961 *et seq.* (the "Act"), shall have the following meanings in this rule:

- A. "Applicant" means a local, regional or statewide nonprofit or governmental economic development corporation or entity that may have submitted an application for program funds to the Authority.
- B. "Authority" means the Finance Authority of Maine.
- C. "Borrower" means a sole proprietorship, a limited liability company, partnership or corporation which has applied to receive financial assistance pursuant to this program from an applicant pursuant to this program, or, in the case of an applicant seeking a loan for a quality child care project, has applied to receive financial assistance from the Authority.
- D. "Chief Executive Officer" means the Authority's Chief Executive Officer or any person acting under the delegated authority and supervision of the Chief Executive Officer.
- E. "Commitment" means a letter from the Authority signed by the Chief Executive Officer to make a disbursement from the fund to an applicant, or with regard to a quality child care project, to a borrower, on the terms and conditions and subject to the requirements therein.
- F. "Community facilities" means buildings having available at least fifty-one percent (51%) of square footage to be used at least part of the time for public meetings and activities. Such meetings and activities may include services that foster job creation and provide access for individuals in the community to such services as long-term care, respite care, health care, education, and cultural activities.
- G. "Contract" means a contract between the Authority and any applicant for provision of a disbursement from the fund.

- H. "Eligible Project" means a project meeting the criteria set forth in this rule.
- I. "Fund" means the Regional Economic Development Revolving Loan Program Fund, established pursuant to 10 MRSA §1026-M and administered by the Authority.
- J. "Members" means the members of the Board of Directors of the Finance Authority of Maine.
- K. "Mixed-use real estate" means projects involving both housing and commercial activities wherein at least fifty-one percent (51%) of the square-footage is used for commercial purposes.
- L. "Prime Rate" means the lowest bank prime rate of interest as published in the Wall Street Journal.
- M. "Program" means the Regional Economic Development Revolving Loan Program as described in and governed by the Act and this rule.
- N. "Quality child care project" means physical improvements to be made to a site used or to be used for providing, for compensation, regular service of care and protection for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children which (1) meets all required licensing standards; and (2) utilizes recognized quality indicators for child care services approved by the Department of Health and Human Services.
- O. "State" means the State of Maine.
- P. "Value-added natural resource enterprises" means business or commercial activity that adds some additional value to products derived from at least one of Maine's natural resources such as forests, land and plants, fish, water, wind, and sun.

SECTION 2. Program Implementation and Assistance Provided

The program shall be administered by and is delegated to the Chief Executive Officer. The Authority may provide financial assistance in the form of a disbursement from the fund in an amount up to \$3,500,000 to an eligible applicant, which may in turn, provide financial assistance to eligible borrowers in an amount up to \$350,000 in the form of a loan, in accordance with the Act and this rule. The Authority may also provide financial assistance in the form of direct loans to borrowers for quality childcare projects.

SECTION 3. Advisory Committees/Boards

The Chief Executive Officer may establish advisory committees or boards to assist applicants in developing loan or equity-like debt underwriting and administrative capacity and portfolio monitoring and servicing capabilities.

SECTION 4. Application Procedure and Content (for other than direct loans to borrowers)

- A. From time to time, the Authority shall solicit applications for disbursements from the fund. The Authority shall specify a time within which applicants seeking consideration must have submitted a complete application. Any applications received after such time may be held for future consideration.
- B. Each applicant shall submit an application to the Chief Executive Officer on such forms and with such attachments as the Chief Executive Officer may require consistent with the purposes of the program and this rule.
- C. The Chief Executive Officer will review each application for completeness and eligibility. Applications that are not substantially complete may be deemed not received until completed. The Chief Executive Officer shall determine when an application is received, which determination shall be final.
- D. The application shall contain the following:
 - (1) a description of the applicant, including its funding sources, the region or regions it serves and a summary of all of its direct lending programs, including account balances, lending criteria and default rates;
 - (2) the methods and criteria the applicant employs for qualifying borrowers, including any lending and economic development strategies that target the types of eligible borrowers set forth in Section 9 of this rule;
 - (3) the fees that an applicant intends to charge to a borrower for technical or administrative assistance and for loan commitments;
 - (4) for disbursements not to be used for quality child care projects, the methods by which the applicant will leverage funds from other sources in an amount equal to at least two times the amount requested;
 - (5) the applicant's investment policy;
 - (6) for disbursements not to be used for quality child care projects, the applicant's strategy for creation and retention of jobs (written comprehensive plan for economic development in its area), and its strategy, if applicable, for real estate development including commercial, mixed-use real estate, and community facilities. Such a strategy must be submitted and demonstrated as part of the application process in order to make loans pursuant to Section 9(A)(1)(i);
 - (7) for disbursements not to be used for quality childcare projects, the applicant's existing or proposed small business marketing, and technical assistance plan;
 - (8) a description of the applicant's staff by organizational chart and résumé;
 - (9) the applicant's organizational audits and program audits shall be provided for each year the applicant has administered programs in the three most recent years;

- (10) the applicant's proposed performance measurements and goals including default rates and a process for monitoring compliance therewith;
- (11) the applicant's collateralization plan;
- (12) the amount requested; and
- (13) such other information as the Authority may require.

SECTION 5. Applicant Eligibility (for other than direct loans to borrowers)

In order to approve an application, the Chief Executive Officer must determine that the applicant, either independently or with the assistance of an advisory board or committee or by contract with appropriate agencies, organizations or individuals:

- A. for disbursements not to be used for quality child care projects, is capable of providing financial assistance to businesses in order to create and protect jobs;
- B. is able to prudently and effectively administer a direct loan fund;
- C. is able to coordinate with other business assistance, employment training and social assistance programs;
- D. for disbursements not to be used for quality child care projects, has a strategy for the creation and retention of jobs and, if applicable, a strategy for real estate development including commercial, mixed-use real estate and community facilities;
- E. for disbursements not to be used for quality child care projects, has an effective small business marketing and technical assistance plan;
- F. has enough expert assistance available to it to underwrite, document and service and collect loans and assist its clients; and
- G. can provide funds from other sources in the amounts required pursuant to Section 8(B).

SECTION 6. Disbursements From the Fund (other than direct loans to borrowers)

- A. Upon a determination of eligibility to receive a disbursement from the fund, the Chief Executive Officer shall determine an amount to be disbursed to an applicant that achieves the widest possible geographic range of distribution of funds, as well as the least possible duplication of disbursement of funds in any one region. The Chief Executive Officer shall take into account the following criteria:
 - (1) The size of the region or regions served by the applicant and the demand for loan funds within such region or regions;
 - (2) The relative demand for funds from other eligible applicants;

- (3) Whether the applicant serves statewide or a geographic area or segment of potential borrowers not served by others; and
 - (4) The number of types of eligible projects referred to in Section 9(A) of this rule within the applicant's area.
- B. The maximum total disbursement to any one applicant shall be \$3,500,000.
- C. The Chief Executive Officer may determine that a reasonable and prudent amount shall be retained in the fund despite any application that may be pending in order to have funds available to subsequent applicants. In addition, the Chief Executive Officer may determine that a reasonable and prudent amount shall be specifically designated as available only to those applicants which may be in the process of developing or retaining the necessary expertise, with or without the Authority's assistance, to meet the eligibility requirements of this program. The following criteria shall apply to disbursements from this designated fund:
 - (1) The Authority may, in its discretion, determine that an eligible applicant shall receive a disbursement from this designated fund which applicant shall be further subject to the limitations set forth in this subsection. Such a determination will be based primarily on the amount requested, the overall quality of the application and the extent to which receipt of a disbursement from this designated fund will assist in building lending capacity in underserved areas;
 - (2) The Authority may, in its discretion, waive any of the application or eligibility criteria, to the extent not mandated by the Act, in order to achieve wide geographic distribution of program funds and build capacity in underserved areas; and
 - (3) To the extent that an applicant receives a disbursement from this designated fund, such applicant may not make a loan to an eligible borrower in excess of an amount to be set forth in the applicant's contract, without the prior written approval of the Authority.
- D. The Chief Executive Officer shall issue a commitment to an applicant to disburse the determined amount in multiple disbursements upon satisfaction of any terms and conditions set forth therein.
- E. In the event an applicant fails to use the funds allocated to the applicant within two years of the commitment date, the Authority may allocate the funds designated for that applicant to one or more applicants. The Authority will use its best efforts to assure that the funds are reallocated for use in the region or regions for which they were originally designated.
- F. The Chief Executive Officer shall allocate all amounts accrued in the fund from interest earnings on the fund on a "first come, first served" basis to applicants who:
 - (1) Have entered into a contract with the Authority;
 - (2) Have disbursed the full amount originally committed to the Applicant;

- (3) Have complied with all terms and conditions of their contract with the Authority;
and
- (4) Identify a specific borrower with an eligible project for use of the new allocation.

SECTION 7. Contracts; Fees and Expenses

An applicant must enter into a contract with the Authority regarding the funds to be disbursed. At a minimum, the contract must specify:

- A. That each applicant shall establish its own revolving loan fund with the monies it receives from the Authority. An applicant may make loans from its own fund within the parameters of this rule.
- B. A loan payment default rate that will be acceptable to the Authority during the term of the contract. To the extent the applicant's actual default rate exceeds that set forth in the contract, the Authority
 - (1) may require that all loans which the applicant proposes to make thereafter be approved by the Authority, until the applicant brings its loan payment default rate into compliance with the contract, and
 - (2) may require that the applicant pay to the Authority an amount equal to the difference between the acceptable default rate set forth in the contract and the actual default rate. A loan payment default shall be defined as any payment that is ninety (90) days or more past due.
- C. That the funds are to be disbursed in periodic installments as the applicant commits to make loans to eligible borrowers, up to the original amount of the total disbursement.
- D. That the applicant will use program funds only for eligible projects, and as otherwise set forth in this rule.
- E. That the applicant will operate its loan program in substantial conformance with its proposal to the Authority.
- F. That except as set forth in Section 6(C), the applicant shall be responsible for review of loan applications from eligible borrowers, determination of eligibility of those borrowers and feasibility of the project and/or approval or denial of those applications. The applicant's determination shall be final in the case of loans under \$150,000 or in the case of denials in any amount. In all cases, the applicant must have the Authority's approval of any loans of \$150,000 or more.
- G. That officers or employees of the applicant or members of any credit committees of the applicant shall be barred from participation in any way and any decision regarding projects which that officer, employee or member has a direct or indirect personal financial interest.

- H. That the Authority may withhold further funding and may require repayment of any undisbursed loan funds and loan repayments including an assignment of all loan documents if the applicant is in breach of its contract.
- I. That the applicant may not use any monies disbursed from the fund (including that portion of loan repayments from borrowers that represent principal repayment) for administrative expenses but may charge a commitment fee of up to two percent (2%) and may use actual interest earnings, not to exceed seven percent (7%) of its outstanding program loans annually, on loans to cover reasonable operating costs, including loan fund management, technical assistance and education. To the extent interest earnings on outstanding program loans accrue, but are not paid by borrowers, these earnings may be used, when and if collected, to offset operating costs which have not been previously paid by other program loan commitment fees and interest earnings, subject to the limitations set forth in this paragraph.
- J. That the applicant shall pay an annual fund administration fee to the Authority equal to one percent (1%) of the amount of the applicant's total disbursement which has been received by the applicant to date. To the extent that fund monies have not been disbursed, the Authority is entitled to a fund administration fee equal to one percent (1%) of those undisbursed amounts, to be derived from interest earned thereon. All such fund administration fees payable by applicants shall be determined and payable beginning on the first anniversary date of the applicant's contract. The Authority may, in its sole discretion, voluntarily reduce the amount of annual fund administration fees for all applicants if the Authority determines that such a fee reduction is warranted. Any such fee reduction may be for a specified period.
- K. That any amounts disbursed to an applicant must be lent to the intended borrower within three (3) months of the applicant's receipt. If not lent within three (3) months, any such monies must be returned to the Authority's fund upon request of the Authority with a written explanation as to why the loan was not made.
- L. Such other terms and conditions as the Authority deems appropriate.

SECTION 8. Loan Terms and Conditions

An applicant, and in the case of eligible quality child care projects, the Authority, may make a loan to an eligible borrower from program funds under the following terms and conditions:

- A. Loans may not exceed \$350,000 to a borrower (including an affiliated entity) for an eligible project, provided, however, for projects other than quality child care projects, approval of the Authority is required for loans of \$150,000 or more, except that those applicants which have received a disbursement from the specially designated fund set forth in Section 6(C) must comply with the limitations set forth therein.
- B. Loans of less than \$50,000 and loans for quality child care projects may be for the total amount of new funds being provided to a borrower. Loans of \$50,000 or more for borrowers other than quality child care projects may not exceed one-half (1/2) of the net new funds being provided to a borrower.
- C. Each applicant shall establish interest rates, amortization schedules and repayment terms

for each borrower except that loans for quality child care projects must bear a rate of interest not greater than 5%, and loans for other eligible projects may not bear a rate of interest greater than the prime rate of interest plus seven percent (7%). Direct loans from the Authority for quality child care projects shall be subject to a 1% commitment fee payable to the Authority at the time the commitment is accepted, and shall bear interest at a rate of 5%. No loan may be for a term longer than twenty (20) years.

- D. When necessary, an applicant may provide for flexible repayment terms and may require additional payments tied to the borrower's financial success.
- E. An applicant shall require collateral for loans but may subordinate to loans from other lenders.
- F. Such other terms and conditions as may be determined by an applicant and approved by the Authority.

SECTION 9. Eligible Projects

- A. In order for a project or borrower to be eligible for financial assistance under the program, the project or borrower must meet the criteria of subsections 2, 3, and 4, below, and must meet the criteria of subsection 1 below, as follows:

- (1) The borrower has one-hundred (100) or fewer employees or annual sales of \$10,000,000 or less and it consists of or involves at least one of the following:
 - (a) Manufacturing technologies, such as value added wood products, specialty fabricated metal and electronic products, precision manufacturing and use of composites or advanced materials;
 - (b) Technologies, such as advanced information systems, advanced telecommunications, energy and environmental products and services;
 - (c) Value-added natural resource enterprises and biological and natural resources technologies, such as aquaculture, marine technology, agriculture, forestry products and biotechnology;
 - (d) A business converting from defense dependencies;
 - (e) A business significantly engaged in export of goods or services to locations outside the State;
 - (f) A business that dedicates significant resources to research and development activities;
 - (g) Other businesses with fifteen (15) or fewer employees; and
 - (h) A quality child care project.
 - (i) A business significantly engaged in commercial and/or mixed-use real estate and/or community facilities real estate development; and

- (j) A business significantly engaged in serving tourists, such as in the area of outdoor recreation, culture and heritage and hospitality.
 - (2) The borrower is unable to obtain funding needed for the project from other public and private sources including the personal resources of the owners of the business borrowing from the fund.
 - (3) The borrower has committed all reasonably available resources to the project, obtained financial commitment from other sources of financing and demonstrated a reasonable likelihood that the loan can be repaid.
 - (4) The loan is not used to make distributions to or for the benefit of an owner of the business borrowing from the fund or a related entity.
- B. Among eligible borrowers seeking loans for projects other than quality child care projects, an applicant shall give priority to businesses and projects with the potential of meeting one or both of the following objectives:
- (1) The financing will help the borrower pursue a business that adds significant value to raw materials or inventory;
 - (2) The financing is likely to result in a long-term net increase in permanent, quality jobs, which may include ownership or self-employment opportunities that meet a local or regional need or the retention of jobs in jeopardy of being lost.
- C. For loans made by applicants or made directly by the Authority for quality child care projects, not more than \$15,000 of program loan proceeds shall be used for lead abatement.
- D. The Authority shall reserve an amount of no less than \$300,000 from the fund for loans for quality child care projects, whether made by applicants or directly by the Authority.

SECTION 10. Reports

An applicant shall report semiannually to the Authority on the projects being funded and the administration of the program. The report must include a description of each project, the amount, type and terms of assistance the project received, the number of jobs that were created or retained and other information the Authority requires. The report must contain an accounting of the loan portfolio and any loans that are past due, as well as an accounting of the applicant's operating costs incurred and charged to the program.

SECTION 11. Audit

The Authority shall review annually each applicant's participation in the program and may, in its discretion, require an independent audit at the expense of the applicant. If the Authority determines that an applicant has used funds for ineligible purposes, the applicant shall repay those funds to the Authority for deposit into the fund. The Authority may not disburse additional funds to an applicant until it has repaid the misapplied funds and has fully complied with its obligations

under the contract with the Authority. In addition to other fees the Authority is authorized to charge the fund hereunder, the Authority shall be entitled to charge the fund for reasonable costs incurred by the Authority for the performance of the audits described in this Section 11.

SECTION 12. Appeal to the Members

- A. In the event that an applicant's application is rejected by the Chief Executive Officer, the applicant shall have the right to appeal the decision of the Chief Executive Officer to the members. Notice of the appeal, together with a statement of the reasons why the Chief Executive Officer's decision should be reversed or modified, shall be given to the Chief Executive Officer, in writing within 20 days after the date the Chief Executive Officer mails the notice of rejection to the applicant. The appeal shall be heard at a meeting of the members. The applicant must be present to support the appeal. The appeal shall be based on the record before the Chief Executive Officer on the date of the rejection. The decision of the Chief Executive Officer shall be final unless the members determine that the rejection by the Chief Executive Officer was arbitrary, capricious or an abuse of discretion, in which event the members may overturn or modify the decision of the Chief Executive Officer and may direct the Chief Executive Officer to take further action with respect to the application.
- B. In the event that a borrower's application that is reviewed by the Authority in accordance with this rule is rejected by the Chief Executive Officer, the Chief Executive Officer's determination shall be final and there shall be no further right of appeal to the members.

SECTION 13. Waiver of Rule

The Chief Executive Officer may waive any requirement of this rule except to the extent that the requirement is mandated by the Act, in cases where the deviation from the rule is insubstantial and is not contrary to the purposes of the program.

SECTION 14. Effective Date

This rule as amended by Amendment 7 does not take effect unless and until the Authority receives additional funding of at least \$1 million from the State pursuant to bonds issued pursuant to Public Law 2013, Chapter 596, or by state appropriation after January 1, 2015.

(APA Office Note: according to FAME, the contingency was met on June 30, 2015 when FAME received more than \$1 million from the State pursuant to bonds issued pursuant to Public Law 2013 ch. 506.)

STATUTORY AUTHORITY: 10 M.R.S.A. §969-A(14); 10 M.R.S.A. §1026-M(11); P.L. 1999, Ch. 401, Part 000; PL 2003, Ch.195; PL 2009, Ch.131; 10 M.R.S. §1026-A; P.L. 2013 ch. 605

EFFECTIVE DATE:

June 11, 1995 (Original Rule)

AMENDED:

November 2, 1998 (Amendment 1)
January 17, 2000 (Amendment 2)
September 17, 2002 (Amendment 3), changes to sections 2, 6(B) and 7(I)
November 4, 2003 (Amendment 4)
January 3, 2010 (Amendment 5)
June 8, 2011 (Amendment 6)
April 11, 2015 – filing 2015-063 (Amendment 7)
April 24, 2015 – Summary, and Section 9(A) corrected

NOTIFICATION RECEIVED OF APPROPRIATED FUNDS BY SECRETARY OF STATE (CEC, APA):

July 23, 2015 – see Section 14 of this rule.

Loan Reporting and REDRLP Fund Requisition Form

Check which applies:

- ☐ First Generation - Direct request of funds from FAME
- ☐ Second Generation - Loans made from revolved funds

Attachments:

1. This form must be submitted at least two weeks in advance of an intended loan closing. Please assign a loan number to each proposed Borrower. This number must coincide with future reporting on your "Semi-Annual Reconciliation Reports."
2. NOTE: A signed Commitment Letter, if it is for a disbursement, must accompany this request.
3. For REDRLP loans of \$150,000 or more, please provide a copy of the loan analysis prepared for this request.

REDRLP Contractor _____

Mailing Address _____

Contract Officer _____

Phone _____ Email _____

Legal Name of Borrower _____

Mailing Address _____ Phone: _____

Loan Number _____ Jobs Retained _____ Jobs Created _____

Purpose of Borrowing _____

Please mark the appropriate eligibility category for this loan (see rule Section 9 (A) for details):

- ☐ Manufacturing technologies.
- ☐ Technologies, such as advanced information, telecommunications, energy and environmental.
- ☐ Value-added natural resource technologies.
- ☐ A business converting from defense dependency.
- ☐ A business significantly engaged in export or goods or services to locations outside of State.
- ☐ A business that dedicates significant resources to research and development activities.
- ☐ Business with fifteen (15) or fewer employees.
- ☐ A quality child care project.
- ☐ Business significantly engaged in commercial and/or mixed-use real estate and/or community facilities development.
- ☐ Business significantly engaged in serving tourists, such as outdoor recreation, culture, heritage and hospitality.



Proposed Loan Structure

SOURCES		USES	
REDRLP Funds	\$		\$
Bank	\$		\$
Borrower	\$		\$
Other	\$		\$
TOTAL	\$		\$

Requisition Amount _____ Month & Year Close Date _____

Signature of Contract Officer _____ Date _____

AGENCY	Award
Androscoggin Valley Council of Governments	\$ 500,000.00
Biddeford/Saco Area Economic Development Corp.	\$ 1,100,000.00
Coastal Enterprises, Inc.	\$ 1,000,000.00
Community Concepts Finance Corp.	\$ 325,000.00
Eastern Maine Development Corporation	\$ 925,000.00
Greater Portland Council of Governments	\$ 900,000.00
Kennebec Valley Council of Governments	\$ 300,000.00
Lewiston Auburn Economic Growth Council	\$ 500,000.00
MaineStream Finance	\$ 400,000.00
MidCoast Council of Governments	\$ 250,000.00
Northern Maine Development Commission	\$ 750,000.00
City of Portland	\$ 600,000.00
Sunrise County Economic Council	\$ 150,000.00
Somerset Economic Development Corporation	\$ 300,000.00
Total:	\$ 8,000,000.00

**Regional Economic Development Revolving Loan Program
Agency Service Areas**

Androscoggin Valley Council of Governments

Androscoggin County (except Lewiston, Auburn, Lisbon); Franklin County; and Oxford County (except Hebron, Norway, Otisfield, Oxford, Paris, Waterford, West Paris)

Bangor Airport Civic Development Corp.

Bangor

Biddeford-Saco Area Economic Development Corporation

York County

Caribou Chamber of Commerce & Industry

Caribou

Coastal Enterprises, Inc.

Sagadahoc County (except Bath and Topsham), Lincoln, Knox and Waldo Counties

Community Concepts Finance Corporation

Androscoggin County (except Lewiston, Auburn, Lisbon) and Oxford County (except Brownfield, Denmark, Fryeburg, Hiram, Lovell, Porter, Stoneham, Stow, Sweden)

Eastern Maine Development Corporation

Penobscot (except Bangor), Piscataquis, Washington (except Lubec) and Hancock Counties

Fort Kent, Town of

Fort Kent

Greater Portland Council of Governments

Cumberland County (except Brunswick, Portland)

Kennebec Valley Council of Governments

Kennebec and Somerset Counties

Lewiston Auburn Economic Growth Council

Lewiston and Auburn

Lisbon, Town of

Lisbon

Lubec, Town of

Lubec

MaineStream Finance

Penobscot (except Bangor) and Piscataquis Counties

MidCoast Council of Governments

Topsham, Bath and Brunswick

**Regional Economic Development Revolving Loan Program
Agency Service Areas**

Northern Maine Development Commission

Aroostook County (except Caribou, Fort Kent, Presque Isle)

Portland, City of

Portland

Presque Isle, City of

Presque Isle

Somerset Economic Development Corporation

Somerset County

Sunrise County Economic Council

Washington County (except Lubec)

Washington Hancock Community Agency

Washington (except Lubec) and Hancock Counties