Regular City Council Meeting
March 21, 2016

1. Agenda Only 03-21-16

   Documents: AGENDA ONLY 03-21-16.PDF

2. Agenda And Packet 2016-03-21

   Documents: AGENDA AND PACKET 2016-03-21.PDF

3. Attachments To City Council Memo Of 3/4/2016

   Documents: ATTACHMENTS TO CC MEMO OF 3-4-2016 IN ONE DOC.PDF

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (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
REGULAR CITY COUNCIL MEETING
MARCH 21, 2016

The Portland City Council will hold a regular City Council Meeting at 5:00 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL MEETING:

Special Meeting of the Portland Development Corporation Board of Directors – Sponsored by Mayor Ethan Strimling.

A Special Meeting of the Portland Development Corporation Board of Directors (PDC) will be held by the City Council on March 21, 2016, at 5:00 p.m. in City Council Chambers to request a proposed addition to its by-laws regarding Board member eligibility to serve.

Order 183-15/16 (Tab 1) — **Order Amending the Portland Development Corporation By-laws – Sponsored by the Portland Development Corporation – Barry Sheff, President.**

The PDC Board is seeking Council approval on an addition to the PDC By-laws to require that at least six of the nine directors appointed by the Council be a resident or property owner in the City of Portland or have an ownership interest in a business that has its principal office in the City. The Mayor and City Manager are ex-officio voting members that comprise the remainder of the eleven-member PDC Board.

Five affirmative votes are required for passage after public comment.

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RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 3) March 7, 2016, Regular City Council Meeting Minutes
Marcy 14, 2016, Special City Council Meeting Minutes

PROCLAMATIONS:

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APPOINTMENTS:

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This order appoints the following as Wardens and Ward Clerks for the 2016 Calendar year.

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Susan Lichtman	Scott Merrill	2-2
Elaine Spring	Cynthia Pebineto	3-1
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Pursuant to Title 21-A M.R.S. §626, the hour of poll opening must be set by the municipal officers. This is done for every election. The polls open at 7:00 a.m. and close at 8:00 p.m.

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The festival area will include all of Fort Allen Park, including the circular drive and the parking areas on the Eastern Prom Roadway, directly in front of, and to the left and right of, Fort Allen Park.

The sailing race will start at about 10:00 a.m. each day and end around 4:00 p.m. The start and finish line in Casco Bay is just off the Eastern Prom. Organizers are in contact with the U.S. Coast Guard, Portland Harbormaster, Casco Bay Lines and Lionel Plante Association (barges) among other Maritime groups.

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Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level; and be configured by Manuka Sports Event Management, LLC, its contractor, and the City to focus volume within the festival area and its immediate environment, limiting any sound impacts in residential areas.

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Application submitted on 2/19/16. New City and State applications. New construction.

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City Council action is necessary to enter into a two-party agreement with the Maine Department of Transportation (MaineDOT) for the Woodford's Corner Intersection Improvement project. This is standard practice once a project evolves into the design and construction phase and follows a three-party agreement adopted via City Council Order 25-13/14. The agreement details the responsibilities and financial obligations of both parties and includes perpetual maintenance requirements for signals, lighting, signage, landscaping, and bicycle/pedestrian facilities.

This item was brought forward in March 2015 prematurely and most recently postponed in the January 20, 2016 City Council meeting based on the assumption that financial matters would be clarified by now. Over the past year there was a significant lack of reliable cost estimating for the railroad crossing element of this project. Once it was evident how much higher than predicted those costs will be, the City, Portland Area Comprehensive Transportation System (PACTS), and MaineDOT worked together to define financing mechanisms. PACTS and MaineDOT have dedicated additional Federal funds to this project; their specific procedures are wrapping up this week and the Draft agreement reflects these figures. (Note that the agreement contains a "Draft" watermark to prevent any possible non-conformance with Federal guidelines. The signed version will have the watermark removed.)

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Order 178-15/16 (Tab 13)

Order Approving Three-Party Agreement between the City of Portland, the Maine Department of Transportation and Portland Area Comprehensive Transportation System Re: Danforth Street – Sponsored by Jon P. Jennings, City Manager

The Department of Public Works requests authorization for the City Manager to enter into a three-party agreement with PACTS and MaineDOT for the purpose of paving Danforth St (York to High) in 2016. The pending agreement outlines roles and financial responsibilities, including a 25% Local Share requirement of $62,103.25.

This agreement covers the design phase of the project; the construction phase will require a two-party agreement with MaineDOT which is expected in April 2016.

The total value of this paving project is estimated at $248,413, and for cost efficiencies the work will be added to the existing Commercial and Franklin Streets paving contract being administered by MaineDOT.

In addition to the City's 25% Local Share, the City is obligated to pay 100% of any cost associated with sewer and stormwater system repairs and elevation adjustments; this cost is estimated at $14,000. Also, the Department is proposing to improve the intersection of Danforth and York St by replacing the signal control with a stop sign control for Danforth St and altering the street alignment to shorten the pedestrian crossing distance. This action will have ancillary benefits to the intersection known as "Gorham's Corner" (York, Pleasant, Center, and Fore Streets) due to the removal of this signal phase. We have estimated this cost at roughly $24,000.

Each of these Local costs is included in the FY17 CIP request; $14,000 in the Sewer Fund and $86,000 in the General Fund.

This item must be read on two separate days. It was given a first reading on March 7, 2016. Five affirmative votes are required for passage after public comment.

Order 180-15/16 (Tab 14) **Amendment to Portland City Code Re: Licenses for Breweries, Wineries and Distilleries - Sponsored by the Health & Human Services Committee, Councilor Edward J. Suslovic, Chair.**

The City Clerk's Office is proposing the creation of a new license for the service of alcohol at breweries, wineries, and distilleries. At this time, the City licenses the service of alcohol and food at restaurants and bars, but no license exists for the same activity at breweries, wineries, and distilleries.

This item must be read on two separate days. It was given a first reading on March 7, 2016. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 190-15/16 (Tab 15) **Order Amending the Rules for the Disposition of City-Owned and Tax-Acquired Property – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.**

This proposed Ordinance amendment and amendments to the Rules for disposition of tax-acquired and other City-owned property are intended to improve and streamline the process to dispose of City tax-acquired and other City-owned properties. The goal of these amendments is to return tax-acquired properties and surplus City-owned properties to productive use and taxable status.

City-Council approved rules and ordinances govern the City process to dispose of tax-acquired and City-owned properties. The rules were last updated in 2009 by City Council approval.

Tax-Acquired Properties. Properties with past due property taxes cannot be tax-acquired until after an 18-month redemption period has expired. Property owners are first given a 30-day notice that they are delinquent.

If they do not pay within 30 days, then a lien is filed in the Cumberland County Registry of Deeds, with a copy to the taxpayer, and the 18-month redemption period begins. Between 30 and 45 days before the expiration of the 18-month redemption period, the City sends out a Notice of Impending Automatic Foreclosure.

If the taxes, interest, and costs are not paid before the expiration of the 18-month redemption period, the property is automatically foreclosed and the municipality owns the property. The following timeline illustrates, for FY14 taxes, when tax bills were mailed and when taxpayers were notified of the steps of the tax lien process:

1st Tax Bill Mailed:	One Month Prior
1st Tax Bill Due:	9/13/2013
Overdue reminder notice:	11/2013
2nd Tax Bill Mailed:	One Month Prior

2nd Tax Bill Due:	3/14/2014
30 Days' Notice:	5/17/2014
Lien Filed:	6/15/2014
Impending Foreclosure Notice:	11/17/2015
Automatic Foreclosure:	12/18/2015

Note: In addition, prior to City sale of tax-acquired property, the Treasurer may also send a 60-day notice for a last opportunity to redeem the property.

City-owned properties. Examples of surplus City-owned properties becoming available for sale include the soon to be vacated Public Works properties in Bayside and a seven-acre site owned by the City on Riverside Street.

The City Council held a workshop on this item on February 8, 2016. Additionally, the Economic Development Committee reviewed this at its February 11, 2016, meeting and unanimously (3-0) recommended to the City Council approval of the proposed amendments, with three modifications to the Rules:

1) the City Council be provided an annual listing of tax-acquired properties at the end of December or following January;

2) the District Councilor will be notified before a tax-acquired property is put on the market for sale; and,

3) the net sale proceeds from the sale of tax-acquired properties go to the Housing Trust Fund for one full fiscal year, and then be revisited at the end of FY2017.

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

AMENDMENTS:

Order 191-15/16 (Tab 16) **Amendment to Portland City Code Chapter 2 Administration Re: Revisions to the Authority to Sell Tax-acquired Property – Sponsored by the Economic Development Committee – Councilor David Brenerman, Chair.**

This is a companion order to Order 190-15/16 above. It must be read on two separate days. This is its first reading.

Order 192-15/16 (Tab 17) **Amendment to Portland City Code Chapter 14 Land Use, Article III. Zoning Re: India Street Form-Based Code Zone and Cross References – Sponsored by the Planning Board, Beth Boepple, Chair.**

The India Street Form-based Code (IS-FBC) zone is a recently-created new zone covering the India Street neighborhood which is east of Franklin Street. The IS-FBC zone references other divisions within the Chapter 14 Land Use Code including Division 20 Off-Street Parking and Division 22 Signs. Each of those divisions has zone-specific sections or exceptions.

When the IS-FBC zone was created, some of the cross-references to these other divisions were missed and now are being corrected.

There is an active building permit application from a business that is directly impacted by the Division 20 Off-street Parking amendment proposed. For this reason, the Council might consider emergency action to make the changes effectively immediately upon adoption in order to prevent any further delays to the building permit process for this business owner.

The Planning Board met on February 23, 2016, and voted unanimously to forward this item to City Council with a recommendation for passage.

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

BREAK FOR DINNER:

7:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

UNFINISHED BUSINESS (continued):

Order 181-15/16 (Tab 18) **Amendment to Portland City Code Chapter 15 Licensing and Permits and Chapter 30 Vehicles for Hire Re: Tour Operator Licensing – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.**

This ordinance came to the City Council in very similar form for a second reading on January 20, 2016. At that point, based on input regarding two issues: 1) the potential establishment of a "no transient operator solicitation zone" outside of fixed-base tour operators; and 2) ambiguity regarding the inclusion of bus companies who exclusively operate pre-paid and pre-arranged tours for charter groups and cruise lines but do not individually solicit such tours, the matter was referred to the Economic Development Committee. After two meetings at the Committee, the present Ordinance has been suggested to the full Council in a form that does not include a "no transient operator solicitation zone" and explicitly exempts bus companies who exclusively operate pre-paid and pre-arranged tours for charter groups and cruise lines.

The Economic Development Committee met on February 23, 2016, and voted 2-0 to forward this item to the City Council.

This item must be read on two separate days. It was given a first reading on March 7, 2016. Five affirmative votes are required for passage after public comment.

ORDERS (continued):

Order 193-15/16 (Tab 19) **Order Accepting and Adopting the 2016 Housing Trust Fund Annual Plan - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.**

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

The Housing Committee met on February 24, 2016, and voted 5-0 to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

Order 194-15/16 (Tab 20) **Order Approving the Assumption and Assignment of City Loan Documents from Bayside Housing Associations LP to Maple Grove Elderly Housing Corporation and the Modification of Related Promissory Notes – Sponsored by Jon P. Jennings, City Manager.**

Pinetree Housing Development I LLC, an affiliate of Avesta Housing Development Corporation, is the general partner of Bayside Housing Associates LP, owner of Unity at Bayside (formerly known as Unity Village), a 33 unit affordable housing complex located at 52 Stone Street.

Avesta has the right to purchase the property from the current limited partnership by assuming all of the outstanding debt. Avesta plans to purchase the property with an affiliated 501 (c)(3) called Maple Grove Elderly Housing Corporation.

All affordability restrictions will remain in place. Avesta is requesting that the City of Portland consent to the transfer of the partnership interest and the assignment of three mortgages held by the City of Portland. MaineHousing and Bank of America, which also hold mortgages on the property, are being asked to consent to the transfer and assumption of their debt.

The City of Portland holds three mortgages on the property.

(1) HOME Loan dated November 15, 2000, in the amount of $86,505 at 6.1% interest on the unpaid principal balance for a term of thirty years. Principal and interest are deferred for thirty years. Any balance remaining unpaid is due and payable on December 1, 2030. Repayment terms require that 20% of net cash flow, as defined in Borrower's Amended and Restated Agreement of Limited Partnership, shall be paid on an annual basis. To date, the City has received one payment in the amount of $1,434 in December 2013.

(2) CDBG Loan dated November 15, 2000, in the modified amount of $210,136 at zero percent interest for a term of thirty years. After payment in full of the HOME Loan, 20% of net cash flow shall be paid on an annual basis.

Bayside Housing Associates, Limited Partnership will be dissolved as a result of the transfer to Maple Grove Elderly Housing Corporation and therefore, the repayment terms in the Promissory Notes ("Notes") mentioned above need to be revised. As a result the Notes will be modified to read:

Each fiscal year, Borrower will provide Lender with a copy of Borrower's audited financial statements for the Project. Borrower will also provide Lender with a copy of Maine State Housing Authority's (MSHA) review letter, after it has reviewed Borrower's audited financial statements, along with MSHA's clearance letters, if applicable.

As of the date of this Agreement, the Repayment Provisions in the Notes shall be, and hereby are, modified to provide that Borrower shall make annual payments of principal and accrued interest on the Notes in the amount of twenty percent (20%) of surplus cash as the same shall be determined by MSHA upon its receipt and review of Borrower's audited financial statements for the Project each fiscal year. Such annual payments shall be allocated as follows: (1) first, to accrued interest, and then outstanding principal, on the HOME Note until all outstanding principal and accrued interest due on the $86,500 Note have been paid in full, and then (2) first, to accrued interest, and then outstanding principal, on the CDBG Note.

(3) CDBG Loan dated November 15, 2000, in the amount of $100,000 at 6.1% interest on the unpaid principal balance for a term of thirty years. Payment is deferred for thirty years.

Five affirmative votes are required for passage after public comment.

Order 195-15/16 (Tab 21) **Order Approving Airport Improvement Program Grants – Sponsored by Jon P. Jennings, City Manager.**

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP).

This program is funded through federal taxes on commercial air fares and on aviation fuel taxes. The amount allocated to each airport is based on the annual number of enplaned commercial passengers the airport handles. This year the Portland Jetport has AIP entitlement funding totaling $3.827 million. In FY 2016 two projects have been planned by the Jetport with the following engineer estimated costs:

Terminal Northwest Aircraft Apron Expansion	$ 3,150,000
Environmental Assessment and Permitting for future projects	$ 677,000

The above funding amount provides 90% of the total cost for each project. The balance is covered locally through the Jetport's operating budget and through state funding of up to 5% of project costs.

Five affirmative votes are required for passage after public comment.

AMENDMENTS (continued):

Order 196-15/16 (Tab 22) **Amendment to Portland City Code Re: New Department of Permitting and Inspections Amendments Referred to the Planning Board – Sponsored by Jon Jennings, City Manager.**

On March 7, 2016, the City Council referred proposed text amendments to the Planning Board regarding the proposed fees for the newly established Department of Permitting and Inspections. The Board held a public hearing on March 8th. The Board found the proposed revisions to Sections 14-485 and 14-486 meet the goals of the City Council and recommends the amendments with some structural changes the Board felt would clarify the language for developers and future staff.

With regard to Amendment #2, the Council is considering exceptions to the proposed increased fees for projects that have received site plan approval. The Planning Board suggests offering the exception to projects that have submitted site plan applications as of March 8, 2016. As a threshold matter the Board stated that Chapter 6 is not within their jurisdiction; however, in order to further the clarity and predictability of regulatory process, the Planning Board suggested the council may want to consider offering the exception to projects that have submitted site plan applications as of March 8, 2016.

The Planning Board's unanimous consensus (Morrissette and Dundon absent) was to recommend the proposed revisions to the affordable housing fees as written and suggest that the exception proposed under Section 617 be offered for submitted site plan and administrative authorization applications, as of March 8, 2016.

This item must be read on two separate days. It was reviewed previously as Order 165-15/16 on March 7, 2016. Staff is requesting that this amendment be passed as an emergency. Seven affirmative votes are required for emergency passage after public comment.

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This agreement covers the design phase of the project; the construction phase will require a two-party agreement with MaineDOT which is expected in April 2016.

The total value of this paving project is estimated at $248,413, and for cost efficiencies the work will be added to the existing Commercial and Franklin Streets paving contract being administered by MaineDOT.

In addition to the City's 25% Local Share, the City is obligated to pay 100% of any cost associated with sewer and stormwater system repairs and elevation adjustments; this cost is estimated at $14,000. Also, the Department is proposing to improve the intersection of Danforth and York St by replacing the signal control with a stop sign control for Danforth St and altering the street alignment to shorten the pedestrian crossing distance. This action will have ancillary benefits to the intersection known as "Gorham's Corner" (York, Pleasant, Center, and Fore Streets) due to the removal of this signal phase. We have estimated this cost at roughly $24,000.

Each of these Local costs is included in the FY17 CIP request; $14,000 in the Sewer Fund and $86,000 in the General Fund.

This item must be read on two separate days. It was given a first reading on March 7, 2016. Five affirmative votes are required for passage after public comment.

Order 180-15/16 **Amendment to Portland City Code Re: Licenses for Breweries,**
(Tab 14) **Wineries and Distilleries - Sponsored by the Health & Human Services Committee, Councilor Edward J. Suslovic, Chair.**

The City Clerk's Office is proposing the creation of a new license for the service of alcohol at breweries, wineries, and distilleries. At this time, the City licenses the service of alcohol and food at restaurants and bars, but no license exists for the same activity at breweries, wineries, and distilleries.

This item must be read on two separate days. It was given a first reading on March 7, 2016. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 190-15/16 **Order Amending the Rules for the Disposition of City-Owned and**
(Tab 15) **Tax-Acquired Property – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.**

This proposed Ordinance amendment and amendments to the Rules for disposition of tax-acquired and other City-owned property are intended to improve and streamline the process to dispose of City tax-acquired and other City-owned properties. The goal of these amendments is to return tax-acquired properties and surplus City-owned properties to productive use and taxable status.

City-Council approved rules and ordinances govern the City process to dispose of tax-acquired and City-owned properties. The rules were last updated in 2009 by City Council approval.

Tax-Acquired Properties. Properties with past due property taxes cannot be tax-acquired until after an 18-month redemption period has expired. Property owners are first given a 30-day notice that they are delinquent.

If they do not pay within 30 days, then a lien is filed in the Cumberland County Registry of Deeds, with a copy to the taxpayer, and the 18-month redemption period begins. Between 30 and 45 days before the expiration of the 18-month redemption period, the City sends out a Notice of Impending Automatic Foreclosure.

If the taxes, interest, and costs are not paid before the expiration of the 18-month redemption period, the property is automatically foreclosed and the municipality owns the property. The following timeline illustrates, for FY14 taxes, when tax bills were mailed and when taxpayers were notified of the steps of the tax lien process:

1st Tax Bill Mailed:	One Month Prior
1st Tax Bill Due:	9/13/2013
Overdue reminder notice:	11/2013
2nd Tax Bill Mailed:	One Month Prior

2nd Tax Bill Due:	3/14/2014
30 Days' Notice:	5/17/2014
Lien Filed:	6/15/2014
Impending Foreclosure Notice:	11/17/2015
Automatic Foreclosure:	12/18/2015

Note: In addition, prior to City sale of tax-acquired property, the Treasurer may also send a 60-day notice for a last opportunity to redeem the property.

City-owned properties. Examples of surplus City-owned properties becoming available for sale include the soon to be vacated Public Works properties in Bayside and a seven-acre site owned by the City on Riverside Street.

The City Council held a workshop on this item on February 8, 2016. Additionally, the Economic Development Committee reviewed this at its February 11, 2016, meeting and unanimously (3-0) recommended to the City Council approval of the proposed amendments, with three modifications to the Rules:

1) the City Council be provided an annual listing of tax-acquired properties at the end of December or following January;

2) the District Councilor will be notified before a tax-acquired property is put on the market for sale; and,

3) the net sale proceeds from the sale of tax-acquired properties go to the Housing Trust Fund for one full fiscal year, and then be revisited at the end of FY2017.

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

AMENDMENTS:

Order 191-15/16 (Tab 16) **Amendment to Portland City Code Chapter 2 Administration Re: Revisions to the Authority to Sell Tax-acquired Property – Sponsored by the Economic Development Committee – Councilor David Brenerman, Chair.**

This is a companion order to Order 190-15/16 above. It must be read on two separate days. This is its first reading.

Order 192-15/16 (Tab 17) **Amendment to Portland City Code Chapter 14 Land Use, Article III. Zoning Re: India Street Form-Based Code Zone and Cross References – Sponsored by the Planning Board, Beth Boepple, Chair.**

The India Street Form-based Code (IS-FBC) zone is a recently-created new zone covering the India Street neighborhood which is east of Franklin Street. The IS-FBC zone references other divisions within the Chapter 14 Land Use Code including Division 20 Off-Street Parking and Division 22 Signs. Each of those divisions has zone-specific sections or exceptions.

When the IS-FBC zone was created, some of the cross-references to these other divisions were missed and now are being corrected.

There is an active building permit application from a business that is directly impacted by the Division 20 Off-street Parking amendment proposed. For this reason, the Council might consider emergency action to make the changes effectively immediately upon adoption in order to prevent any further delays to the building permit process for this business owner.

The Planning Board met on February 23, 2016, and voted unanimously to forward this item to City Council with a recommendation for passage.

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

BREAK FOR DINNER:

7:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

UNFINISHED BUSINESS (continued):

Order 181-15/16 (Tab 18) **Amendment to Portland City Code Chapter 15 Licensing and Permits and Chapter 30 Vehicles for Hire Re: Tour Operator Licensing – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.**

This ordinance came to the City Council in very similar form for a second reading on January 20, 2016. At that point, based on input regarding two issues: 1) the potential establishment of a "no transient operator solicitation zone" outside of fixed-base tour operators; and 2) ambiguity regarding the inclusion of bus companies who exclusively operate pre-paid and pre-arranged tours for charter groups and cruise lines but do not individually solicit such tours, the matter was referred to the Economic Development Committee. After two meetings at the Committee, the present Ordinance has been suggested to the full Council in a form that does not include a "no transient operator solicitation zone" and explicitly exempts bus companies who exclusively operate pre-paid and pre-arranged tours for charter groups and cruise lines.

The Economic Development Committee met on February 23, 2016, and voted 2-0 to forward this item to the City Council.

This item must be read on two separate days. It was given a first reading on March 7, 2016. Five affirmative votes are required for passage after public comment.

ORDERS (continued):

Order 193-15/16 (Tab 19) **Order Accepting and Adopting the 2016 Housing Trust Fund Annual Plan - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.**

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

The Housing Committee met on February 24, 2016, and voted 5-0 to forward this item to the City Council with a recommendation for passage.

Five affirmative votes are required for passage after public comment.

Order 194-15/16 (Tab 20) **Order Approving the Assumption and Assignment of City Loan Documents from Bayside Housing Associations LP to Maple Grove Elderly Housing Corporation and the Modification of Related Promissory Notes – Sponsored by Jon P. Jennings, City Manager.**

Pinetree Housing Development I LLC, an affiliate of Avesta Housing Development Corporation, is the general partner of Bayside Housing Associates LP, owner of Unity at Bayside (formerly known as Unity Village), a 33 unit affordable housing complex located at 52 Stone Street.

Avesta has the right to purchase the property from the current limited partnership by assuming all of the outstanding debt. Avesta plans to purchase the property with an affiliated 501 (c)(3) called Maple Grove Elderly Housing Corporation.

All affordability restrictions will remain in place. Avesta is requesting that the City of Portland consent to the transfer of the partnership interest and the assignment of three mortgages held by the City of Portland. MaineHousing and Bank of America, which also hold mortgages on the property, are being asked to consent to the transfer and assumption of their debt.

The City of Portland holds three mortgages on the property.

(1) HOME Loan dated November 15, 2000, in the amount of $86,505 at 6.1% interest on the unpaid principal balance for a term of thirty years. Principal and interest are deferred for thirty years. Any balance remaining unpaid is due and payable on December 1, 2030. Repayment terms require that 20% of net cash flow, as defined in Borrower's Amended and Restated Agreement of Limited Partnership, shall be paid on an annual basis. To date, the City has received one payment in the amount of $1,434 in December 2013.

(2) CDBG Loan dated November 15, 2000, in the modified amount of $210,136 at zero percent interest for a term of thirty years. After payment in full of the HOME Loan, 20% of net cash flow shall be paid on an annual basis.

Bayside Housing Associates, Limited Partnership will be dissolved as a result of the transfer to Maple Grove Elderly Housing Corporation and therefore, the repayment terms in the Promissory Notes ("Notes") mentioned above need to be revised. As a result the Notes will be modified to read:

Each fiscal year, Borrower will provide Lender with a copy of Borrower's audited financial statements for the Project. Borrower will also provide Lender with a copy of Maine State Housing Authority's (MSHA) review letter, after it has reviewed Borrower's audited financial statements, along with MSHA's clearance letters, if applicable.

As of the date of this Agreement, the Repayment Provisions in the Notes shall be, and hereby are, modified to provide that Borrower shall make annual payments of principal and accrued interest on the Notes in the amount of twenty percent (20%) of surplus cash as the same shall be determined by MSHA upon its receipt and review of Borrower's audited financial statements for the Project each fiscal year. Such annual payments shall be allocated as follows: (1) first, to accrued interest, and then outstanding principal, on the HOME Note until all outstanding principal and accrued interest due on the $86,500 Note have been paid in full, and then (2) first, to accrued interest, and then outstanding principal, on the CDBG Note.

(3) CDBG Loan dated November 15, 2000, in the amount of $100,000 at 6.1% interest on the unpaid principal balance for a term of thirty years. Payment is deferred for thirty years.

Five affirmative votes are required for passage after public comment.

Order 195-15/16 (Tab 21) **Order Approving Airport Improvement Program Grants – Sponsored by Jon P. Jennings, City Manager.**

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP).

This program is funded through federal taxes on commercial air fares and on aviation fuel taxes. The amount allocated to each airport is based on the annual number of enplaned commercial passengers the airport handles. This year the Portland Jetport has AIP entitlement funding totaling $3.827 million. In FY 2016 two projects have been planned by the Jetport with the following engineer estimated costs:

Terminal Northwest Aircraft Apron Expansion	$ 3,150,000
Environmental Assessment and Permitting for future projects	$ 677,000

The above funding amount provides 90% of the total cost for each project. The balance is covered locally through the Jetport's operating budget and through state funding of up to 5% of project costs.

Five affirmative votes are required for passage after public comment.

AMENDMENTS (continued):

Order 196-15/16 (Tab 22)

Amendment to Portland City Code Re: New Department of Permitting and Inspections Amendments Referred to the Planning Board – Sponsored by Jon Jennings, City Manager.

On March 7, 2016, the City Council referred proposed text amendments to the Planning Board regarding the proposed fees for the newly established Department of Permitting and Inspections. The Board held a public hearing on March 8th. The Board found the proposed revisions to Sections 14-485 and 14-486 meet the goals of the City Council and recommends the amendments with some structural changes the Board felt would clarify the language for developers and future staff.

With regard to Amendment #2, the Council is considering exceptions to the proposed increased fees for projects that have received site plan approval. The Planning Board suggests offering the exception to projects that have submitted site plan applications as of March 8, 2016. As a threshold matter the Board stated that Chapter 6 is not within their jurisdiction; however, in order to further the clarity and predictability of regulatory process, the Planning Board suggested the council may want to consider offering the exception to projects that have submitted site plan applications as of March 8, 2016.

The Planning Board's unanimous consensus (Morrissette and Dundon absent) was to recommend the proposed revisions to the affordable housing fees as written and suggest that the exception proposed under Section 617 be offered for submitted site plan and administrative authorization applications, as of March 8, 2016.

This item must be read on two separate days. It was reviewed previously as Order 165-15/16 on March 7, 2016. Staff is requesting that this amendment be passed as an emergency. Seven affirmative votes are required for emergency passage after public comment.

Order 183-15/16
Tab 1 3-21-16

CITY OF PORTLAND
IN THE CITY COUNCIL

ORDER AMENDING THE PORTLAND DEVELOPMENT CORPORATION BY-LAWS

ORDERED, that the Portland City Council, acting in its capacity as sole Corporator of the Portland Development Corporation, hereby amends the By-laws of the Portland Development Corporation in the substantially the form attached hereto.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Greg Mitchell, Economic Development Director
Nelle Hanig, Business Programs Manager

DATE: March 2, 2016

SUBJECT: Proposed Addition to Portland Development Corporation (PDC) By-Laws Regarding Board Member Eligibility

SPONSOR: Barry Sheff, President of the Portland Development Corporation

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading and Final Action on March 21, 2016

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

PRESENTATION: Barry Sheff/Greg Mitchell – 5 minutes

I. ONE SENTENCE SUMMARY:

For City Council approval, the PDC Board of Directors recommends a proposed addition to its By-laws regarding Board member eligibility to serve.

II. AGENDA DESCRIPTION:

The PDC Board is seeking Council approval on an addition to the PDC By-Laws to require that at least six of the nine directors appointed by the Council be a resident or property owner in the City of Portland or have an ownership interest in a business that has its principal office in the City. The Mayor and City Manager are ex-officio voting members that comprise the remainder of the eleven-member PDC Board.

III. BACKGROUND:

The PDC By-Laws do not require the nine board members appointed by the Council to have residency, property, or business ownership in the City of Portland. Many of the City boards and commissions do have residency or related requirements for their directors. A committee of PDC directors was formed to research the issue and make recommendations to the PDC Board. After discussion of the committee's recommendations, the PDC Board approved an addition to its by-laws and presents this as a recommendation to the City Council for its approval.

"No fewer than six (6) of the nine (9) directors appointed by the Corporator must be a resident or property owner in the City of Portland or have an ownership interest in a business that has its principal office in the City."

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED:

The recommended addition to the PDC By-Laws would result in a majority of PDC Directors having a personal stake in the economic health of Portland, but not exclude those (no more than three) with particular expertise who are not residents, property or business owners in the City.

V. FINANCIAL IMPACT:

Approval of the recommended PDC By-Law addition will have no financial impact.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION:

Staff views the addition to the PDC By-Laws as a positive action. It has the potential to further strengthen the PDC Board's commitment to the economic health and vitality of the City of Portland. Should the proposed eligibility requirement be approved by the City Council, current board members would not be subject to it.

VII. RECOMMENDATION:

The Portland Development Corporation recommends that the City Council approve the addition to Section 4.2, Article IV Board of Directors, in the PDC By-Laws as follows, "No fewer than six (6) of the nine (9) directors appointed by the Corporator must be a resident or property owner in the City of Portland or have an ownership interest in a business that has its principal office in the City."

VIII. LIST ATTACHMENTS

Redlined Version of Current PDC Bylaws

Prepared by: Nelle Hanig, Business Programs Manager
Date: March 2, 2016

BYLAWS OF PORTLAND DEVELOPMENT CORPORATION

ARTICLE 1
NAME, PRINCIPAL OFFICE, CORPORATE SEAL

Section 1.1. Name. The name of this corporation shall be the Portland Development Corporation.

Section 1.2. Principal Office. The principal office for the conduct of the activities of the corporation shall be located at Portland City Hall, 389 Congress Street, Portland, Maine.

Section 1.3. Corporate Seal. The corporate seal of the corporation shall be circular in form and shall bear the words and figures "Portland Development Corporation," the word "Maine" and the year of the corporation's incorporation. The form of such seal may be altered from time to time by the Board of Directors.

Section 1.4. Registered Office. The Registered Office of the Corporation is at 389 Congress Street, Portland, Maine. The address of the Registered Office may be changed from time to time by the Board of Directors or by the Registered Agent.

Section 1.5. Registered Agent. The Registered Agent of the Corporation is the person designated in the Articles of Incorporation, as amended from time to time by the Board of Directors.

ARTICLE II
PURPOSES

Section 2.1. General Purposes. The Corporation is organized and shall be operated on a non-profit basis to receive donations and contributions in support of the City of Portland economic development efforts that enhance and create business and employment opportunities including:

A. Implement and administer economic development programs which enhance business opportunities in the City of Portland and combat community deterioration;

B. Enhance employment opportunities for members of the Portland community by offering education and counseling services which support businesses in the City of Portland, thereby lessening the burdens of government;

C. Make recommendations to the City Council with respect to, but not limited to, bond and tax increment financing and the management, acquisition, disposal and general land use of City of Portland property;

D. Refer requests to acquire property via eminent domain to the City Council; and

E. Acquire, hold, own, manage, dispose or liquidate property, upon City Council approval, for the purpose of advancing economic development and promoting employment opportunities in the City of Portland;

Section 2.2. Powers. This Corporation shall have all such powers as are authorized to non-profit corporations by the Maine Nonprofit Corporations Act. The corporation shall neither have nor exercise any power, nor shall it engage directly or indirectly in any activity that would invalidate its status (i) as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended.

Section 2.3. Prohibition of the Inurement of Assets and Income to Private Persons. The corporation is not organized for pecuniary profit and shall not have any capital stock. No part of its net earnings or of its principal shall inure to the benefit of any officer or director of the corporation, or any other individual, partnership or corporation, but reimbursements for expenditures or the payment of reasonable compensation for services rendered shall not be deemed to be a distribution of earnings or principal.

Section 2.4. Dissolution. If this Corporation is dissolved or its legal existence terminated, either voluntarily or involuntarily, or upon final liquidation of the Corporation, none of its assets shall inure to the benefit of any private individual, and all of its assets remaining after payment of all of its liabilities shall be distributed to one or more organizations which the Board of Directors then determines is qualified both as an exempt organization under Section 501(c)(3) of the Internal Revenue Code, and as an organization engaged in activities substantially similar to those of this Corporation (within the meaning of 13-B M.R.S.A. §407).

Section 2.5 Tax exempt Status. It is intended that the Corporation shall have and continue to have the status of a corporation which is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986, as amended, or successor provisions of federal tax law (the "Internal Revenue Code") as an organization described in Section 501(c)(3) of such Code, and to which contributions are deductible under Section 170(c)(2) and 2055(a)(2) of the Internal Revenue Code which is other than a private foundation as defined in Section 509(A) of the Internal Revenue Code. The Articles of Incorporation and these Bylaws shall be construed accordingly, and all powers and activities shall be limited accordingly.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation; provided that the Corporation shall have the power to make an election under Section 501(h) of the Internal Revenue Code. Likewise, the Corporation shall not participate or intervene in any manner or to any extent in any political campaign on behalf of any candidate for public office. Furthermore, the Corporation shall not engage in any activities that are unlawful under applicable federal, state or local laws, including, but not limited to, activities prohibited for an exempt organization under Section

501(c)(3) of the Internal Revenue Code and regulations thereunder as they now exist or as they may hereafter be amended.

ARTICLE III
MEMBERSHIP

Section 3.1. Member. The sole member of the Corporation shall be the City of Portland, Maine. The sole member of the Corporation shall be referred to as the "Corporator" for the purposes of the Articles of Incorporation and these Bylaws.

Section 3.2 General. In addition to the other powers of the Corporator listed in Section 3.3 hereof, the Corporator shall have the responsibility for the election of the Board of Directors of the Corporation, which Board has the ultimate responsibility for governing the Corporation. The rights and responsibilities of the Corporator, may be changed from time to time by an amendment to the Articles of Incorporation (to the extent required by law) and by these Bylaws.

Section 3.3. Powers. The Corporator shall have only those rights set forth in the Articles of Incorporation, as restated in these Bylaws. Such rights are as follows:

A. The establishment of the size of the Board of Directors within the limits described in Section 4.2 hereof;

B. The election of Directors pursuant to Article IV hereof, with the exception of filling of a vacant Board seat as provided in Section 4.5 hereof;

C. The removal of Directors from the Board of Directors;

D. The amendment, restatement, or modification of the Articles of Incorporation or of the Bylaws of this Corporation;

E. The approval of the sale, lease, or other disposition (excluding by mortgage or pledge for purposes of security) of all, or substantially all, of the assets and property of the Corporation;

F. The dissolution of the Corporation or its merger with or consolidation with another corporation; and

G. Any other matter which a majority of the Board of Directors voting on the matter votes to submit to the Member.

Section 3.4 Annual Meetings. The Annual Meeting of the Corporator shall be held on such day in the month of September of each year at such place and time as shall be fixed by the Board of Directors. In the event of a failure for any reason to hold an Annual Meeting as aforesaid, any business which may properly be transacted at an Annual Meeting, including the election of Directors, may be transacted at a Special Meeting.

Section 3.5 Special Meetings. Special Meetings of the Corporator may be called at any time by the President or a majority of the Directors.

Section 3.6. Notice of Meetings. Notice of all meetings of the Corporator shall be given by the Secretary or in his or her absence or disability by the President, by mailing or emailing to the Corporator a written notice specifying the time and place of the meeting, such notice to be addressed to the Corporator and emailed or mailed (postage prepaid) at least five (5) but not more than fifty (50) days before the meeting.

Section 3.7. Action by Unanimous Consent. Any action required or permitted to be taken at a meeting of the Corporator may be taken without a meeting as long as consent in writing, setting forth the action so taken shall be signed by the Corporator, and filed with the minutes of the meetings of the Corporator.

Section 3.8. Manner of Acting. The act of the Corporator, present in person or by proxy at a meeting, shall be the valid act of the Corporator.

ARTICLE IV
BOARD OF DIRECTORS

Section 4.1. Management by Board. The affairs of the Corporation shall be managed by its Board of Directors, which may exercise all powers of the Corporation and do all lawful acts and things necessary or appropriate to carry out the purposes of the Corporation.

Section 4.2. Number of Directors; Eligibility. The Board of Directors shall consist of eleven (11) individuals, nine (9) of whom shall be Directors appointed by the Corporator through the Portland City Council and two (2) of whom shall be ex officio members of the Board pursuant to Section 4 of this Article. No fewer than six (6) of the nine (9) directors appointed by the Corporator must be a resident or property owner in the City of Portland or have an ownership interest in a business that has its principal office in the City.

Section 4.3. Nomination. The Corporator shall receive nominations from the Portland City Council Appointments Committee, which shall supplement its regular Committee recruitment efforts by advertising in the local media and by otherwise publicizing the vacancies as widely as possible.

Section 4.4. Ex Officio Members of the Board of Directors. There shall be two (2) individuals who shall each be deemed an ex officio member of the Board of Directors by virtue of his or her holding the position of (1) Mayor or City Council member of the City of Portland as appointed by the Corporation; and (2) City Manager of the City of Portland.

The provisions of these Bylaws contained in Section 5 regarding term of office, Section 3 regarding nomination of directors and Section 7 regarding vacancies shall not apply to said ex officio members. The City Manager shall be a member of the Board of Directors so long as he or she continues to serve in the office by virtue of which he or she was appointed; and the Mayor or City Council member shall be appointed annually; and said members shall enjoy all the rights, privileges and responsibilities of all other member of the Board of Directors, including, without limitation, voting privileges, except, however that no ex officio member may serve as President of the Board of Directors. The Board of Directors may take action by unanimous consent only with the consent of said ex officio member. Ex officio members shall be counted as Directors for purposes of determination of residency requirements in Section I of this Article. Ex officio members shall be entitled to the same indemnification rights available to all Directors under the law, these Bylaws or otherwise.

Section 4.5. Terms of Office. One (1) Director shall be initially appointed by the Corporator to hold office until the Second Annual Meeting of the Corporation following the incorporation of this Corporation; two (2) Directors shall be initially appointed by the Corporator to hold office until the Third Annual Meeting of the Corporator following the incorporation of this Corporation; and two (2) Directors shall be initially appointed by the Corporator to hold office until the fourth Annual Meeting of the Corporation following the incorporation of this Corporation. The Corporator shall specify the term of office for which each Director is initially appointed. Thereafter, Directors shall be appointed by the Corporator at Annual Meetings of the Corporation to serve as such for a term of three (3) years. Each Director shall serve until his or her successor shall be duly qualified and appointed. Directors shall be nominated prior to the Annual Meeting of the Corporation. No Director shall succeed himself or herself for more than two (2) full consecutive terms, provided that no term of less than three (3) years which is served directly in advance thereof shall be counted for purposes of this limitation.

Section 4.6. Voting. Each Director shall be entitled to one (1) vote.

Section 4.7. Vacancies. Any vacancy occurring on the Board of Directors may be filled by the Corporator by appointment of an individual qualifying and eligible for such position. A person appointed to fill a vacancy which occurs other than by reason of an increase in the number of Directors shall serve until the next Annual Meeting of the Corporator.

Section 4.8. Resignation. Any Director may resign at any time by giving written notice to the President of the Corporation. Such resignation shall take effect on the date of receipt or at any later time specified therein.

ARTICLE V
MEETINGS

Section 5.1. Annual Meeting. The Annual Meeting of the Board of Directors shall be held without call at the Board's Regular Meeting in the month of September, at the principal office of the Corporation or at some other place fixed by the President.

Section 5.2. Regular Meeting. Other Regular Meetings of the Board of Directors may be held, without call, at such place, date and time as shall be fixed from time to time by resolution of the Board of Directors.

Section 5.3. Special Meetings. Special Meetings of the Board of Directors may be called by such persons as are authorized by law to call Special Meetings. The place, date and time of the Special Meeting shall be fixed in the call therefor.

Section 5.4. Notice of Meetings. Notice of each Annual, Regular or Special Meeting of the Board of Directors shall be given by the person or persons calling the same or by the President or Secretary at least three (3) days in advance thereof. Notice may be given in writing, by email, by telephone, by oral statement or by any other means to the Directors in person or by delivery of a writing to the Director's residence or business address. Notice given in writing by mail shall be deemed given on the day that the same is deposited in the U.S. mails as first class mail, postage prepaid. Neither the business to be transacted thereat, nor the purposes of any Annual, Regular or Special Meeting of the Board of Directors need to be specified in the notice of such meeting, except when otherwise provided by law.

Section 5.5. Conduct of Meetings. The final actions of the Board of Directors shall be taken openly, and subject to provisions of the Maine Freedom of Access Act, deliberations of the Board shall be conducted openly, and the records of their actions shall be open to public inspection.

Section 5.6. Quorum. Six (6) Directors shall constitute a quorum for the transaction of business. The act of at least four (4) of the Directors present at a meeting of the Board of Directors at which a quorum is present shall be the act of the Board of Directors.

Section 5.7. Informal Action by Directors. Action of the Directors may be taken in accordance with the provisions of Section 708 of the Maine Nonprofit Corporations Act, Title 13-B M.R.S.A. In amplification of, and not in limitation of the foregoing, action taken by agreement of a majority of Directors shall be deemed action of the Board of Directors if all Directors know of the action taken and no Director makes prompt objection to such action. Objection by a Director shall be effective if written objection to any specific action so taken is filed with the Secretary of this Corporation within thirty (30) days of such specific action.

Section 5.8. Notice. Whenever under the provisions of the statutes, Articles of Incorporation or these Bylaws notice is required to be given to any Director, such notice must be given in writing by personal delivery, by email, mail, or by telephone, addressed to such Director at his or her address as it appears on the records of the Corporation, with postage or other delivery fees prepaid, or at his or her telephone number as it appears on the records of the Corporation. Notice by mail shall be deemed to be given at the time it is deposited in the United States mail.

Section 5.9. Indemnification. This corporation shall in all cases indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director, officer, employee or agent of this corporation, against expenses, including attorney's fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding to the maximum extent permitted by law, including, without limitation, 13-B M.R.S.A. §714 as it may be amended from time to time, and acts additional thereto and supplementary thereof, to which reference is made.

ARTICLE VI
OFFICERS AND AGENTS

Section 6.1. Officers. The officers of the corporation shall be chosen annually at the Annual Meeting of the Board of Directors, and shall be a President, a Treasurer and a Secretary. One individual may serve in more than one such office. The Board of Directors may also appoint one or more Assistant Secretaries and Assistant Treasurers.

Section 6.2. Term. Officers shall be elected for a term of one (1) year to serve until the next Annual Meeting of the Board of Directors or until their successors are duly chosen and qualified. Officers may succeed themselves for any period of years. The initial officers shall be appointed by the Board of Directors at their first meeting following incorporation to serve as such until the first Annual Meeting of the Board of Directors.

Section 6.3. Removal. Any officer of the corporation may be removed by the Board of Directors whenever in their judgment the best interests of the corporation will be served thereby.

Section 6.4. Vacancies. Any vacancy in any office (except the office of Director) may be filled by the Board of Directors.

Section 6.5. President. The President of the Corporation shall be elected from among the members of the Board of Directors, provided however that no ex officio member may be permitted to serve as President.

Section 6.6. Treasurer. The Treasurer shall be the chief financial officer of the corporation and, together with the Assistant Treasurer, shall have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Treasurer shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Treasurer shall be.

Section 6.7. Secretary. The Secretary shall attend all meetings of Corporation and the Board of Directors and keep minutes of all meetings of the Corporation and the Board of Directors in a book or books kept for that purpose. The Secretary shall perform such other duties as may be prescribed by the Board of Directors or the President, under whose supervision the Secretary shall be. The Secretary, and any Assistant Secretaries, shall have authority to affix the corporate seal to any instrument which requires it, and when so affixed, it may be attested by the Secretary or by any Assistant Secretary.

Section 6.8. The Assistant Treasurer and Assistant Secretary. One (1) Assistant Secretary shall be appointed by the Board of Directors. The individual appointed Assistant Secretary shall be the Director of Economic Development Department of the City of Portland and shall be the principal staff person for the Corporation. The Assistant Secretary will have authority to execute documents on behalf of the Corporation should a Board officer not be available to do so. One (1) Assistant Treasurer shall be appointed by the Board of Directors. The individual appointed as the Assistant Treasurer shall be that individual who holds the position of Treasurer for the

City of Portland. The Assistant Treasurer shall, together with the Treasurer, have the responsibility for all corporate funds and securities and shall maintain full and accurate accounts of receipts and disbursements in a book or books kept for that purpose. The Assistant Treasurer shall have such other powers and duties as may be prescribed from time to time by the Board of Directors. Assistant Secretaries and Assistant Treasurers shall not be members of the Board of Directors.

Section 6.9. Other Employees. Other employees of the Corporation may be appointed by the Board of Directors, and if so appointed, shall be supervised by, and shall serve under the direction of the Assistant Secretary.

ARTICLE VII
ADOPTION, AMENDMENT

Section 7.1. Generally. These Bylaws may be amended or repealed or new Bylaws adopted only by the affirmative vote of the Corporator, provided, however, that the Bylaws may not be amended in such a way as to cause the Corporation to lose its status (i) as a corporation which is exempt from federal income taxation as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or (ii) as a corporation to which contributions are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended, or (iii) as a corporation described in Section 170(b)(1)(A)(vi) of the Internal Revenue Code of 1986, as amended.

Section 7.2. Amendments. These Bylaws may be amended solely by the Corporator.

ARTICLE IX
CONFLICT OF INTEREST

Section 8.1. Avoidance of Conflict or the Appearance of such Conflict. Every Director shall endeavor to avoid conflicts of interest or the appearance of such conflicts or impropriety as provided by state statute, by full disclosure at all times and by abstention in the appropriate circumstances.

Section 8.1. Disclosure. Any Director who has a direct interest in any matter to be considered by the Board shall fully disclose that interest to the Board. If a Director is unsure whether a direct interest exists in a particular matter or if the issue is otherwise raised in good faith, the Director shall disclose the pertinent facts to the Board, and the Board shall determine the issue.

Section 8.3. Abstention. When the Director has so disclosed and is deemed to have a direct interest in a matter, the Director shall abstain from voting on the matter and from otherwise participating in the decision-making process on the matter. Notation of the disclosure and abstention of the Director shall be recorded in the minutes.

Section 8.4. Direct Interest. For purposes of this Article, direct interest in a matter shall mean:

A. A substantial financial interest of the Director or of the spouse or dependent child of the Director;

B. A substantial financial interest of any employer, partner, associate, co-shareholder or other co-venturer of the Director;

C. A substantial financial interest of the Director in any entity which has a substantial financial interest in the matter; or

B. Any other substantial interest of the Director which the Director or the Board believes might reasonably impair the Director's ability to act independently.

ATTEST:

Gregory A. Mitchell

Gregory A. Mitchell
Assistant Secretary

DATE: October 28, 2011

Order 184-15/16
Tab 2 3-21-16

CITY OF PORTLAND
IN THE CITY COUNCIL

ORDER AMENDING THE PORTLAND ECONOMIC DEVELOPMENT PLAN IMPLEMENTATION PROGRAM (PEDPIP) GUIDELINES

ORDERED, that the Portland City Council, acting in its capacity as sole Corporator of the Portland Development Corporation, hereby amends the guidelines for the Portland Economic Development Implementation Program (PEDPIP) in the substantially the form attached hereto.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Greg Mitchell, Economic Development Director
Nelle Hanig, Business Programs Manager

DATE: March 2, 2016

SUBJECT: Proposed Modifications to Portland Economic Development Plan Implementation Program (PEDPIP) Guidelines

SPONSOR: Barry Sheff, President of the Portland Development Corporation

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading and Final Action on March 21, 2016

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

PRESENTATION: Barry Sheff/Greg Mitchell – 5 minutes

I. ONE SENTENCE SUMMARY: For City Council approval, the PDC Board of Directors recommends modifications to the PEDPIP guidelines for ease of understanding by the public and enhanced clarity for determining project eligibility.

II. AGENDA DESCRIPTION: The PDC Board is seeking Council approval to modify the PEDPIP Guidelines in order to make them easier to understand overall and improve clarity for determining project eligibility, relative to those seeking PEDPIP grants.

III. BACKGROUND: After administering PEDPIP since late 2011, the PDC Board and staff felt that the Program Guidelines would benefit from some modifications to make them easier to understand and clearer for determining the eligibility of projects seeking program grants. (See attached guidelines with proposed modifications in redlined format.)

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED: The PEDPIP guideline modifications will make the program easier to administer and assist the PDC in awarding grants to those projects that will most effectively further the objectives of Portland's Economic Development Vision and Plan and companion Work Plan.

V. FINANCIAL IMPACT: Approval of the proposed modification to the PEDPIP Guidelines will not have a financial impact.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION: The proposed modifications to the PEDPIP Guidelines are provided in the attached guidelines in redlined format. A brief summary of these modifications follows:

a) The Description Section of the Guidelines is more specific, defining and differentiating between the two documents that are the basis of the Program -- the Portland Economic Development Vision and Plan, and the companion Current Work Plan (updated every two years).

b) In the Eligible Activities Section, there are now three activities listed in order of funding priority, and each is specifically defined. They include: (1) programs/projects listed in the Current Work Plan (highest priority); (2) programs/projects highlighted in the Economic Development Vision and Plan (medium priority); and, (3) projects/programs not noted in either document but determined by the PDC to be related to implementation of the Plan (lowest priority).

c) In the Application and Approval Process Section, the process for reviewing applications has been changed from a rolling process to a defined date that applications will be due each year. That will allow the PDC to view all applications together and award grants to the strongest programs and projects.

VII. RECOMMENDATION: The Portland Development Corporation recommends that the City Council approve the proposed modifications to the Portland Economic Development Plan Implementation Program Guidelines as indicated in the attached redlining of the current program guidelines.

VIII. LIST ATTACHMENTS

Redlined Version of Current PEDPIP Guidelines

Prepared by: Nelle Hanig, Business Programs Manager
Date: March 2, 2016

Portland Economic Development Plan Implementation Program (PEDPIP)
Program Guidelines

Description

The Portland Economic Development Vision and Plan, along with the companion Current Work Plan (updated every 2 years), was development through collaboration among the City, Portland Community Chamber and Creative Portland, as well as stakeholders from a range of industry sectors. To assist with implementation of the Current Work Plan as well as the larger Vision and Plan, the Portland Economic Development Plan Implementation Program (PEDPIP) was development~~This Program provides grant monies to invest in economic development projects and programs that carry out Portland's Economic Development Vision and Plan~~.

PEDPIP provides non-profits and the City with matching grants to assist them with ~~Its purpose is to fund~~ planning studies and other "soft" costs associated with economic development projects and programs in the Current Work Plan and the larger Vision and Plan. ~~that advance the initiatives spelled out in the Plan. The Grant Program~~ PEDPIP does not ~~invest in~~fund "hard" costs for public infrastructure or private development projects. ~~Its focus is on expenditures for economic development projects and programs.~~

Objective~~s~~

To support the growth of Portland's economy through investing in projects and programs which implement the Portland Economic Development Vision and Plan, and the Current Work Plan.

- ~~Facilitate the expansion of industry sectors with high value/high job growth potential;~~
- ~~Support job creation and retention;~~
- ~~Facilitate opportunities for start-ups and expansion of small businesses;~~
- ~~Enhance the City's image as a center for innovation, entrepreneurship and business growth; and~~
- ~~Strengthen the economic health and vitality of commercial districts.~~

Eligible Activities (In order of funding priority)

1. Projects/Programs listed in the Current Work Plan, the companion document to the Portland Economic Development Vision and Plan;
2. Projects/Programs found in the Economic Development Vision and Plan that are in the highlighted boxes, each titled "Work Plan";
3. Projects/Programs not listed in the Current Work Plan or in the highlighted boxes titled "Work Plan" in the Economic Development Vision and Plan, but are determined by the Portland Development Corporation to be related to implementation of the Economic Development Vision and Plan.

- ~~Planning that evaluates economic development opportunities;~~
- ~~Business recruitment activities that focus on targeted industries;~~

- ~~Marketing plans/strategies for the City;~~
- ~~Programs that enhance the climate in downtown business districts and access to them.~~

~~Funding Source~~

- ~~The Portland Development Corporation (PDC) will utilize up to 10% of its Unrestricted Funds to fund PEDPIP grants. This 10% will be set at the beginning of each fiscal year (or July 1) to determine that year's amount to be allotted for PEDPIP grants.~~

Funding Requirements

- Maximum grant request is $15,000;
- Grants must be matched by an equal or greater dollar amount from funding sources other than the Portland Development Corporation.

Eligible Applicants

Not-for-profit organizations and the City of Portland ~~and public entities~~ that are working to implement the City of Portland's Economic Development Vision and Plan, and Current Work Plan. ~~with direct benefit to the City.~~

Source of PEDPIP Funds

The Portland Development Corporation utilizes up to 10% of its Unrestricted Funds for PEDPIP grants. This 10% dollar amount is set at the beginning of each fiscal year (July 1) to determine that year's allocation for PEDPIP grants.

Application and Approval Process

Effective as of July 1, 2016, grant applications are due at 3:00 PM on the last day of September that falls on a weekday. If grant funds remain after awards are made from the September round, then grant applications will again be accepted and are due at 3:00 PM on the last day of March that falls on a weekday. Please check with the City's Economic Development Department to learn whether grant funds will be available for the March round.

Submit applications to the City's Economic Development Department, City Hall, Room 308 or nrh@portlandmaine.gov.

The Portland Development Corporation reviews and approves all qualified grant requests.

Tab 3 3-21-16

ROLL CALL: Mayor Strimling called the meeting to order at 5:00 P.M. (Councilors Mavodones, Duson absent). Councilor Hinck arrived during Proclamation 20. Councilor Thiobdeau arrived after Order 166.

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Ray and seconded by Councilor Brenerman to approve the minutes of February 17, 2016, Special City Council Meeting. Passage 5-0.

PROCLAMATIONS:

Proc 20-15/16 **Proclamation Honoring Laneda Dobson, Information Technology Department, as Employee of the Month for February 2016 – Sponsored by Mayor Ethan Strimling.**

APPOINTMENTS:

Order 166-15/16 **Order Appointing Members to Various Boards and Committees by Katherine L. Jones, City Clerk.**

This order appoints the following individuals to the Various Boards and Committees:

Name	Board and Committee	Expiration
Kristien Nichols	Planning Board	02/28/2017
Lisa Whited	Planning Board	02/28/2019
Maggie Stanley	Planning Board	02/28/2019
Briana Volk	Creative Portland Board	11/30/2019
Joseph Zamboni	Zoning Board of Appeals	12/31/2019
Sam Beal	Police Citizen Review	06/30/2019
Simon Rucker	Land Bank Commission	06/30/2019

Motion was made by Councilor Costa and seconded by Councilor Hinck for passage. Passage 6-0.

CONSENT ITEMS:

Order 167-15/16 **Order Setting Time for Opening of Polls on April 5, 2016, for Special Election Re: Hall School – Sponsored by Katherine L. Jones, City Clerk.**

Order 168-15/16 **Order Declaring June 11, 2016 through June 18, 2016 Portland Pride! Week and Portland Pride! Celebration and Festival – Sponsored by Jon P. Jennings, City Manager.**

Order 169-15/16 **Order Declaring the "2016 Greek Heritage Food Festival" June 23 - June 25, 2016 – Sponsored by Jon P. Jennings, City Manager.**

Order 170-15/16 **Order Declaring the Craft Brew Race Festival 2016 – Sponsored by Jon P. Jennings, City Manager**

Order 171-15/16 **Order Declaring Saturday, July 9, 2016, as the Allagash Street Fair Festival – Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Costa and seconded by Councilor Ray for passage. Passage 7-0.

LICENSES:

Order 172-15/16 **Order Granting Municipal Officers' Approval of Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill #2603. Application for a Class IV (Beer) License with Outdoor Dining on Private Property at 195 Kennebec St., Suite 1 – Sponsored by Katherine L. Jones, City Clerk.**

Motion was made by Councilor Suslovic and seconded by Councilor Ray for passage. Passage 7-0.

BUDGET ITEMS:

COMMUNICATIONS:

Com 7-15/16 **Communication Re: Portland Vision and Implementation Plan – Sponsored by the Parks Commission, Diane Davidson, Chair and the Landbank Commission, Tom Jewell, Chair.**

Com 8-15/16 **Communication Re: Voting at the Expo Re: Hall School Referendum - Sponsored by Katherine L. Jones, City Clerk.**

RESOLUTIONS:

ORDERS:

Order 173-15/16 **Order Accepting Easement from Great Diamond Island Homeowners Association – Sponsored by Jon Jennings, City Manager.**

Motion was made by Councilor Costa and seconded by Councilor Brenerman for passage as an emergency. Passage 7-0.

Order 174-15/16 **Order Granting Easements to Central Maine Power Company and Northern New England Telephone Operations, LLC for Portland Technology Park – Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Costa and seconded by Councilor Ray for passage as an emergency. Passage 7-0.

Order 175-15/16 **Order Approving Portland Technology Park Condominium Declaration – Sponsored by Jon P. Jennings, City Manager**

Motion was made by Councilor Costa and seconded by Councilor Brenerman for passage as an emergency. Passage 7-0.

Order 176-15/16 **Order Referring Pesticides Ordinance to the Sustainability and Energy Committee – Sponsored by Councilor Jon Hinck.**

Motion was made by Councilor Suslovic and seconded by Councilor Hinck to refer Order 176 to the Sustainability and Energy committee. Passage 7-0.

Order 177-15/16 **Order Approving the Collective Bargaining Agreement for Local 740, International Association of Firefighters – Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Suslovic and seconded by Councilor Thibodeau to waive the second reading. Passage 7-0.

Motion was made by Councilor Suslovic and seconded by Councilor Hinck for passage as an emergency. Passage 7-0.

Order 178-15/16 **Order Approving Three-Party Agreement between the City of Portland, the Maine Department of Transportation and Portland Area Comprehensive Transportation System Re: Danforth Street – Sponsored by Jon P. Jennings, City Manager**

This is its first reading.

Order 179-15/16 **Order Ratifying, Confirming and Readopting Order 10-15/16 – Sponsored by Jon P. Jennings, City Manager.**

This is its first reading.

AMENDMENTS:
IN COUNCIL REGULAR MEETING MARCH 7, 2016 VOL. 132 PAGE 80

Order 180-15/16 **Amendment to Portland City Code Re: Licenses for Breweries, Wineries and Distilleries - Sponsored by Katherine L. Jones, City Clerk**

This is its first reading.

Order 181-15/16 **Amendment to Portland City Code Chapter 15 Licensing and Permits and Chapter 30 Vehicles for Hire Re: Tour Operator Licensing – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.**

This is its first reading.

UNFINISHED BUSINESS:

Order 165-15/16 **Amendment to Portland City Code Re: Reorganizing Planning and Other Department Divisions into a New Department of Permitting and Inspections – Sponsored by Jon P. Jennings, City Manager. This item was given first reading on February 17, 2016.**

Councilor Thibodeau stated for the record that his firm represents clients that may be affected by the new change. He has no conflict in this offer and would not benefit from the amendment.

Motion was made by Councilor Hinck and seconded by Councilor Ray to amend Order 165 by grandfathering cost of work fees approved on or before March 8, 2016 at $11.00 per $1,000 above $1,000 if the Project/Developer meets or exeeds the standards provided in the City's Green Building code.

Motion was made by Councilor Suslovic to refer Councilor Hincks amendment to the Sustainable and Energy Committee. Motion failed for a lack of a second.

Motion was made by Councilor Hinck and seconded by Councilor Ray to amend Order 165 by grandfathering cost of work fees approved on or before March 8, 2016 at $11.00 per $1,000 above $1,000 if the Project/Developer meets or exeeds the standards provided in the City's Green Building code Motion failed 3-4(Brenerman, Costa, Ray, Suslovic).

Motion was made by Councilor Brenerman and seconded by Councilor Susloivc to amend Order 165 by Changing the Cost of Work Fees from $16.00 per $1,000 to $15.00 per $1,000. Passage 7-0.

Motion was made by Councilor Ray and seconded by Councilor Costa to table Order 165 until after Public Comment. Passage 7-0.

BREAK FOR DINNER:

Motion was made by Councilor Hinck and seconded by Councilor Ray to move into recess. Passage 7-0.

Motion was made by Councilor Costa and seconded by Councilor Ray to come out of recess. Passage 7-0.

7:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Motion was made by Councilor Ray and seconded by Councilor Costa to take Order 165 from the table. Passage 7-0.

Motion was made by Councilor Brenerman and seconded by Councilor Suslovic to amend Order 165 by grandfathering cost of work fees approved on or before March 8, 2016 at $11.00 per $1,000 above $1,000. Motion was superceded by a further motion by Councilor Brenerman and seconded by Councilor Suslovic to refer this amendment to the Planning Board. Passage 5-2 (Hinck, Costa).

Motion was made by Councilor Brenerman and seconded by Councilor Ray for passage as amended and as an emergency. Passage 7-0.

Motion was made by Councilor Brenerman and seconded by Councilor Ray to amend Order 165 by altering affordable housing cost of work discount and what projects are eligible for the discount and referring it to the Planning Board. Passage 7-0.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau to adjourn. Passage 7-0, 7:30 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

ROLL CALL: Mayor Strimling called the meeting to order at 5:00 P.M. (Councilors Duson, Ray absent).

ANNOUNCEMENTS:

Mayor Strimling recused himself from the meeting; he was the former Director of Learning Works and has a conflict of interest.

Mayor Strimling took order 179 out of order.

UNFINISHED BUSINESS:

Order 179-15/16 **Order Ratifying, Confirming and Readopting Order 10-15/16 – Sponsored by Jon P. Jennings, City Manager. This item was given first reading on March 7, 2016.**

Motion was made by Councilor Brenerman and seconded by Councilor Costa for passage as an emergency. Passage 7-0. (Councilors Duson, Ray absent).

CDBG Annual Allocation Committee Presentation
City Manager Presentation

PUBLIC HEARINGS:
ORDERS:

Order 182-15/16 **Order Holding Public Hearings on 2016-2020 Housing and Urban Development Five-Year Consolidated Plan, Fiscal Year 2017 Annual Plan and Appropriations for Community Development Block Grant Program, Home Program, and Emergency Solutions Grant Program – Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Hinck and seconded by Councilor Brenerman. Passage 6-0 (Councilor Duson, Ray absent, Mayor Strimling recused himself.)

RESOLUTIONS:

Resolve 6-15/16 **Resolution Adopting the 2016-2020 Housing and Urban Development Five-Year Consolidated Plan and Fiscal Year 2017 Annual Action Plan Including Appropriations for Community Development Block Grant Program, Home Program, and Emergency Solutions Grant Program and Certifications Pertaining Thereto – Sponsored by Jon Jennings, City Manager.**

First Reading

IN COUNCIL SPECIAL MEETING MARCH 14, 2016 VOL. 132 PAGE 83

Motion was made by Councilor Suslovic and seconded by Councilor Costa to adjourn. Passage 6-0. (Councilors Duson, Ray absent, Mayor Strimling recused), 5:55 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

Proc 21-15/16
Tab 4 3-21-16

PROCLAMATION

HONORING
OFFICER DANIEL ROSE

*****

WHEREAS: Officer Daniel Rose has been a member of the Portland Police Department since August, 1997 and is currently assigned to Island Services on Peaks Island as a patrol officer; and

WHEREAS: Prior to becoming a member of the department, **Officer Rose** was employed by the Fire and Electrical Departments with the City of Portland as a fire alarm technician. Prior to working for the City, **Officer Rose** was a corrections officer for the Cumberland County Sheriff's Office; **Officer Rose** has also been instrumental in assisting with the Muscular Dystrophy Association's Police Lockup annual fundraising event; and

WHEREAS: Since 1997, **Officer Rose** has served as a member of the Department's Special Reaction Team since 2005. He has also been a member of the Crisis Intervention Team since 2004. **Officer Rose** is also an Emergency Medical Technician and is trained in firefighting; and

WHEREAS: Since 1997, **Officer Rose** has received numerous letters of commendation and appreciation from citizens and local organizations. He has also received several unit commendations, commendatory letters and Awards of Merit. In 2012 **Officer Rose** received a Heroism Award.

WHEREAS: During his tenure with the Department, **Officer Rose**, has earned the reputation as a dedicated and highly skilled, Officer, who demonstrates pride in his service to the citizens of Portland and truly embodies the finest qualities of a police professional.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim Daniel Rose as Police Officer of the Month, February 2016.

Signed and sealed this 21st day of March 2016

Ethan K. Strimling, Mayor
City of Portland, Maine

Proc 22-15/16
Tab 5 3-21-16

PROCLAMATION

Honoring

Raeanne Burgess
Employee of the Month

March 2016

WHEREAS: **Raeanne Burgess** 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 1,300; and

WHEREAS: This award is presented in recognition of **Raeanne's** work as a Support Team Worker in the Housekeeping Division. **Raeanne** is an immaculate housekeeper and a strong team player. **Raeanne** goes above and beyond the normal job description; and

WHEREAS: **Raeanne** stays very busy; one hand will be dusting the window sill while the other hand is washing the window. **Raeanne** pays attention to details, folding the ends of the toilet tissue to a point in each resident room like they do in nice hotels; and

WHEREAS: **Raeanne** makes the effort to communicate with all residents, some who are unable to speak English or who have communication deficits. **Raeanne** has learned a few words from them and taught them a few words as well. **Raeanne** is individualized in her interactions with the residents. She makes them feel important when she is with them. **Raeanne** places the residents first but always manages to complete her job duties exceptionally well. **Raeanne** always has a smile regardless of the day, the time, or the situation. **Raeanne** truly is an asset to the Health and Human Services Department and to the City.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Raeanne Burgess** as **City Employee of the Month, March, 2016.**

Signed and Sealed this 21st day of March, 2016

Ethan K. Strimling, Mayor
City of Portland, Maine

Proc 23-15/16
Tab 6 3-21-16

PROCLAMATION

HONORING

PORTLAND HIGH SCHOOL
BOYS BASKETBALL TEAM

****

WHEREAS, Portland High School has a long standing reputation for athletic and academic excellence and is an integral part of our community, and

WHEREAS, The Portland community is proud of Portland High School and its outstanding student athletes, coaches and administrators, and

WHEREAS, The 2016 Portland High School Boys Basketball Team is comprised of the following outstanding athletes: John Williams; Amir Moss; Terion Moss; Joseph Esposito; Griffin Foley; Charles Lyall; Pedro Fonseca; Treyvonnte Ballew; Ethan Hoyt; John Bento; Simon Chadbourne; Benjamin Fisher; Benjamin Griffin; Emmanuel Yugu; Quinn Clarke, and

WHEREAS, On February 27, 2016 the Portland High School Basketball Team defeated South Portland High School to win the Class A State Championship Title under the direction and guidance of their coach, Joseph Russo, and assisted by Joseph Giordano, Carmine Rumo, Colby Emmons, Ryan Lucas (A.T), and

WHEREAS, The City of Portland wishes to recognize the impressive achievements of the 2016 Portland High School Boys Basketball Team.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the City Council do hereby congratulate the Portland High School Boys Basketball Team for winning the 2016 Class AA High School Boys Basketball State Championship.

Signed and sealed this 21st day of March 2016

Ethan K. Strimling, Mayor
City of Portland, Maine

Order 185-15/16
Tab 7 3-21-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (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 WARDENS AND WARD CLERKS

ORDERED, that the following persons are hereby appointed as Wardens and Ward Clerks for the 2016 calendar year:

Warden	*Ward Clerk*	*Precinct*
Denise Shames	Anne Rand	1-1
Carol Morrissette	Frank Sprin	1-2
Fred O'Keefe	Reta Morrill	1-3
MaryAnn O'Malley	Richard Mercier	2-1
Susan Lichtman	Scott Merrill	2-2
Elaine Spring	Cynthia Pebineto	3-1
Dale Kinney	Gail Hannon	3-2
Craig Posey	Constance Regan	4-1
Cynthia Frye-Macomber	Dwight Glidden	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Edmond Szalajaski	5-2

Portland, Maine | Yes. Life's good here.

Office of the City Clerk
Katherine L. Jones, CCM

MEMORANDUM

TO: Mayor Strimling and Members of the Portland City Council

FROM: Katherine L. Jones, City Clerk

DATE: March 10, 2016

RE: Appointment of Wardens and Ward Clerks

I am recommending the following be appointed for the Election year of 2016.

Warden	Ward Clerk	Precinct
Denise Shames	Anne Rand	1-1
Carol Morrissette	Frank Sprin	1-2
Fred O'Keefe	Reta Morrill	1-3
MaryAnn O'Malley	Richard Mercier	2-1
Susan Lichtman	Scott Merrill	2-2
Elaine Spring	Cynthia Pebineto	3-1
Dale Kinney	Gail Hannon	3-2
Craig Posey	Constance Regan	4-1
Cynthia Frye-Macomber	Dwight Glidden	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Edmond Szalajaski	5-2

389 Congress Street / www.portlandmaine.gov / tel. 207-874-8617 / tty. 207-874-8936 / fax 207-874-8612

Office of the City Clerk
Katherine L. Jones, CCM

MEMORANDUM

TO: Mayor Strimling and Members of the Portland City Council
FROM: Katherine L. Jones, City Clerk
DATE: March 10, 2016
RE: Appointments of Election Clerks for 2016 – 2018

21-A MRSA § 503 requires that the municipal officers appoint election clerks representing the parties every two years (even numbered years). This must be done by May 1. When the Wardens choose their workers from now through all elections that occur prior to May 1, 2018, they must exhaust this list before calling people to work who are not on the approved list. While the law requires at least two clerks be appointed for each polling place, we use many more than that. For relatively small elections, we have four or five. For larger elections, six to nine are needed.

I am attaching one list in alphabetical order, representing Democrats, Republicans, Green Independents and Un-enrolled voters. The list represents a combination of those who have worked the polls in the past and those who are brand new. The parties are supposed to nominate election clerks by April 1. Except for the Un-enrolled voters most of the names on the attached lists were nominated by the parties, and I have added to those lists the names of people who applied after that process.

In the most recent Legislative Session, the law was amended to allow us to hire election clerks residing outside the community, but with the county. This is especially important in Portland, where it is difficult to find enough Republicans to meet the balance of party workers required by Statue. Every effort will be made to hire from within the City Limits, but when necessary, those living outside of Portland will be asked to work.

Order 186-15/16
Tab 8 3-21-16

CITY OF PORTLAND
IN THE CITY COUNCIL

ORDER APPOINTING ELECTION CLERKS

ORDERED, that the persons on the attached list are hereby appointed as Election Clerks for terms beginning on May 1, 2016 and expiring April 30, 2018.

Portland, Maine Yes. Life's good here.

Office of the City Clerk
Katherine L. Jones, CCM

MEMORANDUM

TO:	Mayor Strimling and Members of the Portland City Council
FROM:	Katherine L. Jones, City Clerk
DATE:	March 10, 2016
RE:	Appointments of Election Clerks for 2016 – 2018

21-A MRSA § 503 requires that the municipal officers appoint election clerks

representing the parties every two years (even numbered years). This must be done by May 1. When the Wardens choose their workers from now through all elections that occur prior to May 1, 2018, they must exhaust this list before calling people to work who are not on the approved list. While the law requires at least two clerks be appointed for each polling place, we use many more than that. For relatively small elections, we have four or five. For larger elections, six to nine are needed.

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In the most recent Legislative Session, the law was amended to allow us to hire election clerks residing outside the community, but with the county. This is especially important in Portland, where it is difficult to find enough Republicans to meet the balance of party workers required by Statue. Every effort will be made to hire from within the City Limits, but when necessary, those living outside of Portland will be asked to work.

389 Congress Street / www.portlandmaine.gov / tel. 207-874-8617 / tty. 207-874-8936 / fax 207-874-8612

Laura	Abbott	16 Catherine St.	Portland	ME	4102	D
Helen	Albert	32 Stuart St.	Portland	ME	4103	D
Donna	Amabile	27 Arbor Street #2	Portland	ME	4103	R
Lisa	Amabile	50 Perry Ct.	Westbrook	ME	4092	R
Brenda	Anderson	223 Brackett St.	Portland	ME	4102	R
Helen	Anderson	180 Delaware St.	Portland	ME	4103	D
Isabel	Anderson	124 Pleasant St., Apt. D	Portland	ME	4101	D
Jennifer	Angelone	20 Hillside Road	Portland	ME	4103	D
Jean	Aron	38 Montrose Ave	Portland	ME	4103	D
Harlan	Baker	44 Mitton Street	Portland	ME	4102	D
Patrick	Banks	19 Melbourne Street #2	Portland	ME	4101	D
Jill	Barkley	198 High Street #8	Portland	ME	4101	D
Therese	Barrieau	19 Maplewood Avenue	Windham	ME	4062	R
Julie	Benavides	214 Elm Street	Yarmouth	ME	4096	D
Amy	Beote	1 Red Oak Drive Apt. 2D	South Portland	ME	4106	U
Susan	Berkman	226 Stevens Ave #3	Portland	ME	4102	D
Susan	Berkman	226 Stevens Ave #3	Portland	ME	4101	D
Ilene	Berman	55 Birchwood Dr.	Portland	ME	4102	D
Nanette	Blake	30 Murray Street	Portland	ME	4103	D
Doris	Boisvert	11 Alba Street	Portland	ME	4103	D
Cameron/Roland	Borton	96 Saint Lawrence St	Portland	ME	4101	D
Joan	Borton	96 Saint Lawrence St	Portland	ME	4101	D
Helen	Brogan	151 Allen Ave. #201	Portland	ME	4103	R
Sandra	Brooks	51 Woodlawn Ave	Portland	ME	4103	R
Christopher	Brown	19 Bayview Terrace	Portland	ME	4103	D
Rose	Carter	13 Montrose Avenue	Portland	ME	4103	R
Corinne	Cartwright	608 Allen Avenue	Portland	ME	4103	R
Pauline	Castle	308 Seashore Avenue	Portland	ME	4108	R
Paul	Castle	308 Seashore Avenue	Peaks Island	ME	4108	R
Nancy	Chalmers	1390 Forest Avenue #3L	Portland	ME	4102	D
Nora	Charles	28 Summer Street #2	Portland	ME	4102	D
Jane	Chesebro	1353 Westbrok Street	Portland	ME	4102	R
Robert	Chesebro	1353 Westbrok Street	Portland	ME	4102	R

Dylan	Chestnutt	87 Emery Street Apt. 3	Portland	ME	4102	U
Jennifer	Christian	87 Emery Street Apt. 3	Portland	ME	4102	D
Diane	Clark	203 Island Avenue	Portland	ME	4108	R
Robin	Clark	2 Welch Street/ P.O.Box 69	Portland	ME	4108	R
Laurine	Coggings	356 Ray St	Portland	ME	4103	D
Lynn	Colby	46 Clayton Street	Portland	ME	4103	R
Jack	Cole	7 Pine Ledge Terrace	Portland	ME	4103	D
Darren	Commerford	66 Everett Avenue	South Portland	ME	4106	D
Marie	Connolly	10 Chickadee Lane	Raymond	ME	4071	R
Anne	Conroy	84 Torrey Street	Portland	ME	4103	D
Joan	Coyne	36 Salem Street	Portland	ME	4102	D
John/Harold	Crabill	240 Pleasant Avenue	Portland	ME	4103	D
Nancy	Crosby	32 Parson Road	Portland	ME	4103	R
Patricia	Croston	51 Moses Little Drive	Windham	ME	4062	D
Ruth	Curley	6 Pineloch Drive	Portland	ME	4103	R
William	Curley	6 Pineloch Drive	Portland	ME	4103	R
Louis	Cyr	20 Hall Street	Portland	ME	4103	D
Beverly	Dacey	147 Christy Road	Portland	ME	4103	U
Robert	Dacey	147 Christy Road	Portland	ME	4103	R
Beverly	Dacey	345 Saco Street	Westbrook	ME	4092	U
Robert	Dacey	345 Saco Street	Westbrook	ME	4092	R
Claire	Dahl	13 Sunset Road	Peaks Island	ME	4108	D
Caroline	Delay	11 Heather Road	Portland	ME	4103	D
Samantha	Depoy-Warren	70 Kent Street	Portland	ME	4102	R
Rhonda	Desrochers	358 Main Street	Gorham	ME	4038	R
Marcia	Dexter	203 Boradway	Portland	ME	4103	R
Timothy	DiPaolo	15 Halet Street	Portland	ME	4102	D
Geraldine	Dongo	90 Chesley Avenue	Portland	ME	4103	D
Josephine	Dulac	173 Summit Street	Portland	ME	4103	D
Gayle	Duncan	7 Deerfield Road	Portland	ME	4101	U
Mary	Dunn	117-5 Sheridan Street	Portland	ME	4101	D
Shirley	Edwards	16 Ocean Street/P.O. Box 55	Peaks Island	ME	4108	D
Tom	Elliman	36 Saine Lawrence Street	Portland	ME	4101	R

Porter	Erkkinen	78 Seal Lane	Yarmouth	ME	4096	R
Sally	Esposito	60 Curtis Road	Portland	ME	4103	D
Judith	Estes	29 Massachusetts Ave	Portland	ME	4102	G
Janet	Farr	63 Lori Lane	Westbrook	ME	4092	G
Marcia	Farr	323 Capisic Street	Portland	ME	4102	R
Joseph	Fazio	65 Quebec Street	Portland	ME	4101	U
Katherine	Fecteau	17 Wolcott Street	Portland	ME	4102	U
David	Fernald	45 Eastern Promenade, 5K	Portland	ME	4101	R
Mary	Fernald	45 Eastern Promenade, 5K	Portland	ME	4101	R
Susan	Ferrante	9 Winthrop Street	Portland	ME	4101	D
Vondelle	Fieldsend	17 Adams Street/P.O.Box 5	Peaks Island	ME	4108	U
Abraham	Fineberg	44 Woodfield Road	Portland	ME	4102	D
Matthew	Fitgerald	409 Palmer Avenue	Portland	ME	4103	U
Halsey	Frank	100 Partridge Circle	Portland	ME	4102	R
Karen	Friedman	26 Sunset Road	Peaks Island	ME	4108	D
Cynthia	Frye-Macomber	10 Knight Street	Portland	ME	4103	D
Susan	Garfield	125 Stroudwater Road	Portland	ME	4102	D
William	Getz	123 Mabel Street	Portland	ME	4103	D
Amelia	Giles	76 Monument Street	Portland	ME	4101	D
Alexa	Gilmore	83 St. Lawerence St	Portland	ME	4101	D
Gabrielle	Girard	P.O. Box 21	Peaks Island	ME	4108	R
Jane	Glass	125 Sheridan St	Portland	ME	4101	D
Joel	Glass	P.O. Box 1001	Portland	ME	4104	U
Dwight	Glidden	99 Euclid Avenue	Portland	ME	4103	R
Lynne	Goodwin	139 Ocean Avenue	Portland	ME	4103	R
Pauline	Goss	7 Bramhall Terrace	Portland	ME	403	R
William	Gowen	468 Allen Avenue	Portland	ME	4103	R
Rosanne	Graef	30 A Salem Street	Portland	ME	4102	U
Robin	Graffam	18 Roundabout Drive	Portland	ME	4074	D
Priscilla	Grant	moved to Cape Elizabeth Call	email if we need her			
Julia	Haigh	53 Danforth Street #3	Portland	ME	4101	U
Connie	Haley	140 Eastern Promenade	Portland	ME	4101	R
William	Harper	243 Valley Street Apt. 1	Portland	ME	4101	G

Johannah	Hart O'brien	149 Concord Street	Portland	ME	4103	D
Kim	Hartley	594 Washington Avenue	Portland	ME	4103	D
Barbara	Harvey	617 Forest Ave. Apt. 2	Portland	ME	4101	R
Joan	Healy	68 Newton Street	Portland	ME	4103	D
Cheryl	Higgins	320 Seashore Ave	Peaks Island	ME	4108	U
Alan	Hirsch	23 Delaware Court	Portland	ME	4103	D
Geraldine	Hirsch	23 Delaware Court	Portland	ME	4103	D
Joseph	Hochadel	16 Farmhouse Lane	Portland	ME	4103	D
Helen	Hoglund	80 Pinecrest Road	Portland	ME	4102	R
Leslie	Holmes	128 Massachusetts Ave.	Portland	ME	4102	R
Barbara	Hoppin	199 Seasshore Avenue	Peaks Island	ME	4108	D
Christopher	Hoppin	196 Seashore Avenue	Peaks Island	ME	4108	R
Barbara	Hoppin	196 Seashore Avenue	Peaks Island	ME	4108	D
Leila	Hunter	151 North Street Apt. 206	Portland	ME	4101	D
Margaret	Innes	30 William Street	Westbrook	ME	4092	D
Marianne	Jaffe	89 Central Avenue Apt #11	Peaks Island	ME	4108	R
Betty	Johnson	22 Brewer Street	Portland	ME	4102	R
Donna	Jones	94 Park Avenue #3	Portland	ME	4101	D
Wealthyanne	Jordan	11 Haystack Circle	Scarborough	ME	4074	D
James	Kachmar	83 A Oak Street	Portland	ME	4101	R
James	Kachmor	7 Preble Street Unit 2	Portland	ME	4106	R
Michael	Karatsanos	335 Forest Avenue #412	Portland	ME	4101	R
Bobbette	Karp	296 Flaggy Meadow Rd	Gorham	ME	4038	R
Donna	Katsiaficas	61 Deepwood Drive	Portland	ME	4103	R
James	Katsiaficas	61 Deepwood Drive	Portland	ME	4103	R
Russell	Kenney	61 Abby Lane	Portland	ME	4103	R
Barbara	Keppel	P.O.Box 10901	Portland	ME	4104	D
Martha	King	82 westminster Avenue	Portland	ME	4103	D
Phillip	King	15 Arlington Road	South Portland	ME	4106	U
Joy	Knight	79 Harriet Street	South Portland	ME	4106	D
Jean	Koster	10 Hillis Street	Portland	ME	4103	U
Joan	Kushner	34 Bayberry Way	South Portland	ME	4106	D
David	Lamarre-Vincent	242 Island Avenue	Portland	ME	4108	R

MaryJane	Lambert	10 Greenwood Lane	Portland	ME	14103	D	
Marc	Lamontagne	922 Baxter Blvd	Portland	ME	4103	R	
Suelle	Large	147 Vaughan Street	Portland	ME	4102	D	
First Name	Last Name	Address	City	State	Zip	Party	Hours
Ingrid	Levasseur	12 Colley Brook Drive	Windham	ME	4062	R	
Marina	Lewis	38 Hillview Road	Gorham	ME	4038	R	
Estelle	L'Heureux	11 Bancroft Court	Portland	ME	4102	D	
Estelle	L'Heureux	11 Bancroft Court	Portland	ME	4102	D	
Patricia	Littlefield	33 Hawthorne Road	Portland	ME	4103	D	
John	Lufkin	75 Four Winds Road	Portland	ME	4102	U	
Stephanie	Lull	93 Pitt Street	Portland	ME	4103	D	
Sarah	Lunt	1363 Congress Street #1	Portland	ME	4102	D	
Sarah	Lunt	60 Cornell Street	South Portland	ME	4106	D	
Phyllis	MacIsaac	268 Pleasant Avenue	Peaks Island	ME	4108	U	
Kimberly	MacIsaac	140 Reed Avenue	Peaks Island	ME	4108	U	
Joan	Macisso	27 Wilson Street	Portland	ME	4101	D	
Ellen	Mahoney	30 Cental Avenue	Peaks Island	ME	4108	D	
Suzanne	Mailman	80 Highland Street	Portland	ME	4103	R	
Elaine	Makos	40 Whaleback Road	Peak Island	ME	4108	G	
Sandra	Manter	103 Highalnd Street, Apt. B	Portland	ME	4103	D	
Elaine	Markos	40 Whaleback Road	Peaks Island	ME	4108	U	
Lisa	Markushewski	4 Avon Road	Falmouth	ME	4105	D	
Lisa	Markushewski	4 Avon Road	Falmouth	ME	4105	D	
Katherine	McCarty	164 Congress Street	Portland	ME	4101	D	
Susan	McCloskey	25 Parris Street	Portland	ME	4101	D	
John	McKenney	1912 Washington Ave.	Portland	ME	4103	U	
Jean	McManamy	10 Willis Street	Portland	ME	4101	D	
Elise	Mercier	54 Bartlett Street	Portland	ME	4101	D	
Richard	Mercier	54 Bartlett Street	Portland	ME	4103	D	
Carole	Miller	90 Parsons Road	Portland	ME	4103	D	
Elizabeth	Miller	46 Waterville Street #	Portland	ME	4101	D	
Shirley	Mitton	21 School Street, Apt. 101	Portland	ME	4102	R	
Jazmin	Mobley	P.O. Box 8703	Portland	ME	4104	U	

Katherine	Monsivais	37 Tamarlane	Portland	ME	4103	D
Elise	Moody-roberts	12 Kellogg Street	Portland	ME	4102	D
Elizabeth	Mooradian	105 Stonecrest Drive	Portland	ME	4103	R
William	Mooradian	105 Stonecrest Drive	Portland	ME	4103	D
Sylvia-Anne	Moore	10 Congress Square	Portland	ME	4103	R
MaryAnn	Morin	46 Eastfield Road	Portland	ME	4102	D
Gerald	Morin	46 Eastfield Road	Portland	ME	4102	D
Linda	Mulkern	67 Madeline Street	Portland	ME	4103	D
Antoinette	Muro	33 Great Pond Road	Portland	ME	4108	D
Garison	Murrell	239 Woodford Street	Portland	ME	4103	R
Patsy	Muzzy	A-1 Clarimont Court	Portland	ME	4103	D
Janine	Myers	157 Falmouth Street	Portland	ME	4102	D
Pris	Nelson	17 Deering Street	Portland	ME	4101	D
James	Nicholas	26 Huntington Ave	Portland	ME	4103	R
Zachary	Paakkonen	33 Summer Street #3	Portland	ME	4102	U
Justin	Palmer	26 Sterling Street	Peaks Island	ME	4108	U
Nancy	Parker	139 Brackett Street	Portland	ME	4102	D
Cynthia	Pebenito	86 Taft Avenue	Portland	ME	4102	R
Drusilla	Pedro	46 Mackworth Street	Portland	ME	4103	R
Carol	Perham	38 Summit Street	POrtland	ME	4101	D
Lawrence	Perkins	66 Devon Street	Portland	ME	4102	R
Patricia	Perrier	2 Forest Park Apt. 1	Portland	ME	4101	D
Barbara	Perry	7 Ryefield Street	Peaks Island	ME	4108	D
John	Piteau	123 Saugus Street	Portland	ME	4103	G
Ron	Porter	49 Pembroke Street #4	Portland	ME	4103	R
Marjorie	Powers	17 Torrington Point	Peaks Island	ME	4108	U
Salvatore	Raia	101 Dennett Street	Portland	ME	4102	R
Edna	Ramos	24 Mellen Street	Portland	ME	4101	U
Anne	Rand	61Melbourne Street	Portland	ME	4101	D
Theresa	Randall	29 Carter Street	South Portland	ME	4106	R
Constance	Reagan	24 Sawyer Street	Portland	ME	4103	G
Patricia	Reef	55 Foreside Common				D
Kim	Rich	65 Copley Woods Circle	Portland	ME	4103	D

Penny	Rich	27 Cushman Street	Portland	ME	4102	D
Robert	Richards	88 Woodfield Road	Portland	ME		D
Richard	Robichaud	19 State Street	Westbrook	ME	4092	G
Dorothy	Rodney	46 Walnut Street	Portland	ME	4101	D
Melissa	Ross	11 Fuller Street	Portland	ME	4103	D
Dorothy	Rozelle	9 Wayside Road	Portland	ME	4102	D
Carolyn	Rumery	1172 Sawyer road	Cape Elizabeth	ME	4107	R
Kathleen	Rummler	115 Crestview Drive	Portland	ME	4103	R
Patricia	Russo	94 Primrose Lane	Portland	ME	4103	R
Miniimoh	Salaam	203 Oxford Street	Portland	ME	4101	D
Eileen	Sanborn	34 Fairmount Street	Portland	ME	4103	D
Jeffrey	Sargent	73 Summit Street	South Portland	ME	4106	U
Gregory	Savage	100 State Street Apt. 417	Portland	ME	4101	D
Jon-Robert	Schatz	41 Park Street #3	Portland	ME	4101	R
Jesse	Senore	367 Summit Street	Portland	ME	4103	R
Jesse	Senore	67 Brydon Way	Westbrook	ME	4092	R
Julia	Sheridan	40 Hollis Road	Portland	ME	4103	U
Paul	Sherwood	40 Providence Ave	Falmouth	ME	4105	R
Joan	Smith	45 Whaleback Road	Peaks Island	ME	4108	R
Rudolph	Somma	126 Rockalnd Avenue	Portland	ME	4102	R
Christine	Spinella	377 Cumberland Ave	Portland	ME	4101	U
Gladyce	Stais	290 Baxter Blvd. #E1	Portland	ME	4101	D
Gwenddlyn	Stanley	70 Roberts Street	Portland	ME	4102	D
Brian	Stephens	160 Highland Avenue	Scarborough	ME	4074	D
Kathleen	Stevens	260 Vaughan Street	Portland	ME	4102	D
Holly	Stickney	10 Angell Ave	South Portland	ME	4103	D
Helaine	Stone	615 Washington Avenue	Portland	ME	4103	D
Patricia	Stultz	5 Panoramic View Dr.	Portland	ME	4103	R
Peter	Stultz	5 Panoramic View Dr.	Portland	ME	4103	R
Deborah	Swan	11 Fairview Street	Portland	ME	4101	D
Pamela	Szalajeski	1902 Washington Ave	Portland	ME	4101	R
Anita	Talbot	132 Glenwood Avenue	Portland	ME	4103	D
Anita	Talbot	132 Glenwood Avenue	Portland	ME	4101	D

Jodi	Theriault	22 Hawthorne Street	Portland	ME	4102	D
Marion	Toppi	47 Pembroke Street	Portland	ME	4103	R
Terri	Towle	49 New Portland RD	Gorham	ME	4038	D
James	Trott	166 Murray Street	Portland	ME	4101	D
Deborah	Trudeau	63 Pine Street	South Portland	ME	4106	D
Robyn	Tucker	10 Alder Street #1	Portland	ME	4101	U
Corey	Turner	244 Forest Stret	Portland	ME	4106	D
Tom	Valleau	65 Rockalnd Avenue	Portland	ME	4102	D
Pat	Valleau	65 Rockalnd Avenue	Portland	ME	4102	D
Caitlin	Vaughan	38 Turner Street	POrtland	ME	4101	U
Mary	Vessey	193 Lambert Street	Portland	ME	4101	D
Donna	Walker	116 Christy Road	Portland	ME	4103	R
Kyle	Warren	70 Kent Street	Portland	ME	4102	R
Patricia	Washburn	11 Cushman Street	Portland	ME	4102	D
Beverly	Waterman	67 DiBiase Street	Portland	ME	4103	R
Barbara	Webster-Queery	11 Heather Road	Portland	ME	4103	D
Eileen	Whynot	26 Elkins Road	Gorham	ME	4038	D
Amelia	Wise	16 Heather Road	Portland	ME	4103	R
Richard	Wise	16 Heather Road	Portland	ME	4103	D
Robert	Witkowski	216 Srping Street	Portland	ME	4102	R
Phillip	Wysowski	123 Pennell Avenue	Portland	ME	4103	R
Edith	Yonan	18 Northwood Drive	Portland	ME	4103	D
Kathleen	York	105 Deake Street	South Portland	ME	4106	R

Order 187-15/16
Tab 9 3-21-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (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 SETTING TIME FOR OPENING OF POLLS ON MAY 10, 2016 FOR SPECIAL MUNICIPAL ELECTION RE: SCHOOL BUDGET REFERENDUM

ORDERED, that pursuant to 21-A M.R.S. Sec. 626, the polls shall open at 7:00 a.m. and close at 8:00 p.m. on Tuesday, May 10, 2016.

Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Strimling and Members of the Portland City Council

FROM: Katherine L. Jones, City Clerk

DATE: March 10, 2016

RE: Setting the time for opening the polls on May 10, 2016 for Special Municipal Election.

Pursuant to 21-A M.R.S.A. §626, the hour of poll opening must be set by the municipal officers. This is done for every election; the polls open at 7:00 A.M. and close at 8:00 P.M.

Notices are then posted in each district and at City Hall.

Order 188-15/16
Tab 10 3-21-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (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 DECLARING JUNE 10 AND 11, 2016 AS THE ATLANTIC CUP FESTIVAL

ORDERED, that Friday and Saturday, June 10 and 11, 2016 are hereby declared to be the Atlantic Cup Festival, sponsored by Manuka Sports Event Management LLC; and

BE IT FURTHER ORDERED, that the Atlantic Cup Festival area shall be all of Fort Allen Park, including the circular drive and parking areas of the Eastern Prom Roadway and areas to the left and right of Fort Allen Park; and

BE IT FURTHER ORDERED, that the Fort Allen Roadway shall be closed to traffic from 10:00 a.m. to 4:00 p.m. on June 10 and 11, 2016; and

BE IT FURTHER ORDERED, that vehicles in violation of the "no parking" signs in the Festival Area (interior roadways) shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the Atlantic Cup Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Manuka Sports Event Management LLC under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Manuka Sports Event Management LLC shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of $400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Manuka Sports Event Management LLC shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;

2. No alcoholic beverages may be sold on the streets or public property during the Festival within the Festival area, except in an enclosed Beer and Wine Garden for people 21-years-old and older, at which identification will be checked

by Public Assembly Facilities Management Staff and at which all license requirements shall be met;

3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from the Public Works Event Office shall be adhered to;

4. Manuka Sports Event Management LLC shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Atlantic Cup Festival;

5. Any public announcement system or other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured to focus volume on the festival area, limiting sound from affecting residential areas;

6. In addition, the City Clerk's Office shall charge any and all fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Manuka Sports Event Management LLC has agreed shall participate; and

7. Manuka Sports Event Management LLC co-promoters Julianna Barbieri and Hugh Piggin shall reimburse the City for all expenses incurred by City department for the Atlantic Cup Festival; and

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

Gregory A. Mitchell
Director, Economic Development Department

TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: March 2, 2016
RE: **Council Agenda Item – Atlantic Cup Festival**

I am requesting that the following order be placed on the next City Council agenda:

Order declaring Friday & Saturday, June 10 & 11, 2016, as the **Atlantic Cup Festival, to be held at Fort Allen Park.**

The festival area will include: all of Fort Allen Park, including the circular drive and the parking areas on the Eastern Prom Roadway, directly in front of, and to the left and right of, Fort Allen Park.

The Atlantic Cup is the only race of its kind in the United States. Teams of just two race in 40 foot race boats up the eastern seaboard, pushing both themselves and their boats to the limit. The Atlantic Cup is the only U.S. race to be carbon neutral 3 years in a row. At the race festival (Fort Allen Park), guests will find info. on the races, sponsor activities, music and a beer garden. There is no admission charge to the festival.

The sailing race will start at about 10am each day on the water and end around 4pm. The start and finish line in Casco Bay is just off the Eastern Prom, so Fort Allen Park is a great place to watch the race. Organizers are in contact with the US Coast Guard, Portland Harbormaster, Casco Bay lines and Lionel Plante Association (Barges) among other Maritime groups.

Please see the attached course map. The Festival in the park will run 10am – 4pm each day.

The Festival Area at the park, (and Fort Allen roadway itself), will be closed off to traffic and overseen/administered by Public Assembly Facilities Management Staff.

Any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level; and be configured by Manuka Sports Event Management, LLC, it's contractor, and the City to focus volume within the festival area and its immediate environment, limiting any sound impacts in residential areas.

Beer would be available (at a beer garden) in a restricted area within Park grounds, to which access would be limited to those twenty one (21) and over. All IDs will be checked by Public Assembly Facilities Management Staff. The event will also include merchandise and food vendors. All vendors will require the appropriate permits and licenses.

(continued)

Friends of the Eastern Promenade will be the beneficiary for this event. The mission of Friends of the Eastern Promenade in Portland, Maine (www.easternpromenade.org) is a nonprofit community organization committed to preserving the Park's significant historic public landscape, protecting its environmental integrity, and enhancing recreational use.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Manuka Sports Event Management Group for the use of the above-described area for said events, subject to the following conditions:

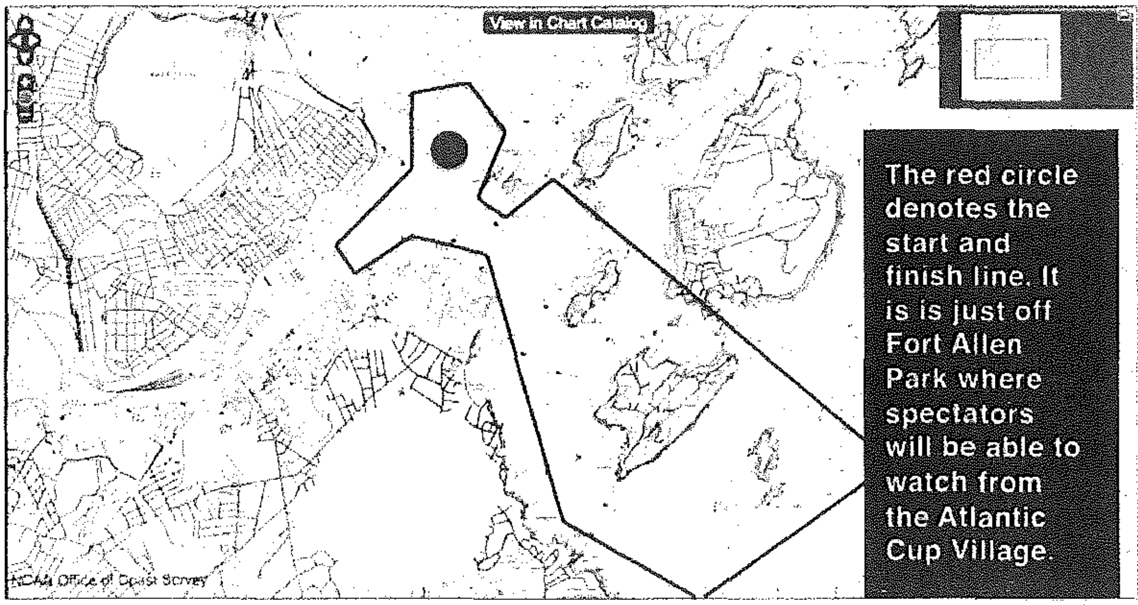
- The Manuka Sports Event Management **Co-Promoters, Julianna Barbieri and Hugh Piggin,** shall reimburse the City for all expenses incurred by City Departments for said **2016 Festival;**
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival, other than an area in the park approved by Portland City Council;
- The Manuka Sports Event Management Staff shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the events;
- Conditions for use of grounds, specified in a permit issued from Public Works Event Office, shall be adhered to; and
- The Manuka Sports Event Management shall indemnify the City and hold it harmless from and against all claims arising out of activities during said Festival, and shall take out and maintain public liability insurance coverage in the amount of at least **$400,000 per occurrence** for personal or bodily injury, death or property damage, and alcohol liability coverage, for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the **"Atlantic Cup 2016"** activities.

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

Document prepared by Ted Musgrave, PW Event Coordinator

Date: March 2, 2016

INSHORE COURSE AREA



CITY OF PORTLAND, DEPARTMENT OF PUBLIC WORKS
PUBLIC PARK & SPACE APPLICATION (3 pages)
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 / 8751 (Event Office) ~ Fax 207-874-8816
tym@portlandmaine.gov

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

TODAY'S DATE	July 10, 2015 Revised 1-26-16	**ORGANIZATION NAME**	Manuka Sports Event Management						
ORGANIZATION ADDRESS	23 Johnnycake Hill			**CITY**	Middletown	**STATE**	RI	ZIP	02842
CONTACT NAME(S)	**Julianna Barbieri Hugh Piggin**	**TITLE Organizers**	**Jake O'Donal, EC**						
HOME #	**WORK 401-619-4840**	**CELL**		**FAX**					
EMAIL	julianna@manukasem.com	**EMAIL**	hugh@manukasem.com						

PARK AREA OR PUBLIC SPACE REQUESTED	Fort Allen Park				
EVENT DAY & DATE(S)	FRI 6-10-16 SAT 6-11-16	**RAIN DAY & DATE(S)**	N/A		
EVENT START TIME (i.e. set-up start time)	5am (6/10)	**EVENT END TIME** (i.e. when event cleanup is complete)	8pm (6/11)	**ACTUAL START & END TIME OF EVENT**	10am-4pm (6/10 & 6/11)

EVENT NAME	**EXPECTED ATTENDANCE**
The Atlantic Cup	1000 per day

DESCRIPTION OF EVENT:

Class 40 professional sailing race out in Casco Bay. spectator area and race village at Fort Allen Park.
Atlantic Cup Races....... Fri June 10 + Sat June 11
Organizer will contact Casco Bay Lines and Barge Companies (as those routes are on the race course).
Harbor Master and Coast Guard to be involved/notified by organizers.

Small Festival at Fort Allen Park (with Beer Garden)... running 10am - 4pm each day.
setup would possibly begin on Thurs afternoon... if not, then 5am Fri morning. Breakdown lasting until 8pm SAT
festival is free admission; there is a cost for food, refreshments, t-shirts, etc. some music at Gazebo Food Trucks / Booths on site
possibly Large Tent set up..... a few canopies.
FAP would need to have lots of parking spaces reserved..... and most likely PARK shut down to vehicle traffic during the event time

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	**NO**

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? *Garages / parking lots*

PLEASE CHECK OFF AND ANSWER:

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

		X-YES	**X-NO**	**X-NOT SURE**
*	Are you setting up a **canopy**(s) ? How many: **Not sure yet.**	**X**		
*	Do you wish to set up a **tent(s)**? (a canopy or tent larger than 10x10 needs to be approved by Public Works and a Tent Permit issued from Inspections Division; please call Inspections – 874-8693 - for information on their application process / PLEASE give them at least a 2-week notice). Public Works will contact Inspections once the tent location is approved so that the Tent Permit Application may go forward. State size(s): Exact Location(s) of Tent Placement Requested: In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.			X POSSIBLY - WILL DEPEND ON SPONSOR NEEDS

*	Will you be setting up **tables and/or chairs** ? How many tables: chairs:	X		
*	Are other items or equipment being placed on City property ? Please List:	X		
*	Will there be **refreshments** at the event? Do you wish to **sell food? WILL WORK WITH FOOD VENDORS FOR THIS**. List food and drink: A Temporary Food Service License (from the City Clerk's Office) is needed, even if food is given away (and even if it is pre-packaged). PLEASE give the Clerk's Office at least a 2-week notice (874-8557).	X		
*	Do you wish to sell **non-food items ?** If so, you will need approval from Public Works, and you will need to apply for a Street Goods Vendor License(s) at the City Clerk's Office (874-8557). List items you wish to sell: **AT CUP APPAREL**	X		
*	Are you setting up a **PA (sound) system ?** Are you planning on having **Amplified Music ? Yes Band ? Yes DJ ? No** If so, your event requires a concert license from the City Clerk's Office (874-8557). **BAND IN CONJUNCTION W/ OLD PORT FEST, WILL HAVE MORE DETAILS LATER.**	X		
*	Will your event require **electricity**? Electricity is available	X		
*	Are you planning on bringing a **Grill for a Barbecue**?		X	
*	Will the event require **reserved parking spaces / parking meters**? How many? **Enough for Event Staff...** "No Parking" signs may be purchased at PW Event Office, 55 Portland Street.	X		
*	Will your event need **safety vests, signs, barricades and/or cones**? Please list what you would like to borrow: A few orange vests and cones may usually be borrowed from Public Works, Event Office. Barricades and signs are borrowed from Public Works, Customer Service.			X
*	Will your event require **street closures**? **PARK ROAD**	X		
*	Will your event require **Police** assistance?			X
*	Will your event require **Fire/EMS** assistance? (For a large walk/race, it is recommended.)		X	
*	Will your event require **porta-restroom** rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a $25 fee is assessed for events where attendance is 150 or more.)	X		
*	Do you wish to have a **banner over the street** to advertise your event ? (Banners hung over Congress St. or Baxter Blvd). Banner inquiries directed to Public Works: 874-8751.	X		

	INSURANCE CERTIFICATE INFORMATION			
*	Will your event require liability Insurance? (For an event such as a walkathon, race, festival, press conference, concert, etc., the city requires insurance coverage - General Liability. The City of Portland needs to be named as additional insured and the policy endorsed in regards to the event activities on that date). If your event has been approved for serving food, Product Liability is also required, in addition to General Liability.	X		

- If you answered yes, please have "City of Portland, Maine" listed as an additional insured on the certificate, in this way: certificate must say either: A) "the policy actually is endorsed to name the City of Portland as an Additional Insured" and a copy of the endorsement must come to the City of Portland with the certificate, or B) "the policy already includes an endorsement, such as the General Liability Expansion Endorsement, by which the City of Portland is, in fact, automatically made an additional insured." A Certificate which merely has a box checked under 'Addl Insr," or which merely states The City of Portland is named as an Additional Insured, will not be acceptable. The amount of coverage must be shown on the certificate, and the minimum coverage amount is $400,000. Please have your insurance company email a copy to Public Works: tvm@portlandmaine.gov.

PUBLIC WORKS POLICIES

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Some of Portland's parks already have portable restrooms (including East End Beach). Organizer will need to rent units. The city contracts with Associated Septic, 207-799-1980, though you need not rent from that particular company.

TRASH

. groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). The area will be checked following your event and if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES
Public Works has a strict policy that prohibits vehicles from parking on grass areas/sidewalks/park streets (unless specifically approved by 'ty staff). $10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **ıy tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

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

NOTIFICATION
Please keep a copy of this permit on site at all times. City staff may require proof of permit.

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

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	**TYPE INITIALS**	**JB**	**DATE**	**7-14-15**

ASSUMPTION OF RISK & LIABILITY				
Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.				
I have read the Assumption of Risk & Liability Agreement	**TYPE INITIALS**	JB	**DATE**	7-14-15

FEE SCHEDULE – UPDATED JULY 1, 2015 **Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.**	
Simple Event (no registration fee): $50/hour ent with registration or pledges & attendance 25 – 300: $100/hr Event with registration or pledges & attendance 301+: $200/hr Public Space/Park Security Deposit/Sound Security Deposit: $100 -$1000	Impact/Street Closure Fee (variable based on impact): $0-$500 Admin/Staff Fee (support for events): $30/hour Porta Restroom User Fee (if attendance is 150+): $25

CREDIT CARD INFORMATION							
Visa or MasterCard Number					Exp Date (Mon/Yr)		
CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED							

PLEASE MAKE CHECKS PAYABLE TO "CITY OF PORTLAND"
♦ Please make out security deposit checks separate from permit fees.

TOTAL AMOUNT(S) DUE TO PUBLIC WORKS (Please make all security deposit checks out separately)			
Permit Fee for use of area: $50 - $200 per hour (i.e. a 3 hour event at $50 totals $150) includes use of elec. If your event is rained out / cancelled, the bulk of the fee is returned (however $50 is non-refundable) Number of Hours of Use: **ESTIMATE** **Friday: 11 hours Sat: 12 hours**	**$ 550 + $600 Estimate: $1150 due**	Vest/Cone Deposit: $10 per/item Barricade Deposit: $25 per/item	**$?**
Admin/Staff Fee (support for events): $30/hour	**$**	Public Space / **Park** Security Deposit: **Sound** Security Deposit $100 - $1000	**$ 1500 due** **500 due**
Key Deposit: $50 per key	**$ N/A**	Other (Porta-Restroom User Fee: $25, etc.)	**$ units need to be rented**
Impact/Street Closure Fee (variable based on impact): $100-$500 **($100 per day – park road closure)**	**$ 200 due**		

FOR OFFICE USE ONLY									
DATE REC'D APPLICATION	**1-25-2016**	DATE REC'D INSURANCE	**NEED**	PERMIT FEE AMT REC'D	**$ NEED**	SECURITY DEPOSIT	**$ NEED**		
PAYMENT TYPE									
VISA	$	MC	$	CK #		CK AMOUNT	$	CASH AMT	$

Order 189-15/16
Tab 11 3-21-16

CITY OF PORTLAND
IN THE CITY COUNCIL

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Cellardoor Winery Inc. d/b/a Cellardoor Winery Inc. Application for a Class A Lounge License with Entertainment with Dance at 4 Thompson's Point.

Cellardoor Winery Inc. d/b/a Cellardoor Winery Inc. Application for a Class A Lounge License with Entertainment with Dance at 4 Thompson's Point.

Application submitted on 2/19/16. New City and State applications. New construction.

Portland, Maine · Yes. Life's good here.

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

RECEIVED FEB 19 2016

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	CD		
Business Name (d/b/a):	Cellardoor Winery inc.	Phone: 207	763.4478
Location Address:	4 Thompson's Point Portland ME Zip: 04102		
If new, what was formerly at this location:	New building		
Mailing Address:	347 Youngtown Rd Lincolnville ME Zip: 04849		
Contact Person:	Shaun McLaughlin	Phone: 207	400.5558
Contact Person Email:	Shaun@mainewine.com		
Manager of Establishment:	Shawn McLaughlin	Phone:	
Owner of Premises (Landlord):	Forefront Partners 501 danforth St portland		
Address of Premises Owner:	501 Danforth St Portland Zip: 04101		

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

Name of Owner(s)	Date of Birth	Residence Address
~~Bettina Doulton~~	~~8/25/64~~	

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

Corporate Name	Corporate Mailing Address		
Cellardoor Winery Inc.	347 Youngtown Rd Lincolnville ME Zip: 04849		
Contact Person: Bettina Doulton		Phone: 207	808.8533

Principal Officers	Title	Date of Birth	Residence Address
Bettina Doulton	Owner	8/25/64	Camden Maine 04849

Class of Liquor License:	Class A
Type of food served:	Dinner pairings, Food & wine tastings, small bites
Please circle all that will be served:	Beer Wine Liquor
Projected percentage of sales:	Generated from Food: 10% Generated from Alcohol: 70%
Hours & days of operation:	7 days 11-6pm

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: Food is events / Functions only - Small Bites Available Anytime (prepared)	
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?	May 1st
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 Shawn McLaughlin 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 Manager Date 2-15-16

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

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www.portlandmaine.gov

FEB 19 2016

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: $281 ☑ Entertainment with Dancing: $504 ☐ After-Hours (1 a.m. to 3 a.m.): $567

Business Information			
Business Name (d/b/a):	Cellardoor Winery inc	Phone: 207.	400.5558
Location Address:	4 Thompsons Point Portland	Zip:	ME 04102

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment: Winery, tasting room, occasional events	
Will music be electric, acoustical, or both? (Circle) electric	
Will amplification be used?	Y/N: Y
If yes, where and at what level? Low/Med	
Will music by played (Circle all that apply): Inside Outside — Inside	
Will you permit dancing on the premises?	Y/N: Y
Will you permit dancing after 1:00 a.m.?	Y/N: N
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?	MAY 1
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N: N
If Yes, list name(s) of employee(s) and department(s):	

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

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

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

Signature ______ Title Manager Date 2-19-16

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

REVISED 3/10/15

Department of Public Safety Liquor Licensing & Inspection Division

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 New

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) Cellardoor Winery
DOB:	
Cellardoor Winery Inc DOB: 2007	
DOB:	Location (Street Address) 4 Thompson's Pt
Address 367 Youngtown Rd	City/Town Portland State ME Zip Code 04102
	Mailing Address
City/Town Lincolnville State ME Zip Code 04849	City/Town State Zip Code
Telephone Number 736.4478 Fax Number	Business Telephone Number Fax Number
Federal I.D. # 208377456	Seller Certificate # 1095631

3. If premises are a hotel, indicate number of rooms available for transient guests: —

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

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: Shawn McLaughlin

8. If business is NEW or under new ownership, indicate starting date: May 1, 2016

Requested inspection date: ASAP Business hours: 10 am - 7pm

9. Business records are located at: 367 Youngtown Rd Lincolnville ME

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
Bettina Doulton	8/25/1964	Boston MASS
Shawn McLaughlin	8/24/1980	Malden MASS

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

Bettina Doulton Camden, ME

Shawn McLaughlin, Portland Maine, ~~Bettina Doulton, Lincolnville ME~~

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

Name: ______ 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:

Thompsons point developer

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

Wine Tasting Room, Retail, event space

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? ______

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 ME on 2-18-16, 2016
Town/City/State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Bettina Doulton

owner

Signature of Applicant or Corporate Officer(s)

Shawn McLaughlin

manager

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:
Cellardoor Winery Inc.

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

3. Date of filing with the Secretary of State: 2/2007

4. State in which you are formed: ~~2007~~ 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 %
Bettina Doulton	Camden ME	8/25/64	100

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

2/18/2016
Date

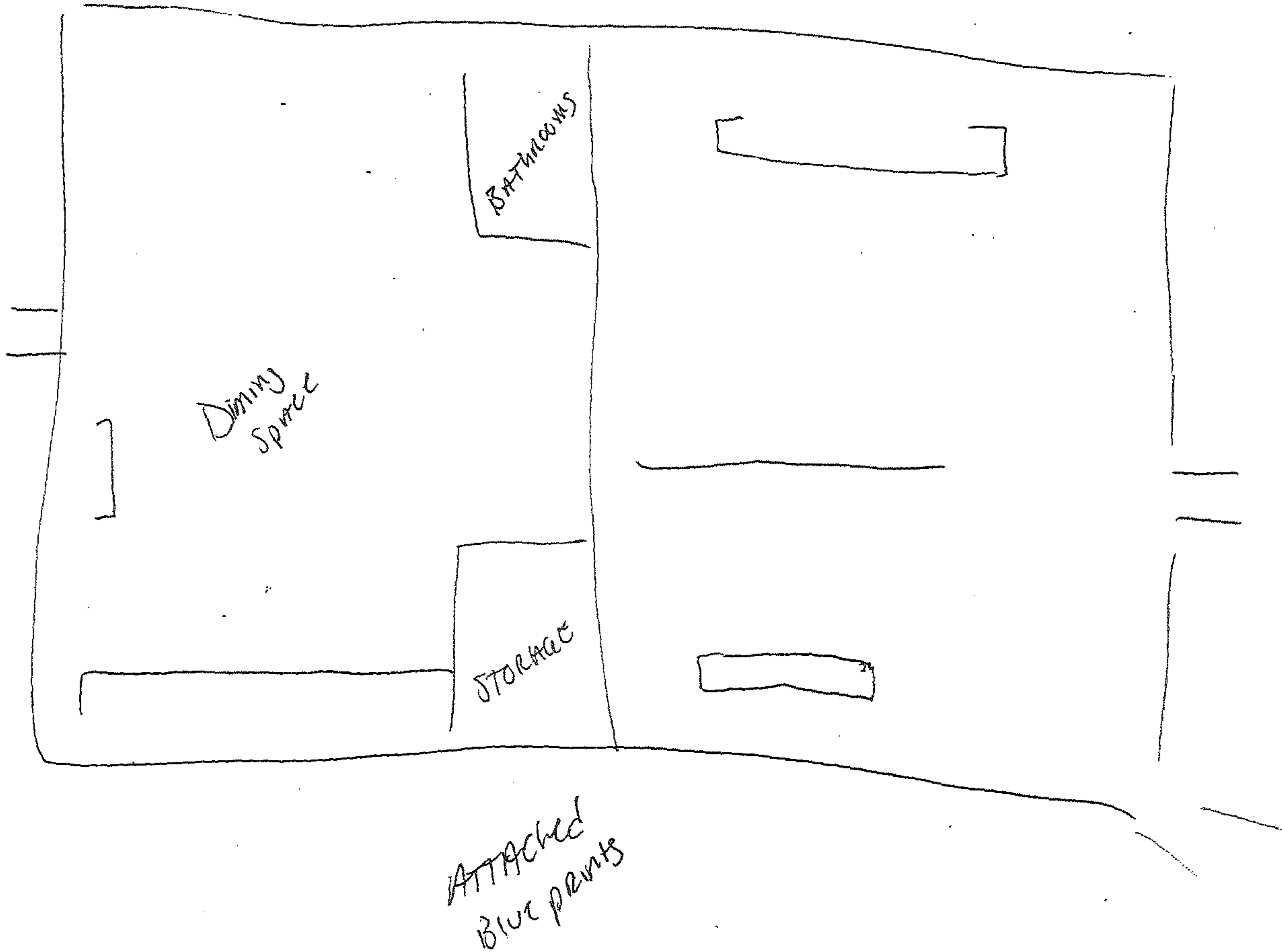
Bettina Doulton
Print Name of Duly Authorized Person

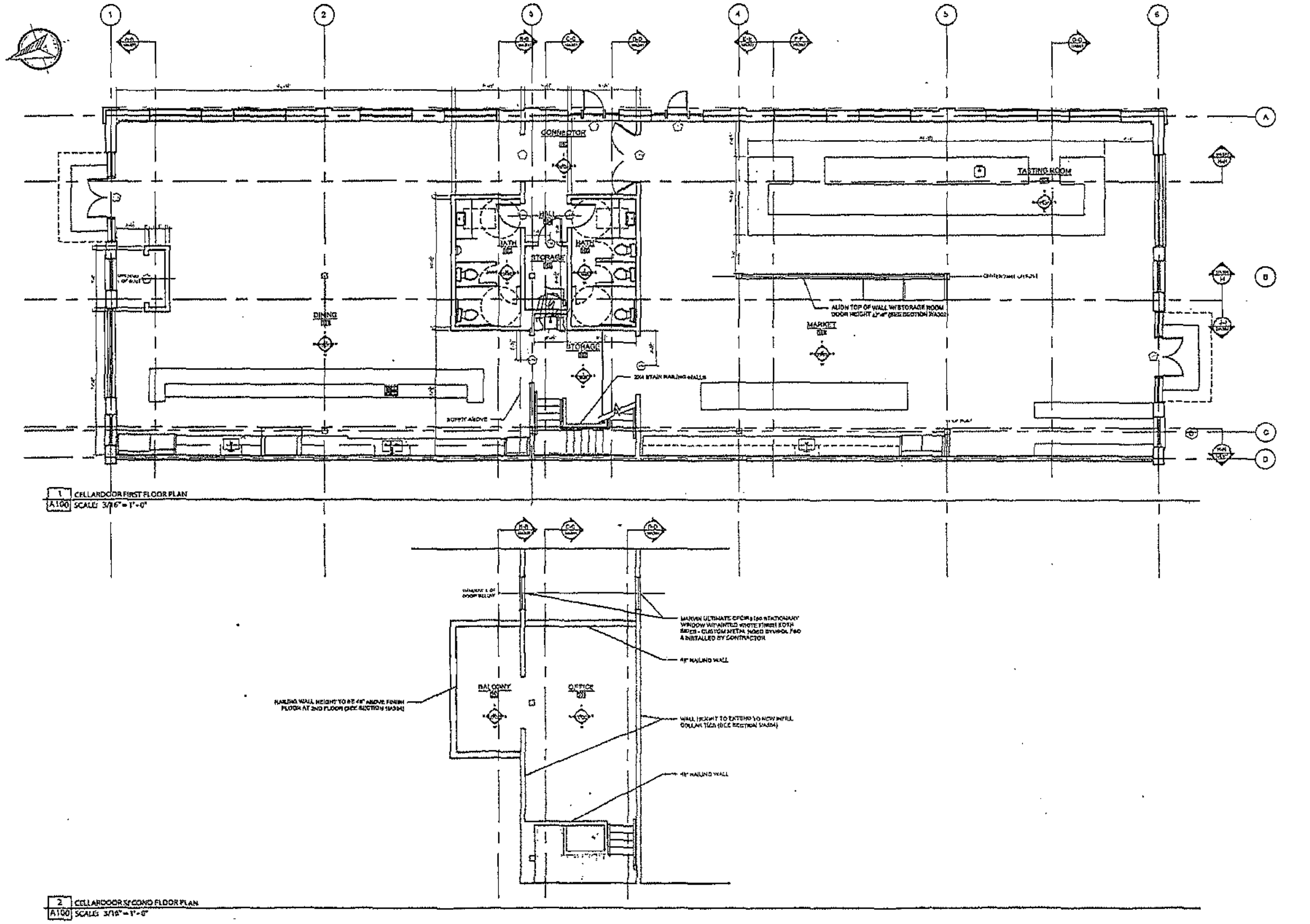
If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this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





FOR SCHEMATIC PRICING - NOT FOR CONSTRUCTION

Phi HOME DESIGNS

CELLARDOOR AT THE POINT
THOMPSON'S POINT, PORTLAND, MAINE
OWNER: CELLARDOOR WINERY

DATE: DECEMBER 30, 2015
DRAWN BY: CG
CHECKED BY: ECD

FLOOR PLANS

A100

Order 172-14/15
~~Tab 15 3-2-15~~
~~Tab 12 3-16-15~~
~~Tab 27 5-4-15~~
~~Tab 29 6-15-15~~

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)

~~Tab 8 9-21-15~~
~~Tab 10 10-19-15~~
~~Tab 7 1-20-16~~
Tab 12 3-21-16

ORDER APPROVING TWO-PARTY AGREEMENT
BETWEEN THE CITY OF PORTLAND
AND THE MAINE DEPARTMENT OF TRANSPORTATION
RE: IMPROVEMENTS TO FOREST AVENUE

ORDERED, that the Acting City Manager is authorized to enter into the two-party partnership agreement between the City of Portland and the Maine Department of Transportation (MaineDOT), in substantially the form attached, for work on Forest Avenue:

- WIN #020543, Proposed Improvements to Forest Avenue

BE IT FURTHER ORDERED, that the Acting City Manager is hereby authorized to sign the two-party agreements and any other documents necessary to effect the purpose of this order.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan, Jeff Levine

FROM: Bob Leeman, Acting Director of Public Works
Katherine Earley, PE, Engineering Manager/City Engineer
Jeremiah Bartlett, PE, PTOE, Transportation Systems Engineer

DATE: March 7, 2016 ***REVISED March 15, 2016***

SUBJECT: Woodford's Corner - Authorize Two-Party Agreement with MaineDOT

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

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading_ March 2, 2015_______ **Final Action**_ March 21, 2016______

Can action be taken at a later date: ____ **Yes** __X__ **No (If no why not?)**
This agreement is vital to MaineDOT's ability to proceed with the Right-Of-Way process and final design so construction will occur in 2017.

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

I. ONE SENTENCE SUMMARY

City must enter into a two-party agreement with MaineDOT to cover the design and construction phase of the "Woodford's Corner Intersection Improvement" project expected to be built in 2017.

II. AGENDA DESCRIPTION

City Council action is necessary to enter into a two-party agreement with MaineDOT for the Woodford's Corner Intersection Improvement project. This is standard practice once a project evolves into the design and construction phase, and follows a three-party agreement adopted via City Council Order #25-13/14. The agreement details the responsibilities and financial obligations of both parties and includes perpetual maintenance requirements for signals, lighting, signage, landscaping, and bicycle/pedestrian facilities.

This item was brought forward in March 2015 prematurely, and most recently postponed in the January 20, 2016 City Council meeting based on the assumption that financial matters would be clarified by now. Over the past year there was a significant lack of reliable cost estimating for the railroad crossing element of this project. Once it was evident how much higher than predicted those costs will be, the City, PACTS, and MaineDOT worked together to define financing mechanisms. PACTS and MaineDOT have dedicated additional Federal funds to this project; their specific procedures are wrapping up this week and the Draft agreement reflects these figures. (Note that the agreement contains a "Draft" watermark to prevent any possible non-conformance with Federal funding guidelines; the signed version will have the watermark removed.)

III. BACKGROUND

This intersection improvement project evolved as a specific recommendation of the City's *Transforming Forest Avenue Study* and was initially funded by the 2014/2015 PACTS TIP Program. Specific objectives include improving the multi-modal features and vehicular capacity, reducing cut-thru traffic in the Back Cove neighborhood, neighborhood place-making, and retaining the City's Quiet Zone status. Delays occurred as negotiations with Pan Am took place and the project is now scheduled for 2017 construction. Several meetings with specific stakeholders have taken place and a public meeting will be held on March 30, 2016. The City's web site has established a link specific to this project at:
http://www.portlandmaine.gov/1705/Woodfords-Corner

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This project advances recommendations from the *Transforming Forest Avenue Study* adopted by City Council in 2012.

V. FINANCIAL IMPACT

The project is now estimated to cost $2,617,353 inclusive of $554,602 just for the rail crossing improvement. The City's Local Share obligations range from 10% of the initial project scope to 55% of the increased rail crossing costs. Additionally the City has added paving work not covered by Federal and State shares and therefore pays 100% of those costs ($144,000). Appendix A of the agreement spells out all the details; the total estimated amount owed by the City is $640,477.10.

Four specific CIP accounts are expected to supply this funding:

- Entirety of C13101 (Local Match account for this project) = $250,000
- Allowance from C13403 (Railroad Quiet Zone) = $50,000
- Expected surplus from C13102 (Exit 6 project) = $150,000
- Portion of C15401 (Forest/State/Marginal) = $190,477.10 (of the $400,000 total appropriation)

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

MaineDOT is now engaged in the right-of-way negotiations process and currently projects a bid advertisement in February 2017. At this time the City has engaged a design effort to advance CSO abatement sewer separation objectives in this section of Forest Avenue and along Woodford St from Forest to Baxter Boulevard. We anticipate requesting that the Forest Avenue portion of work be added to the MaineDOT contract. This agreement does not yet reflect that portion of sewer separation, but contains a specific clause ('E') allowing the City to add this scope of work later. All such work will be the full responsibility of the City to design and fund.

It is noted that this project must commence and conclude in 2017 as we then expect the "USM Roundabouts" project to proceed in 2018.

VII. RECOMMENDATION

The Department of Public Works strongly recommends authorizing this agreement. Although costs have risen substantially as the project design has progressed, the City still enjoys the benefit of a 75% leveraged Transportation project that implements the #1 priority of the *Transforming Forest Avenue Study.*

VIII. LIST ATTACHMENTS

- MaineDOT Municipal/State agreement

Prepared by: Kathi Earley, PE, Engineering Manager/City Engineer
Date: March 7, 2016 ***REVISED March 15, 2016***

MaineDOT use only
TEDOCS #:
CT #:
CSN #:
PROGRAM: Multimodal Program

MaineDOT

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

(MaineDOT Use Only)

Project Location: Portland
State WIN #: 020543.00/020543.10
Federal Aid Project #: STP-2054(300)/STP-2054(310)

Estimated Municipal Share: $640,477.10
Vendor Customer #: 17A12984
Agreement Begin Date: ____________________
Agreement End Date: (3 years from the date last signed below)

This Agreement is entered into between the Maine Department Of Transportation (hereafter the "MaineDOT") and the Municipality of Portland, a municipal corporation located in the County of Cumberland (hereafter the "Municipality") (hereinafter the "Parties") regarding the planning, development, design, right of way, construction, cost sharing and reimbursement for a project to make improvements to Woodford's Corner, in Portland, Maine, (hereafter Project) as follows:

The following checked appendices are hereby incorporated into this Agreement by reference:

- ☒ Appendix A – Project scope, cost sharing, and payment schedule
- ☒ Appendix B – Perpetual Bicycle/Pedestrian Facility Maintenance
- ☒ Appendix B – Perpetual Landscape Maintenance
- ☒ Appendix B – Perpetual Operation and Maintenance of Lighting/Flashing Beacon and/or signage and associated light(s)
- ☒ Appendix B – Perpetual Traffic Signal Operation and Maintenance
- ☐ Appendix B – Perpetual Bridge Lighting/Approach Lighting Maintenance & Snow Plowing
- ☒ Appendix C – Additional work requested by Municipality

A. MaineDOT agrees to procure and administer a contract to construct the Project in accordance with the plans and specifications developed by MaineDOT and, subject to Department approval. This would include any additional plans, specifications and estimates furnished by the Municipality. Please refer to Appendix A of this Agreement for the outline of the scope, limits of work and cost sharing.

B. MaineDOT shall be the sole administrator of this contract. MaineDOT will pay all project costs, subject to cost sharing by the Municipality, when applicable, as specified in this agreement. Neither MaineDOT nor its contractors will be required to pay for inspections and permits from the Municipality.

C. MaineDOT reserves the right to terminate the Project for any reason prior to the award of a contract to construct the Project. MaineDOT also reserves the right to terminate all provisions pertaining to work requested by the Municipality at any time prior to the award of a contract to construct the Project because of any failure by the Municipality to meet any of the conditions and stipulations set forth in this Agreement.

D. Upon acceptance of plans, specifications and estimates, MaineDOT shall solicit competitive bids for the Project. Upon acceptance of the lowest acceptable responsive, responsible bid to construct the Project and fulfillment of all terms set forth herein, MaineDOT will submit the information to the Municipality, who will have up to five (5) business days to review the information and notify MaineDOT of any questions or concerns. If MaineDOT is not presented with any questions or concerns during the time allotted all decisions pertaining to the acceptance of the bids, the award and administration of the contract and all payments thereunder shall be the sole discretion of MaineDOT.

E. The Municipality, at its election, may request that changes be made or work added to the Project during the period of construction, provided the Municipality agrees in writing to pay any additional cost plus an amount not to exceed ten (10%) percent of such construction cost to cover all necessary engineering, inspection and administrative costs associated therewith, unless specified otherwise. All such requests shall be subject to approval by MaineDOT. In the event that such changes or work are approved for federal participation in the cost thereof, such additional cost may be reduced to the non-federal share.

F. The Municipality agrees to allow MaineDOT's contractor to control all traffic through the work areas in accordance with the Traffic Control Plan approved by MaineDOT. The development of the Traffic Control Plan will follow the process outlined below:

1. The PM will submit the project for Traffic Analysis and Movement Evaluation (TAME), when possible, approximately one year prior to advertisement. Once the results are received, the PM/Regional Traffic Engineer will discuss the proposed project with the Municipality (scope, limits, day or night work, work window, etc).

2. The Municipality will comment on their concerns/issues (two week timeframe allowed).

3. The PM & Designer will incorporate these comments where practical based on engineering judgment.

4. If the Municipality desires, a meeting will be held prior to PS&E to review the project design, Special Provision 105 – Limitations of Operations, Special Provision 107 - Time, etc.

5. The Municipality will have the opportunity to review and comment.

G. The Municipality agrees to alter, move, relocate or remove, or cause to be, at no cost to the Project, any municipal property, including all fixtures, facilities or monuments, located on, under or above the ground, as necessary to permit construction of the Project, which has not otherwise been provided for during the development of the Project. Any work necessary to do so during the period of construction shall be coordinated with the contractor for the Project.

H. The Municipality will, at no cost to MaineDOT, assure proper adjustment, relocation, or repair of any portion of a service, whether above or below ground, that is located within the limits of the highway right-of-way and connected to any municipal utility, which might become necessary to permit construction of the Project. The Municipality agrees to hold MaineDOT harmless from any claims for damages occurring as a result thereof.

I. The Municipality agrees that during and after construction it will apply the requirements of the most recent version of MaineDOT's "Utility Accommodation Policy" as the minimum guidelines not withstanding any municipal rules that are more lenient.

J. To the extent that it is statutorily responsible therefore, the Municipality agrees to provide utilities, and to maintain all improvements and fixtures constructed, installed or furnished as a part of the Project in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. To the extent any warranty exists for said improvements or fixtures, said warranty shall be first relied on by MaineDOT to address maintenance and/or repairs described in this paragraph.

K. The Municipality agrees that except for an emergency, or as allowed in § 3351-A, it will prohibit the excavation of the highway within the limits of the Project for a period of at least five (5) years after completion of the Project, and agrees to make all necessary notifications to abutters and occupants of the highway as otherwise required of any city government under the provisions of 23 M.R.S.A. § 3351. Thereafter, all future excavations within the right-of-way of the Project shall be regulated and controlled in the manner specified by MaineDOT in its most recent *"Rules, Regulations and Policies for Highway Openings"*, which is incorporated herein and made a part hereof by reference.

L. The Municipality will be responsible to keep new or replaced/rehabilitated pedestrian facilities in usable condition.

M. The Municipality agrees to keep the right-of-way of the Project inviolate from all encroachments and agrees to remove, or cause to be removed, anything that may encroach thereon.

N. When applicable the Municipality agrees to regulate all entrances to the highway within the limits of the Project in accordance with the provisions of 23 M.R.S.A. § 704.

O. The Municipality with city council approval agrees to limit all on-street parking to the parking spaces as designed and constructed under the Project.

P. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to MaineDOT's option to withhold for the purposes of set-off any monies owed to the Municipality with regard to this Agreement and any other agreement with MaineDOT, including any agreement for a term commencing prior to the term of this Agreement, plus any amounts owed to the Municipality for any other contract with any State of Maine department or agency.

Q. To the extent permitted by law, the Municipality shall indemnify, defend and hold harmless MaineDOT, its officers, agents and employees from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the Municipality, its officials, employees, agents, consultants or contractors. Nothing herein shall waive any defense, immunity or limitation of liability that may be available to either party under the Maine Tort Claims Act (14 M.R.S. Section 8101 et seq.) or any other privileges or immunities provided by law. *Any other provision of this agreement to the contrary notwithstanding, this provision shall survive any termination or expiration of this Agreement.*

R. MaineDOT may postpone, suspend, abandon or otherwise terminate this Agreement upon thirty (30) days written notice to the Municipality and in no event shall any such action be deemed a breach of contract. Postponement, suspension, abandonment or termination may be taken for any reason by

MaineDOT or specifically as the result of any failure by the Municipality to perform any of the services required under this Agreement to the satisfaction of MaineDOT.

In the event of Project termination, all provisions of this Agreement shall become null and void except for those set forth under ***Appendices A and C, if attached to this Agreement, as well as those provisions that by their very nature are intended to survive.***

S. The Municipality certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency. If the Municipality is unable to certify to this statement, it shall attach an explanation to this Agreement. The Municipality shall promptly notify MaineDOT if it or its principals becomes debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

T. The Parties agree to: comply with and abide by all applicable State and Federal laws, statutes, rules, regulations, standards and guidelines, including the MUTCD and OSHA standards, and Agreement provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this Agreement.

U. All provisions of this Agreement, ***except those provided above in Paragraphs J-Q and those that by their very nature are intended to survive***, shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.

V. Anything herein to the contrary notwithstanding, the Municipality acknowledges and agrees that although the execution of this agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by the Maine Legislature and, therefore, this agreement does not create any obligation on behalf of MaineDOT in excess of such appropriations.

W. No assignment of this agreement is contemplated, and in no event shall any assignment be made without the express written permission of MaineDOT.

IN WITNESS WHEREOF, the Parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed below.

MUNICIPALITY OF PORTLAND	MAINE DEPARTMENT OF TRANSPORTATION
By: ______________________	By: ______________________
Jon Jennings, City Manager	*Dale Doughty, Director, Maintenance & Operations*
______________________	______________________
(Date Signed)	(Date Signed)

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

APPENDIX A

PROJECT SCOPE AND COST SHARING
MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(300)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 20543.00

Project Scope: Reconfigure Forest Ave. traffic pattern at Woodford's Corner and Ocean Ave, widen sidewalks, add streetscape aesthetics, extend shared lane bikeways and reduce crossing distances for pedestrians.

Funding Outline: The Total Project Estimated Cost for WIN 020543.00 is $ 2,062,751.00, and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Combined Funding Outline: The combined total Project Estimated Cost for WIN 020543.00 & WIN020543.10 is $ 2,617,353.00

Work Element	Municipal Share		MPO Portion		MaineDOT (State) Portion		Total Cost
	%	$	%	$	%	$	$
Preliminary Engineering	10.0%	$ 22,481.30	80.0%	$ 179,850.40	10.0%	$ 22,481.30	**$ 224,813.00**
Right of Way	10.0%	$ 6,250.00	80.0%	$ 50,000.00	10.0%	$ 6,250.00	**$ 62,500.00**
Construction	10.0%	$ 148,156.30	80.0%	$ 1,185,250.40	10.0%	$ 148,156.30	**$ 1,481,563.00**
Construction Engineering	10.0%	$ 14,987.50	80.0%	$ 119,900.00	10.0%	$ 14,987.50	**$ 149,875.00**
PROJECT SHARES		$ 191,875.10		$ 1,535,000.80		$ 191,875.10	**$ 1,918,751.00**
Total Cost of Additional Work Requested by Municipality (Below)	100.0%	$ 144,000.00					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount for WIN's 20543.00/.10)		$ 640,477.10					

APPENDIX A CON'T.

PROJECT SCOPE AND COST SHARING

MAINE DEPARTMENT OF TRANSPORTATION

MUNICIPAL/STATE AGREEMENT

Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(310)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 20543.10

Project Scope: Upgrade the Railroad crossing signals and gates to current standards and to meet the new roadway and pedestrian facility widths.

Funding Outline: The Total Project Estimated Cost for WIN 020543.10 is $ 554,602.00 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share: Federal Portion		MaineDOT (State) Portion		Total Cost
	%	$	%	$	%	$	$
Preliminary Engineering	54.9%	$ 11,259.14	45.1%	$ 9,240.86		$ -	**$ 20,500.00**
Right of Way		$ -		$ -		$ -	
Construction	54.9%	$ 292,436.64	45.1%	$ 240,015.36		$ -	**$ 532,452.00**
Construction Engineering	54.9%	$ 906.22	45.1%	$ 743.78		$ -	**$ 1,650.00**
PROJECT SHARES		$ 304,602.00		$ 250,000.00		$ -	**$ 554,602.00**
Total Cost of Additional Work Requested	100.0%						
TOTAL ESTIMATED MUNICIPAL		$ 304,602.00					

DRAFT

(Check if applicable)

☑ **Additional Work as outlined in Appendix C to this Agreement.**

Funding Outline: The Municipality agrees to pay 100% of the costs for the work outlined below.

Additional Work	Cost: 100% Municipal Share
PE - Design to include milling and paving on Forest Ave.	$ 10,000.00
Milling and paving on Forest Ave.	$ 124,000.00
CE - Construction Engineering and inspection/testing	$ 10,000.00
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY	**$ 144,000.00**

Payment:

The Municipality shall submit payment to MaineDOT within 30 days from the invoice date.

1. Prior to award of the contract for Project construction, the Municipality will be invoiced a portion of its share of the cost of the Project. Invoicing will include the following:
   a. 100% of the local share of the Preliminary Engineering and Right of Way costs; plus
   b. Fifty percent (50%) of the local share of the Construction and Construction Engineering cost based on the total bid price of the Project; plus
   c. 100% of all additional work requested by the Municipality.

2. Final Voucher Payment to the Contractor. A final bill will be created following MaineDOT's final voucher payment to the Contractor, after all quantities are verified, and any required adjustments have been made. The cost of the work for which MaineDOT will bill the Municipality shall be determined by the contract prices and the completed quantities of the work items or, in the event of termination, the local share of Project development cost to the point of termination as stipulated above. The final invoice will include the Municipality's share of any remaining costs.

Invoicing Schedule: The Municipal Payment Schedule shown below includes estimated invoicing dates based upon the estimated schedule and estimated cost of the Project:

Municipality Name	Receivable Amount	Estimated Invoice Date
PORTLAND	$75,000.00	12/1/2016
PORTLAND	$282,738.55	6/1/2017
PORTLAND	$282,738.55	12/1/2017
Total Receivable Amount:	**$640,477.10**	

APPENDIX B
PERPETUAL BICYCLE/PEDESTRIAN FACILITY MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(300)/STP-2054(310)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00/020543.10

The Municipality will be responsible for year round maintenance of new or replaced/rehabilitated bicycle/pedestrian facilities in such a manner as necessary to preserve the use and function thereof for the expected period of their normal useful life as determined by accepted engineering and/or industry standards. When necessary, the Department reserves the right to undertake maintenance and invoice the municipality.

APPENDIX B
PERPETUAL LANDSCAPE MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT

Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(300)/STP-2054(310)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00/020543.10

The Municipality agrees to be responsible for maintenance of planting and landscaping, including structures, including, but not limited to privies, picnic shelters, interpretive panels, and park areas, as installed or modified, as part of the above referenced project upon completion of said project. The Municipality also agrees to maintain such planting and landscaping upon the expiration of all warranties applicable to such landscaping, including the maintenance of all lawn areas, trees, and shrubs. These responsibilities shall include, but are not limited to, the following:

1. Plantings shall be watered during periods of drought or extreme dryness.

2. Measures shall be taken to remove any build-up of winter sand in planting areas.

3. Pruning, trimming, and removal of dead branches to maintain healthy plant growth or so as not to pose safety hazards or unsightly conditions.

4. Measures shall be taken to control disease and insects using appropriate insecticides and to control weeds on a timely basis, including hand weeding, mulching and/or application of herbicides through proper legal application.

5. Dead or dying plant material shall be replaced with new material of the same type and size as originally planted.

6. Lawns and grassy areas shall be mowed at least weekly during the late spring and early summer growing season and at least once a month during the remainder of the growing season, unless unusual weather conditions or rapid growth dictate otherwise.

7. All areas of turf, trees and shrubbery shall be fertilized using suitable materials.

8. All litter and refuse shall be removed expeditiously.

9. The Department shall provide technical assistance to the Municipality upon request, by recommending the materials and procedures necessary for such maintenance.

APPENDIX B

PERPETUAL OPERATION AND MAINTENANCE
of
LIGHTING/FLASHING BEACON
and/or signage with associated light(s)

MAINE DEPARTMENT OF TRANSPORTATION

MUNICIPAL/STATE AGREEMENT

Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(300)/STP-2054(310)

STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00/020543.10

A. The Municipality agrees to operate and maintain the lighting/flashing beacon and/or signage associated light(s) installed under the Project in such a manner as is necessary to preserve the use and function thereof as designed and intended by the Project as follows:

1. The Municipality shall repair or correct all malfunctions and deficiencies with the lighting/flashing beacon and/or signage and associated light(s) expeditiously. Any failure to correct the lighting/flashing beacon and/or signage and associated light(s) to function as designed could, upon written notification from MaineDOT, result in MaineDOT making all necessary repairs at the Municipality's expense.

2. The Municipality agrees to be responsible for electrical service for the lighting/flashing beacon and/or signage and associated light(s) and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for installation of such service, if applicable.

3. The Municipality shall preserve and maintain the visibility of the lighting/flashing beacon and/or signage and associated light(s) at all times by removing all visual impairments thereto.

4. The Municipality shall make no operational changes or modifications to the lighting/flashing beacon and/or signage and associated light(s) without the express written approval of MaineDOT.

5. The Municipality shall notify MaineDOT in writing prior to any removal or replacement of the lighting/flashing beacon and/or signage and associated light(s).

6. The Municipality shall maintain all signs and striping necessary or incidental to the operation of the lighting/flashing beacon and/or signage and associated light(s) as furnished and installed under the Project.

7. The Municipality agrees to maintain the lighting/ flashing beacon and/or signage and associated light(s) with equipment technology equal to or greater than what has been installed.

B. The Municipality shall implement a Traffic Control Plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) including a provision for Municipality employees and/or contractors entering the State's right-of-way for long-term maintenance.

APPENDIX B
PERPETUAL TRAFFIC SIGNAL OPERATION AND MAINTENANCE

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(300)/STP-2054(310)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00/020543.10

A. The Municipality agrees to operate and maintain the traffic signal to function as designed and installed by the Department, unless approved otherwise as hereinafter provided or as necessary as follows:

   1. All malfunctions and deficiencies in the traffic signal or any equipment appurtenant that is not covered by warrantee shall be repaired or corrected expeditiously in accordance with the Institute of Transportation Engineer's (ITE) "Traffic Signal Installation and Maintenance Manual". Any failure to repair or correct the traffic signal to function as designed could, upon written notification from the Department, result in the Department making all necessary repairs at the Municipality's expense.

   2. The visibility of the traffic signal shall be preserved and maintained at all times by removing any visual impairment thereto.

   3. Except in the case of an emergency, no change in operation or modification to the traffic signal or any equipment appurtenant thereto shall be made without the express written approval of the Department.

   4. The Department shall be notified in writing prior to any removal or replacement of the traffic signal or any equipment and appurtenant thereto. Upon removal, such traffic signal or equipment shall be returned to the Department, at no cost to the Department, unless otherwise agreed upon in writing.

B. The Municipality agrees to be responsible for the electrical service for the traffic signal and agrees to execute any necessary documentation required to establish such service and provide any local permits necessary for the installation of such service.

C. The Municipality agrees to maintain all pavement markings (including stop bars, lane use arrows and all striping necessary to delineate the turning lane) and all traffic control signs as furnished under the project.

APPENDIX C
Additional Work

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO WOODFORD'S CORNER

FEDERAL AID PROJECT NO. STP-2054(300)/STP-2054(310)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 020543.00/020543.10

1. **Description of Work Being Added to Project By The Municipality:**
   Mill and fill along Forest Ave. from Station 12+50 to 28+50 and upgrade the crossing signals at approximately Station 26+50+/-

2. **The Municipality agrees to furnish all plans, specifications and estimates necessary to include additional work under the Project; No ☒ - *Disregard this Section,* or Yes ☐ - as follows:**

   a) All plans and specifications shall conform to the standards used by the Department as set forth in the latest version of its *"Highway Design Guide" and "Standard Details for Highways and Bridges"* and comply with the Department's Utility Accommodation Policy as set forth in its *"Policy On Above Ground Utility Locations"*.

   b) All plans shall be size "D" drawings measuring 22 inches by 36 inches reproducible in black and white print.

   c) All specifications shall be printed on 8-1/2 inch wide by 11 inch long paper suitable for binding in the Department's proposal book.

   d) The Municipality shall provide a detailed engineer's estimate of the cost of such additional work calculated in a manner acceptable to the Department and allowable for bidding. The Municipality agrees that all cost information developed for such bidding shall be kept confidential pursuant to the provisions of Title 23 of the Maine Revised Statutes Annotated (M.R.S.A.) Section 63.

   e) The Municipality shall obtain all permits, licenses, releases and approvals necessary or incidental to the additional work described in Section 1 above.

   f) The submission of all plans, specifications and estimates; as well as all permits, licenses, releases and approvals shall be done in such a timely manner as not to unreasonably delay the Department's schedule for soliciting bids to construct the Project.

   g) The Municipality may utilize the electronic exchange of CADD data; the Municipality must accept pertinent electronic input data as specified by the Department. A copy of the

Department's specifications can be found on its website under Business and CADD support. It is the responsibility of the Municipality to translate this data into other formats required for use in their design software.

3. **Following solicitation of competitive bids for the Project under Paragraph D of the Agreement; but before award of a contract to construct the Project that includes additional work as described in Section 1 above; action must be taken by the Municipality:**

   a) If the bid price received for such additional work exceeds the detailed engineers estimate by any more than ten (10%) percent, the Municipality may reject such bid price by notifying the Department in writing within five (5) business days following the opening of such bids. The Municipality may waive such right by doing so in writing anytime prior to or during such period. Otherwise, all decisions pertaining to the acceptance of bids and the award of any construction contract shall be the sole discretion of the Department.

   b) If the bid price for such additional work is acceptable to the Municipality, the Municipality shall pay the Department, an amount equal to the Municipality's share of the estimated cost of such additional work based upon the prices of the successful bidder. Following receipt of payment, the Department agrees to award a contract to construct the Project including the additional work.

   c) The parties agree that any additional adjustments to the amount of any payment or deposit made pursuant to the provisions of subparagraph b) above because of any differences between estimated and actual quantities which effects the actual cost of such additional work shall be due and payable upon determination of final quantities, unless the Department determines that the actual cost of such additional work is expected to differ measurably from the amount of such payment, due to changes in quantities placed or work performed during the period of construction.

Order 178-15/16
~~Tab 17 3-7-16~~
Tab 13 3-21-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (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 THREE-PARTY AGREEMENT BETWEEN THE CITY OF PORTLAND, THE MAINE DEPARTMENT OF TRANSPORTATION AND PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM RE: DANFORTH STREET

ORDERED, that the City Manager is authorized to enter into the three-party partnership agreement between the City of Portland, the Maine Department of Transportation and the Portland Area Comprehensive Transportation System, in substantially the form attached, for work on Danforth Street:

- PSN 65828: Danforth Shim and 3/4-inch Overlay Portland; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to sign the three-party agreement and any other documents necessary to effect the purpose of this order.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: Jon Jennings, City Manager, Ethan Strimling, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan, Brendan O'Connell

FROM: Katherine Earley, PE, Engineering Manager/City Engineer
Bob Leeman, Interim Director of Public Works

DATE: February 19, 2016

SUBJECT: Three-Party Agreement – Danforth St Paving

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

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st **reading**__March 7, 2016____ **Final Action**__March 21, 2016__

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

Timely action is required as this agreement will be followed by a two-party agreement requiring action in April. Each agreement is necessary for the Danforth St paving project to be accomplished in 2016.

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

I. ONE SENTENCE SUMMARY

City Council is asked to provide the City Manager with authorization to enter into a three-party agreement with PACTS and MaineDOT for the purpose of paving Danforth St (York to High) in 2016.

II. AGENDA DESCRIPTION

The Department of Public Works requests authorization for the City Manager to enter into a three-party agreement with PACTS and MaineDOT for the purpose of paving Danforth St (York to High) in 2016. The pending agreement outlines roles and financial responsibilities, including a 25% Local Share requirement of $62,103.25. This agreement covers the design phase of the project; the construction phase will require a two-party agreement with MaineDOT which is expected in April 2016.

The total value of this paving project is estimated at $248,413, and for cost efficiencies the work will be added to the existing Commercial and Franklin Streets paving contract being administered by MaineDOT.

In addition to the City's 25% Local Share, the City is obligated to 100% of any cost associated with sewer and stormwater system repairs and elevation adjustments; this cost is estimated at $14,000. Also, the Department is proposing to improve the intersection of Danforth and York St by replacing the signal control with a stop sign control for Danforth St and altering the street alignment to shorten the pedestrian crossing distance. This action will have ancillary benefits to the intersection known as "Gorham's Corner" (York, Pleasant, Center, and Fore Streets) due to the removal of a this signal phase. We have estimated this cost at roughly $24,000.

Each of these Local costs is included in the FY17 CIP request; $14,000 in the Sewer Fund and $86,000 in the General Fund.

III. BACKGROUND

This paving project was awarded to Portland in 2014 as part of the PACTS 16/18 TIP Collector Paving program. MaineDOT is administering the shim and overlay project and plans to add this work to their existing contract with Glidden Excavation, who is performing the Commercial and Franklin St MaineDOT Arterial paving program project. The City previously committed to this project by virtue of a "Project Identification Form" processed in late 2015 (attached).

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This pavement preservation project advances the City's goals of maintaining a viable transportation network, and the intersection improvement will reduce energy consumption by eliminating a traffic signal in addition to improving the pedestrian network in this area.

V. FINANCIAL IMPACT

The Local costs associated with this project total $100,000 and include:

- 25% Local Share estimated as $62,103.25
- 100% sewer/stormwater system costs estimated as $14,000
- 100% intersection improvement costs estimated at roughly $24,000

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

As this paving project has progressed from the 2014 award stage to now, there have been significant changes to the timeline. Initially the project was not due to be constructed until 2018, but then became scheduled for 2016. Staff monitored this scheduling activity and consulted with a specific development applicant (JB Brown) affected by the resulting three-year moratorium on street excavation. Consensus was reached on viability and we are now proceeding with procedural steps necessary for MaineDOT to achieve this project cost-effectively in 2016.

The City's sewer/stormwater utility work necessary as paving occurs and the intersection improvements features requested by the City requires documentation & design by City staff; we are operating under an established deadline for submittal by March 25, 2016.

The FY17 CIP request for this project has received the highest Dept. of Public Works priority due to the leveraged value and previous commitments to the project.

VII. RECOMMENDATION

The Department of Public Works strongly recommends proceeding with this agreement to ensure that Danforth St receives pavement preservation in 2016 at a 75% leveraged value.

VIII. LIST ATTACHMENTS

- Three-Party agreement for PSN #65828: Danforth Street Shim & ¾" Overlay
- Project Identification Form signed in 2015
- FY17 CIP database entry for Local costs
- Sketch of intersection improvement proposal

Prepared by: Katherine Earley, PE, Engineering Manager/City Engineer
Date: February 19, 2016

Bean/agendarequestmemo/rev 11/2015

Internal Use Only
CT#: ______
CSN: ______
TEDOCS #: ______
PROGRAM: ______

MaineDOT

MAINE DEPARTMENT OF TRANSPORTATION
THREE-PARTY PARTNERSHIP AGREEMENT
PSN 65828: Danforth Street Shim & ¾" Overlay
Portland

This agreement ("**Agreement**") is entered into by the State of Maine Department of Transportation (**"MaineDOT"**), the Municipality of Portland (the **"Municipality"**), and the Portland Area Comprehensive Transportation System (PACTS), the designated Metropolitan Planning Organization for the Portland Area Urbanized Area (**"MPO"**), jointly hereinafter referred to as the "**Parties**".

Whereas, the project that is the subject of this Agreement consists of Danforth Street Shim and ¾" Overlay from York Street to High Street (hereafter referred to as the "Project"); and

Whereas, the MPO has programmed the Project for inclusion in the MaineDOT Annual Capital Work Plan for 2016-2018, using Federal and State capital improvement funding allocated by MaineDOT; and

Whereas, the Municipality supports the decision by the MPO to program the Project; and

Whereas, the Parties have a mutual interest in ensuring that the Project is delivered on a reasonable schedule and within the budget programmed, using a process that maximizes communication and cooperation; and

Whereas, the MPO cannot commit federal transportation funding without a formal adoption of a Transportation Improvement Program ("TIP") or TIP amendment including all required public involvement processes, this Agreement does not constitute a commitment of federal funding under Title 23 Part 630.

Whereas, the purpose of this Agreement is to identify the Parties' individual responsibilities during the design, permitting and right-of-way phases of the Project through completion of final Plans, Specifications and Estimate ("PS&E"), and to identify the intended financial allocations between the Parties through all phases of the Project if and when the parties formally approve and commit financial resources for the Project.

Whereas, following the preparation of the project PS&E, a separate Municipal/State Agreement will be executed by MaineDOT and the Municipality.

NOW THEREFORE, in consideration of the forgoing, the Parties hereby establish and agree to the following terms and conditions:

1. The total estimated cost of the Project through all phases is $248,413 (the "Project Estimate"), and the Parties agree to allocate the associated costs of each phase as outlined in this section:

Work Phase	MPO (Federal) Maximum Share	MPO (State) Share	Municipal Share Amount	%	Total Estimated Cost
Preliminary Engineering	$7,452.39	$0.00	$2,484.13	25%	$9,936.52
Right of Way	$1,500.00	$0.00	$500.00	25%	$2,000.00
Construction	$155,000.19	$0.00	$51,666.73	25%	$206,666.92
Construction Engineering	$22,357.17	$0.00	$7,452.39	25%	$29,809.56
TOTAL SHARE	$186,309.75	$0.00	$62,103.25	25%	$248,413.00

   a. Estimated allocations are further identified as follows:
      i. **Federal share** – federally participating costs are 75.0% of actual Project cost up to a maximum of $186,309.75.
      ii. **State share** – state participating costs are 0.0% of actual Project cost up to a maximum of $0.00.
      iii. **Municipal share** – the Municipality's share is 25% of the actual Project costs. Local Share is estimated at $62103.25, plus 100% of any additional costs incurred in accordance with Section 1.b. below.

   b. The Municipality shall be fully responsible for any and all Project costs exceeding $248,413.00, unless otherwise agreed to in writing by the Parties through a modification to this Agreement.

   c. If the actual Project cost is less than the Project Estimate the amounts owed will be adjusted according to the percentages.

   d. If the Project Estimate or associated financial allocations are adjusted to reflect updated costs, MaineDOT will consult with the MPO and the Municipality before such adjustments are approved and implemented.

2. MaineDOT will share information about the status of the Project with staff from the MPO and the Municipality at the following milestones:
   - Project kickoff/initial team meeting/formal public contact.
   - Completion of the preliminary design report (PDR).
   - Formal public meeting.
   - Completion of the plans, specifications and estimate (PS&E.)
   - Changes in the Project Schedule or Engineer's Estimate.

3. MaineDOT will develop construction plans and specifications for the Project within the scope described above, using MaineDOT's standard project development process to ensure adherence to federal and state regulations.

4. After the final PS&E package is prepared, MaineDOT and the Municipality will execute a Municipal/State Project Agreement covering Project advertisement, award, construction and construction engineering. Said Municipal/State Agreement will carry the financial terms outlined in Section 1 above, as well as a schedule for collection of the Municipality's share of Project costs. Generally, Municipality payments for 100% of its share of the Preliminary Engineering and Right of Way costs, 50% of its share of Construction and Construction Engineering costs and 100% of all additional work requested by the Municipality are due prior to award of the contract for Project construction. The remainder of the payments to be made by the Municipality will be defined in the Municipal/State Project Agreement.

5. MaineDOT will consult with the MPO and the Municipality before implementing any adjustments to the Project scope, and the MPO and the Municipality will, likewise, notify MaineDOT of any proposed changes they wish to implement.

6. The Parties will participate as partners in any public meetings held to discuss the Project.

7. If MaineDOT withdraws from the Project before it has been advertised for construction, and that action was not directed by the MPO and the Municipality, MaineDOT will be responsible for all Project costs incurred to date.

8. If the Municipality withdraws its financial support for the Project as described in Section 1 above, leading MaineDOT to cancel the Project before it has been advertised for construction, the Municipality shall reimburse MaineDOT fully for any and all Project costs incurred in reliance on the Municipality's commitment documented in this Agreement, including, but not limited to, reimbursement of all federal funds expended to date.

9. Anything herein to the contrary notwithstanding, the Municipality and the MPO acknowledge that, although the execution of this Agreement by MaineDOT manifests its intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, by law any such obligations are subject to available budgetary appropriations by its federal partners and the Maine Legislature and, therefore, this Agreement does not create any obligation on behalf of the Department in excess of such appropriations.

10. The Municipality represents that its governing body has taken all steps necessary and lawful to approve the Project and the Municipality's entry into this Agreement, has appropriated or authorized the use of any necessary funds in connection with the Municipality's participation, and has further authorized the undersigned Municipal representative to execute this Agreement on the Municipality's behalf.

11. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off monies due the Municipality under a specific Project Contract up to any amounts due and owed to MaineDOT with regard to this Agreement, and any other Agreement/Contract, any other Agreement/Contract with any State Department or Agency, including any Agreement/Contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State for any reason including without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. MaineDOT shall exercise it set-off rights in accordance with normal State practices including, in cases of set-

off pursuant to an audit, the finalization of such audit by MaineDOT, its representatives, or the State Controller.

12. All provisions of this Agreement shall expire at Project final voucher, or upon final payment by the Municipality of any Project costs as hereinbefore provided, whichever occurs later.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the day and date last signed.

John Duncan Date 2/4/16

John Duncan, Director
MPO for PACTS

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

____________________________ Date________

TYPE NAME, TITLE HERE
Municipality of Portland

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

____________________________ Date________

William A. Pulver, Director, Bureau of Project Development
Maine Department of Transportation

I certify that the signature above is true and accurate. I further certify that the signature, if electronic: (a) is intended to have the same force as a manual signature; (b) is unique to myself; (c) is capable of verification; and (d) is under the sole control of myself.

MaineDOT

Project Identification Form
MPO Project

Section 1 – Project Origination

Sponsoring metropolitan planning organization (MPO): PACTS

Section 2 – Project Description and Justification

Project Sequence Number (PSN): 65828	Project Identification Number (PIN):
Municipality: Portland	Route Number/Street Name: Danforth Street

Description of Project Location: York Street to High Street, 0.21 miles.

Federal Functional Classification: Minor Collector	Is the project on the NHS? No	Speed Limit (mph): 25
AADT (segment):	Total Entering AADT:	Potential locally administered project? ☐ Yes ☒ No

Please state the purpose and need, describing why the improvement is proposed: Current PACTS policy is to both preserve and improve the collector roads in the PACTS region implementing cost effective infrastructure management.

Please describe the proposed scope of work: Shim and ¾ inch overlay.

Section 3 – Municipal Involvement

Please provide the following information about the sponsoring municipality:

Municipality Represented: Portland		
Contact Name: Kathi Earley	Title: Engineering Manager	
Mailing Address: 55 Portland Street	City: Portland	Zip Code: 04101
Daytime Phone Number: 874-8830	E-mail Address: KAS@portlandmaine.gov	

Section 4 – MPO Project Contact

MPO contact for this project: Paul Niehoff	Phone number: 207-774-9891
Form completed by: Paul Niehoff	Date: Revised: 11-19-15

Section 5 – Other Project Considerations

Has this project been reviewed in conjunction with other projects in the area, either under design or construction? If yes, please identify the person who conducted the review and specify the projects:	☐ Yes	☒ No	☐ N/A
Has this project been reviewed for pedestrian/bicycle accommodations and ADA requirements, including sidewalks and sidewalk ramps? If yes, by whom? Comments:	☐ Yes	☒ No	☐ N/A
Has the project been reviewed for crash history or other safety concerns? If yes, by whom?	☐ Yes	☒ No	☐ N/A
Has this project been reviewed for potential environmental impacts? If yes, by whom?	☐ Yes	☒ No	☐ N/A
Has this project been reviewed for traffic data needs, including turning movement counts? If yes, please identify the person who did the review and provide this data to the MaineDOT MPO Coordinator.	☐ Yes	☒ No	☐ N/A
Are there existing maintenance problems – drainage, pavement flooding, scouring – that should be addressed as part of this project? If yes, please describe:	☐ Yes	☐ No	☒ N/A
Are there related intersections that should be evaluated? If yes, please list:	☐ Yes	☒ No	☐ N/A
For intersection improvements that call for new signals where none currently exist, has a warrant analysis been completed?	☐ Yes	☐ No	☒ N/A
Will the project change the road's horizontal or vertical alignment? If yes, please describe:	☐ Yes	☒ No	☐ N/A
Are there any obvious right-of-way impacts or displacements? If yes, please identify the source of the review and briefly explain the impacts:	☐ Yes	☒ No	☐ N/A
Are there utility impacts within the proposed project limits? If yes, please describe the utility impacts: Typical utility adjustments as included with most overlay projects.	☒ Yes	☐ No	☐ N/A

Can this project meet clear zone requirements? (Please consult the *MaineDOT Highway Design Guide* for guidance.) If no, please explain:	☒ Yes ☐ No ☐ N/A
Do you expect that the project will require design exceptions (vertical and horizontal alignment, shoulder/lane widths, and clear zones)? If yes, please explain:	☐ Yes ☒ No ☐ N/A
Have previous technical studies been conducted? If yes, please: 1.) check all that apply; 2.) identify the responsible firm(s); and 3.) provide a copy to MaineDOT. ☐ Planning and Feasibility ☐ Corridor Report ☐ Geotechnical ☐ Hydraulic ☐ Environmental Responsible firm(s)	☐ Yes ☒ No ☐ N/A
Is professionally stamped technical documentation attached? ☐ Yes ☒ No If no, please explain: Not needed.	

Section 6 – Estimated Costs by Phase and Scheduling

	Phase	Original Estimate	Requested Delivery Year
☒	Preliminary Engineering	$ 9,936	2016
☒	Right-of-Way	$ 2,000	2016
☒	Construction	$ 206,667	2016
☒	Construction Engineering	$ 29,810	2016
	Total Cost	$ 248,413	

Source of the estimate and contact information, for follow-up: G-P& DOT

Is the project intended to be advertised for construction in 2016-2017? ☒ Yes ☐ No ☐ N/A
If no, please explain:

Section 7 – Funding Sources for the Project

	Funding Source	Amount	%
☒	Federal	$ 186,310	75
☐	State	$ 0	
☒	Local/Other	$ 62,103	25
	Total Project Funding	$ 248,413	100

Section 8 – Project Approvals

In signing this form below, I concur with the proposed scope of work, schedule and cost estimate. Additionally, I acknowledge that the MPO will provide Federal and State funding for the project, shown in Section 7. My signature further indicates that the MPO is willing to enter into a Three-Party Agreement with MaineDOT and the Municipality – formally defining the scope and assigning responsibility for costs – before design begins. **Comments:**	
Paul Niehoff **Name and Title:** Paul Niehoff, Senior Transportation Planner **MPO PACTS**	11/19/15 **Date**
In signing this form below, I concur with the proposed scope of work, schedule and cost estimate. Additionally, I acknowledge that the Municipality will make a commitment to secure its local share of project costs, shown in Section 7. My signature further indicates that the Municipality is willing to enter into a Three-Party Agreement with MaineDOT and the MPO – formally defining the scope and assigning responsibility for costs – before design begins. **Comments:**	
J. P. Jarp, City Manager **Name and Title:** **Municipality**	11/30/15 **Date**
In signing this form below, I acknowledge that I have reviewed the proposed scope, schedule and cost estimate. I further state that I agree with the following: ☐ Scope ☐ Schedule ☐ Cost estimate I further state that I disagree with the following: ☐ Scope ☐ Schedule ☐ Cost estimate **Comments:**	
Gerry Audibert **Name and Title:** Gerry Audibert, MPO Engineer **Maine Department of Transportation**	11/30/15 **Date**

NOTES

1. The municipality attests that it will abide by all federal and state requirements.
2. Any project costs found to be ineligible for federal and/or State participation shall be borne by the municipality and/or MPO.
3. Cancellation of a project may result in any expenditures to be determined to be ineligible and therefore borne entirely by the municipality and/or MPO, unless otherwise mutually agreed to by MaineDOT.

Project Title **ID** 163151

PACTS Danforth St Paving

Public Works

Division Engineering

Classification Streets/Sidewalks

Project Description

PACTS 16-18 TIP award of $248,413, inclusive of $62,103; the required 25% Local Match.

PACTS Collector Paving Program awarded Danforth St paving between York and High St. CIP request is for the required 25% Local Match ($62,103) plus ineligible City costs, including Sewer ($14,000) & multi-modal system improvements ($24,000). Work Plan indicates 2016 construction.

Project Justification

Highly leveraged value of Federally funded Pavement Rehabilitation projects; Local Match = 25% and City must cover 100% of sewer utility and ineligible items.

5 Year Cost Summary

Planning	Land	Construction	Equipment	Est Total Cost
$10,000		$276,310		$286,310

Funding Source

'ear	Other Funding	Requested Funding	City Mgr Recommended	Funding Type	Approved
2017	$186,310	$100,000			☐
2018					☐
2019					☐
2020					☐
2021					☐
Total	$186,310	$100,000			

Other Funding Source Description

PACTS 16-18 TIP award; Work Plan indicates 2016 construction.

Operating Budget Impact

Reduces cost to City for pothole repair and leverages critical infrastructure maintainance.

Danforth at York – Realignment and Curb Modifications – Alternative Concept

Draft: DPW/JJB	Date: 2/29/16	PACTS Collector Paving Project	Scale: 1" = 20'
			Note: Shows ≈ 200 sf. rain garden

Order 180-15/16
~~Tab 19 3-7-16~~
Tab 14 3-21-16

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

AMENDMENT TO PORTLAND CITY CODE
RE: LICENSES FOR BREWERIES, WINERIES AND DISTILLERIES

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

1. That the Code of Ordinances, City of Portland, is hereby amended by adding sections, to be numbered 3-31 and 3-32, which said sections read as follows:

ARTICLE III. BREWERIES, WINERIES and DISTILLERIES

DIVISION 1. GENERALLY

Sec. 3-31 Definitions

For the purposes of this Article, the terms *Brewery, Distillery, Malt liquor, Spirits, Wine,* and *Winery* shall have the same meanings as provided in 28-A M.R.S. §2, as amended hereafter.

Sec. 3-32 Brewery, Winery and Distillery Alcohol Service License.

(a) No brewery, winery, or distillery shall serve or sell spirits, wine, or malt liquor for consumption unless it is licensed pursuant to this section and Chapter 15. This division shall apply to those who serve or sell based on a license issued pursuant to 28-A M.R.S. §1355-A(I) , as amended hereafter.

(b) A brewery, winery, or distillery that is properly licensed to serve or sell spirits, wine, or malt liquor for consumption as part of its City of Portland Chapter 11 Food Service Establishment license is not required to obtain a license under this section. A brewery, winery, or distillery that is required to be licensed as a Food Service Establishment pursuant to Chapter 11, however, does not satisfy that requirement by obtaining a license under this section.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: **City Clerk's Office**

DATE: **February 12, 2016**

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

SUBJECT: **Brewery, Winery and Distillery Alcohol Service License**

SPONSOR: COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: March 7 Final Action: March 21st

Can action be taken at a later date: _____ Yes __x_ __ No (If no why not?)
We wish to have the fee change in place before the next fiscal year.

PRESENTATION: (List the presenter(s), type and length of presentation)
Janice Gardner, Business License Administrator: Summarization of issue and measures taken to gather feedback of staff and parties affected by proposed change; 5 minutes

I. SUMMARY OF ISSUE (Agenda Description)
Proposed amendment to City Code Chapter 3, sec. 3-31 Definitions and sec. 3-32 Brewery, Winery and Distillery Alcohol Service License; Chapter 15, Sec. 15-12 Fees and Expiration dates

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

III. INTENDED RESULT
Creation of a license for the service of alcohol at Portland breweries, wineries, and distilleries.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. RECOMMENDATION

VII. LIST ATTACHMENTS

Order

2. That Section 15-12 is hereby amended to read as follows:

Sec. 15-12 Fees and Expiration dates.

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

Location in Code	**Description**	**Fee**	**Expiration Date**
Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	$895.00	June 30
<u>Ch. 3,</u> <u>Art. III</u>	<u>Brewery, Winery and Distillery License (must obtain FSE and/or special entertainment if applicable)</u>	<u>$500.00</u>	<u>Concurrent with state liquor license</u>

. . .

Office of the City Clerk
Katherine L. Jones, CCM, City Clerk

Reason for Submission

Proposed Brewery, Winery and Distillery Alcohol Service License

The City Clerk's Office is proposing the creation of a new license for the service of alcohol at breweries, wineries, and distilleries. At this time, the City licenses the service of alcohol and food at restaurants and bars, but no license exists for the same activity at breweries, wineries, and distilleries.

With the change in State law allowing breweries, wineries, and distilleries to charge for samples of their products, the nature of these businesses has changed. Breweries, wineries, and distilleries are now destinations for patrons to drink at their leisure, consume food from food vendors, and listen to bands. This business model closely resembles traditional restaurants and bars, which are required to obtain City licenses for alcohol and food service as well as entertainment and dancing. Over the past couple of years, some local restaurant and bar owners have expressed concerns about the lack of City licensing of breweries, wineries, and distilleries. After looking into these concerns, discussing the issue with City and State staff, and meeting with the owners of breweries, wineries and distilleries, the City Clerk's Office believes licensing these establishments is fair and appropriate.

The intent of the license is to provide a vehicle of City oversight for breweries, wineries and distilleries serving alcohol for consumption on premise. New restaurants and bars are subject to review and approval by City Council and multi-departmental review. Renewal of these establishments' licenses on a yearly basis is contingent upon approval of several departments, including Fire Inspections and Police. This proposed license will create a similar process for breweries, wineries, and distilleries with a primary focus on life safety. This license and the application review process is not intended to change or limit what these establishments are allowed to do. It is a way for the City to ensure that patrons and public can enjoy these activities safely.

Fee

We think the $500 fee is appropriate for a few reasons. This license is for the service of alcohol, not food, and these establishments are not selling alcohol from other sources, so the license is priced less than a full liquor/food license. The fee covers departmental review and oversight of the business facility and operations on a yearly basis (i.e., Police Department and Fire Inspections review). We opted not to do a price scale because the oversight and information required each year would be beyond the scope of what we require of other classes of licenses. A single price simplifies the process for all.

Outreach and Feedback

We have met with Portland Fire, Police, Code Enforcement, and State Division of Liquor Licensing and Enforcement inspectors about this proposal. The feedback we received from all parties is in favor of the creation of this license. We have reached out to existing and future breweries, wineries, and distilleries to discuss these changes. We have met with this group twice to gather their input, hear their concerns, and make changes to the proposed ordinance where appropriate. We have put this proposal before the Health and Human Services Committee, which voted unanimously to put this before the full City Council.

It is our hope that the City Council finds this proposed license to be a fair and reasonable way to balance our support of the growth and evolution of businesses that serve alcohol with public safety.

Order 190-15/16
Tab 15 3-21-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (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 AMENDING THE RULES FOR THE DISPOSITION OF CITY-OWNED AND TAX-ACQUIRED PROPERTY

ORDERED, that the Portland City Council hereby amends the rules for the disposition of City-owned and Tax-Acquired Property, in the substantially the form attached hereto.

Economic Development Department
Gregory A. Mitchell, Director

MEMORANDUM

TO: Mayor and City Council

FROM: Gregory A. Mitchell, Economic Development Director

DATE: March 4, 2016

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

SUBJECT: **Order Authorizing Amendment to City Ordinance 2-313 Regarding the Sale of Tax-Acquired Property, Authorizing Amendments to Rules for the Disposition of Tax-Acquired and Other City-owned Property, and Authorizing Excess Sale Proceeds from the Sale of Tax-Acquired Property to go to the Housing Trust Fund**

SPONSOR: Economic Development Committee, meeting of 2/11/2016, Unanimous vote (3-0) to recommend to City Council approval.

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading: March 21, 2016 **Final Action:** April 4, 2016

Can action be taken at a later date: Yes

PRESENTATION: Greg Mitchell, 5 Minutes

I. SUMMARY OF ISSUE (Agenda Description)

This proposed Ordinance amendment and amendments to the Rules for disposition of tax-acquired and other City-owned property are intended to improve and streamline the process to dispose of City tax-acquired and other City-owned properties. The goal of these amendments is to return tax-acquired properties and surplus City-owned properties to productive use and taxable status.

City-Council approved rules and ordinances govern the City process to dispose of tax-acquired and City-owned properties. The rules were last updated in 2009 by City Council approval.

Tax Acquired Properties. Properties with past due property taxes cannot be tax-acquired until after an eighteen (18) month redemption period has expired. Property owners are first given a 30-day notice that they are delinquent. If they do not pay within 30 days, then a lien is filed in the Cumberland County Registry of Deeds, with a copy to the taxpayer, and the 18-month redemption period begins. Between 45 and 30 days before the expiration of the 18-month redemption period, the City sends out a Notice of Impending Automatic Foreclosure. If the taxes, interest, and costs are not paid before the expiration of the 18-month redemption period, the property is automatically foreclosed and the municipality owns the property. The following timeline illustrates, for FY14 taxes, when tax bills were mailed and when taxpayers were notified of the steps of the tax lien process:

1st Tax Bill Mailed:	One Month Prior
1st Tax Bill Due:	9/13/2013
Overdue reminder notice:	11/2013
2nd Tax Bill Mailed:	One Month Prior
2nd Tax Bill Due:	3/14/2014
30 Days Notice:	5/17/2014
Lien Filed:	6/15/2014
Impending Foreclosure Notice:	11/17/2015
Automatic Foreclosure:	12/18/2015

Note: In addition, prior to City sale of tax-acquired property, the Treasurer may also send a 60-day notice for a last opportunity to redeem the property.

City owned properties. Examples of surplus City owned properties becoming available for sale include the soon to be vacated Public Works properties in Bayside and a seven acre site owned by the City on Riverside Street.

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

The Tax-Acquired Property Committee, working with the City Manager and the Economic Development Committee, is proposing amendments to its Rules and supporting Ordinances to streamline the property sale process.

For a brief description of the current process, please see column 1 of Attachment 3, which includes a side-by-side comparison of existing rules and proposed amendments.

Tax-Acquired Property Sales – Highlighted Amendments

The following are the highlighted amendments for the tax-acquired property sales:

- City Manager, under specific circumstances set forth in an amended Ordinance, would be authorized to dispose of tax-acquired properties with no City Council involvement under the following recommended parameters:
    - Tax-acquired properties with a total municipal assessed value of $400,000 and under;
    - Residential properties only (up to three units), including residential vacant land; and,
    - Minimum sale price may be no less the sum of back taxes, interest, marketing costs, attorney fees, and other expenses due to the City; and,
    - All tax-acquired property not in line with the above parameters would require City Council approval to sell.

- In the event that the property is to be retained by City and/or Land Bank, there will be no opportunity for redemption by prior owner. Retention by City will be handled administratively; retention by Land Bank requires City Council vote.

- Occupied properties can be sold:

    - Upon notice to occupants, the City may evict; or,
    - City also can sell properties as occupied, with purchaser being responsible for the occupants.

- Rules include a sample 60-day redemption letter, to strengthen tax collection results; prior Rules did not have this attached.

- It is noted that City staff is recommending a minor proposed Rule amendment, following EDC action on this matter, to eliminate property owner installment payment plan options due to discussions with Maine Municipal Authority attorneys.

- Future amendments to the Rules can be handled administratively.

Other Tax-Acquired Property and City-owned Property Sales – Highlighted Amendments

The proposed amendments include involving the City Council, as a first step, for direction related to the following:

- Tax-acquired properties which are outside the City Manager parameters and;
- All City-owned properties.

    - The City Council authorizes property disposition process to begin and can either refer to the appropriate Council Committee for handling and a recommendation to the City Council, or provide direction to staff. Ultimately, the City Council retains final decision-making authority over City property disposition matters, except City Manager authorized tax-acquired property sales.

III. INTENDED RESULT

The intended result of these amendments are to return both tax-acquired properties and surplus City-owned properties to productive use and taxable status.

IV. COUNCIL GOAL ADDRESSED

Identify City owned property in light of its housing potential; and, streamline process for tax acquired property.

V. FINANCIAL IMPACT

With the streamlined process, it is anticipated that it will increase the City tax base by having productive use of these properties.

VI. STAFF ANALYSIS

Staff concurs that streamlining the process for disposition of tax-acquired and other City-owned properties will provide for an effective means for properties to be productive and increase the tax base.

VII. RECOMMENDATION

The City Council held a workshop on this item on February 8, 2016. Additionally, the Economic Development Committee reviewed this at its February 11, 2016, meeting and unanimously (3-0) recommended to the City Council approval of the proposed amendments, with three modifications to the Rules:

1) the City Council be provided an annual listing of tax-acquired properties at the end of December or following January;

2) the District Councilor will be notified before a tax-acquired property is put on the market for sale; and,

3) the net sale proceeds from the sale of tax-acquired properties go to the Housing Trust Fund for one full fiscal year, and then be revisited at the end of FY2017.

VIII. LIST ATTACHMENTS

1. Flow Chart of Retaining or Disposing of Tax-Acquired Properties within City Manager Parameters (based on proposed amendments)
2. Flow Chart of Disposing of other Tax-Acquired Properties and City-Owned Properties (based on proposed amendments)
3. Side-by-Side Comparison of Current Rules and Proposed Amendments
4. Proposed Ordinance Amendments to Section 2-313
5. Marked Revisions to Current Rules
6. Clean Version of proposed amended Rules

cc: Michael Goldman, Associate Corporation Counsel
Suzanne Knight, Deputy Finance Director
Lori Paulette, Senior Executive Assistant

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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CITY OF PORTLAND
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NICHOLAS M. MAVODONES, JR (A/L)

Order 191-15/16
Tab 16 3-21-16

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 2 ADMINISTRATION
Re: Revisions to the Authority to Sell Tax-acquired Property

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

1. That Section 2-313 is hereby amended to read as follows:

Sec. 2-313. Sale or disposal of real or personal property.

(a) *Redemption of tax-acquired real property.*

1. Property acquired by the City by reason of delinquent property taxes or sewer user charges may be reconveyed to the person or persons from whom the property was acquired after the expiration of the statutory period for redemption, upon the following conditions:

   The payment of the full amount of all taxes, sewer user charges, and other charges and assessments of any kind owed on all property located within the city, owned by the person seeking to redeem the property.

2. The City Manager may attach such further conditions as he or she may determine to be reasonable and appropriate for any reconveyance.

3. Nothing herein shall be construed to create any entitlement to reconveyance.

(b) *Real property.*

1. Subject to the provisions of section 2313(a) above for redemption by the prior owner, the Finance Director shall promulgate rules and regulations for the review and disposition of all real property. Such properties may be offered for sale pursuant to said rules and regulations. All sales shall be subject to the approval of the City Council, except that the City Manager, upon review by the Finance Director, is authorized to sell~~as follows~~:

   a. Vacant lots that do not meet minimum lot size for construction and are less than five thousand dollars

($5,000.00) in value as determined by the assessor; ~~do not require City Council approval and may be finally sold by the Finance Director, subject to the approval of the City Manager, except to the extent provided otherwise by rule.~~

b. Tax-acquired properties that are residential land or residential buildings containing no more than three units and having an assessed value of no more than four hundred thousand dollars ($400,000.00), provided that such properties shall not be sold for less than the sum of:

i. All taxes and interest owed on the property and the amount of taxes and interest that would have been assessed had the property not been acquired by the Ccity;

ii. The city's costs of the lien and foreclosure process;

iii. The city's costs of maintaining and disposing of the property, including, without limitation, attorneys' fees and marketing costs incurred in connection with the sale of the property;

iv. Unpaid sewer, water, storm water, or other charges and fees imposed by or incurred by the Ccity; and

v. Any other costs incurred by the Ccity related to the property.; and

c. Such sales must be conducted in accordance with the City of Portland's Rules for the Disposition of City-Owned and Tax-Acquired Property and any other rules promulgated pursuant this section.

2. All rules and regulations promulgated hereunder shall be effective upon approval by the City Manager, and a copy of all such rules and regulations shall be kept on file in the office of the Finance Director.

3. Nothing herein shall limit or modify the discretion of the City Manager or the City Council to reject any sale or offer to purchase by any person should they deem it in the best interest of the City to do so.

(c) *Acceptance of sewer and drainage easements.* The Finance Director, upon approval by the City Manager, shall have the authority to accept sewer and drainage easements and shall cause such easements to be recorded in the Cumberland County Registry of Deeds.

(d) *Personal property.* The Finance Director shall conduct all disposal of personal property determined by the City Manager to be surplus, such disposal to be either:

1. By competitive bid;

2. By competitive negotiation including, but not limited to, trading property, the value of any single piece of which does not exceed five thousand dollars ($5,000.00);

3. By public auction; or

4. By discarding it as he or she determines to be in the best interest of the city, if he or she determines it to be of no economic value.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: **Danielle West-Chuhta**

DATE: **March 11, 2016**

SUBJECT: Amendment to the Portland City Code Re: New Permitting and Inspections Department

SPONSOR: Jon P. Jennings, City Manager

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

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading __3/21/2016__ Final Action __4/4/2016__

Can action be taken at a later date: ____ **Yes** __X__ **No (If no why not?)** This is part of the general reorganization of permitting and licensing into the new department, and should be undertaken now to provide a smooth transition. City staff is also requesting that the amendments be enacted as an emergency.

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

I. ONE SENTENCE SUMMARY

These amendments are with regard to the new Permitting and Inspections Department. More specifically, they assign taxi licensing authority to the City Manager or designee. The Manager intends to designate the Director of the new Permitting and Licensing Department as the taxi licensing authority once that person is hired.

II. AGENDA DESCRIPTION

The City Council acted on March 7, 2016, to approve Order 165-15/16, reorganizing different City licensing and permitting functions into a single department. These amendments follow up on that action by assigning taxi licensing authority to the City Manager, who will designate the Director of the new Permitting and Licensing Department as the taxi licensing authority once that person is hired.

III. BACKGROUND
See above and back up materials for Order 165-15/16.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED
Further streamlining of the City's licensing and permitting functions.

V. FINANCIAL IMPACT
None that we are aware of at this time.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

None.

VII. RECOMMENDATION
Approved as to form by the Office of Corporation Counsel.

VIII. LIST ATTACHMENTS

Amendment to the Portland City Code Re: Taxi Licensing Authority

Prepared by: Nancy English
Date: 3/11/2016

Order 192-15/16
Tab 17 3-21-16

CITY OF PORTLAND
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE, ARTICLE III. ZONING
Re: INDIA STREET FORM-BASED CODE ZONE AND CROSS REFERENCES

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

That Chapter 14, Article III, Sections 14-275.7, 14-332.1 and 14.369.5 of the Portland City Code are hereby amended to read as follows:

Sec. 14-275.7. Subdistrict dimensional requirements.

(a) Urban Neighborhood (UN) subdistrict.

Intent: The intent of this subdistrict is to maintain and promote a small-scale, less active urban fabric. Buildings may be more private in character and have smaller footprints with building types including, but not limited to, single-family, rowhouses, duplexes, triple-deckers, and double-triples. Building frontages may be less transparent and entries may be raised above sidewalk level with frontage types including raised, recessed doorways, porches, and stoops. The streetscape has variable setbacks and landscaping with many buildings within one block and streets tend to be narrow.

. . .

(d) Corner conditions.

For corner lots where two subdistricts intersect at a street corner, the *Dimensional Requirements* and *Building Design Standards* of the "dominant" subdistrict shall apply from the 1st through 3rd LOT LAYER (35 feet deep into the lot measured from the dominant lot line) along its associated street frontage or public ways including required mid-block permeability. Otherwise, *Dimensional Requirements* shall be according to the subdistrict onto which the building FAÇADE faces.

CORNER

ORIENTATION

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation
- Principal Building shall designate a Principal Frontage and Secondary Frontage*
- In the case of a corner lot having UA frontage, the Principal Frontage must face a UA street*

SETBACKS

(a) Front Yard (1st Lot Layer)	according to subdistrict
(b) Side Yard	according to subdistrict

Building facades within 10' of a corner are exempt from setback requirements in order to allow special architectural treatments.

UA INTERSECTS UT

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UA INTERSECTS UN

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Building Length - UN FACADES	100' max.
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UT INTERSECTS UN

Dominant Subdistrict (35' deep)	UN
Orientation - Principal Frontage	determined by applicant

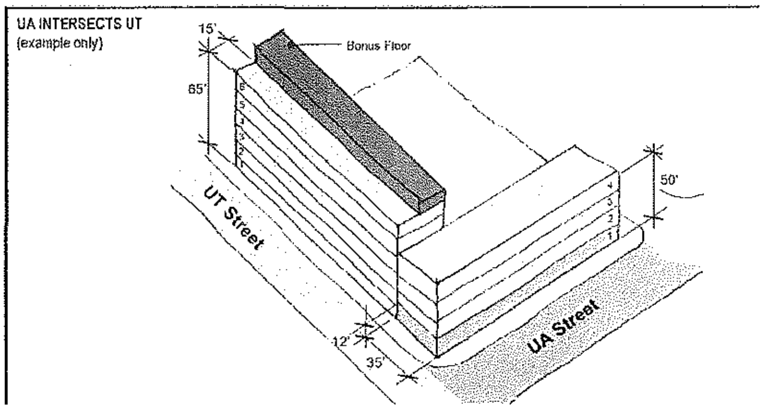
- Corner lots shall be treated as having street frontage on all streets regardless of building orientation

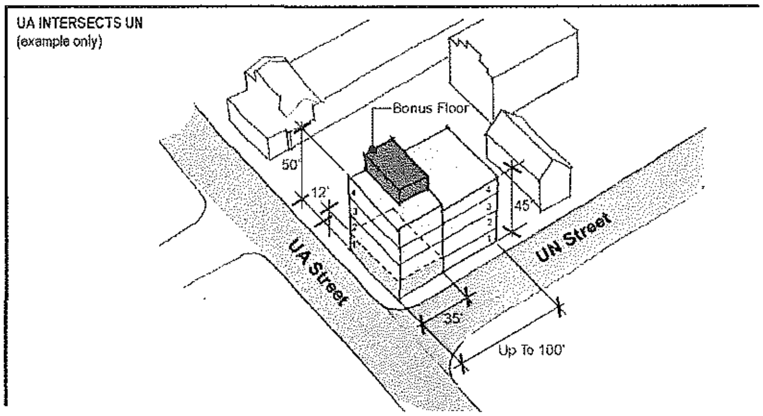
~~UN INTERSECTS UN~~

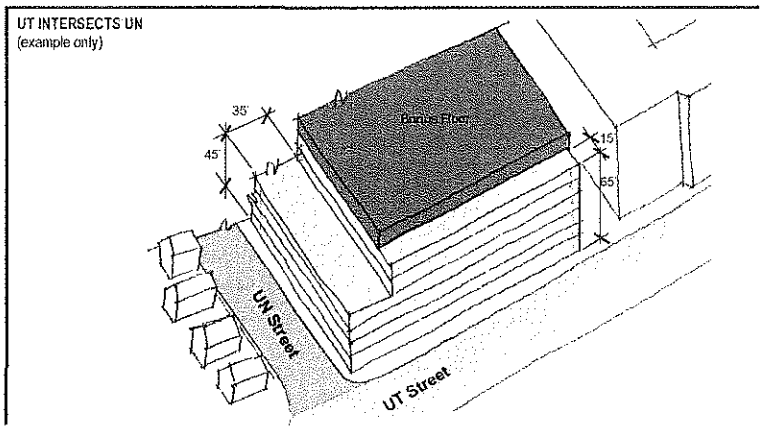
~~Building Length maximums:~~	
~~Principal Frontage~~	~~30' max.~~
~~Secondary Frontage~~	~~50' max.~~

Notes and Exceptions

* Does not have to correspond to legal building address







. . .

Sec. 14-332.1. Zone specific off-street parking exceptions and modifications.

The off-street parking requirements established for uses, established above in section 14-332 of this division, are hereby modified for the following zones according to the provisions described below.

(a) *IR-3, Island Residential Zone, Off-street parking:*

Off-street parking shall not be required irrespective of the requirements of division 20 (off-street parking) of this article.

. . .

(d) *Change of use in the B-2b or IS-FBC zone:*

. . .

Sec. 14369.5. Tables.

(a) *Table 1. Permitted sign types by zone.*
Note: The following legend applies for Table 1 below:

A. Allowed, no permit required;
B. Allowed, permit required;
C. Allowed, subject to licensing and permit required;
D. Prohibited;
E. Not Applicable

Parenthetical letters, i.e. (a), refer to the notes provided at the end of Table 1.

	IS-FBC UN R-1/R-6 IR-1/IR-3 Residential	*Institutional Uses in Residential Zones (a)*	*RP Residence Zones*	*ROS/RPZ Open Space*	*B-1 Neighborhood Business*	*B-2/IS-FBC UA/UT Regional Business*
Freestanding In general (b)	D	B	B	B	B	B
Residential	A	A	A	E	A	A
Residential (d)	D	A	A	A	A	A
Temporary/ Portable (b)	D	D	D	D	D	B
Building Commercial	D	D	D	B	B	B
. . .						
Miscellaneous Community, Cultural Banner	A	A	A	A		
Directory (j)	A	A	A	A		
Flag (k)	A	A	A	A		
Pennant	D	D	D	D		
Portable-in City right-of-way (A-frame)	D	D	C	D		

Notes for Table 1 (Permitted Sign Types by Zone).

(a) This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools and hospitals.

(b) The following limiting provision shall apply to freestanding signs in the B1, B2, ~~and~~ B3, and IS-FBC zones on the Portland Peninsula (except for the B2 zone in the vicinity of St. John Street): Such signs shall be allowed only if the front facade of the building (or individual tenant's/tenants' frontage in the case of a multitenant building) is set back a distance of at least twenty (20) feet from either of the front facades of the abutting buildings (or other tenants' frontage in the same multitenant building). Notwithstanding the limitations of this section, freestanding signs shall be permitted for gas stations provided that all signage for such gas stations conform to the requirements of this division.

...

Contents of Table 2:

2.1 Sign Regulations for R1—R7, IR1—IR3, IS-FBC UN Residential Zones

2.2 Sign Regulations for Institutional Uses in Residential Zones

2.3 Sign Regulations for RP ResidenceProfessional Zone

2.4 Sign Regulations for ROS/RPZ Open Space Zones & Signs in all Municipal Parks

2.5 Sign Regulations for B1 Neighborhood Business Zone — Single Tenant Lots

2.6 Sign Regulations for B2 Regional Business Zone, IS-FBC UT or UA zone — Single Tenant Lots

2.7 Sign Regulations for AB Airport Business Zone — Single Tenant Lots

2.8 Sign Regulations for B3 Downtown Business, B5 Urban Commercial, B-6 and B-7 Mixed Use Urban, WC Waterfront Central, and EWP, Eastern Waterfront Port Zones

2.9 Sign Regulations for IB Island Business Zone – Single Tenant Lots

2.10 Sign Regulations for B4 Commercial Corridor Zone – Single Tenant Lots

2.11 Sign Regulations for OP Office Park Zones

2.12 Sign Regulations for IL, ILb, IM, IMa, IMb, IH, IHb Industrial and WPD Waterfront Port Development Zones

2.13 Sign Regulations for B1, B2, AB, IB, and B4 Business Zones, and IS-FBC zone UT or UA – MultiTenant Lots

2.14 Sign Regulations for Gas Stations – All Zones Where Permitted

TABLE 2.1 R1 – R6, IR1 – IR3, IS-FBC UN: RESIDENTIAL AND ISLAND RESIDENTIAL ZONES

Freestanding Signs

	SingleFamily Lots	PRUDs, SingleFamily Subdivisions & Multifamily Developments – Development Identification Signs
Area	2 sq. ft.	15 sq. ft.
Height	5 feet	5 feet
Setback	5 feet	5 feet
Number freestanding signs per lot	1(a)	1 per major entrance

(a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.

Building Signs

	SingleFamily Lots	*PRUDs, SingleFamily Subdivisions & Multifamily Developments – Development Identification Signs*
Maximum permitted sign area	2 sq. ft.	10 sq. ft.
Number building signs permitted per lot	1(a)	1(b)

(a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.

(b) One (1) allowed per street frontage, provided there are no freestanding signs on the lot or development.

TABLE 2.6 REGIONAL BUSINESS (B2) ZONE, IS-FBC UT or UA ZONE – SINGLE TENANT LOTS

Freestanding Signs

	Facing Street Frontage < 200′	*Facing Street Frontage > 200′*
Area	65 sq. ft.	100 sq. ft.
Height	18 feet	18 feet
Setback	5 feet	5 feet
Number permitted per lot	1(a)	1(a)

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, but at onehalf the maximum allowable area for the original, except in those instances where the freestanding signs are not concurrently visible. In such an instance, additional freestanding signs shall be permitted the full area allowance.

Building Signs

	Building Face < 150 Linear Feet	*Building Face > 150 Linear Feet*
Maximum cumulative area of all building signs (b)	150 square feet (a)	225 (a)
Square feet per linear foot of building facade on which sign will be placed	2 feet	Same
Number of building signs permitted per lot	1 per building facade facing an abutting street + 1 additional	Same

(a) If any one (1) building face on which a sign is to be placed exceeds one hundred fifty (150) linear feet, then the maximum allowable sign area for the building as a whole is increased to two hundred twentyfive (225) square feet. However, the limit of two (2) square feet per linear foot of building frontage still applies for purposes of calculating maximum sign area for each building face.

(b) Where a building features two (2) principal entry facades facing parallel streets, each such entry facade shall be eligible for the full amount of signage relative to its frontage, notwithstanding the maximum cumulative sign area.

TABLE 2.13 MULTITENANT LOTS – B1, B2, AB, B4, ~~AND~~ IB, AND IS-FBC UT or UA ZONES

Freestanding Signs (a)

	B-1, B-2, AB, B-4, IB, IS-FBC UT/UA Zones		
	Land Area		
	< 1 acre	1–2.5 acres	2.5 acres
Area	Same as single	100	140
Height	Tenant	Same as for single tenant lots in applicable zones	
Number permitted per lot (b)	lots	1	1

(a) Freestanding signs shall be for purposes of joint identification. Individual tenants shall not be permitted their own freestanding sign. Such sign may identify name of center and may also include names of individual tenants.

(b) Lots fronting on two (2) or more streets are allowed an additional freestanding sign of onehalf the area of the first for each frontage which includes a vehicular entry point, provided signs are not readily concurrently visible. Such signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one (1) street frontage.

Building Signs

a. *Joint identification sign (a):*

	B1, IB	*B2, AB, B4, I, IS-FBC UT/UA*
Maximum area	na	250 sq. ft. I
Number permitted per lot (b)	not allowed	1 (b)

(a) Sign identifying name of building or shopping center only. Unused sign area cannot be applied to area allowances for other freestanding or individual tenant signs. Where name of shopping center is the same as or incorporates name of one (1) or more of the businesses located within the center, such business(es) shall elect between a joint identification sign and an individual business sign and shall not be allowed both.

(b) See (a) above.

(c) Allowed only on shopping centers featuring four (4) or more tenants and occupying a land area in excess of two and onehalf (2.5) acres.

TABLE 2.13, CONTINUED

b. *Individual business signs:*

Alternative 1

	B1, B2, AB, B4, IB, IS-FBC UT/UA Zones	
	Tenant's Frontage < 150 linear ft.	*Tenant's Frontage 150 linear ft.*
Maximum area	150 sq. ft.	Na
Square feet per linear feet of building front	1.5 sq. ft.	na
Maximum percent of wall area on which sign(s) is(are) to be placed	na	5%
Number permitted per business (a)	1	1

(a) If individual tenant fronts on more than one (1) street, one (1) additional building sign is permitted for each additional frontage, but at onehalf the maximum allowable area of the first.

PLANNING BOARD REPORT

PORTLAND, MAINE

IS-FBC Zoning Text Amendments
Division 15.2 IS-FBC Zone, Division 20 Off-Street Parking, and Division 22 Signs
City of Portland, Applicant

Submitted to: Portland Planning Board Public Hearing Date: February 23rd, 2016	Prepared by: Caitlin Cameron, Urban Designer Date: February 18th, 2016

I. INTRODUCTION

The City is seeking text amendments to three divisions of Chapter 14 Land Use Code in relation to the newly adopted IS-FBC zone. The text amendments proposed are to add cross-references and to correct a scriveners error associated with the new IS-FBC zone.

The request follows the discovery of three errors or omissions in the course of implementing the new code. These amendments seek to correct the one error and the two cross-references missing. The amendments can be found as Attachments 1-3.

II. PUBLIC COMMENT SUMMARY

A notice of this Hearing appeared in the February 15th and February 16th, 2016 editions of the *Portland Press-Herald*. A Neighborhood Meeting is not required. No public comments have been received at the time this report was prepared.

III. EXISTING ZONING

The India Street Form-based Code (IS-FBC) zone is a recently-created new zone covering the India Street neighborhood which is east of Franklin Street. The IS-FBC zone references other divisions within the Chapter 14 Land Use Code including Division 20 Off-Street Parking and Division 22 Signs. Each of those divisions have zone-specific sections or exceptions. When the IS-FBC zone was created some of the cross-references to these other divisions were missed and now are being corrected.

IV. PROPOSED ZONING AMENDMENTS

The city as applicant is requesting text amendments directly related to corrections and cross-references as they relate to the new zone, India Street Form-based Code zone. Following is a summary of the text amendments as proposed by staff along with summary statements that highlight the purpose of the proposed text amendment and specific points for the Board's consideration. The full text amendments are included in Attachments 1-3.

These amendments are requested by the Planning staff to address some immediate needs in the neighborhood. There is some immediacy to making these changes because there are several projects in the community that are affected by the omissions. Staff is seeking to make these changes to clarify the zoning interpretations for these projects.

Staff Summary: The requested amendments are as follows:

Division 15 IS-FBC zone (Attachment 1)
When the City Council adopted the new India Street Form-based Code, an amendment was made to increase the building length on UN streets from 30' to 50'. That adopted change was altered throughout the IS-FBC text except for in *Section 14-275.7: Corner* where the section UN INTERSECTS UN, which is no longer relevant because of the amendment to allow 50' in building length, was inadvertently left in the text. This amendment seeks to correct that error by deleting those four lines highlighted (see Attachment 1).

Division 20 Off-Street Parking (Attachment 2)
Division 20 covers off-street parking requirements and exceptions. When the IS-FBC zone was first created, some cross-references were added to this section, for example, developments in the IS-FBC zone are eligible for the Fee-in-Lieu of Parking provision in Division 20, as well as an off-street parking exemption for the first three dwelling units, same as the R-6 zone.

One additional exception for the B-2b zone had intended to be extended to the IS-FBC but the reference was omitted. The exception is for a change of use of 10,000 square feet or less is not required to provide parking for non-residential uses (Attachment 2):

> *(d) Change of use in the B-2b or IS-FBC zone: 1. A change of use of 10,000 sf. ft. or less of floor area of a building or a portion of a building need not provide parking for non-residential uses, provided that if the number of existing parking spaces serving the site is less than the requirements of this division, that number of parking spaces may not be reduced lower than the required amount prior to the change of use . . .*

Many blocks of the IS-FBC zone were previously zoned B-2b and the neighborhood, a small-scale, mixed-use, historic urban neighborhood, has many small-scale retail establishments in historic buildings that were built before parking was required. Commercial and retail spaces in this neighborhood, like many places on the peninsula, are site constrained, often built right up to the street line without parking areas. In addition to the feasibility challenges of adding parking to these existing properties, there is also a potential economic hardship for property and business owners to have this additional burden of providing more parking. This exception only applies to non-residential uses. For these reasons, staff believes it is appropriate to extend the same exception for change of use under 10,000sf that was previously available to many of these properties under the B-2b to the IS-FBC zone.

Division 22 Signs (Attachment 3)
Division 22 covers sign requirements and exceptions. The IS-FBC zone does not create new requirements for signs within the zoning. Division 22 is organized according to zone – what signs are allowed or prohibited is based on zone. However, the IS-FBC was not added to this division when the zone was created. To correct this omission, the IS-FBC has been inserted in the existing regulations as follows (also Attachment 3):

- IS-FBC UN subdistrict has the same sign regulations as the residential zones (R-1, R-6, IR-1, IR-3)
- IS-FBC UA and UT subdistricts has the same sign regulations as the business zones (B-1, B-2, B-3)

These designations primarily follow the previous zoning which was predominantly R-6 residential and B-2b, B-3, and B-5, B-6. Staff intends for the sign regulations align with the types of streetscapes intended to be created and maintained. The UN subdistrict is primarily small, private streets and is assigned the same sign regulations as residential streets. The UA and UT streets are intended to be commercial, active, and mixed-use streets where businesses already exists and are encouraged to continue to locate, therefore making the B-2 sign regulations the most appropriate for these two subdistricts.

V. COMPREHENSIVE PLAN ANALYSIS

Division 15 IS-FBC zone

The text amendment proposed for Division 15.2 is to correct a scriveners error associated with the new IS-FBC zone. Because the amendment corrects for errors and does not alter the content or intent of the Chapter 14, a Comprehensive Plan analysis is not required.

Division 20 Off-Street Parking

India Street Sustainable Neighborhood Plan (ISSNP): The ISSNP places priority for mixed-uses, urban building forms, and providing economic development opportunities, especially in the interest of providing goods and services to improve the quality of life for the neighborhood. Granting the requested parking exception would further these Comprehensive Plan goals.

> **Goal: Enhance Mixed-use Nature of Neighborhood** – New development and the built environment should continue to support and enhance mixed uses.
>
> **Principle 4: Mixed-Use Neighborhood** – The neighborhood plan should allow the mixed-use nature of this neighborhood to continue and expand, . . . Real estate developments, policies, and economic development plans that maintain or grow the level of service and amenities for the neighborhood will be encouraged.
>
> **Principle 5: Vibrant Local Economy** – Businesses are important to the success of a mixed-use neighborhood, and the vitality of the India Street Neighborhood economy impacts the city as a whole.
>
> **Principle 6: Retail Corridors** – The neighborhood's vitality will be heightened with more concentrated commercial activity – particularly restaurants and retail – along India and on Congress, Commercial, and Middle streets.
>
> **Principle 11: Quality Infrastructure** – Vehicle parking, especially surface parking lots, will be de-emphasized. On-street parking, reduced off-street parking requirements, modest off-street lots, structured parking, and car-sharking services will all be needed to satisfy demand.

Division 22 Signs

India Street Sustainable Neighborhood Plan (ISSNP): The ISSNP places priority for mixed-uses, urban building forms, and providing economic development opportunities, especially in the interest of providing goods and services to improve the quality of life for the neighborhood. The sign regulations assigned to the IS-FBC subdistricts correspond to the Comprehensive Plan goals of a mixed-use neighborhood but also of concentrated retail corridors.

> **Goal: Enhance Mixed-use Nature of Neighborhood** – New development and the built environment should continue to support and enhance mixed uses.

Principle 6: Retail Corridors – The neighborhood's vitality will be heightened with more concentrated commercial activity – particularly restaurants and retail – along India and on Congress, Commercial, and Middle streets.

VI. STAFF RECOMMENDATION

The staff recommends the proposed Zoning Text amendments to the Division 15.2 IS-FBC zone, Division 20 Off-street Parking, and Division 22 Signs as presented in Attachments 1, 2, and 3.

VII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, the policies of the IS-FBC Zone, Comprehensive Plan analysis, public comment, the information provided in public hearing on February 23, 2016 and/or other findings as follows:

1. **Text Amendments to 14-275.7: Corner, IS-FBC Zone**
The Planning Board finds that the proposed text amendment to *Section 14-275.7 Subdistrict Dimensional Requirements: Corner* presented in Attachment 1 of this report, [**is or is not**] consistent with the Comprehensive Plan for the City of Portland; and

   Therefore, the Planning Board [**recommends or does not recommend**] to the City Council approval of the zoning text amendment to Section 14-275.7 Subdistrict Dimensional Requirements: Corner.

2. **Text Amendments to 14-332.1 Zone specific off-street parking exceptions and modifications.**
The Planning Board finds that the proposed text amendment to *Division 20 Off-Street Parking, Section 14-332.1 Zone specific off-street parking exceptions and modifications* presented in Attachment 2 of this report, [**is or is not**] consistent with the Comprehensive Plan for the City of Portland; and

   Therefore, the Planning Board [**recommends or does not recommend**] to the City Council approval of the zoning text amendments to *Division 20 Off-Street Parking, Section 14-332.1 Zone specific off-street parking exceptions and modifications.*

3. **Text Amendments to 14-369.5 Tables.**
The Planning Board finds that the proposed text amendment to *Division 22 Signs, Section 14-369.5 Tables* presented in Attachment 3 of this report, [**is or is not**] consistent with the Comprehensive Plan for the City of Portland; and

   Therefore, the Planning Board [**recommends or does not recommend**] to the City Council approval of the zoning text amendments to *Division 22 Signs, Section 14-369.5 Tables.*

ATTACHMENTS:

Report Attachments

1. Proposed Text Amendment IS-FBC Section 14-275.7 Corner
2. Proposed Text Amendment Division 20 Off-Street Parking
3. Proposed Text Amendment Division 22 Signs

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Caitlin Cameron, Urban Designer, Planning and Urban Development

DATE: March 4, 2016

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

SUBJECT:
Order Amending the Portland City Code Chapter 14. Land Use, Article III. Zoning Re: India Street Form-based Code Zone and Cross References

SPONSOR: Beth Boepple, Chair, Portland Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading March 21, 2016 **Final Action** April 4, 2016

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)
Brief presentation by Beth Boepple, Chair of the Planning Board and Planning Staff (if necessary).

I. SUMMARY OF ISSUE (Agenda Description)
Orders amending Chapter 14 Land Use Code text amendments to Division 15.2, 20, and 22 (IS-FBC India Street Form-based Code Zone, Off-Street Parking, and Signs) Section 14-275.7, 14-332.1 and 14.369.5 to add cross-references and to correct a scriveners error associated with the new IS-FBC zone. Sponsored by Beth Boepple, Chair of the Portland Planning Board.

II. REASON FOR SUBMISSION (Summary of Issue/Background)
The India Street Form-based Code (IS-FBC) zone is a recently-created new zone covering the India Street neighborhood which is east of Franklin Street. The IS-FBC zone references other divisions within the Chapter 14 Land Use Code including Division 20 Off-Street Parking and Division 22 Signs. Each of those divisions have zone-specific sections or exceptions. When the IS-FBC zone was created some of the cross-references to these other divisions were missed and now are being corrected.

Refer to page 2 of Attachment 1 Planning Board Report for a description of each text amendment.

There is an active building permit application from a business that is directly impacted by the Division 20 Off-street Parking amendment proposed. For this reason, the Council might consider emergency action to make the changes effectively immediately upon adoption in order to prevent any further delays to the building permit process for this business owner.

III. INTENDED RESULT

Correct for errors and omissions within and related to the IS-FBC zone.

IV. COUNCIL GOAL ADDRESSED

Goal: Transportation Initiatives
Goal: Economic Development
Goal: Improve City Services

V. FINANCIAL IMPACT

The budget is not impacted by these text amendments.

VI. STAFF ANALYSIS

The request follows the discovery of three errors or omissions in the course of implementing the new code. These amendments seek to correct the one error and the two cross-references missing. No public comments have been received at the time this report was prepared.

VII. RECOMMENDATION

Planning Board voted unanimously to recommend the proposed Zoning Text amendments to the Division 15.2 IS-FBC zone, Division 20 Off-street Parking, and Division 22 Signs as presented in Attachments 2, 3, and 4.

VIII. LIST ATTACHMENTS

1. Planning Board Report 2.23.16
2. Proposed Text Amendment IS-FBC Section 14-275.7 Corner
3. Proposed Text Amendment IS-FBC Division 20 Off-Street Parking
4. Proposed Text Amendment IS-FBC Division 22 Signs

Prepared by: Caitlin Cameron, Urban Designer
Date: March 4, 2016

(d) Corner conditions.

For corner lots where two subdistricts intersect at a street corner, the *Dimensional Requirements* and *Building Design Standards* of the "dominant" subdistrict shall apply from the 1st through 3rd LOT LAYER (35 feet deep into the lot measured from the dominant lot line) along its associated street frontage or public ways including required mid-block permeability. Otherwise, *Dimensional Requirements* shall be according to the subdistrict onto which the building FAÇADE faces.

CORNER

ORIENTATION

- Corner lots shall be treated as having street frontage on all streets regardless of building orientation
- Principal Building shall designate a Principal Frontage and Secondary Frontage*
- In the case of a corner lot having UA frontage, the Principal Frontage must face a UA street*

SETBACKS

(a) Front Yard (1st Lot Layer)	according to subdistrict
(b) Side Yard	according to subdistrict

Building facades within 10' of a corner are exempt from setback requirements in order to allow special architectural treatments.

UA INTERSECTS UT

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UA INTERSECTS UN

Dominant Subdistrict (35' deep)	UA
Orientation - Principal Frontage	UA street
Building Length - UN FACADES	100' max.
Dominant Building Design Standards (applicable 35' deep)	
Ground Story Height	12' min. clear
Fenestration, ground floor	60-90% (see BDS) facade area

(measured as a percentage of the FACADE that is 2' above sidewalk grade)

UT INTERSECTS UN

Dominant Subdistrict (35' deep)	UN
Orientation - Principal Frontage	determined by applicant

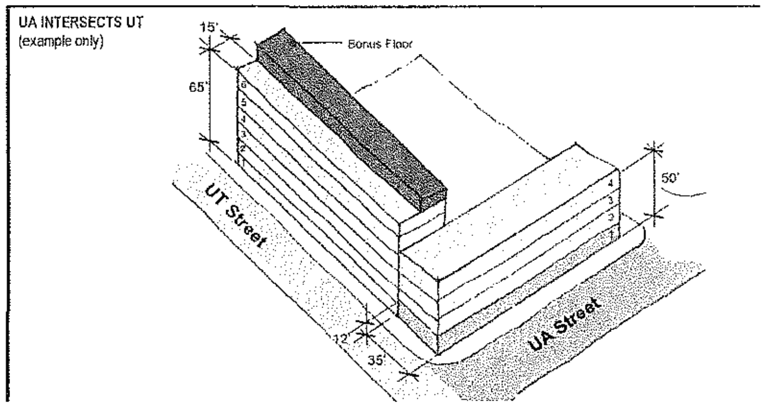
- Corner lots shall be treated as having street frontage on all streets regardless of building orientation

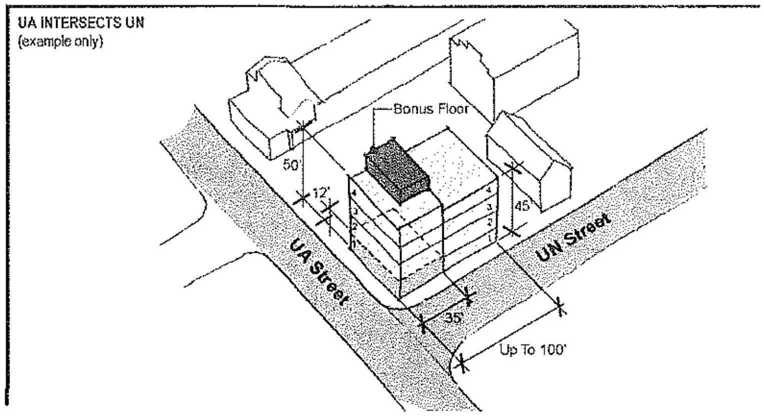
~~UN INTERSECTS UN~~

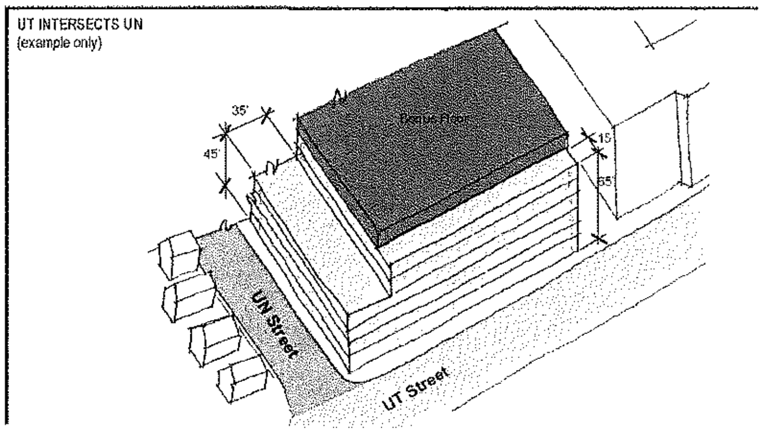
~~Building Length maximums:~~	
~~Principal Frontage~~	~~30' max.~~
~~Secondary Frontage~~	~~50' max.~~

Notes and Exceptions

* Does not have to correspond to legal building address







DIVISION 20. OFFSTREET PARKING

Sec. 14-332.1. Zone specific off-street parking exceptions and modifications.

The off-street parking requirements established for uses, established above in section 14-332 of this division, are hereby modified for the following zones according to the provisions described below.

(a) *IR-3, Island Residential Zone, Off-street parking:* Off-street parking shall not be required irrespective of the requirements of division 20 (off-street parking) of this article.

(b) *USM Overlay Zone, parking:* The parking requirements of section 14-332 (division 2) shall not apply to university buildings. Instead, the amount of parking required for any university building or building addition shall be determined by the planning board during site plan review, based on an analysis of campus-wide parking demand and supply, pursuant to a comprehensive university parking management plan, and treating all contiguous land (including land on opposite sides of the street) owned by the university as one lot. In determining the amount of parking required for any university building, the planning board may take into account such factors as:

1. The availability of off-campus parking and shuttle transportation to and from such off-campus facilities.

2. The ratio of commuter students to resident students.

3. The use of centrally located on-campus parking facilities so situated that students, faculty, staff and visitors arriving on campus can reasonably be expected to park in the central facilities and walk to their various on-campus destinations during the course of a school day.

4. Shared use of a single parking facility by two or more buildings when the peak parking demand period for such buildings do not overlap.

5. Development and implementation of a parking management plan which discourages on-street parking. On-street parking shall not be used to satisfy the university's parking demand.

6. Development and implementation of programs designed to reduce the number of automobiles parking on campus, such as ride share programs and incentives for use of bicycles and public transportation.

(c) *Recreation open space zone:* Off-street parking adequate to serve projected employee and visitor needs shall be provided. Parking needs projections provided by the applicant or the planning department should be considered in the review.

(d) *Change of use in the B-2b <u>or IS-FBC</u> zone:*

1. A change of use of 10,000 sq. ft. or less of floor area of a building or a portion of a building need not provide parking for non-residential uses, provided that if the number of existing parking spaces serving the site is less than the requirements of this division, that number of parking spaces may not be reduced lower than the required amount prior to the change of use except:

   a. To the extent necessary to meet the requirements of the Americans with Disability Act; or

   b. To the extent it is a requirement or a condition of site plan review; or

   c. To the extent the change of use requires less parking than the previous use and the total number of parking spaces serving the site exceeds the parking requirements of this division for all uses on the site including the change of use.

2. A newly constructed building, a building addition or a change of the use of a building exceeding 10,000 sq. ft. of floor area, shall provide the parking required by this division.

(e) *B-3 Zone*: No off-street parking is required for changes of use.

(f) *I-R1, Island Business Zone:* Off-street parking shall be required at twenty-five (25%) percent of the required number of parking spaces for specified uses as provided in division 20 (off-street parking) of this article, except that residential uses shall meet the full parking requirement.

(g) *B-5 Zone:* No off-street parking shall be required.

(h) *B-6 Eastern Waterfront Mixed Use Zone:* Off-street parking for all projects regardless of size shall be governed by 14-332.2(c) of this article.

(i) *B-7, Mixed Development District Zone:* Off-street parking for all projects regardless of size, shall be governed by 14-332.2(c) of this article.

(j) *Waterfront Zone parking requirements; Eastern Waterfront Port Zone; Waterfront Central Zone; Waterfront Port Development Zone; Waterfront Special Use Zone*: Off-street parking is required at fifty (50%) percent of the required number of parking spaces for specifi8ed uses as otherwise provided in division 20 of this article.

(k) *Residential development on the peninsula ~~and~~ or in the R-6 and R-6A Zones*, including new construction, alterations that increase the number of units, and changes of use:

1. Except as provided below, there shall be one (1) space per unit

2. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.

3. The planning board may establish a parking requirement that is less than the normally required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

4. No parking shall be required for the first three units in the R-6 Residential Zone or the IS-FBC Zone.

5. For alterations of buildings containing three or more dwelling units in the R-6 zone no parking shall be required for the creation of one additional dwelling unit above existing conditions as of June 3, 2015. This exemption may be utilized one time.

(Ord. No. 240-09/10, 6-21-10; Ord. 209-14/15, 5/4/2015; (Ord. 83-15/16, 1122015)

DIVISION 22. SIGNS*

Sec. 14369.5. Tables.

(a) *Table 1. Permitted sign types by zone.*
Note: The following legend applies for Table 1 below:

A. Allowed, no permit required;
B. Allowed, permit required;
C. Allowed, subject to licensing and permit required;
D. Prohibited;
E. Not Applicable

Parenthetical letters, i.e. (a), refer to the notes provided at the end of Table 1.

	R-1/R-6 IR-1/IR-3 Residential	*Institutional Uses in Residential Zones (a)*	*RP Residence Zones*	*ROS/RPZ Open Space*	*B-1 Neighborhood Business*	*B-2/IS-FBC Regional Business*
Freestanding In general(b)	D	B	B	B	B	B
Residential	A	A	A	E	A	A
Residential(d)	D	A	A	A	A	A
Temporary/ Portable (b)	D	D	D	D	D	B
Building Commercial Banner	D	D	D	B	B	B
Building Marker(f)	A	A	A	A	A	A
Awning	D	D	D	B	B	B
Identification(e)	A	A	A	A	A	A
Incidental(d)	A	A	A	A	A	A
Marquee(g)	D	D	D	D	D	B
Projecting	A	D	D	B	B	B
Residential(b)	A	D	A	E	A	A
Roof	D	D	D	D	D	D
Roof Integral	D	D	D	D	D	D
Suspended(g)	A	D	D	B	B	B
Temporary(h)	D	D	D	B	B	B
Wall	A	B	D	B	B	B
Window(I)	D	D	A	A	A	A
Miscellaneous Community, Cultural Banner	D	A	A	A	A	A
Directory(j)	D	A	A	D	A	A
Flag(k)	A	A	A	A	A	A
Pennant	D	D	D	D	D	D
Portable-in City right-of-way (A-frame)	D	D	D	D	C	C

	AB Airport Business	***Mixed-use Urban B-6/B-7*** *Downtown Business (B-3) & Urban Commercial (B-5)*	*I-B Island Business*	*B-4 Commercial Corridor*	*O-P Office Park*	*I-L, I-Lb Industrial*
Freestanding	B	B	D	B	B	B
In general (b)						
ResidentialI	A	A	A	A	E	A
Residential (d)	A	A	A	A	A	A
Temporary/ Portable (b)	D	D	D	B	D	D
Building	B	B	B	B	D	B
Commercial Banner						
Building Marker (f)	A	A	A	A	A	A
Awning	B	B	B	B	B	B
Identification (e)	A	A	A	A	A	A
Incidental (d)	A	A	A	A	A	A
Marquee (g)	B	B	D	B	B	B
Projecting	B	B	B	B	B	B
Residential (b)	A	A	A	A	E	A
Roof	D	D	D	D	D	D
Roof Integral	D	D	D	D	D	D
Suspended (g)	B	B	B	B	B	B
Temporary (h)	B	B	B	B	D	B
Wall	B	B	B	B	B	B
Window (I)	A	A	A	A	A	A
Miscellaneous	A	A	A	A	A	A
Community, Cultural Banner						
Directory (j)	A	A	A	A	A	A
Flag (k)	A	A	A	A	A	A
Pennant	D	D	D	D	D	D
Portable-in City right-of-way (A-frame)	C	C	C	C	D	D

	I-M, I-Ma, I-Mb Industrial	*I-H, I-Hb Industrial*	*Eastern Waterfront Port* *Waterfront* *Central Waterfront Special Use*	*Waterfront Port Development*
Freestanding	B	B	B	B
In general (b)				
ResidentialI	A	A	A	A
Residential (d)	A	A	A	A
Temporary/ Portable (b)	D/D	B/D	D	D
Building	B	B	B	B

Commercial Banner				
Building Marker(f)	A	A	A	A
Awning	B	B	B	B
Identification(e)	A	A	A	A
Incidental(d)	A	A	A	A
Marquee(g)	B	B	B	B
Projecting	B	B	B	B
Residential(b)	A	A	A	A
Roof	D	D	D	D
Roof Integral	D	D	D	D
Suspended(g)	B	B	B	B
Temporary(h)	B	B	B	B
Wall	B	B	B	B
Window(I)	A	A	A	A
Miscellaneous	A	A	A	A
Community, Cultural Banner				
Directory(j)	A	A	A	A
Flag(k)	A	A	A	A
Pennant	D	D	D	D
Portable-in City right-of-way (A-frame)	D	D	C	D

Notes for Table 1 (Permitted Sign Types by Zone).

(a) This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools and hospitals.

(b) The following limiting provision shall apply to freestanding signs in the B1, B2, ~~and~~ B3, and IS-FBC zones on the Portland Peninsula (except for the B2 zone in the vicinity of St. John Street): Such signs shall be allowed only if the front facade of the building (or individual tenant's/tenants' frontage in the case of a multitenant building) is set back a distance of at least twenty (20) feet from either of the front facades of the abutting buildings (or other tenants' frontage in the same multitenant building). Notwithstanding the limitations of this section, freestanding signs shall be permitted for gas stations provided that all signage for such gas stations conform to the requirements of this division.

(c) No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on premises.

(d) No commercial message of any kind allowed on a sign if such message is legible from any location off the zone lot on which the sign is located.

(e) Only address and name of occupant allowed on sign.

(f) May include only building name, date of construction, or historical data on historical site.

(g) If such a sign is suspended or projects above a public rightofway, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign.

(h) The provisions governing portable/temporary signs shall apply. See section 14370.

(i) Window signs shall be allowed without a permit and shall not be included when calculating cumulative sign area. However, in no event shall more than fifty (50) percent of window area be obscured.

(j) Directory signs, freestanding or on buildings, shall be allowed without a permit and shall not be included when calculating cumulative sign area, provided the sign area for each tenant does not exceed one and onehalf (1.5) square feet.

(k) Flags used as a symbol of a government, political subdivision or other entity. Any flag not meeting this description shall be considered a banner sign or pennant and shall be subject to regulation as such.

(b) *Table 2. Sign regulations by zone.* Table 2 is comprised of fourteen (14) individual charts outlining sign regulations for each zone in the city. Regulations are for permanent freestanding and building signs and shall not apply to portable/temporary signs, special sign types, incidental signs, directory signs or exempt signs. See applicable sections of this division for regulations governing such signs.

Other applicable regulations:

* Signs in historic districts, in historic landscape districts, or on individual landmark properties shall also be subject to the provisions of article IX of this chapter. Where the regulations of article IX are more stringent than those set forth in this division, the more stringent standard shall apply.

* Signs associated with projects otherwise subject to site plan review shall also be subject to the provisions of article V of this chapter.

* Signs located in the Pedestrian Activities District (PAD) overlay zone and in PAD Encouragement Areas within the B3 zone shall also be subject to the standards set forth in the Downtown Urban Design Guidelines.

Contents of Table 2:

2.1 Sign Regulations for R1–R7, IR1–IR3, IS-FBC UN Residential Zones

2.2 Sign Regulations for Institutional Uses in Residential Zones

2.3 Sign Regulations for RP ResidenceProfessional Zone

2.4 Sign Regulations for ROS/RPZ Open Space Zones & Signs in all Municipal Parks

2.5 Sign Regulations for B1 Neighborhood Business Zone – Single Tenant Lots

2.6 Sign Regulations for B2 Regional Business Zone, IS-FBC UT or UA zone – Single Tenant Lots

2.7 Sign Regulations for AB Airport Business Zone – Single Tenant Lots

2.8 Sign Regulations for B3 Downtown Business, B5 Urban Commercial, B-6 and B-7 Mixed Use Urban, WC Waterfront Central, and EWP, Eastern Waterfront Port Zones

2.9 Sign Regulations for IB Island Business Zone – Single Tenant Lots

2.10 Sign Regulations for B4 Commercial Corridor Zone – Single Tenant Lots

2.11 Sign Regulations for OP Office Park Zones

2.12 Sign Regulations for IL, ILb, IM, IMa, IMb, IH, IHb Industrial and WPD Waterfront Port Development Zones

2.13 Sign Regulations for B1, B2, AB, IB, and B4 Business Zones, and IS-FBC zone UT or UA – MultiTenant Lots

2.14 Sign Regulations for Gas Stations – All Zones Where Permitted

TABLE 2.1 R1 – R6, IR1 – IR3, IS-FBC UN: RESIDENTIAL AND ISLAND RESIDENTIAL ZONES

Freestanding Signs

	SingleFamily Lots	PRUDs, SingleFamily Subdivisions & Multifamily Developments – Development Identification Signs
Area	2 sq. ft.	15 sq. ft.
Height	5 feet	5 feet
Setback	5 feet	5 feet
Number freestanding signs per lot	1(a)	1 per major entrance

(a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.

Building Signs

	SingleFamily Lots	*PRUDs, SingleFamily Subdivisions & Multifamily*

		Developments – Development Identification Signs
Maximum permitted sign area	2 sq. ft.	10 sq. ft.
Number building signs permitted per lot	1(a)	1(b)

(a) A maximum of one (1) sign is allowed per lot. Such sign may be either a freestanding or a building sign.

(b) One (1) allowed per street frontage, provided there are no freestanding signs on the lot or development.

TABLE 2.6 REGIONAL BUSINESS (B2) ZONE, IS-FBC UT or UA ZONE – SINGLE TENANT LOTS

Freestanding Signs

	Facing Street Frontage < 200′	*Facing Street Frontage > 200′*
Area	65 sq. ft.	100 sq. ft.
Height	18 feet	18 feet
Setback	5 feet	5 feet
Number permitted per lot	1(a)	1(a)

(a) If lot fronts on more than one (1) street, one (1) freestanding sign is permitted for each additional frontage, but at onehalf the maximum allowable area for the original, except in those instances where the freestanding signs are not concurrently visible. In such an instance, additional freestanding signs shall be permitted the full area allowance.

Building Signs

	Building Face < 150 Linear Feet	Building Face > 150 Linear Feet
Maximum cumulative area of all building signs (b)	150 square feet (a)	225 (a)
Square feet per linear foot of building facade on which sign will be placed	2 feet	Same
Number of building signs permitted per lot	1 per building facade facing an abutting street + 1 additional	Same

(a) If any one (1) building face on which a sign is to be placed exceeds one hundred fifty (150) linear feet, then the maximum allowable sign area for the building as a whole is increased to two hundred twentyfive (225) square feet. However, the limit of two (2) square feet per linear foot of building frontage still applies for purposes of calculating maximum sign area for each building face.

(b) Where a building features two (2) principal entry facades facing parallel streets, each such entry facade shall be eligible for the full amount of signage relative to its frontage, notwithstanding the maximum cumulative sign area.

TABLE 2.13 MULTITENANT LOTS – B1, B2, AB, B4, ~~AND~~ IB, AND IS-FBC UT or UA ZONES

Freestanding Signs (a)

	B-1, B-2, AB, B-4, IB, IS-FBC UT/UA Zones		
	Land Area		
	< 1 acre	1–2.5 acres	2.5 acres

Area	Same as single	100	140
Height	Tenant	Same as for single tenant lots in applicable zones	
Number permitted per lot (b)	lots	1	1

(a) Freestanding signs shall be for purposes of joint identification. Individual tenants shall not be permitted their own freestanding sign. Such sign may identify name of center and may also include names of individual tenants.

(b) Lots fronting on two (2) or more streets are allowed an additional freestanding sign of onehalf the area of the first for each frontage which includes a vehicular entry point, provided signs are not readily concurrently visible. Such signage cannot be accumulated and used on one (1) street in excess of that allowed for lots with only one (1) street frontage.

Building Signs

a. *Joint identification sign (a):*

	B1, IB	*B2, AB, B4, I, IS-FBC UT/UA*
Maximum area	na	250 sq. ft. I
Number permitted per lot (b)	not allowed	1 (b)

(a) Sign identifying name of building or shopping center only. Unused sign area cannot be applied to area allowances for other freestanding or individual tenant signs. Where name of shopping center is the same as or incorporates name of one (1) or more of the businesses located within the center, such business(es) shall elect between a joint identification sign and an individual business sign and shall not be allowed both.

(b) See (a) above.

(c) Allowed only on shopping centers featuring four (4) or more tenants and occupying a land area in excess of two and onehalf (2.5) acres.

TABLE 2.13, CONTINUED

b. *Individual business signs:*

Alternative 1

	B1, B2, AB, B4, IB, IS-FBC UT/UA Zones	
	Tenant's Frontage < 150 linear ft.	*Tenant's Frontage 150 linear ft.*
Maximum area	150 sq. ft.	Na
Square feet per linear feet of building front	1.5 sq. ft.	na
Maximum percent of wall area on which sign(s) is(are) to be placed	na	5%
Number permitted per business (a)	1	1

(a) If individual tenant fronts on more than one (1) street, one (1) additional building sign is permitted for each additional frontage, but at onehalf the maximum allowable area of the first.

Alternative 2

Note: Alternative 2 is available as an option to proprietors of multitenant lots needing greater flexibility in allocating signs to tenants. This option requires the submission of a signage plan as described in section 14368(d) as evidence that all building signs on the subject lot comply with the provisions of this division, including the size and number limits of this table. All nonconforming building signs must be brought into compliance to be eligible for the Alternative 2 option.

Maximum permitted sign area	na	
Maximum percent of wall area on which signs are to be placed	Principal facade(s) 5%	All other facade(s) 2%
Number of building signs permitted per lot	1 per tenant plus 1 additional per building face	

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~~Tab 20 3-7-16~~
Tab 18 3-21-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
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CITY OF PORTLAND
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NICHOLAS M. MAVODONES, JR (A/L)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 15 LICENSING AND PERMITS AND
CHAPTER 30 VEHICLES FOR HIRE
Re: Tour Operator Licensing

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

1. That Section 15-12 of the Portland City Code is hereby amended to read as follows:

Sec. 1512. Fees and expiration dates.

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

. . .

Ch. 30, Art. III	Horse-drawn cabs	200.00, plus 20.00 per driver	April 30
Ch. 30, Art. ~~III~~IV	Bicycle cabs	100.00, plus 20.00 per driver	
Ch. 30, Art. V	Tour companies	300.00, plus 30.00 per	April 30

. . .

2. That Chapter 30 of the Portland City Code is hereby amended by adding Sections 30-93 to 30-109, which said sections read as follows:

ARTICLE V. TOUR COMPANIES

DIVISION 1. GENERAL PROVISIONS

Sec. 30-93. Definitions.

As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

Tour company means any individual, group, or entity that solicits, provides or offers tours to individuals or groups for profit of any portion of the City of Portland. For purposes of this Article, an individual, group, or entity that exclusively provides tours that are pre-paid and pre-arranged with a charter group or cruise line is not a *tour company* and is not required to be licensed as a *tour company* by the City.

Tour vehicle means any motorized vehicle or apparatus that is used to transport individuals or passengers during a tour of and in any portion of the City. Tour vehicles shall include, but shall not be limited to, cars, trucks, vans, buses, motorcycles, mopeds, and segways.

Street, way, or public place means any street, way, trail, path, promenade, park, plaza, square, or other public property, or portion thereof.

To operate means to drive, pedal, pull, push or otherwise cause the tour vehicle to move.

Sec. 30-94. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this article.

DIVISION 2. LICENSES

Sec. 30-95. License Required.

No tour company shall operate a tour vehicle on any street or way or in any public place without a tour company license. In obtaining or renewing a tour company license, accurate information for each operator and vehicle shall be provided pursuant to Section 30-96. An operator for whom such information has not been provided to the Licensing Authority is not licensed to operate. A vehicle for which such information has not been provided to the Licensing Authority is not licensed to be operated. Any operator who is less than eighteen (18) years old shall be restricted to operation between the hours of 8 a.m. to 6 p.m.

Sec. 30-96. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for tour company licenses shall contain the following:

(a) A complete listing of all operators to be employed by or associated with the applicant, giving each person's full name, age and present address.

(b) A complete record (Maine Criminal History Record search) of disqualifying criminal convictions or civil offenses as defined in Section 30-33(b)(3-6), if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant.

(c) A detailed description of each tour vehicle and any other equipment to be used by the applicant, including a photograph of each tour vehicle and the make, model, color, year, power, and seating capacity specifications of each such vehicle.

Sec. 30-97. Licensing authority and regulations.

Notwithstanding any provision of chapter 15 to the contrary, the City Manager or his or her designee shall be the licensing authority for the owner/operator, vehicle, and operator licenses. The City Manager or his or her designee shall also have the authority to promulgate rules and regulations for tour licenses as he or she may deem necessary.

Sec. 30-98. Conditions precedent to issuance.

Prior to the issuance of any tour company license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the City Manager or his or her designee the following:

(a) A certificate issued by the applicant that the tour company to be licensed and all operators operating thereunder shall comply with the rules made under authority of this article by the licensing authority; and

(b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle or other liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the tour company to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in the amount of not less than four hundred thousand dollars ($400,000.00) per occurrence, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the licensing authority. Such certificate shall state that the issuing agent shall notify the licensing authority in writing no less than thirty (30) days prior to the cancellation thereof. The City of Portland shall be included in the policy as an additional named insured.

Sec. 30-99. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension or revocation of license, a tour company, tour operator, or tour vehicle license may be denied, suspended or revoked on any of the following grounds:

(a) The applicant or licensee or any operator is less than seventeen (17) years of age or has had a disqualifying criminal conviction or civil offense as provided in Section 30-33(b)(3-6);

(b) Disobeying any order or direction of the City Manager or his or her designee, including, but not limited to, the city traffic engineer, license inspector, or any police officer; or

(c) Causing or permitting any violation of this article or chapter 25.

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-100. Operation limited to roadways; carrying of passengers; prohibited locations.

Licensed tour vehicles shall be operated within roadways only. Tour vehicles shall not be operated upon sidewalks or bicycle paths, except those paths specifically designated for that purpose by the Director of Parks and Recreation. Tour vehicles may carry passengers to locations chosen by the passengers or may follow an agreed-upon route for sightseeing purposes. The City Manager or his or her designee shall have the right to prohibit tour vehicles from streets or roadways where the operation of such vehicles will present a threat to the safety of the tour vehicle operator and passengers or to other users of the street or roadway. The City Manager or his or her designee also shall have the authority to erect appropriate signs or markers, and to impose such conditions on the use of routes and locations as he or she deems proper, including limiting the number of such tour vehicles in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in accordance with traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person. In no event shall a tour vehicle utilize a designated taxicab stand for any purpose whatsoever, unless required for an immediate response to an emergency situation. Tour vehicles shall not be permitted at the Jetport.

Sec. 30-101. Not to obstruct traffic; police orders.

No tour company or tour vehicle shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers public safety. Any designee of the City Manager, including, but not limited to, police officers and the city traffic engineer, may at any time order the operator of any such company or vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or reduction of high-traffic areas.

Sec. 30-102. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed tour companies and tour vehicles.

Sec. 30-103. Display of plate and badge.

A plate, to be issued by the licensing authority and bearing an identification number shall be displayed in a conspicuous place on each licensed tour vehicle at all times while in service. A badge, to be issued by the licensing authority and identifying the wearer by number as a licensed operator of such tour company or tour vehicle, shall be worn prominently on his or her person by each such operator at all times while on duty.

Sec. 30-104. Solicitation of business.

No person shall solicit business in any manner for any licensed tour company or tour vehicle while on route. Prohibited solicitation while standing shall include shouting, hollering, whistling, clapping, or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct detrimental to the image or reputation of the trade or the public safety or convenience.

The City Manager or his or her designee may restrict the solicitation of business to certain designated areas within a specified zone in certain high-traffic areas.

Sec. 30-105. Passengers to be seated and well-behaved.

No operator of any tour company or tour vehicle shall load or admit more passengers at any one (1) time than may be fully seated in such tour vehicle. Every passenger in any such tour vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others.

Sec. 30-106. Care and maintenance of tour vehicle.

Each licensed tour vehicle shall be at all times clean and in good repair.

Sec. 30-107. Conduct and appearance of operators; rule-making authority.

Every operator of a licensed tour company or tour vehicle shall be courteous at all times when on duty and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The City Manager or his or her designee shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.

Sec. 30-108. Unsafe vehicles; inspections; order from service.

No licensed tour vehicle shall be operated at any time while unsafe, defective or in disrepair. The City Manager or his or her designee, including, but not limited to, any police officer or the license inspector may inspect a tour vehicle at any and all reasonable times, prior to being placed into service, while in service, or otherwise, and may at any time order such vehicle to be removed from service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon re-inspection by such officer, the license inspector or the licensing authority, and upon a finding that such repair has been made or that such defect or unsafe condition has been corrected.

Sec. 30-109. Storage of vehicles and equipment.

No tour vehicle or related equipment shall be kept or stored on any street or way or in any public place while not in service.

MEMORANDUM

To:	Public Safety, Health and Human Services Committee
From:	Adam Lee, Esq., Associate Corporation Counsel
	Richard M. Bianculli Jr., Esq., Neighborhood Prosecutor
Re	Proposed Ordinance Amendment to License Tour Companies
Date:	October 5, 2015

The attached ordinance amendment proposes to require a license for tour companies that currently operate in the City of Portland. Adoption of the amendment will allow Portland to ensure public safety by confirming insurance requirements, reviewing background checks for tour company owners and operators, and conducting general safety inspections on tour vehicles. Requiring a license for tour companies is a logical step towards fostering a safe and productive tourist industry.

As an unlicensed business enterprise, mobile tour companies are currently prohibited from actively soliciting customers or selling tours on streets, sidewalks and public areas pursuant to Section 25-17(a) of the Portland City Code. The provision of licenses for tour companies will ensure that tour companies are permitted to conduct their business in a reasonable manner. A majority, if not all, of the current tour operators have indicated their support for a licensing program.

Portland has required licenses for horse-drawn carriages since 1984 and bicycle cabs since 1998. The proposed ordinance amendment will include similar requirements to those found in Chapter 30 for the horse-drawn carriages and bicycle cabs. Operators are required to keep the vehicles clean and presentable. Following the initial inspection required for a license, the license inspector or any police officer is permitted to inspect the tour vehicle at any time in order to ensure compliance with safety measures and the absence of safety hazards. Unsafe vehicles would be removed from service until the compliance issue is attended to.

The Jetport staff has confirmed that they are prepared to process the license applications as they are received. Once the ordinance is adopted, city officials would develop regulations including requirements for application deadlines, inspection checklists, and the like. The inspection of the tour vehicles will be considered a pre-requisite to the application process and inspections will be conducted by the Director of Port Operations, Kathy Alves.

MEMORANDUM

To: Public Safety, Health and Human Services Committee

cc: Mayor Brennan and Members of the Portland City Council and

Jon Jennings, City Manager

From: Adam R. Lee, Esq., Associate Corporation Counsel

Date: November 10, 2015

Re: **Limitation on Solicitation of Tour Companies within a Distance of a Fixed-Base Tour Company**

At the October 13, 2015 meeting, this Committee approved Ordinance amendments creating a process by which Tour Companies are required to obtain licenses. The Committee suggested modifications to the amendments permitting the City Manager or his/her designee to issue and enforce the provisions of the Ordinance. The Committee also suggested an amendment that precludes solicitation by non-fixed-base tour companies within a certain distance of fixed-base tour companies. The Committee suggested that such amendment should be provided to the full Council at the time the Ordinance was placed on the Council's agenda. As a result of scheduling and additional research, Corporation Counsel determined it would be useful to present the issue again for discussion to the Committee before presentation to the full Council.

The amendment requested by the Committee to prevent solicitation within a distance of a fixed-base company is a regulation on commercial speech. While the First Amendment affords less protection to commercial speech, it "does not fall outside the purview of the First Amendment." *Lorillard Tobacco v. Reilly*, 533 U.S. 525, 554 (2001). The U.S. Supreme Court established a four-part test in *Central Hudson Gas & Elect. Corp. v. Public Serv. Comm'n of N.Y.*, 447 U.S. 557 to determine whether regulations of commercial speech violate the First Amendment: 1) Is the commercial speech protected (does it concern lawful activity and is not misleading)?; 2) Is the asserted governmental interest substantial?; If the answer to both of the first two questions is yes, 3) does the regulation directly advance the governmental interest asserted?; and 4) Is the regulation more extensive than necessary to serve the interest?

From Corporation Counsel's perspective, the most likely issue on which this Ordinance would be challenged is what government interest it serves and whether it is narrowly tailored to serve that interest. Those challenging the Ordinance may argue that it was enacted for purposes of protecting certain companies from economic competition. Courts have held that such purposes are not legitimate government interests. *St. Joseph Abbey v. Castille*, 700 F.3d 154, 161 (5th Cir. 2012) ("As we see it, neither precedent nor broader principles suggest that mere economic protection of a pet industry is a legitimate governmental purpose[.]"); *Craigsmiles v. Giles*, 312 F.3d 220, 224 (6th Cir. 2002) ("Courts have repeatedly recognized that protecting a discrete interest group from economic competition is not a legitimate governmental purpose.").

Economic protectionism is distinct from another governmental purpose that has been discussed by the Committee and may be served by the proposed amendment, that of public safety. There is no doubt that protection of public safety – specifically in the context of pedestrian and traffic safety – is a legitimate and significant governmental interest. *See McCullen v. Coakley*, 134 S.Ct. at 2535 and *Cutting v. City of Portland*, 2015 U.S. App. Lexis 16206. If the proposed amendment is enacted, it should be enacted on the basis of protecting public safety and any such amendment must be the most narrow way to address the issue in question. It is Corporation Counsel's advice that prior to enactment of an amendment that would prohibit solicitation within a distance from fixed-base tour companies, the Committee/City Council should take additional testimony regarding public safety including, but not limited to, the congregating of solicitors in front of fixed-base establishments, and ensure that any proposed amendment is the most narrowly tailored option available and not more extensive than necessary to serve the public safety interest.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: **Adam R. Lee, Associate Corporation Counsel**

DATE: **2/24/16**

SUBJECT: **Tour Company Licensing Ordinance**

SPONSOR: Economic Development Committee, Ordinance Amendments approved by Committee 2-0 on February 23, 2016

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

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading__March 7, 2016 Final Action ___March 21, 2016

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

Passage is recommended now so that Staff can make preparation for implementation of the licensing process and advise Tour Companies of the process in advance of "tour season."

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

I. ONE SENTENCE SUMMARY

This Ordinance Amendment would require that those providing guided tours with vehicles within the City of Portland acquire a license to do so.

II. AGENDA DESCRIPTION

See Attached Memos

III. BACKGROUND

This Ordinance came to the Council in very similar form for second reading on January 20, 2016. At that point, based on input regarding two issues: 1) the potential establishment of a "no transient operator solicitation zone" outside of fixed-base tour operations; and 2) ambiguity regarding the inclusion of bus companies who exclusively operate pre-paid and

pre-arranged tours for charter groups and cruise lines but do not individually solicit such tours, the matter was referred to the Economic Development Committee. After two meetings at the Committee, the present Ordinance has been suggested to the full Council in a form that does not include a "no transient operator solicitation zone" and explicitly exempts bus companies who exclusively operate pre-paid and pre-arranged tours for charter groups and cruise lines.

<u>See Attached Memos</u>

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

The licensing fees will be utilized primarily for administration of the licensing process.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

<u>See Attached Memo</u>

VII. RECOMMENDATION

The Economic Development Committee recommended passage.

VIII. LIST ATTACHMENTS

October 5, 2015 Background Memorandum

November 10, 2015 Memorandum regarding solicitation limitation

Approved Ordinance Amendments

Prepared by: Adam R. Lee
Date: 2/24/16

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ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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NICHOLAS M. MAVODONES, JR (A/L)

ORDER ACCEPTING AND ADOPTING THE 2016 HOUSING TRUST FUND ANNUAL PLAN

ORDERED, that the 2016 Housing Trust Fund Annual Plan, attached hereto, is hereby accepted and adopted.

HOUSING TRUST FUND 2016 ANNUAL PLAN

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

The Annual Plan will establish the priorities in which the current balance of the Housing Trust Fund will be allocated. The plan is in line with City Council Goals from ~~, which include this statement from~~ 2014: 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 and from ~~, In~~ 2016: ~~, the Fund includes a~~ Plan for five new "Housing First" projects.

This budget is based on the current balance in the Housing Trust Fund which is primarily a result of fees generated by the Housing Replacement Ordinance. As of February 16, 2016, the balance of the Housing Trust Fund is $468,551. While staff anticipates increases in revenue in the Housing Trust Fund as a result of the Inclusionary Zoning Ordinance and other sources being considered by the City Council, those anticipated resources are not included in the 2016 Annual Plan.

Sources and Uses of Housing Trust Fund:

DEPOSITS		**EXPENDITURES**	
Maine Medical Center 2002-2003	$ 315,580	Avesta Oak Street Lofts 2011	$ (380,585)
Sportsman's Grill 2002	$ 40,000	Housing First Pre-Development RFP	$ (75,000)
Berlin City Auto 2009	$ 116,000	65 Hanover St	$ (9,250)
Stop n Shop 2010	$ 289,250	65 Munjoy ST	$ (175,000)
Rockbridge/Eastland Park 2012	$ 42,500		
Riverwalk/Ocean Gateway 2012	$ 250,000		
118 Congress LLC April 2014	$ 3,500		
Interest earned	$ 51,556	**Balance**	$ 468,551

City Ordinance requires that the Housing Trust Fund Annual Plan include a description of the programs to be funded, a budget for each program and identify how the funds will be distributed among very-low (at or below 50% of the area median income), low (at or below 80% of the area median income) and moderate income (at or below 120% of the area median income) households.

The Housing Trust Fund is a valuable tool that can assist the City in meeting the goal of providing increased availability in all segments of the housing market. While the City has other resources such as the HUD HOME and CDBG Programs, those funds are limited in amount and scope. The proposed Housing Program budget for FY 2016-2017 includes $324,836 in HOME funding for affordable housing development, $150,000 for housing rehabilitation and $304,178 in CDBG housing program income for housing rehabilitation. The HOME program restricts rental housing assistance to households at or below 60% of the area median income and home ownership assistance to households at or below 80% of the area median income. The CDBG program is restricted to households at or below 80% of the area median income. City Ordinance allows the Housing Trust Fund to assist households at or below 120% of area median income.

The purpose of the Housing Trust Fund is the "...promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City." and "To serve as a vehicle for addressing very low, low and median income housing needs...". Currently, the Housing Trust Fund revenue is generated by the Housing Preservation and Replacement Ordinance. However, the recently approved Inclusionary Zoning Ordinance, along with other funding resources under Council consideration, will provide additional revenue for the Housing Trust Fund.

Affordability restrictions are required. In the case of rental or cooperative units, the units must remain affordable for the life of the housing unit which is presumed to be a minimum of thirty (30) years. Homeownership units must include resale restrictions that maintain an "equitable balance" between the interests of the owner and the City. These restrictions must be documented and recorded in the Cumberland County Registry of Deeds.

Housing Trust Fund resources should be focused on opportunities where other funding sources do not work or are not effective. Housing Trust Fund investment should be focused on (1) projects designed to create workforce housing targeted to households earning 80% to 120% of the area median income; and (2) rental housing projects targeted to very-low income households (at or below 50% of the area median income). As always, the City should act prudently when deciding to invest these funds. Developments or projects requesting financing assistance from the Housing Trust Fund will be brought to the City Council for funding approval.

The Housing Trust Fund resources are also intended to promote the retention of affordable housing. Staff recommends that Housing Trust Fund resources be made available, if necessary, to exercise the City's right of first refusal it may have in connection with potential foreclosure issues with affordable homeownership units. This is unlikely to occur in the near future but may come up as more workforce homeownership units are created through Portland's new inclusionary zoning ordinance. Similarly, Housing Trust Funds resources should also be considered for aiding households that own affordable units to pay special assessments from their condominium or homeowners association in order to help maintain the unit's affordability and reduce any risk of foreclosure. It is important to allow for the consideration of using funds in these manners as foreclosure of a unit can jeopardize any affordability restrictions associated with the property.

Staff is requesting City Council approval of the proposed 2016-2017 Housing Trust Fund Annual Plan for the balance of $468,551 currently existing in the Housing Trust Fund. Any revenue generated above and beyond the existing balance will not be allocated without an amendment to the Annual Plan.

MEMORANDUM
City Council Agenda Item

TO: City Council

FROM: Planning and Urban Development Department
Housing and Community Development Division

DATE: March 7, 2016

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

SUBJECT: **Order Approving the 2016 Housing Trust Fund Annual Plan**

SPONSOR: **Jill Duson, Chair, Housing Committee**

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading March 21st Final Action March 21st

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

PRESENTATION: Staff will be available to answer questions

I. SUMMARY OF ISSUE (Agenda Description)

The Housing and Community Development Committee met on February 24, 2016 and voted 5-0 to forward this item to the City Council with a recommendation for passage.

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

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

III. INTENDED RESULT

The Annual Plan will establish the priorities in which the current balance of the Housing Trust Fund will be allocated.

IV. COUNCIL GOAL ADDRESSED

2014: 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. 2016: Plan for five new "Housing First" projects.

V. FINANCIAL IMPACT

This budget is based on the current balance in the Housing Trust Fund which is primarily a result of fees generated by the Housing Replacement Ordinance. As of February 16, 2016, the balance of the Housing Trust Fund is $468,551. While staff anticipates increases in revenue in the Housing Trust Fund as a result of the Inclusionary Zoning Ordinance and other sources being considered by the City Council, those anticipated resources are not included in the 2016 Annual Plan.

Sources and Uses of Housing Trust Fund:

DEPOSITS			EXPENDITURES		
Maine Medical Center 2002-2003	$	315,580	Avesta Oak Street Lofts 2011	$	(380,585)
Sportsman's Grill 2002	$	40,000	Housing First Pre-Development RFP	$	(75,000)
Berlin City Auto 2009	$	116,000	65 Hanover St	$	(9,250)
Stop n Shop 2010	$	289,250	65 Munjoy ST	$	(175,000)
Rockbridge/Eastland Park 2012	$	42,500			
Riverwalk/Ocean Gateway 2012	$	250,000			
118 Congress LLC April 2014	$	3,500			
Interest earned	$	51,556	**Balance**	$	468,551

VI. STAFF ANALYSIS

City Ordinance requires that the Housing Trust Fund Annual Plan include a description of the programs to be funded, a budget for each program and identify how the funds will be distributed among very-low (at or below 50% of the area median income), low (at or below 80% of the area median income) and moderate income (at or below 120% of the area median income) households.

The Housing Trust Fund is a valuable tool that can assist the City in meeting the goal of providing increased availability in all segments of the housing market. While the City has other resources such as the HUD HOME and CDBG Programs, those funds are limited in amount and scope. The proposed Housing Program budget for FY 2016-2017 includes $324,836 in HOME funding for affordable housing development, $150,000 for housing rehabilitation and $304,178 in CDBG housing program income for housing rehabilitation. The HOME program restricts rental housing assistance to households at or below 60% of the area median income and home ownership assistance to households at or below 80% of the area median income. The CDBG program is restricted to households at or below 80% of the area median income. City Ordinance allows the Housing Trust Fund to assist households at or below 120% of area median income.

The purpose of the Housing Trust Fund is the "...promotion, retention and creation of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City." and "To serve as a vehicle for addressing very low, low and median income housing needs...". Currently, the Housing Trust Fund revenue is generated by the Housing Preservation and Replacement Ordinance. However, the recently approved Inclusionary Zoning Ordinance, along with other funding resources under Council consideration, will provide additional revenue for the Housing Trust Fund.

Affordability restrictions are required. In the case of rental or cooperative units, the units must remain affordable for the life of the housing unit which is presumed to be a minimum of thirty (30) years. Homeownership units must include resale restrictions that maintain an "equitable balance" between the interests of the owner and the City. These restrictions must be documented and recorded in the Cumberland County Registry of Deeds.

VII. RECOMMENDATION

Housing Trust Fund resources should be focused on opportunities where other funding sources do not work or are not effective. Housing Trust Fund investment should be focused on projects designed to create workforce housing targeted to households earning 80% to 120% of the area median income and rental housing projects targeted to very-low income households (at or below 50% of the area median income). As always, the City should act prudently when deciding to invest these funds. Developments or projects requesting financing assistance from the Housing Trust Fund will be brought to the City Council for funding approval.

The Housing Trust Fund resources are also intended to promote the retention of affordable housing. Staff recommends that Housing Trust Fund resources be made available, if necessary, to exercise the City's right of first refusal it may have in connection with potential foreclosure issues with affordable homeownership units. This is unlikely to occur in the near future but may come up as more workforce homeownership units are created through Portland's new inclusionary zoning ordinance. Similarly, Housing Trust Funds resources should also be considered for aiding households that own affordable units to pay special assessments from their condominium or homeowners association in order to help maintain the unit's affordability and reduce any risk of foreclosure. It is important to allow for the consideration of using funds in these manners as foreclosure of a unit can jeopardize any affordability restrictions associated with the property.

Staff is requesting City Council approval of the proposed 2016-2017 Housing Trust Fund Annual Plan for the balance of $468,551 currently existing in the Housing Trust Fund. Any revenue generated above and beyond the existing balance will not be allocated without an amendment to the Annual Plan.

FY 2015 Income Limit Category	Persons in Family							
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
50% Income Limits	27,100	30,850	34,700	38,550	41,650	44,750	47,850	50,900
Housing Expense at 30% of Income	678	771	868	964	1,041	1,119	1,196	1,273
100% Income Limits	53,970	61,680	69,390	77,100	83,268	89,436	95,604	101,772
Housing Expense at 30% of Income	1,349	1,542	1,735	1,928	2,082	2,236	2,390	2,544

VIII. LIST ATTACHMENTS

Copy of Chapter 14, Division 31, Sec. 14-489 of the City Code of Ordinances.

Prepared by: Mary P. Davis, Division Director, Housing and Community Development Division
Dated: March 7, 2016

any bonus received pursuant to this subsection, may not exceed the maximum height recommended for the location of the project pursuant to a height study that has been adopted as part of the city's comprehensive plan.

(Ord. No. 98-06/07, 12-4-06; Ord No. 240-09/10, 6-21-10)

DIVISION 31. HOUSING TRUST FUND

Sec. 14-489. Housing trust fund.

(a) *Purpose.* The purpose of enacting this section is:

1. To establish a City of Portland housing trust fund for the promotion, retention and cration of an adequate supply of housing, particularly affordable housing, for all economic groups and to limit the net loss of housing units in the City.

2. To serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as set out in section 14-483 of this chapter.

(b) *Definitions.*

Very low income household. A household having an income not exceeding fifty (50%) percent of median income for area of residence as set forth in regulations promulgaged from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Low income household. A household having an income not exceeding eighty (80%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Moderate income household. A household having an income not exceeding one hundred twenty (120%) percent of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

(c) *Establishment of the housing trust fund.* The city council shall establish a special revenue account under the name

"City of Portland Housing Trust Fund." Deposits into the fund shall include:

1. Contributions from the city's housing replacement ordinance under 14-483(i);

2. Funds appropriated to be deposited into the fund by vote of the city council;

3. Voluntary contributions of money or other liquid assets to the fund;

4. Any federal, state or private grant or loan funds provided to the fund:

5. Interest from fund deposits and investments; and

6. Repayments of loans made from the fund.

(d) *Management of the trust fund.* The city manager, or his or her designee, shall serve as the manager of the housing trust fund. The responsibilities of the manager, subject to the orders of the city council, shall include:

1. Maintaining the financial and other records of the housing trust fund;

2. Disbursing and collecting housing trust fund monies in accordance with the housing trust fund annual plan; and

3. Monitoring the use of monies distributed to successful applicants for housing trust fund support to assure on-going compliance with the purposes of the fund and the conditions under which these monies were granted or loaned.

(e) *Housing trust fund annual plan.* Each fiscal year, the city council shall adopt a housing trust fund annual plan. The city manager shall submit to the city council a recommended housing trust fund annual plan, utilizing the revenues of the housing trust fund as well as any other funds the manager may propose as appropriate. The housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action.

The housing trust fund annual plan shall include:

1. A description of all programs to be funded in part or in full by the housing trust fund;

2. A description of how funds from the housing trust fund will be distributed among very-low-income, low-income and moderate income households; and

3. The amount of funds budgeted for programs funded in part or in full from the housing trust fund.

Priority for the expenditure of funds collected pursuant to the housing replacement ordinance (see Sec. 14-483) shall be given to the creation of new housing stock, through either new construction or conversion of non-residential buildings to residential use.

(f) *Distribution and use of the housing trust fund's assets.*

1. All distribution of principal, interest or other assets of the housing trust fund shall be made in furtherance of the public purposes set out in section 14-483.

2. During each year, the housing trust fund shall disburse as grants or loans so much of the housing trust fund's assets as the city council in its discretion has approved in the housing trust fund annual plan.

3. Funds shall not be used for city administrative expenses.

4. Funds shall not be used for property operating expenses or supporting services.

5. No grants or loans shall be awarded by the housing trust fund to corporations, partnerships or individuals who are delinquent, at the time of application in the payment of property taxes or other fees to the city of Portland, who Have been convicted of arson, who have been convicted of discrimination in the sale or lease

of housing under the fair housing laws of the State of Maine, or who have pending violations of current city electrical, plumbing building or housing codes or zoning ordinances.

(g) *Term of affordability.*

1. Whenever funds from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the City of Portland shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of thirty (30) years.

2. Whenever funs from the housing trust fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the city of Portland shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining and equitable balance between the interests of the owner and the interests of the city of Portland.

3. The affordability restriction requirements described in this section shall run with the land and the city of Portland shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Cumberland County Registry of Deeds.

(Ord. No. 281-09/10, 7-19-10)

Sec. 14-490. Reserved.

ARTICLE IV. SUBDIVISIONS*

***Cross reference(s)**--Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-4(h).

State law reference(s)--Land subdivisions, 30-A M.R.S.A. § 4403.

Order 194-15/16
Tab 20 3-21-16

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (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 ASSUMPTION AND ASSIGNMENT OF CITY LOAN DOCUMENTS FROM BAYSIDE HOUSING ASSOCIATES LP TO MAPLE GROVE ELDERLY HOUSING CORPORATION AND THE MODIFICATION OF RELATED PROMISSORY NOTES

ORDERED, that the assignment to and the assumption by Maple Grove Elderly Housing Corporation of Bayside Housing Associates Limited Partnership's rights and obligations under its November 15, 2000 loans from the City of Portland are hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the modification of the promissory notes evidencing the November 15, 2000 loans is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents in substantially the form attached hereto, and any other related documents necessary or convenient to carry out the intent and purpose of said documents.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Planning and Urban Development Department/HCD Division

DATE: March 7, 2016

DISTRIBUTION: (City Manager, Mayor, Anita LaChance, Corporation Counsel, Sonia Bean, Nancy English, Julie Sullivan)

SUBJECT: Order Consenting to Assumption and Assignment of Unity at Bayside (fka Unity Village) Mortgages from Bayside Housing Associates LP to Maple Grove Elderly Housing Corporation and Modification of Promissory Notes.

SPONSOR: City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading __March 21____ Final Action _March 21___

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

PRESENTATION: Applicant and city staff will be available for questions

I. SUMMARY OF ISSUE (Agenda Description)
Pinetree Housing Development I LLC, an affiliate of Avesta Housing Development Corporation is the general partner of Bayside Housing Associates LP, owner of Unity at Bayside (formerly known as Unity Village), a 33 unit affordable housing complex located at 52 Stone Street. Avesta has the right to purchase the property from the current limited partnership by assuming all of the outstanding debt. Avesta plans to purchase the property with an affiliated 501 (c)(3) called Maple Grove Elderly Housing Corporation (MGEHC). All affordability restrictions will remain in place. Avesta is requesting that the City of Portland consent to the transfer of the partnership interest and the assignment of three mortgages held by the City of Portland. MaineHousing and Bank of America, which also hold mortgages on the property, are being asked to consent to the transfer and assumption of their debt.

The City of Portland holds three mortgages on the property.

(1) HOME Loan dated November 15, 2000, in the amount of $86,505 at 6.1% interest on the unpaid principal balance for a term of thirty years. Principal and interest are deferred for thirty years. Any balance remaining unpaid is due and payable on December 1, 2030. Repayment terms require that 20% of net cash flow, as defined in Borrower's Amended and Restated Agreement of Limited Partnership, shall be paid on an annual basis. To date, the City has received one payment in the amount of $1,434 in December 2013.

(2) CDBG Loan dated November 15, 2000, in the modified amount of $210,136 at zero percent interest for a term of thirty years. After payment in full of the HOME Loan, 20% of net cash flow shall be paid on an annual basis.

Bayside Housing Associates, Limited Partnership will be dissolved as a result of the transfer to Maple Grove Elderly Housing Corporation and therefore, the repayment terms in the Promissory Notes ("Notes") mentioned above need to be revised. As a result the Notes will be modified to read:

"Each fiscal year, Borrower will provide Lender with a copy of Borrower's audited financial statements for the Project. Borrower will also provide Lender with a copy of Maine State Housing Authority's ("MSHA") review letter, after it has reviewed Borrower's audited financial statements, along with MSHA's clearance letters, if applicable.

As of the date of this Agreement, the Repayment Provisions in the Notes shall be, and hereby are, modified to provide that Borrower shall make annual payments of principal and accrued interest on the Notes in the amount of twenty percent (20%) of surplus cash as the same shall be determined by MSHA upon its receipt and review of Borrower's audited financial statements for the Project each fiscal year. Such annual payments shall be allocated as follows: (1) first, to accrued interest, and then outstanding principal, on the HOME Note until all outstanding principal and accrued interest due on the $86,500 Note have been paid in full, and then (2) first, to accrued interest, and then outstanding principal, on the CDBG Note."

(3) CDBG Loan dated November 15, 2000, in the amount of $100,000 at 6.1% interest on the unpaid principal balance for a term of thirty years. Payment is deferred for thirty years.

II. REASON FOR SUBMISSION
Council approval is required to authorize the City Manager to execute the requested documents.

III. INTENDED RESULT
Preservation of city investment and sustainability of affordable housing units.

IV. COUNCIL GOAL ADDRESSED
Maintain housing availability.

V. FINANCIAL IMPACT
This request will not result in a new financial investment by the City.

VI. STAFF ANALYSIS
City staff reviewed three years of financial audit information (2012-2014) and 2015 unaudited income and expense statement. It is expected that repayments to the City will increase once distributions to the limited partnership are no longer required.

Avesta has a proven history of successful financial and property management of these types of development and has already been providing ownership and property management services for this development as the General Partner of the current owner.

Avesta through its affiliate Maple Grove Elderly Housing Corporation will assume responsibility for the terms, restrictions, covenants and conditions in the existing City loan documents.

VII. RECOMMENDATION

Staff recommends approval of this transaction and requests that the City Manager be authorized, upon review by Corporation Counsel, to execute the paperwork necessary to complete this transaction.

VIII. LIST ATTACHMENTS

Letter from Avesta Housing
Draft Assignment and Assumption Agreement
Draft Allonge and Note Modification Agreement

Prepared by: Mary P. Davis, Housing and Community Development Division Director
Dated: March 7, 2016

AVESTA
HOUSING

January 25, 2016

Mary Davis
City of Portland
389 Congress Street
Portland, ME 04101

Dear Ms. Davis,

Avesta Housing is the general partner of Unity at Bayside, a 33 unit affordable housing complex in the Bayside neighborhood. The City of Portland has three loans with the property.

1) The first consists of HOME funds with a 6.1% interest and a payoff date of December 2030. The balance of this loan as of 12/31/2015 was $86,505 with accrued interest of $78,378.56. This loan is paid down through 20% of net cash flow each year.
2) The second has a 6.1% interest rate and is completely deferred until November 2030. The balance as of 12/31/2015 is $100,000 with deferred interest of $92,268.61.
3) The third is from CDBG funds. This is a non-interest bearing loan with a balance of $210,136 due in full December 2030. If the HOME fund note is fully paid off, then this note receives the 20% of net cash flow.

Avesta Housing has the right to purchase the property from the current limited partnership by simply assuming all of the outstanding debt. This opportunity expires on March 15, 2016. Avesta Housing plans to purchase the property with an affiliated 501(c)3 called Maple Grove Elderly Housing Corporation (MGEHC) and leave all of the affordability restrictions in place. In 2017, we plan on refinancing the current MaineHousing loan to both reduce the interest rate, currently at 7.65%, and to take on more debt in order to complete roughly $10,000 of work per apartment.

Avesta Housing requests that the City of Portland consent to the assignment of the three mortgage notes from the current limited partnership to MGEHC. The timeline for the transfer is to complete a closing on or before March 15, 2016. Consents of transfer and assumption of the property are also being submitted to MaineHousing and Bank of America.

Please let me know if you have any questions regarding this transfer of ownership. I can be contacted at (207) 245-3370 or mpeters@avestahousing.org.

Sincerely,

Matthew Peters
Vice President of Real Estate Services

ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT is dated as of March __, 2016 (this "Agreement") by and among the CITY OF PORTLAND, a body politic and corporate having a principal place of business and mailing address at 389 Congress Street, Portland, Maine (the "City"), BAYSIDE HOUSING ASSOCIATES LP, a Maine limited partnership having a principal place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 ("Bayside") and MAPLE GROVE ELDERLY HOUSING CORPORATION, a Maine nonprofit corporation have a principal place of business c/o Avesta Housing, 307 Cumberland Avenue, Portland, Maine 04101 ("Maple").

WITNESSETH:

WHEREAS, the City made three loans to Bayside in the original principal amounts of $158,500 (the "CDBG Loan"), $100,000 (the "$Acquisition Loan"), and $86,500 (the "$HOME Loan") respectively, in connection with the development of a rental housing project known as Unity Village, and located on Cumberland Avenue, Stone Street, Oxford Street and Chestnut Street, Portland, Maine (the "Property"); and

WHEREAS, the CDBG Loan is evidenced by, among other things, a certain Loan Agreement (CDBG Loan and HOME Loan) dated November 15, 2000 (the "Loan Agreement"), a Promissory Note in the amount of $158,500 given by Bayside to the City dated November 15, 2000, as modified by a Promissory Note Modification Agreement dated June 29, 2001, which increased the principal amount of the loan to $208,863, and a Second Promissory Note Modification Agreement dated October 15, 2001, which increased the principal amount of the loan to $210,136 and amended the payment terms of the loan as more fully described in the agreement (the promissory note for the CDBG Loan, as amended, is referred to herein as the "$CDBG Note"); and

WHEREAS, the Acquisition Loan is evidenced by, among other things, a Promissory Note in the amount of $100,000 given by Bayside to the City dated November 15, 2000 (the "Acquisition Note"); and

WHEREAS, the HOME Loan is evidenced by, among other things, the Loan Agreement, a Promissory Note in the amount of $86,500 given by Bayside to the City dated November 15, 2000, as modified by a Promissory Note Modification Agreement dated October 15, 2001 (the promissory note for the HOME Loan, as amended, is referred to herein as the "HOME Note"); and

WHEREAS, the CDBG Note is secured by a CDBG Funds Declaration of Covenants, Conditions and Restrictions by and among the City and Bayside dated November 15, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15850, Page 99, a Collateral Assignment of Leases and Rents from Bayside to the City dated November 15, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15850, Page 125 (the "Collateral Assignment of Leases and Rents"), and a Mortgage Deed granted by Bayside to the City dated November 15, 2000 and recorded in Cumberland County Registry of Deeds in Book 15850, Page 109 (collectively, with the CDBG Note and the Loan Agreement, the "CDBG Loan Documents"); and

WHEREAS, the Acquisition Note is secured by a Mortgage Deed granted by Bayside to the City dated November 15, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15850, Page 152 (collectively, with the Acquisition Note, the "Acquisition Loan Documents");

WHEREAS, the Home Note is secured by a Junior Mortgage and Security Agreement (HOME Funds) from Bayside to the City dated November 15, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15850, Page 83, a HOME Loan Funds Declaration of Covenants, Conditions and Restrictions by and among the City and Bayside dated November 15, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15850, Page 73, and the Collateral Assignment of Leases and Rents (collectively, with the HOME Note and the Loan Agreement, the "HOME Loan Documents;" the HOME Loan Documents, the CDBG Loan Documents, the Acquisition Loan Documents, and all other documents and instruments executed in connection therewith are hereby referred to collectively as the "City Documents"); and

WHEREAS, on even or near date herewith, Maple intends to acquire the Property; and

WHEREAS, in connection with such acquisition, Bayside wishes to assign to Maple all of its rights and obligations under the City Documents, and Maple wishes to assume all such rights and obligations;

NOW THEREFORE, in consideration of the foregoing mutual promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignment. Bayside hereby assigns to Maple all of Bayside's rights and obligations in and to the City Documents.

2. Assumption. Maple hereby accepts the foregoing assignments of the City Documents, assumes all of the obligations of Bayside set forth therein and hereby agrees to be bound by the terms thereof as if Maple were an original party thereto.

3. Consent and Release. The City hereby consents and agrees to the following as of the date of this Agreement: (i) the transfer of the Property to Maple subject to the City Documents; (ii) Bayside's assignment to Maple of its rights and obligations in, to and under the

City Documents, and the assumption by Maple of all obligations of Bayside under the City Documents. As of the date of this Agreement, the City, for itself and its respective agents, successors and assigns, hereby releases, discharges and exonerates Bayside and its Partners, officers, employees, successors and assigns from and against any and all liability, loss, costs, damages and claims arising after the date of this Agreement and in any way related to the City Documents and/or the Property. As of the date of this Agreement, Bayside, for itself and its respective directors, officers, affiliates, successors and assigns, hereby release, discharge and exonerate the City and its respective partners, officers, employees, successors and assigns from and against any and all liability, loss, costs, damages and claims arising from or in any way related to the City Documents and/or the Property, whether known or unknown, asserted or unasserted.

4. Indemnification. Maple shall not be liable for any losses, liabilities, claims, demands, or actions resulting from the actions of Bayside, prior to the date of this Agreement, and Bayside hereby agrees to indemnify, defend and hold harmless Maple and its directors, officers or shareholders from any and all such liability. Bayside shall not be liable for any losses, liabilities, claims, demands, or actions resulting from the actions of Maple, after the date of this Agreement, and Maple hereby agrees to indemnify, defend and hold Bayside and its partners harmless with respect to any and all such liability. The mutual indemnities contained in this paragraph shall also cover all reasonable costs of collection and enforcement, including reasonable attorneys' fees.

5. Representations and Warranties.

Assignor represents and warrants as follows:

a. Assignor is a duly organized limited partnership, validly existing and in good standing under the laws of Maine.

b. Assignor has all requisite power, authority and legal right to execute and deliver this Agreement and all other documents necessary to effectuate the intent and purpose of this Agreement.

c. Assignor has not previously assigned its interest in the Property or the City Documents.

d. To the best of Assignor's knowledge, there is no outstanding default, violation, or delinquency by Assignor under any of the City Documents.

Assignee represents and warrants as follows:

a. Assignee is a duly organized nonprofit corporation, validly existing and in good standing under the laws of Maine.

b. Assignee has all requisite power, authority and legal right to execute and deliver this Agreement and all other documents necessary to effectuate the intent and purpose of this Agreement and to perform its obligations under this Agreement and the City Documents.

c. The execution and delivery of, and the performance of Assignee's obligations under, this Agreement and the City Documents do not and will not conflict with, result in the breach of, or constitute a default under any indenture, mortgage, agreement, contract or other document or instrument to which Assignee is a party or by which is it bound, violate any law, or contravene any judgment, decree or order of any court or governmental authority.

d. There are no legal or governmental actions or proceedings pending or threatened against or affecting in any manner the ability of Assignee to execute and deliver, or perform its obligations under, this Agreement or the City Documents.

6. Miscellaneous. This Agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart. This Agreement shall be construed in accordance with the laws of the State of Maine. Any notice relating in any way to this Agreement shall be in writing and shall be sent by registered or certified mail, or by overnight United States Mail or recognized overnight delivery service (such as UPS or Federal Express), addressed to the parties at the addresses first set forth above.

7. The Recitals set forth above are hereby incorporated into this Agreement and made a part hereof. All headings in this Agreement are for convenience of reference only and are of no independent legal significance.

8. This Agreement may not be amended except in a writing signed by the parties hereto. No waiver of any breach or term hereof shall be effective unless made in writing and signed by the party having the right to enforce such a breach or term, and no such waiver shall be construed as a waiver of any subsequent breach of the same or a different term. No course of dealing or delay or omission on the part of any party in exercising any right or remedy shall operate as a waiver thereof or otherwise be prejudicial thereto.

9. If any term or provision of this Agreement or the application thereof to any person or circumstances shall, at any time or to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which this Agreement is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

10. Further Assurances. In furtherance of the agreements set forth herein, each of the parties hereto shall execute and deliver such additional instruments and documents required to

confirm and assure the rights and obligations provided for herein, and render effective the consummation of the transactions contemplated hereby.

IN WITNESS WHEREOF, the parties hereto have duly caused this Assignment and Assumption Agreement to be executed as of the day and year first above written.

BAYSIDE HOUSING ASSOCIATES LP

By: Pinetree Housing Development I LLC, its sole general partner

______________________________ By:______________________________
Dana Totman, its President

MAPLE GROVE ELDERLY HOUSING CORPORATION

______________________________ By:______________________________
Dana Totman, its President

STATE OF MAINE
CUMBERLAND, SS March ___, 2016

Personally appeared the above-named Dana Totman, President of Pinetree Housing Development I LLC, sole general partner of Bayside Housing Associates LP, and President of Maple Grove Elderly Housing Corporation, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited partnership, limited liability company and corporation.

Before me,

____
Notary Public / Attorney-at-Law
Print Name:____________________
My commission expires:____________

WITNESS: CITY OF PORTLAND

_______________________________ By: _______________________________
Jon P. Jennings, its City Manager

STATE OF MAINE
CUMBERLAND, SS March ___, 2016

Personally appeared the above-named Jon P. Jennings, City Manager of the City of Portland, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

Before me,

____
Notary Public / Attorney-at-Law
Print Name:_____________________
My commission expires:_____________

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ALLONGE AND NOTE MODIFICATION AGREEMENT

This Allonge and Note Modification Agreement (this "Agreement") made as of the ____ day of March, 2016, by and between the CITY OF PORTLAND, a body politic and corporate having a principal place of business and mailing address of 389 Congress Street, Portland, Maine 04101 ("Lender") and MAPLE GROVE ELDERLY HOUSING CORPORATION, a Maine nonprofit corporation having a principal place of business and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 ("Borrower")

WITNESSETH:

WHEREAS, on November 15, 2000, Bayside Housing Associates LP, a Maine limited partnership ("Bayside") executed and delivered to the Lender a Promissory Note in the original principal amount of $158,500, which was modified to increase the principal balance to $208,863 pursuant to that certain Promissory Note Modification Agreement dated June 29, 2001 and further increased to $210,136 by Second Promissory Note Modification Agreement dated October 15, 2001 (collectively, the "$CDBG Note"); and

WHEREAS, contemporaneously therewith, on November 15, 2000, Bayside executed and delivered to the Lender a Promissory Note in the original principal amount of $86,500, which was modified pursuant to that certain Promissory Note Modification Agreement dated October 15, 2001 (collectively, the "HOME Note") (the $CDBG Note and the HOME Note are collectively referred to as the "Notes"); and

WHEREAS, the Notes were executed in connection with Bayside's development of a 33-unit rental housing complex located on Cumberland Avenue, Stone Street, Oxford Street and Chestnut Street (the "Project"): and

WHEREAS, pursuant to an Assignment and Assumption Agreement of even date, Borrower has assumed all of the obligations of Bayside under the Notes as of the date hereof and thereafter shall be solely liable under and responsible for repayment of the Notes; and

WHEREAS, the Notes set forth repayment provisions with respect to the obligations outstanding thereunder (the "Repayment Provisions"); and

WHEREAS, the Borrower and Lender wish to further modify the Notes to amend the Repayment Provisions as more fully set forth herein;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by all parties hereto, the parties hereby agree as follows:

1. Each fiscal year, Borrower will provide Lender with a copy of Borrower's audited financial statements for the Project. Borrower will also provide Lender with a copy of Maine State Housing Authority's ("MSHA") review letter, after it has reviewed Borrower's audited financial statements, along with MSHA's clearance letters, if applicable.

2. As of the date of this Agreement, the Repayment Provisions in the Notes shall be, and hereby are, modified to provide that Borrower shall make annual payments of principal and accrued interest on the Notes in the amount of twenty percent (20%) of surplus cash, as the same shall be determined by MSHA upon its receipt and review of Borrower's audited financial statements for the Project each fiscal year. Such annual payments shall be allocated as follows: (1) first, to accrued interest, and then outstanding principal, on the HOME Note until all outstanding principal and accrued interest due on the $86,500 Note have been paid in full, and then (2) first, to accrued interest, and then outstanding principal, on the $CDBG Note.

3. The Borrower agrees that it is and shall remain liable for all amounts outstanding under and in connection with the Notes, which liability shall not be affected in any way by the modification agreed to herein by Lender.

4. Lender reserves and shall retain all of its rights as holder of the Notes.

5. As modified hereby, the Notes remain in full force and effect, and the Borrower ratifies and affirms all of the respective terms thereof, as modified hereby. Except as set forth in Section 1 above, no provision of the Notes is being amended hereby. This Agreement shall bind and inure to the benefit of the parties hereto and their respective successors and assigns, and shall take effect as of the date set forth above. Borrower and Lender agree that the indebtedness evidenced by said Notes as amended by this Agreement is and shall remain the same indebtedness originally evidenced by the Notes, and that this Agreement represents a modification of the original indebtedness evidenced by the Notes. Borrower agrees that Lender's entering into this Amendment shall not be deemed to be a waiver of any of Lender's rights or remedies as provided in the Notes.

IN WITNESS WHEREOF, the parties hereto have executed this Allonge and Modification Agreement as of the date first above written.

WITNESS: MAPLE GROVE ELDERLY HOUSING CORPORATION, Borrower

_______________________________ By:_______________________________
Dana Totman, its President

CITY OF PORTLAND, Lender

_______________________________ By:_______________________________
Jon P. Jennings, its City Manager

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Order 195-15/16
Tab 21 3-21-16

CITY OF PORTLAND
IN THE CITY COUNCIL

ORDER APPROVING AIRPORT IMPROVEMENT PROGRAM GRANTS

ORDERED, that the following project grants from the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) are hereby approved for the Portland International Jetport (Jetport):

- Terminal Northwest Aircraft Apron Expansion ($3,150,000); and
- Environmental Assessment and Permitting for future Projects ($677,00); and

BE IT FURTHER ORDERED, that the funds for said projects are hereby appropriated from federal and state grant funding, and the local share of the projects shall be appropriated as part of the Jetport's budget; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Director of the Jetport to be the official representative for these grants, as required by the FAA, and to execute grant documents and any other related documents necessary or convenient to carry out the intent of said documents.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Paul Bradbury, Airport Director

DATE: March 7, 2016

DISTRIBUTION: Jon Jennings, City Manager; Mayor Strimling; Danielle West-Chuhta, Corporation Counsel; Sonia Bean; Nancy English; Julie Sullivan

SUBJECT: Approval of FAA Airport Improvement Program Federal Fiscal Year 2016 Entitlement Grants totaling $3,827,253 and naming the Airport Director as the City's official representative for the grants.

SPONSOR: Jon Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading: __March 21, 2016__ **Final Action:** __March 21, 2016__

Can action be taken at a later date: _X_ **Yes** _____ **No (If no why not?)**
Action can be taken at a later date, but must be taken prior to May 2, 2016. The FAA's deadline for Federal Fiscal Year 2016 grants is May 2, 2016.

I. SUMMARY OF ISSUE (Agenda Description)

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP). This program is funded through federal taxes on commercial air fares and on aviation fuel taxes. The amount allocated to each airport is based on the annual number of enplaned commercial passengers the airport handles. This year the Portland Jetport has AIP entitlement funding totaling $3.827 million. In FFY 2016 two projects have been planned by the Jetport with the following engineer estimated costs:

- Terminal Northwest Aircraft Apron Expansion $ 3,150,000
- Environmental Assessment and Permitting for future projects $ 677,000

The above funding amount provides 90% of the total cost for each project. The balance is covered locally through the Jetport's operating budget and through state funding of up to 5% of project costs.

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

The FAA requires approval of AIP Grants and the AIP Grant Assurances by the airport sponsors governing body, which for the Jetport is the Portland City Council. Additionally, it requires that governing body to name the official representative for those grants, which for the Portland Jetport is the Airport Director.

The projects being proposed for FFY 2016 are included and scheduled within the 20 year capital program developed as part of the Jetport's Sustainable Airport Master Plan. This plan will be presented at a Council Workshop in April of this year.

III. INTENDED RESULT

The approval of these grants will allow the Portland International Jetport to proceed with the construction of a 1.7 acre concrete aircraft parking apron to the northwest of the terminal. This will allow for greater spacing of aircraft parking along the terminal ramp which is needed to accommodate the larger wingspan of aircraft now servicing the Jetport.

The environmental assessment and permitting project being proposed is needed to accommodate aircraft hold and deicing pads being planned in fiscal years 2019 – 2021.

IV. COUNCIL GOAL ADDRESSED

The Portland International Jetport provides a robust connection for the region to the national air transportation system and in doing so plays an important role in supporting the City Council's economic development goals. Approval of these grants allows the Portland Jetport to invest in needed infrastructure.

V. FINANCIAL IMPACT

If approved, the Portland International Jetport will receive $3,827,253 in federal funding that will fund 90% of the project costs which total $4,252,504. The $425,250 that is not covered by the federal AIP grants will be covered equally by the Jetport's operating budget and the State in the amount of $212,625 each. Approval of these grants has no impact to the City of Portland's general fund or the tax rate.

VI. STAFF ANALYSIS

These grants will provide for critical infrastructure investment in the Portland International Jetport. Approval of these grants will allow the Jetport to provide needed aircraft terminal parking and begin the permitting for new deicing and holding aprons required within the short term planning horizon.

VII. RECOMMENDATION

Jetport staff recommends the City Council approve this request for FFY 2016 AIP Grants totaling $3,827,253 in federal funding.

VIII. LIST ATTACHMENTS

Airport Improvement Program Grant Assurances document dated March 2014.

Signature

March 7, 2016

Date

FAA
Airports

ASSURANCES

Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

   The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

   The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. **Airport Planning Undertaken by a Sponsor.**

   Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.**

   It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

a. Title 49, U.S.C., subtitle VII, as amended.
b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.[1]
c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
d. Hatch Act – 5 U.S.C. 1501, et seq.[2]
e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.[1 2]
f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).[1]
g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.[1]
h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
i. Clean Air Act, P.L. 90-148, as amended.
j. Coastal Zone Management Act, P.L. 93-205, as amended.
k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.[1]
l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.[1]
s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.[1]
t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.[1]
u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.[1]
w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.[2]
y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

Executive Orders

a. Executive Order 11246 - Equal Employment Opportunity[1]
b. Executive Order 11990 - Protection of Wetlands
c. Executive Order 11998 – Flood Plain Management
d. Executive Order 12372 - Intergovernmental Review of Federal Programs
e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction[1]
f. Executive Order 12898 - Environmental Justice

Federal Regulations

a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].[4, 5, 6]
c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
d. 14 CFR Part 13 - Investigative and Enforcement Procedures14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
e. 14 CFR Part 150 - Airport noise compatibility planning.
f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
h. 29 CFR Part 1 - Procedures for predetermination of wage rates.[1]
i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.[1]
j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).[1]
k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).[1]
l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.[3]
m. 49 CFR Part 20 - New restrictions on lobbying.
n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.

p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.[1 2]
q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.[1]
s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

Specific Assurances

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

Footnotes to Assurance C.1.

1 These laws do not apply to airport planning sponsors.

2 These laws do not apply to private sponsors.

3 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

4 On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

[5] Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

[6] Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. **Responsibility and Authority of the Sponsor.**

   a. Public Agency Sponsor:

   It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

   b. Private Sponsor:

   It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. **Sponsor Fund Availability.**

   It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. **Good Title.**

   a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

   b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. **Preserving Rights and Powers.**

   a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.

e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.

f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.

g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. **Consistency with Local Plans.**

   The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. **Consideration of Local Interest.**

   It has given fair consideration to the interest of communities in or near where the project may be located.

8. **Consultation with Users.**

   In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. **Public Hearings.**

   In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. **Metropolitan Planning Organization.**

    In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. **Pavement Preventive Maintenance.**

    With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. **Terminal Development Prerequisites.**

    For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. **Accounting System, Audit, and Record Keeping Requirements.**

    a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

    b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. **Minimum Wage Rates.**

    It shall include, in all contracts in excess of $2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. **Veteran's Preference.**

    It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. **Conformity to Plans and Specifications.**

    It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. **Construction Inspection and Approval.**

    It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. **Planning Projects.**

    In carrying out planning projects:

    a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.

    b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.

    c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.

    d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

    e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

    f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.

    g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.

    h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. **Operation and Maintenance.**

    a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

1) Operating the airport's aeronautical facilities whenever required;
2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. **Hazard Removal and Mitigation.**

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. **Compatible Land Use.**

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. **Economic Nondiscrimination.**

a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.

b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-

1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and

2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.

d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.

e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.

g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. **Exclusive Rights.**

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and

b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. **Fee and Rental Structure.**

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. **Airport Revenues.**

a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:

1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or

operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.

3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.

b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. **Reports and Inspections.**

It will:

a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;

c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:

   1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and

   2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. **Use by Government Aircraft.**

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or

b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. **Land for Federal Facilities.**

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. **Airport Layout Plan.**

a. It will keep up to date at all times an airport layout plan of the airport showing

   1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;

   2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and

roads), including all proposed extensions and reductions of existing airport facilities;

3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and

4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. **Civil Rights.**

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.

b. Applicability

1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.

2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or

2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.

2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.

3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.

4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

a) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

b) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. **Disposal of Land.**

a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.

c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. **Engineering and Design Services.**

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. **Foreign Market Restrictions.**

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. **Policies, Standards, and Specifications.**

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated ____________ (the latest approved version as of this grant offer) and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. **Relocation and Real Property Acquisition.**

    a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
    b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
    c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. **Access By Intercity Buses.**

    The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. **Disadvantaged Business Enterprises.**

    The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. **Hangar Construction.**

    If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. **Competitive Access.**

a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-

   1) Describes the requests;

   2) Provides an explanation as to why the requests could not be accommodated; and

   3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.

b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

Order 196-15/16
Tab 22 3-21-16

CITY OF PORTLAND
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
Re: NEW DEPARTMENT OF PERMITTING AND INSPECTIONS AMENDMENTS REFERRED TO THE PLANNING BOARD

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

1. That Section 6-17 is hereby amended to read as follows:

Sec. 6-17. Fee Schedule.

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below. For building permit fees for eligible affordable housing developments, however, see Section 14-486:

(a) Construction work:

(1) Cost of work fees:

Up to $1,000.00 . . . . . . $25.00
$1,000.00 or more . . . . . $25.00 + $15.00 per $1,000.00 above $1,000.00, except that the cost of work fees for a project that has completed Level I, II, or III Site Plan review, or received Administrative Authorization approval, pursuant to the applicable Chapter 14, Division V, on or before March 8, 2016 shall be:

Up to $1,000.00............$25.00
$1,000 or more.............$25.00 + $11.00 per $1,000 above $1,000.

(2) Belated fees:

Below $25.00 permit fee . .$50.00 additional
Above $25.00 permit fee . .$100.00 additional

(3) Amendments to application:

Up to $1,000.00 . . . . . .$25.00
$1,000.00 or more . . . . .$25.00 + $15.00 per $1,000.00 above $1,000.00, except that Amendments to application fees for a project that has completed Level I, II, or III Site Plan review, or received Administrative Authorization approval pursuant to the applicable Chapter 14, Division V, on or before March 8, 2016 shall be:

Up to $1,000.00...........$25.00
$1,000.00 or more............$25.00 + $11.00 per $1,000.00 above $1,000.00.

8. That Sections 14-485 and 14-486 are hereby amended to read as follows:

Sec. 14-485. Definitions.

Eligible project means a development project:

(a) That is permissible under the provisions of this chapter in the zone in which it is proposed;

(b) That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-2 zone;

(c) ~~Reserved~~ That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project.

(d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing"). ~~That creates new dwelling units, among which is at least one affordable housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project.~~

Sec. 14-486. Reduction of fees.

Notwithstanding any other provision of this chapter or chapter 6 to the contrary, development fees shall be reduced by the city for an eligible project in the manner described in the following table:

Percentage of new units that are low-income or workforce units	**Percentage discount of development fees**	**Cost of Work (Building Permit) Fees in lieu of Section 617 (a) 1 & 3**
5% up to but not including 10%	5% reduction	$10.50 per $1,000
10% up to but not including 15%	10% reduction	$9.90 per $1,000
15% up to but not including 20%	15% reduction	$9.35 per $1,000
20% up to but not including 25%	20% reduction	$8.80 per $1,000
25% or more	25% reduction	$8.25 per $1,000

. . .

BE IT FURTHER ORDAINED that these amendments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter.

MEMORANDUM
City Council Agenda Item

DISTRIBUTE TO: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta, Nancy English, Julianne Sullivan

FROM: Jeff Levine, Director, Planning and Urban Development

DATE: March 9, 2016

SUBJECT: Text Amendments to Land Use Code related to fee adjustments for the Department of Permitting and Inspections

SPONSOR: Elizabeth Boepple, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading____March 7, 2016 Final Action__March 21, 2015_

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

PRESENTATION: Jeff Levine, Director, 3 minute presentation

I. ONE SENTENCE SUMMARY

Following the Council's request to review the text amendments pertaining to fees, the Planning Board recommends the proposed revisions to the affordable housing fees with some structural edits, and also suggests that the exception proposed under Section 617 be offered for submitted site plan and administrative authorization applications, as of March 8, 2016.

II. AGENDA DESCRIPTION

On March 7, 2016, the City Council referred the proposed text amendments to the Planning Board regarding the proposed fees for the newly established Department of Permitting and Inspections. The Board held a public hearing on March 8th. The Board found the proposed revisions to Sections 14-485 and 14-486 meet the goals of the City Council and recommends the amendments with some structural changes the Board felt would clarify the language for developers and future staff. On Amendment #2, the Council is considering exceptions to the proposed increased fees for projects that have received site plan approval. The Planning Board suggests offering the exception to projects that have submitted site plan applications as of March 8, 2016. As a threshold matter the Board stated that Chapter 6 is not within their jurisdiction; however, in order to further the clarity and predictability of regulatory process the Planning Board suggested the council could consider offering the exception to projects that have submitted site plan applications as of March 8, 2016.

III. BACKGROUND

The Planning Board found the proposed revisions to reduce fees for Affordable Housing provisions of the Land Use Code consistent with the City's goals to increase the supply of housing, particularly affordable housing. The Board members found the text amendments as written meet this goal. In terms of the revisions to Chapter 6, the Board noted that developers who have pending applications have done their due diligence to bring applications forward and suggests extending the exception to pending applications as well as completed site plan applications.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Provide increased availability in all segments of the housing market while ensuring that there is a suitable balance of housing opportunities among those sectors.

V. FINANCIAL IMPACT

There will be an estimated financial impact of approximately $621,000 to adopting the fee increase exception as initially forwarded to the Board. If the additional grandfathering a language would be adopted, the additional foregone income would be approximately $150,000. On the other hand, the effect of the change in definition of "eligible project" would provide significant additional revenue from projects that were only meeting the City's inclusionary zoning requirement, which otherwise would be eligible for significant discounts on the new building permit rate.

VI. STAFF ANALYSIS AND BACKGROUND THAT WILL NOT APPEAR IN THE AGENDA DESCRIPTION

There are 16 pending site plan applications with an estimated value of $37,000,000. In addition, there are 5 single family home pending applications with an overall value of $693,000.

VII. RECOMMENDATION

The Planning Board's unanimous consensus (Morrissette and Dundon absent) was to recommend the proposed revisions to the affordable housing fees as written and suggest that the exception proposed under Section 617 be offered for submitted site plan and administrative authorization applications, as of March 8, 2016.

VIII. LIST ATTACHMENTS

Prepared by: Barbara Barhydt, Development Review Services Manager
Date: March 9, 2016

Amendment # 2 to Order 165-15/16
RE: Grandfathering Cost of Work fees approved on or before March 8, 2016 at $11.00 per $1,000 above $1,000
Prepared by Corporation Counsel for **Councilor Brenerman** **including potential revisions suggested by the Planning Board at their March 8, 2016 hearing**

Sec. 217. Additional duties assigned.

. . .

Sec. 327. Application.

. . .

Sec. 427. Notice and hearing.

. . .

Sec. 617. Fee Schedule.

The applicant shall submit the cost of work in order to determine the permit fee. If the construction cost submitted is less than that as indicated by national standards such as BOCA International or the R.S. Means Company, Inc., the City of Portland reserves the right to reevaluate the proposed project cost based on the referenced national standard and assess the larger of the fees. All building permit applications shall be accompanied by the appropriate fee as established below. However, for building permit fees for eligible affordable housing developments see Section 14-486:

(a) Construction work:

(1) Cost of work fees:

Up to $1,000.00 . . . .$25.00
$1,000.00 or more . . . . .$25.00 + $16.00 per $1,000.00 above $1,000.00, except that the cost of work fees for a project that has ~~completed~~ submitted a complete Level I, II, or III Site Plan review application, or ~~received~~ applied for Administrative Authorization approval, pursuant to the applicable Chapter 14, Division V, on or

before March 8, 2016~~ or for a Chapter 14, Division 30 Affordable Housing *eligible project*~~ shall be:

Up to $1,000.00............$25.00
$1,000 or more.............$25.00 + $11.00 per $1,000 above $1,000.

(2) Belated fees:

Below $25.00 permit fee . .$50.00 additional
Above $25.00 permit fee . .$100.00 additional

(3) Amendments to application:

Up to $1,000.00 . . . . . .$25.00
$1,000.00 or more . . . . .$25.00 + $16.00 per $1,000.00 above $1,000.00, except that Amendments to application fees for a project that has ~~completed~~submitted a complete Level I, II, or III Site Plan review application, or ~~received~~applied for Administrative Authorization approval pursuant to the applicable Chapter 14, Division V, on or before March 8, 2016~~ or for a Chapter 14, Division 30 Affordable Housing *eligible project*~~ shall be:

Up to $1,000.00............$25.00
$1,000.00 or more.............$25.00 + $11.00 per $1,000.00 above $1,000.00.

. . .

Sec. 10-3. Amendments.

Sec. 11-2. Copies on file with the Department of Permitting and Inspections.

. . .

Sec. 12109. Licensing of commercial refuse collectors and refuse transporters.

. . .

Sec. 14145.5. Dimensional requirements.

. . .

Sec. 151. Definitions.

. . .

Sec. 1610. List of employees.

. . .

Sec. 1917. License required.

. . .

Sec. 2327. Application.

. . .

Sec. 28112. Permit to use.

BE IT FURTHER ORDAINED that these amendments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter.

Amendment #3 to Order 165-15/16

RE: Altering affordable housing cost of work discount and what projects are eligible for the discount.

Prepared by Corporation Counsel for **Councilor Brenerman including potential revisions suggested by the Planning Board at their March 8, 2016 hearing**

Sec. 2-17. Additional duties assigned.

. . .

Sec. 3-27. Application.

. . .

Sec. 4-27. Notice and hearing.

. . .

Sec. 6-17. Fee Schedule.

Sec. 10-3. Amendments.

Sec. 11-2. Copies on file with the Department of Permitting and Inspections.

. . .

Sec. 12-109. Licensing of commercial refuse collectors and refuse transporters.

. . .

Sec. 14-145.5. Dimensional requirements.

. . .

Sec. 14-485. Definitions.

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Eligible project means a development project:

(a) That is permissible under the provisions of this chapter in the zone in which it is proposed;

(b) That will be a multi-family dwelling ,as defined in section 14-47, and will not be located in an R-1 or R-2 zone;

(c) ~~Reserved~~ That creates new dwelling units, among which is at least one low-income housing unit for rent or workforce housing for sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project.

(d) Projects shall not be considered "eligible projects" solely because they are subject to Section 14-487 ("Ensuring Workforce Housing"). ~~That creates new dwelling units, among which is at least one affordable housing unit for rent or sale, through new construction, substantial rehabilitation of existing structures, adaptive reuse or conversion of a non-residential use to residential use, or any combination of these elements. Affordable housing units for sale or rent may not differ in exterior design from other units within an eligible project.~~

Sec. 14-486. Reduction of fees and Priority Review.

Notwithstanding any other provision of this chapter or chapter 6 to the contrary, development fees shall be reduced by the city for an eligible project in the manner described in the following table:

Percentage of new units that are low-income or workforce units	**Percentage discount of development fees**	**Cost of Work (Building Permit) Fees in lieu of Section 617 (a) 1 & 3**
5% up to but not including 10%	5% reduction	$10.50 per $1,000
		$9.90 per $1,000

10% up to but not including 15%	10% reduction	
15% up to but not including 20%	15% reduction	$9.35 per $1,000
20% up to but not including 25%	20% reduction	$8.80 per $1,000
25% or more	25% reduction	$8.25 per $1,000

Sec. 15-1. Definitions.

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Sec. 16-10. List of employees.

...

Sec. 19-17. License required.

...

Sec. 23-27. Application.

...

Sec. 28-112. Permit to use.

BE IT FURTHER ORDAINED that these amendments are enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter.

3/4/2016 Draft

NOTE: Tax-acquired properties are City tax foreclosures after 18-month redemption period has expired.

City Tax Acquired Property/Retention or Sale Process (Based on Proposed Amendments)

TAPC Reviews Properties

City Council Provided Listing of Properties

Land Bank Commission Reviews Properties

TAPC

City Manager reviews recommendations to retain and/or sell

Dept. Survey to determine if excess or not to City's Needs

Tax-Acquired Prop: No 60-day letter if retaining

Tax-Acquired Prop: City Manager authorizes 60-day letter for opportunity to redeem if excess

TAPC recommends retention, or if selling method of marketing/min. purchase price.

City Manager

Retaining for City Use (Not Land Bank) - Assessor Puts in Name of City/No further tax bills sent.

Retaining for Land Bank: Requires City Council action to put vacant land in Land Bank.

District Councilor notified of tax-acquired property to be sold prior to marketing.

City Manager authorizes marketing/sale process to begin and executes documents necessary to close the sale.

3/4/2016 Draft

City Owned Property - Sale Process, and Tax-Acquired Property Sale Process which are those properties outside the City Manager parameters (Based on Proposed Amendments)

TAPC reviews properties.

City Manager reviews recommendations to retain and/or sell.

Dept. Survey to determine if excess or not to City's needs.

TAPC recommends retention, or if selling method of marketing/min. purchase, if any.

City Manager

City-owned property: Recommends to City Council to Begin Disposition Process

Tax-acquired property: Authorizes 60-day letter for opportunity to redeem.

If not redeemed, District Councilor notified of tax-acquired property to be sold.

Recommends to City Council to Begin Disposition Process

City Council Votes to Authorize the Disposition Process, with Staff or Appropriate City Council Committee to review bids/proposals for its recommendation to the City Council for a Purchase and Sale Agreement.

City Council Authorizes City Manager/Finance Director to execute documents necessary to close the sale.

Disposition Process Steps of City-owned and tax-acquired property.

updated 3/4/2016

		PROPOSED 2/2016 AMENDMENTS	
	Tax-Acquired Disposition Rules as of 12/7/2009	**TAX-ACQUIRED UNDER CITY MANAGER PARAMETERS**	**CITY-OWNED AND OTHER TAX-ACQUIRED PROPERTY NOT UNDER CITY MANAGER PARAMETERS**
		Heading at beginning of rules now includes " . . . any further amendments to these Rules shall be effective upon approval by the City Manager."	Heading at beginning of rules now includes " . . . any further amendments to these Rules shall be effective upon approval by the City Manager."
		Rules to have 60-day letter attached.	Rules to have 60-day letter attached.
1	City Forecloses Each December	City Forecloses Each December, listing provided to City Council.	City Forecloses Each December, listing provided to City Council.
2	Review of foreclosed property by TAPC and Land Bank Commission	No Change	n/a
3	Land Bank provides TAPC, within 60 days, its recommendation for properties to be retained in the LB (vacant land properties); TAPC also reviewing the list for properties to retain for City purposes and those for disposition.	No Change	n/a
4	**Retention of Tax-Acquired Properties:** TAPC reviews Land Bank recommendations for retention. For those properties TAPC also agrees to place in Land Bank, as well as those properties TAPC recommends should be retained by the City, Treasurer will issue 60-day letter for last chance to redeem. If not redeemed, or entered into a payment plan, TAPC brings its recommendation to HCDC for its recommendation to Council.	TAPC recommends to City Manager properties for Land Bank retention, as well as properties to retain for City purposes. City Manager administratively handles those properties to be retained for City purposes. For those retained for Land Bank, City Council authorization needed.	n/a
5		No 60-day letter will be issued as Land Bank and City are retaining.	n/a
6	**Sale of Properties:** TAPC reviews which properties to recommend for sale by the City.	Same, with an addition of TAPC bringing its recommendations to the City Manager for approval to move forward, beginning with Department Survey.	TAPC brings its recommendations to the City Manager for approval to conduct Department Survey.
7	Survey all City Departments, District Councilor, Land Bank to determine if property is excess to the City's needs or not.	All City Departments surveyed only.	All City Departments surveyed only.
8	Field survey conducted, if necessary, by various City Department.	Same.	Same.
9	After Department survey complete and a property is determined to be excess to the City's needs, if a tax-acquired, TAPC will have Treasurer issue 60-day letter. If not redeemed or entered into a payment plan, and for City-owned properties, TAPC will recommend to the HCDC method of marketing and if a minimum purchase price should be included. HCDC authorizes disposition process to begin.	After survey completed and a property is found to be recommended to be sold, upon TAPC recommendation, City Manager may have the Treasurer issue the 60-day letter to the prior owner for last chance to redeem. If not redeemed, TAPC brings its recommendation to the City Manager for his recommendation to start the disposition process. District Councilor to be notified prior to start of disposition process.	For City-owned properties, TAPC brings its recommendation to the City Manager for his recommendation to the City Council for approval to start disposition process. City Council authorizes staff or appropriate City Council Committee to review bids/proposals for its recommendation to the City Council for a Purchase and Sale Agreement.
			For tax-acquired properties determined to be excess to the City's needs, upon recommendation of TAPC, City Manager may have the Treasurer issue the 60-day letter to the prior owner for last chance to redeem. If not redeemed, TAPC brings its recommendation to the City Manager for his recommendation to the City Council to start the disposition process. District Councilor to be notified prior to bringing recommendation to City Council to start disposition process. City Council authorizes staff or appropriate City Council Committee to review bids/proposals for its recommendation to the City Council for a Purchase and Sale Agreement.

Disposition Process Steps of City-owned and tax-acquired property.

updated 3/4/2016

		PROPOSED 2/2016 AMENDMENTS	
	Tax-Acquired Disposition Rules as of 12/7/2009	**TAX-ACQUIRED UNDER CITY MANAGER PARAMETERS**	**CITY-OWNED AND OTHER TAX-ACQUIRED PROPERTY NOT UNDER CITY MANAGER PARAMETERS**
10	OR, if a property is a vacant, undersized lot, under $5,000 in assessed value, TAPC will bring recommendation to City Manager to authorize the disposition process; no Council authorization needed if there are no neighborhood issues. Sale handled administratively.	Same	Same.
11	All property owners within a 500-foot radius notified that City intends to sell.	Same.	Same.
12	Upon due date to make an offer to purchase, TAPC will proceed with the disposition process and select bid/proposal to recommend to HCDC for its recommendation to the City Council.	Upon due date to make an offer to purchase, TAPC will proceed with the disposition process and select bid/proposal to recommend to the City Manager for approval to sell.	Upon due date to make an offer to purchase, TAPC will proceed with the disposition process and select bid/proposal to recommend to the City Manager for his approval to either forward to the City Council or appropropriate City Council Committee, which Committee recommends to City Council approval of Purchase and Sale Agreement and authorizes City Manager/Finance Director to execute closing docs.
13	City Council authorizes Purchase and Sale Agreement.	City Manager/Finance Director execute closing docs.	City Manager/Finance Director execute closing docs.
14	Sale closed.	Same.	Same.
15			
16	**Other Conditions/Edits:**		
17	City will not dispose of occupied residential tax acquired property that will result in the displacement of occupants, unless a payment plan has not been kept current.	For properties that are occupied, the City will attempt to provide reasonable notice to the occupant(s) that the City intends to sell or retain the property. For occupied properties, the City Manager, on TAPC's recommendation, shall decide whether to evict the occupant(s) or sell the property as occupied.	For properties that are occupied, the City will attempt to provide reasonable notice to the occupant(s) that the City intends to sell the property. For occupied properties, the City Manager, on TAPC's recommendation, shall decide whether to evict the occupant(s) or sell the property as occupied.
18		If a property is sold with occupants, the purchaser shall be responsible for any and all occupants of the purchase property and forever indemnfiy, defend, and save harmless the municipality for any and all claims arising out the sale of the property brought by the previous owners, occupants, and tenants of the property.	If a property is sold with occupants, the purchaser shall be responsible for any and all occupants of the purchase property and forever indemnfiy, defend, and save harmless the municipality for any and all claims arising out the sale of the property brought by the previous owners, occupants, and tenants of the property.
19	Proposals to re-purchase properties will not be accepted from the prior owner.	Proposals/bids to re-purchase tax-acquired properties will not be accepted from the prior owner(s) or any entity where the prior owner(s) is part owner of that entity.	Proposals/bids to re-purchase tax-acquired properties will not be accepted from the prior owner(s) or any entity where the prior owner(s) is part owner of that entity.
20		Method of Marketing now includes Auction.	Method of Marketing now includes Auction.

CITY OF PORTLAND
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 2 ADMINISTRATION
Re: Revisions to the Authority to Sell Tax-acquired Property

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

1. That Section 2-313 is hereby amended to read as follows:

Sec. 2-313. Sale or disposal of real or personal property.

(a) *Redemption of tax-acquired real property.*

1. Property acquired by the City by reason of delinquent property taxes or sewer user charges may be reconveyed to the person or persons from whom the property was acquired after the expiration of the statutory period for redemption, upon the following conditions:

The payment of the full amount of all taxes, sewer user charges, and other charges and assessments of any kind owed on all property located within the city, owned by the person seeking to redeem the property.

2. The City Manager may attach such further conditions as he or she may determine to be reasonable and appropriate for any reconveyance.

3. Nothing herein shall be construed to create any entitlement to reconveyance.

(b) *Real property.*

1. Subject to the provisions of section 2-313(a) above for redemption by the prior owner, the Finance Director shall promulgate rules and regulations for the review and disposition of all real property. Such properties may be offered for sale pursuant to said rules and regulations. All sales shall be subject to the approval of the City Council, except that the City Manager, upon review by the Finance Director, is authorized to sell~~as follows~~:

a. Vacant lots that do not meet minimum lot size for construction and are less than five thousand dollars ($5,000.00) in value as determined by the assessor;~~ do not require City Council approval and may be finally~~

~~sold by the Finance Director, subject to the approval of the City Manager, except to the extent provided otherwise by rule.~~

b. Tax-acquired properties that are residential land or residential buildings containing no more than three units and having an assessed value of no more than four hundred thousand dollars ($400,000.00), provided that such properties shall not be sold for less than the sum of:

i. All taxes and interest owed on the property and the amount of taxes and interest that would have been assessed had the property not been acquired by the ~~C~~city;

ii. The city's costs of the lien and foreclosure process;

iii. The city's costs of maintaining and disposing of the property, including, without limitation, attorneys' fees and marketing costs incurred in connection with the sale of the property;

iv. Unpaid sewer, water, storm water, or other charges and fees imposed by or incurred by the ~~C~~city; and

v. Any other costs incurred by the ~~C~~city related to the property~~.~~; and

c. Such sales must be conducted in accordance with the City of Portland's Rules for the Disposition of City-Owned and Tax-Acquired Property and any other rules promulgated pursuant this section.

2. All rules and regulations promulgated hereunder shall be effective upon approval by the City Manager, and a copy of all such rules and regulations shall be kept on file in the office of the Finance Director.

3. Nothing herein shall limit or modify the discretion of the City Manager or the City Council to reject any sale or offer to purchase by any person should they deem it in the best interest of the City to do so.

(c) *Acceptance of sewer and drainage easements.* The Finance Director, upon approval by the City Manager, shall have the authority to accept sewer and drainage easements and shall cause such easements to be recorded in the Cumberland County Registry of Deeds.

(d) *Personal property.* The Finance Director shall conduct all disposal of personal property determined by the City Manager to be surplus, such disposal to be either:

1. By competitive bid;

2. By competitive negotiation including, but not limited to, trading property, the value of any single piece of which does not exceed five thousand dollars ($5,000.00);

3. By public auction; or

4. By discarding it as he or she determines to be in the best interest of the city, if he or she determines it to be of no economic value.

City of Portland

Rules for the Disposition of City--Owned and ~~Tax~~ Tax-Acquired ~~and City Controlled~~ Property

Adopted by City Council October 18, 1999
Amended by City Council December 7, 2009 by Order ~~#~~116-08/09
Amended by City Council ____________, 2016 by Order ~~#~~___-15/16____;
any further amendments to these Rules shall be effective upon approval by the City Manager pursuant Section 2-313 of the City Code.

Pursuant to Section 2-~~302~~313 of the City Code, the following rules will apply to the sale of City--owned and ~~tax~~ tax-acquired ~~and City-controlled~~ property.

~~**Note:** References to "tax-acquired property" also includes City-controlled property where appropriate.~~

I. Background and Goals and Objectives of the Disposition Process:

A. Background for Tax-Acquired Property

These rules govern the process by which the City disposes of tax-acquired property **after** the lien process established under Maine law which automatically confers ownership of these properties to the City by operation of law. The process that has occurred up to the date of the application of these Rules is set forth in Title 36 of the Maine statutes and takes nearly two years to complete. First, within eight months and a year of the original commitment day of the real estate taxes, the municipality must send out a "30-day notice" letter, notifying the property owner that if their property taxes are not paid within thirty days, the municipality will file a lien against the property in the Registry of Deeds. 36 M.R.S.A. § 942. This creates a tax lien mortgage on the property which has priority over most other mortgages, liens, attachments and encumbrances. *See* 36 M.R.S.~~A.~~ § 552.

Next, once the lien is recorded, the 18-month redemption period begins to run. Between 45 and 30 days before the expiration of the 18-month redemption period, Treasury must send out a Notice of Impending Automatic Foreclosure. If the tax lien mortgage, interest, and costs are not paid before the expiration of the 18-month redemption period, then the mortgage is automatically foreclosed and the municipality owns the property. 36 M.R.S.~~A.~~ § 943. From this point forward, these Rules govern the disposition of this property.

B. Goals and Objectives of Disposition Process for Tax-Acquired and other City-owned Properties

There are two major goals of the ~~tax acquired~~ property disposition process. First, to find the highest and best use for ~~tax acquired~~ property for the benefit of the City, its neighborhoods and its citizens. Second, to establish a clear and fair policy for the disposition of ~~tax acquired~~ property. In establishing this policy for the sale and reuse of ~~tax acquired~~ property, both land and buildings, the City has several goals/objectives, including but not limited to:

- Eliminate neighborhood blight
- Assist with neighborhood preservation and revitalization efforts
- Improve the City's housing stock
- Put properties back on the tax rolls

II. City--Owned and ~~Tax~~ Tax-Acquired Property Committee (~~TAPC~~COTAPC):

The responsibility of implementing the City's Property Disposition Guidelines and Procedures will be delegated to the City--Owned and ~~Tax~~ Tax-Acquired Property Committee (~~TAPC). The TAPC~~COTAPC). COTAPC is an internal staff committee representing all City departments involved with the disposition of ~~tax~~ tax-acquired and other ~~c~~City--owned property. The Committee has four major functions:

- Selecting properties for sale using pre-established criteria
- Establishing conditions for the sale of individual properties
- Selecting the method of marketing and disposition
- Reviewing bids/proposals to purchase and making a recommendation to the ~~appropriate City Council Committee or~~ City Manager~~, as required~~

Members of ~~the Tax Acquired Property Committee~~COTAPC include:

- ~~Assistant~~ Director of Economic Development, or designee
- ~~Assistant~~ Director of Finance, or designee
- Associate Corporation Counsel
- Director of Planning and Urban Development, or designee
- Tax Assessor, or designee
- Deputy~~Assistant~~ City Manager, or designee
- Public ~~Services~~ Works Director, or designee

III. Conditions for the Retention or Sale and Reuse of ~~Tax Acquired~~ Properties:

A. ~~1.~~ All Tax-Acquired Properties

1. Except as otherwise set forth below, all ~~tax~~ tax-acquired properties ~~will be~~are eligible for disposition immediately following foreclosure by the City~~, with~~ pursuant to City Code Section 2-313.

2. Upon approval to sell ~~the following exceptions:~~ a tax--acquired property, the Treasurer may send a letter, in substantially the form attached hereto as Exhibit A (a "60-Day Letter") by First Class Mail with Certificate of Mailing to the owner's(s') last known address and the address of the property to provide the owner a final opportunity to redeem their interest in the property through the payment of back taxes, interest, and costs. To do so, owners must pay their taxes, interest, and costs in full within 60 days of the date of the 60-Day Letter. In the event that the owner fails to redeem their interest in the property within the 60-day time period, the City will proceed with the sale of the property pursuant to these Rules. Any notice of these rules shall be deemed complete by regular mailing

~~**a)** In cases where the City has negotiated a payment arrangement, prior to foreclosure or within sixty (60) days of letter from City Treasurer regarding City's intent to dispose of real property (see Section IV(1)(A), for back taxes, interest, and costs with the owner and payments are being made accordingly.~~

~~b) In~~

3. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain ownership of a tax-acquired property for municipal purposes, ~~such as~~including, but not limited to~~:~~, open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation and education~~.~~, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property.

~~c) In~~ 4. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain tax-acquired property ~~Land Bank Commission has recommended the property be retained~~ in the Land Bank for purposes of preservation of open space~~.~~, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property.

~~**2.**~~

B. Conditions for Sale of Property (City-owned and Tax-acquired)

1. All properties will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition, as well as back taxes, interest, and costs if tax-acquired. In cases where two or more acceptable bids/proposals are received for the same use of the property, ~~the TAPC~~COTAPC will recommend the highest offer. Excess sale funds, above and beyond back taxes, interest and costs, will go to the City's Housing Trust Fund until the end FY2017, at which time this will be further evaluated.

2. ~~**3.** All properties must be sold for uses in keeping with City Zoning Code.~~ It is the responsibility of the purchaser to obtain all required federal, state, and local approvals.

3. ~~**4.** The TAPC~~COTAPC, on behalf of the City, may place criteria on the disposition of individual properties or groups of properties that meet the City's objectives. More specifically, these conditions may be in the form of: affordability covenants and restrictions for residential property~~,~~; type and density of development~~,~~; design standards~~,~~; and required local approvals and easements. Also, for properties with potential commercial/industrial uses, job creation standards may be required.

~~**5.** The TAPC~~ 4. COTAPC, when determining the reuse of a ~~tax acquired parcel~~property, may consider a role that property has historically played in the neighborhood and any benefits it has provided to area residents.

~~**6.** The~~ 5. - For properties that are occupied, the City will ~~not dispose of occupied residential tax acquired~~ provide notice to the occupant(s) by First Class Mail with Certificate of Mailing that the City intends to sell or retain the property ~~that will result in the displacement of~~. For occupied properties, the City Manager, on COTAPC's recommendation, shall decide whether to evict the occupant(s) or sell/retain the property as occupied.

6. – In the event that a property is occupied when sold, the purchaser shall be responsible for any and all occupants~~, with the following exception:~~ of the purchased property and shall, in writing, forever indemnify, defend, and save harmless the municipality from any and all claims

arising out of the sale of the property brought by the previous owners, occupants and tenants of the property.

~~a) In cases where the owner has to pay taxes in full within three (3) years of the payment arrangement, or failed to comply with the terms of the payment arrangement in three (3) consecutive months, the City will take steps to dispose of the property and assist with placement of displaced resident or renegotiate a payment arrangement.~~

~~7. Residential properties may be sold to create opportunities for affordable, owner-occupied or rental housing.~~

~~8~~
7. Properties will be sold to buyers who can show evidence of financial resources and expertise~~.~~

~~9. Proposals to re-purchase properties will not be accepted from the prior owner.~~

~~10.~~
8. The City will provide ~~tax~~ title only through a quit-claim deed without covenant to all purchasers of ~~tax acquired~~ property.

~~11~~9. Prior to conveyance, the City Manager has the right to reject any and all bids/proposals at any time during the process, if it is determined to be in the best interest of the City. The City Manager will give the bidder/proposer reasons whenever a rejection of a bid occurs.

IV. ~~Revised~~ Disposition Process:

A. ~~Since properties are foreclosed on a yearly basis~~ Tax-acquired Properties

1. Tax-acquired property foreclosures occur annually each December. As soon as practicable thereafter, the Treasurer will provide the City Council, the City's Land Bank Commission ~~will then receive~~(LBC), and ~~review the~~COTAPC with a list of ~~tax~~ tax-acquired properties ~~foreclosed on to~~. Within 60 days of its receipt of the list, the LBC shall recommend to ~~TAPC~~COTAPC which properties should be retained by the Land Bank for open space -purposes. ~~The Land Bank Commission will provide its list to TAPC by February 28 each year or within 60 days of receipt of list. TAPC~~COTAPC will then make a recommendation to the City Manager ~~City Council based on Land Bank's request. One of the first TAPC meetings of each calendar year will be to~~ as to which properties should be recommended to be forwarded for a Department-wide survey to determine if the property is excess or not to the City's needs. If survey results are to retain, City Manager will authorize retention of those properties by the Land Bank or for City use.

   a. If the property is to be retained by the Land Bank, the City Council will need to vote to put the properties in the Land Bank.

   b. If the City is retaining for a municipal purpose, this will be done administratively.

2. Contemporaneously, COTAPC will begin to determine which tax-acquired properties ~~foreclosed on during the previous year to start the sale process beginning with the 60-day letter from the Treasurer as noted in Section IV(A)(1), and which will~~should be retained for municipal purposes~~. Those~~ and which properties ~~identified for retention will also~~should be ~~given the 60-day letter as noted in Section IV(A)(1). TAPC~~sold in accordance with these Rules. Its

recommendations for retention or sale shall be forwarded to the City Manager for approval to conduct the Department~~-~~-wide survey- to determine if property is excess or not to the City's needs.

~~(a)~~a. If survey results are to retain for a municipal use (not Land Bank), City Manager will authorize retention of those properties, which ~~and~~ will be handled administratively.

~~(b)~~b. If the survey results are to sell, COTAPC will move forward with the disposition process described in Section B below. COTAPC will meet as needed throughout the year to implement the disposition process. ~~Once a property or group of properties has been identified for resale, the TAPC and staff will undertake the process outlined below.~~

~~Regarding residential, commercial, business, and/or industrial City-controlled and/or tax-acquired property, TAPC may refer these to the appropriate City Council Committee as noted in Section IV(1)(L)(i) and (ii) below.~~

~~***1) All Properties***~~

~~**A.** The Treasurer will send letters to owners in a last attempt to have them redeem their interest in the property through payment of back taxes, interest, and costs. Payment arrangements can be negotiated within 60 days of the date of the letter. Owners must pay their taxes, interest, and costs in full within 60 days or arrange to have a payment arrangement in place, or the disposition process will begin.~~

~~**NOTE:** For requests to purchase City-owned property (non-tax-acquired), TAPC will be following steps 1(B) on below.~~

3. ~~B~~Proposals/bids to re-purchase tax-acquired properties will not be accepted from the prior owner(s) or any entity where the prior owner(s) is part owner of that entity.

B. Process for Sale of Tax~~-~~-Acquired and Other City-Owned Property

1. In all cases, upon approval of the City Manager, staff will survey City D~~d~~epartments~~, the Land Bank Commission, and the District Councilor~~ to obtain information on whether to sell or retain a specific property for municipal use, to ascertain whether there are neighborhood issues involving the use of the property, or whether conditions should be placed on a sale.

~~C~~2. A field survey will be conducted, if necessary, by a combination of staff from the Housing and ~~Neighborhood Services~~Community Development Division, Inspections, Corporation Counsel, Executive, Public ~~Services~~Works, and the Economic Development ~~Division~~Department (as staff members determine the most appropriate representation for a particular piece of property) to determine the general conditions of the building and/or land and its potential use.

~~D~~3. Corporation Counsel's Office will determine status of title and degree of difficulty to clear using either the quiet title process or negotiations with other owner of record to release their interest.

~~E~~4. Assessors Office will confirm assessed value of property.

~~F~~5. After the survey is completed and a tax-acquired property is determined to be excess to the City's needs, COTAPC, upon City Manager approval, may have the Treasurer issue a 60-day letter to the prior owner as a last attempt for the prior owner to redeem the property (as detailed previously in Section III(A)(2)). In the event the owner fails to redeem their interest within the 60-day time period, COTAPC will follow steps 7 through 13 below.

6. –After the survey is completed and a City-owned property is determined to be excess to the City's needs, COTAPC will follow steps 7 through 13 below.

7. – ~~TAPC~~COTAPC will meet to determine if a minimum acceptable ~~bid~~purchase price can and should be set for a particular parcel based on assessed value, ~~back taxes, interest, and costs,~~ potential for reuse, ~~and~~ current condition of the property~~.~~, and, if tax-acquired, the amount of outstanding back taxes, interest, and costs. When minimum ~~bid~~purchase prices are set, they will be included in the marketing materials. Excepting those lots that are vacant and undersized to be offered directly to abutters upon approval by the City Manager and pursuant to Section IV(C), ~~TAPC's~~COTAPC's recommendations, including method of marketing and conditions~~, if any,~~ to be placed on sale, if any, will be forwarded to the City Manager for approval and recommendation ~~will be forwarded to either~~ to move forward with the disposition process as follows:

a. For tax-acquired properties under the City Manager's parameters, the City Manager authorizes the disposition process, after prior notice to the District Councilor, following Steps 8 to 13 below ~~the Housing Committee for residential property, or to the Community Development Committee for commercial, business, and/or industrial property~~ and will execute any and all documents to close the sale by the City Manager and Finance Director; and,

b. For City-owned properties and other tax-acquired properties outside the City Manager's parameters, the City Manager will recommend to the City Council that it authorize the disposition process, with prior notice to the District Councilor. City Council to authorize staff or the appropriate City Council Committee to review bids/proposals for a recommendation to the City Council for a Purchase and Sale Agreement. After approval of the City Council to begin the disposition process, COTAPC will move forward with Steps 8 to 13 below. ~~for review and approval to move forward.~~

~~G.~~

8. All property owners within a 500-foot radius of the subject property, measured from the property line of the subject property, will be notified that the City intends to sell the property as detailed in Section IV(D~~3~~)(1~~A~~) below. Immediate abutters will be re-notified if the City is considering a ~~different~~change of use.

~~H~~99. Upon reaching a stated due date to make an offer to purchase to the City, ~~staff~~COTAPC will then proceed with the sale process with the offers it has received. If the City receives no response, the property ~~will~~may be further marketed ~~per Section V below~~in accordance with these Rules and the City Code.

~~I~~10. Staff will keep all bidders/proposers informed throughout the sale process to ensure they have the information regarding the status of the process, the procedures from that point on, and the timeframe for a decision.

~~J.~~ ~~If TAPC~~11. In cases where only one bid or ~~a City Council~~proposal is received and COTAPC recommends to the City Manager rejection ~~Committee rejects a recommended~~ of the bid/~~offer~~proposal, the sale process will automatically terminate, unless the process is extended by the City Manager.

~~K~~12. In cases where more than one ~~bid~~ proposal is received for the same property~~,~~ but for different uses, the ~~TAPC~~COTAPC may recommend to the ~~bid~~City Manager the proposal and use that will best accomplish the City objectives ~~-~~as detailed in Section ~~1~~I of these Rules, regardless of price offered.

~~L. In all cases where recommendations are forwarded to a City Council Committee, the following committees will review TAPC proposals for housing and commercial reuse and proceed as noted in Section IV(3)(C), (D), and (E);~~

~~(i) Housing Committee reviews all proposals for residential reuse, as well as vacant lots in residential zones, excepting those referred to in Section IV(2)(A), (B), and (D);~~

~~(ii) Community Development Committee reviews all proposals for commercial and industrial reuse within business and industrial zones excepting those referred to in Section IV(2)(A), (B), and (D).~~

~~2)~~C. Vacant Undersized Lots (properties under $5,000 in assessed value)

~~A~~1. –Vacant lots that do not meet minimum lot size for construction will be offered first to direct abutting property owners giving abutters 30 days to respond. If the City receives no response, these properties ~~will~~may be marketed per Section V below.

~~B~~2. – Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where no neighborhood issues or municipal uses have been identified, will proceed directly to the City Manager for review. If the City Manager approves the sale, he will sign the Purchase and Sale Agreement. The Finance Director will sign the Quit Claim Deed and Corporation Counsel's Office will prepare the closing. City Council approval will not be required.

~~C. Vacant~~3. - The sale of vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where neighborhood issues have been identified, will proceed to the ~~appropriate~~ City Council ~~Committee~~ for review and recommendation for the City Manager and Finance Director to execute any and all documents to close the sale~~to the City Council~~.

~~D~~4.~~–~~. Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition. In cases where two or more acceptable bids/proposals are received for one property, for the same reuse, the ~~TAPC~~COTAPC will recommend the highest offer to the City Manager.

~~3)~~D. All Other Properties (properties over $5,000 in assessed value)

~~A~~1. - The Finance Department, Housing and ~~Neighborhood Services~~Community Development Division and/or the Economic Development ~~Division~~Department, will market specific property or groups of properties, utilizing one or more of the methods described in Section V below. In this marketing, all property owners within a 500-foot radius will be notified.

~~B. TAPC~~2. -COTAPC will evaluate bids/proposal(s) received for a specific property and will select a bid/proposal to recommend to the City Manager for approval to sell~~appropriate City Council Committee based on objectives as detailed in Section 1 of these Rules for this process~~.

~~C~~3. -The City Manager ~~City Council Committee~~ will review all bids/proposals and ~~the TAPC~~COTAPC's recommendation. The City Manager~~ommittee~~ can either endorse the recommended bid/proposal, endorse a different bid/proposal, hold his~~table the~~ decision for additional information, or reject all bids/proposals. If all bids or proposals are rejected, City Manager may terminate the sale process or continue to market the property and seek bids or proposals in accordance with these Rules.

~~D. The City Council will review the Committee's recommendation for authorization of the sale of property, one reading required.~~

~~E. The~~4. –For tax-acquired properties under the City Manager's parameters, the City Manager will sign the Purchase and Sale Agreement~~.~~ and other documents approved by the Corporation Counsel's office. The Finance Director will ~~then~~ sign the Quitc~~ C~~laim Deed, and Corporation Counsel's Office will prepare the closing.

5 ~~.~~For City-owned properties, and other tax-acquired properties outside the City Manager's parameters, the City Manager will forward his or her recommendation to the City Council or to the appropriate City Council Committee. The Committee can either endorse the recommended bid/proposal, endorse a different bid/proposal, table the decision for additional information, or reject all bids/proposals.

6~~.~~. The City Council will review the City Manager's or the City Council Committee's recommendation for authorization of the sale of property, one reading required.

V. Methods of Marketing:

Depending on the type of property and its value, ~~the Tax Acquired Property Committee (TAPC) will~~COTAPC may use a variety of methods to market ~~tax-acquired~~ property to the general public. In some cases more than one method may be employed. Regardless of the method used, prior to conveyance, the City reserves the right to reject any and all bids/proposals at any time during the process if it is determined to be in the best interest of the City. The City will give the bidder/proposer reasons whenever the rejection of a bid/proposal occurs.

~~Whichever method is used, TAPC will determine when to bring a recommended sale to the appropriate City Council Committee for its recommendation to the City Council.~~

1~~. Public Listing:~~

~~TAPC will maintain a listing of tax acquired properties available for sale. TAPC can review proposals for sale off the public listing at any time. The list will be available to the public upon request. The City reserves the right to request additional proposals, through an RFP process, for properties selected by the public for purchase from the list.~~

~~2~~. - Real Estate Broker Contract:

For a specific ~~properties~~property or groups of properties, ~~TAPC~~COTAPC may ~~choose~~recommend to contract with a pre-qualified approved Real Estate Broker to find a buyer. The City's contract with the Broker will contain the City's terms and conditions of sale. The City will negotiate the amount of the commission with the Broker based on market rate and the assessed values of the properties involved. Broker commissions will be paid from the price received.

~~3~~2. - Public Offering – Straight Bid Process:

~~TAPC~~COTAPC may recommend ~~to solicit~~soliciting sealed proposals with an advertised public offering of a property or grouping of properties. Under this method, the offer with the highest bid will be selected.

~~4.~~ 3. - Public Offering - Request for Proposals:

~~TAPC~~COTAPC may ~~solicit~~ recommend soliciting proposals using a Request for Proposals (RFP) process.

4. Auction

COTAPC may recommend to ~~to solicit~~contract a pre-qualified approved Auctioneer or Attorney for the sale of property.

City of Portland

Rules for the Disposition of City-Owned and Tax-Acquired Property
Adopted by City Council October 18, 1999
Amended by City Council December 7, 2009 by Order 116-08/09
Amended by City Council ___________, 2016 by Order ___-15/16; any further amendments to these Rules shall be effective upon approval by the City Manager pursuant Section 2-313 of the City Code.

Pursuant to Section 2-313 of the City Code, the following rules will apply to the sale of City-owned and tax-acquired property.

I. Background and Goals and Objectives of the Disposition Process:

A. Background for Tax-Acquired Property

These rules govern the process by which the City disposes of tax-acquired property **after** the lien process established under Maine law which automatically confers ownership of these properties to the City by operation of law. The process that has occurred up to the date of the application of these Rules is set forth in Title 36 of the Maine statutes and takes nearly two years to complete. First, within eight months and a year of the original commitment day of the real estate taxes, the municipality must send out a "30-day notice" letter, notifying the property owner that if their property taxes are not paid within thirty days, the municipality will file a lien against the property in the Registry of Deeds. 36 M.R.S.A. § 942. This creates a tax lien mortgage on the property which has priority over most other mortgages, liens, attachments and encumbrances. *See* 36 M.R.S. § 552.

Next, once the lien is recorded, the 18-month redemption period begins to run. Between 45 and 30 days before the expiration of the 18-month redemption period, Treasury must send out a Notice of Impending Automatic Foreclosure. If the tax lien mortgage, interest, and costs are not paid before the expiration of the 18-month redemption period, then the mortgage is automatically foreclosed and the municipality owns the property. 36 M.R.S. § 943. From this point forward, these Rules govern the disposition of this property.

B. Goals and Objectives of Disposition Process for Tax-Acquired and other City-owned Properties

There are two major goals of the property disposition process. First, to find the highest and best use for property for the benefit of the City, its neighborhoods and its citizens. Second, to establish a clear and fair policy for the disposition of property. In establishing this policy for the sale and reuse of property, both land and buildings, the City has several goals/objectives, including but not limited to:

- Eliminate neighborhood blight
- Assist with neighborhood preservation and revitalization efforts
- Improve the City's housing stock
- Put properties back on the tax rolls

II. City-Owned and Tax-Acquired Property Committee (COTAPC):

The responsibility of implementing the City's Property Disposition Guidelines and Procedures will be delegated to the City-Owned and Tax-Acquired Property Committee (COTAPC). COTAPC is an internal staff committee representing all City departments involved with the disposition of tax-acquired and other City-owned property. The Committee has four major functions:

- Selecting properties for sale using pre-established criteria
- Establishing conditions for the sale of individual properties
- Selecting the method of marketing and disposition
- Reviewing bids/proposals to purchase and making a recommendation to the City Manager

Members of COTAPC include:

- Director of Economic Development, or designee
- Director of Finance, or designee
- Associate Corporation Counsel
- Director of Planning and Urban Development, or designee
- Tax Assessor, or designee
- Deputy City Manager, or designee
- Public Works Director, or designee

III. Conditions for the Retention or Sale and Reuse of Properties:

A. All Tax-Acquired Properties

1. Except as otherwise set forth below, all tax-acquired properties are eligible for disposition immediately following foreclosure by the City pursuant to City Code Section 2-313.

2. Upon approval to sell a tax-acquired property, the Treasurer may send a letter, in substantially the form attached hereto as Exhibit A (a "60-Day Letter") by First Class Mail with Certificate of Mailing to the owner's(s') last known address and the address of the property to provide the owner a final opportunity to redeem their interest in the property through the payment of back taxes, interest, and costs. To do so, owners must pay their taxes, interest, and costs in full within 60 days of the date of the 60-Day Letter. In the event that the owner fails to redeem their interest in the property within the 60-day time period, the City will proceed with the sale of the property pursuant to these Rules. Any notice of these rules shall be deemed complete by regular mailing

3. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain ownership of a tax-acquired property for municipal purposes, including, but not limited to, open space, public improvements, sewers, storm drains, parks and recreation, public safety, transportation and education, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property.

4. Notwithstanding anything to the contrary in these Rules, in cases where the City wishes to retain tax-acquired property in the Land Bank for purposes of preservation of open space, the Treasurer shall not send the property owner a 60-Day Letter or otherwise provide the owner an opportunity to redeem their interest in the property.

B. Conditions for Sale of Property (City-owned and Tax-acquired)

1. All properties will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition, as well as back taxes, interest, and costs if tax-acquired. In cases where two or more acceptable bids/proposals are received for the same use of the property, COTAPC will recommend the highest offer. Excess sale funds, above and beyond back taxes, interest and costs, will go to the City's Housing Trust Fund until the end FY2017, at which time this will be further evaluated.

2. It is the responsibility of the purchaser to obtain all required federal, state, and local approvals.

3. COTAPC, on behalf of the City, may place criteria on the disposition of individual properties or groups of properties that meet the City's objectives. More specifically, these conditions may be in the form of: affordability covenants and restrictions for residential property; type and density of development; design standards; and required local approvals and easements. Also, for properties with potential commercial/industrial uses, job creation standards may be required.

4. COTAPC, when determining the reuse of a property, may consider a role that property has historically played in the neighborhood and any benefits it has provided to area residents.

5. For properties that are occupied, the City will provide notice to the occupant(s) by First Class Mail with Certificate of Mailing that the City intends to sell or retain the property. For occupied properties, the City Manager, on COTAPC's recommendation, shall decide whether to evict the occupant(s) or sell/retain the property as occupied.

6. In the event that a property is occupied when sold, the purchaser shall be responsible for any and all occupants of the purchased property and shall, in writing, forever indemnify, defend, and save harmless the municipality from any and all claims arising out of the sale of the property brought by the previous owners, occupants and tenants of the property.

7. Properties will be sold to buyers who can show evidence of financial resources and expertise

8. The City will provide title only through a quitclaim deed without covenant to all purchasers of property.

9. Prior to conveyance, the City Manager has the right to reject any and all bids/proposals at any time during the process, if it is determined to be in the best interest of the City. The City Manager will give the bidder/proposer reasons whenever a rejection of a bid occurs.

IV. Disposition Process:

A. Tax-acquired Properties

1. Tax-acquired property foreclosures occur annually each December. As soon as practicable thereafter, the Treasurer will provide the City Council, the City's Land Bank Commission (LBC), and COTAPC with a list of tax-acquired properties. Within 60 days of its receipt of the list, the LBC shall recommend to COTAPC which properties should be retained by the Land Bank for open space purposes. COTAPC will then make a recommendation to the City Manager as to which properties should be recommended to be forwarded for a Department-wide survey to

determine if the property is excess or not to the City's needs. If survey results are to retain, City Manager will authorize retention of those properties by the Land Bank or for City use.

a. If the property is to be retained by the Land Bank, the City Council will need to vote to put the properties in the Land Bank.

b. If the City is retaining for a municipal purpose, this will be done administratively.

2. Contemporaneously, COTAPC will begin to determine which tax-acquired properties should be retained for municipal purposes and which properties should be sold in accordance with these Rules. Its recommendations for retention or sale shall be forwarded to the City Manager for approval to conduct the Department-wide survey to determine if property is excess or not to the City's needs.

a. If survey results are to retain for a municipal use (not Land Bank), City Manager will authorize retention of those properties, which will be handled administratively.

b. If the survey results are to sell, COTAPC will move forward with the disposition process described in Section B below. COTAPC will meet as needed throughout the year to implement the disposition process.

3. Proposals/bids to re-purchase tax-acquired properties will not be accepted from the prior owner(s) or any entity where the prior owner(s) is part owner of that entity.

B. <u>Process for Sale of Tax-Acquired and Other City-Owned Property</u>

1. In all cases, upon approval of the City Manager, staff will survey City Departments to obtain information on whether to sell or retain a specific property for municipal use, to ascertain whether there are neighborhood issues involving the use of the property, or whether conditions should be placed on a sale.

2. A field survey will be conducted, if necessary, by a combination of staff from the Housing and Community Development Division, Inspections, Corporation Counsel, Executive, Public Works, and the Economic Development Department (as staff members determine the most appropriate representation for a particular piece of property) to determine the general conditions of the building and/or land and its potential use.

3. Corporation Counsel's Office will determine status of title and degree of difficulty to clear using either the quiet title process or negotiations with other owner of record to release their interest.

4. Assessors Office will confirm assessed value of property.

5. After the survey is completed and a tax-acquired property is determined to be excess to the City's needs, COTAPC, upon City Manager approval, may have the Treasurer issue a 60-day letter to the prior owner as a last attempt for the prior owner to redeem the property (as detailed previously in Section III(A)(2)). In the event the owner fails to redeem their interest within the 60-day time period, COTAPC will follow steps 7 through 13 below.

6. After the survey is completed and a City-owned property is determined to be excess to the City's needs, COTAPC will follow steps 7 through 13 below.

7. COTAPC will meet to determine if a minimum acceptable purchase price can and should be set for a particular parcel based on assessed value, potential for reuse, current condition of the property, and, if tax-acquired, the amount of outstanding back taxes, interest, and costs. When minimum purchase prices are set, they will be included in the marketing materials. Excepting those lots that are vacant and undersized to be offered directly to abutters upon approval by the City Manager and pursuant to Section IV(C), COTAPC's recommendations, including method of marketing and conditions to be placed on sale, if any, will be forwarded to the City Manager for approval and recommendation to move forward with the disposition process as follows:

   a. For tax-acquired properties under the City Manager's parameters, the City Manager authorizes the disposition process, after prior notice to the District Councilor, following Steps 8 to 13 below and will execute any and all documents to close the sale by the City Manager and Finance Director; and,

   b. For City-owned properties and other tax-acquired properties outside the City Manager's parameters, the City Manager will recommend to the City Council that it authorize the disposition process, with prior notice to the District Councilor. City Council to authorize staff or the appropriate City Council Committee to review bids/proposals for a recommendation to the City Council for a Purchase and Sale Agreement. After approval of the City Council to begin the disposition process, COTAPC will move forward with Steps 8 to 13 below.

8. All property owners within a 500-foot radius of the subject property, measured from the property line of the subject property, will be notified that the City intends to sell the property as detailed in Section IV(D)(1) below. Immediate abutters will be re-notified if the City is considering a change of use.

9. Upon reaching a stated due date to make an offer to purchase to the City, COTAPC will then proceed with the sale process with the offers it has received. If the City receives no response, the property may be further marketed in accordance with these Rules and the City Code.

10. Staff will keep all bidders/proposers informed throughout the sale process to ensure they have the information regarding the status of the process, the procedures from that point on, and the timeframe for a decision.

11. In cases where only one bid or proposal is received and COTAPC recommends to the City Manager rejection of the bid/proposal, the sale process will automatically terminate, unless the process is extended by the City Manager.

12. In cases where more than one proposal is received for the same property but for different uses, the COTAPC may recommend to the City Manager the proposal and use that will best accomplish the City objectives as detailed in Section I of these Rules, regardless of price offered.

C. Vacant Undersized Lots (properties under $5,000 in assessed value)

1. Vacant lots that do not meet minimum lot size for construction will be offered first to direct abutting property owners giving abutters 30 days to respond. If the City receives no response, these properties may be marketed per Section V below.

2. Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where no neighborhood issues or municipal uses have been identified, will proceed directly to the City Manager for review. If the City Manager approves the sale, he will sign the Purchase and Sale Agreement. The Finance Director will sign the Quit Claim Deed and Corporation Counsel's Office will prepare the closing. City Council approval will not be required.

3. The sale of vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, where neighborhood issues have been identified, will proceed to the City Council for review and recommendation for the City Manager and Finance Director to execute any and all documents to close the sale.

4. Vacant lots that do not meet minimum lot size for construction, and are less than $5,000 in assessed value, will be sold for a price acceptable to meet the City's priorities for reuse, taking into consideration the assessed value and/or its current condition. In cases where two or more acceptable bids/proposals are received for one property, for the same reuse, the COTAPC will recommend the highest offer to the City Manager.

D. All Other Properties (properties over $5,000 in assessed value)

1. The Finance Department, Housing and Community Development Division and/or the Economic Development Department, will market specific property or groups of properties, utilizing one or more of the methods described in Section V below. In this marketing, all property owners within a 500-foot radius will be notified.

2. COTAPC will evaluate bids/proposal(s) received for a specific property and will select a bid/proposal to recommend to the City Manager for approval to sell.

3. The City Manager will review all bids/proposals and COTAPC's recommendation. The City Manager can either endorse the recommended bid/proposal, endorse a different bid/proposal, hold his decision for additional information, or reject all bids/proposals. If all bids or proposals are rejected, City Manager may terminate the sale process or continue to market the property and seek bids or proposals in accordance with these Rules.

4. For tax-acquired properties under the City Manager's parameters, the City Manager will sign the Purchase and Sale Agreement and other documents approved by the Corporation Counsel's office. The Finance Director will sign the Quitclaim Deed, and Corporation Counsel's Office will prepare the closing.

5 For City-owned properties, and other tax-acquired properties outside the City Manager's parameters, the City Manager will forward his or her recommendation to the City Council or to the appropriate City Council Committee. The Committee can either endorse the recommended bid/proposal, endorse a different bid/proposal, table the decision for additional information, or reject all bids/proposals.

6. The City Council will review the City Manager's or the City Council Committee's recommendation for authorization of the sale of property, one reading required.

V. Methods of Marketing:

Depending on the type of property and its value, COTAPC may use a variety of methods to market property to the general public. In some cases more than one method may be employed. Regardless of the method used, prior to conveyance, the City reserves the right to reject any and all bids/proposals at any time during the process if it is determined to be in the best interest of the City. The City will give the bidder/proposer reasons whenever the rejection of a bid/proposal occurs.

1. Real Estate Broker Contract:

For a specific property or groups of properties, COTAPC may recommend to contract with a pre-qualified approved Real Estate Broker to find a buyer. The City's contract with the Broker will contain the City's terms and conditions of sale. The City will negotiate the amount of the commission with the Broker based on market rate and the assessed values of the properties involved. Broker commissions will be paid from the price received.

2. Public Offering – Straight Bid Process:

COTAPC may recommend soliciting sealed proposals with an advertised public offering of a property or grouping of properties. Under this method, the offer with the highest bid will be selected.

3. Public Offering - Request for Proposals:

COTAPC may recommend soliciting proposals using a Request for Proposals (RFP) process.

4. Auction

COTAPC may recommend to contract a pre-qualified approved Auctioneer or Attorney for the sale of property.

Portland, Maine Yes. Life's good here.

Treasury
389 Congress Street, PO Box 544, Portland, ME 04101
Phone (207) 874-8490 FAX (207) 874-8661

Date

Name
Address
Address

VIA First Class Mail with Certificate of Mailing

RE: Tax Property ID __________; CBL: _______________
Property Address:________________

Dear Property Owner:

The City of Portland is preparing to sell or quiet title to property that the City has obtained as a result of foreclosure of real estate tax liens. The property is known as (ADDRESS). Copies of the lien notices are enclosed.

With this letter, the City is giving you the opportunity to redeem the property prior to its sale or quiet title. In order to redeem it, you must pay in full all foreclosed taxes, interest, and costs within sixty days of the date of this letter. As of _________, 20____, you owe the City the following amounts:

Taxes:	$______
Interest:	$______
Costs:	$______
Total Due:	$______

The taxes listed above include only those taxes that are the subject of the foreclosed liens and not for the taxes for FY____and FY____.

If you fail to pay the total amount due within 60 days, the City will proceed to sell or quiet title to the property.

If you intend to redeem the property, please contact Rebekka Conley at 207-874-8856 to discuss payment arrangements as soon as possible. If we do not hear from you by ___________, 20____, we will proceed to the City Manager for approval to sell or otherwise dispose of the property.

Sincerely,

Melissa Norton
Treasurer

Enclosures: Lien Notices

cc: Brendan O'Connell, Director of Finance
Rebekka Conley, Treasury Office
Michael Goldman, Association Corporation Counsel
Lori Paulette, Senior Executive Assistant/Economic Development
Occupant(s) at (Property Address)