

Special City Council Meeting
April 25, 2016

1. Agenda Only

Documents: [2016-04-25-AGENDA ONLY.PDF](#)

2. Agenda And Packet

Documents: [2016-04-25 AGENDA AND PACKET.PDF](#)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

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

AGENDA
SPECIAL CITY COUNCIL MEETING
APRIL 25, 2016

The Portland City Council will hold a Special 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:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) **April 4, 2016 Regular City Council Meeting Minutes**

PROCLAMATIONS:

Proc 25-15/16 Proclamation Honoring Derek S. Pierce – Sponsored by Mayor
(Tab 2) Ethan K. Strimling.

Proc 26-15/16 Proclamation Proclaiming National Telecommunicators Week
(Tab 3) April 10-16, 2016 - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

MAYOR'S BUDGET COMMENTS:

Mayor Ethan K. Strimling will present his comments on the FY17 municipal budget as required in the City Charter.

CONSENT ITEMS:

**Order 208-15/16
(Tab 4)**

Order Declaring May 1, 2016 through October 31, 2016 as the In the Square Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares May 1 through October 31, 2016, as In the Square Festival sponsored by Friends of Congress Square Park. There will be entertainment, dances, films, and other activities held in Congress Square.

Friends of Congress Square Park will work around other Public Works Event Office permitted events for that location so that activities at the square would be both Friends of the Parks events, as well as other permitted events such as rallies, start location for parades, concerts, art shows, etc. Even though the festival duration is six month, the friends group does not have sole exclusivity to the area during that time.

Programming at the square kicks off on May 1 with a May Day Celebration. Most events will occur on Wednesday, Friday, and Sunday evenings with other ongoing activities taking place on other days throughout the summer.

**Order 209-15/16
(Tab 5)**

Order Declaring the Portland Rugby Football Club - Pig Roast Fundraiser 2016 as a Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Portland Rugby Football Club – Pig Roast Fundraiser 2016 as a Festival. The festival is scheduled for the Maine State Pier from 9:00 AM – 6:00 PM on Saturday, May 7, 2016 with a fundraiser and celebration to be held from 1:00 PM - 5:00 PM. The Maine State Pier and festival areas are bordered by the southeastern end of the Maine State Pier, up to the area of business of the Portland Schooner Company. Beer will be available in a restricted area, to which access will be limited to those twenty-one (21) and over.

The purpose of The Portland Rugby Football Club – Pig Roast Fundraiser is to introduce the community of Portland to the rugby club representing them throughout the north east and to raise needed funds for the fulfillment of the organization's mission.

The mission of Portland RFC is to promote the growth and development of the game of Rugby Union (“Rugby”) in the Portland area; to increase the awareness of Rugby and its traditions; to facilitate participation in Rugby on local, national and international levels and to foster amateur athletic competition in line with the goals of USA Rugby and affiliated regional organizations.

**Order 210-15/16
(Tab 6)**

Order Declaring May 13 and 14, 2016 as the Rappel for Rippleffect Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Friday and Saturday, May 13 and 14, 2016, as the Rappel for Rippleffect Festival.

Rappel for Rippleffect is a fundraiser for Rippleffect. Rippleffect staff are organizing the event. Participants raise \$1,000 each, which qualifies them to rappel down the side of One City Center. A professional rappelling company leads participants in the rappelling.

Approximately 70 participants will rappel on Saturday, May 14 from 4:30-7:30 p.m. There will be approximately 10 participants rappelling on Friday, May 13, from 9:00 a.m. to 5:00 p.m. This will mainly be a VIP/Press event, but the public is invited. There will be an outdoor beer and wine garden, to which access will be limited to those twenty-one (21) and over.

**Order 211-15/16
(Tab 7)**

Order Declaring June 12, 2016 as the Old Port Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Sunday, June 12, 2016, as the Old Port Festival. The festival will run from 11:00 a.m. to 5:00 p.m. and offers musical and visual entertainment, children’s activities and food and drink. There is no rain date.

Street closings are included in the agenda backup.

**Order 212-15/16
(Tab 8)**

Order Declaring July 8, 2016 Old Port Lobster Bake and the July 9, 2016 Shipyard Old Port Half Marathon and 5K Road Race as Festivals – Sponsored by Jon P. Jennings, City Manager.

This order declares Friday, July 8, 2016, as the Old Port Lobster Bake and Fitness & Health Exposition Festival which will be held at the Ocean Gateway Terminal from 2:00 p.m. to 8:00 p.m. A Beer Garden will also be set up for this event at Moon Tide Park where the lobster bake is being held.

The Shipyard Old Port Half Marathon & 5K Road Race Festival will be held on Saturday, July 9, 2016, from 5:00 a.m. to 3:00 p.m. along city streets and trails. Runners will congregate in the Ocean Gateway Queuing Lanes area for the start of the Half Marathon, which starts at 7:00 a.m., and the Eastern Prom area for the start of the 5K, which starts at 7:20 a.m.

For Saturday’s race a Beer Garden will be set up in Moon Tide Park and another will be set up at the Amethyst Lot.

**Order 213-15/16
(Tab 9)**

Order Declaring Saturday, August 6, 2016 as Picnic Music & Arts Festival, a Festival of Music, Crafts and Local Food – Sponsored by Jon P. Jennings, City Manager.

This order declares Saturday, August 6, 2016, as the Picnic Music & Arts Festival to be held at Lincoln Park from 11:00 a.m. – 6:00 p.m.

There will be over 100 crafters and artists who will sell handmade products including clothing, jewelry, prints, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and more. In addition, the festival will feature an eclectic mix of local music with five to eight bands playing between noon and 6:00 p.m. A few local bands will be on site. There is no admission fee to the festival.

**Order 214-15/16
(Tab 10)**

Order Declaring August 14, 2016 as the B. Good Party Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares Sunday, August 14, 2016, from 12:00 p.m. to 5:00 p.m. as the B. good Block Party festival to be held on Exchange Street. Exchange Street will be closed from Middle to Fore Street starting at 10:00 a.m. The festival itself will be held in front of and around the B. good restaurant, but other stores along Exchange may participate as well by holding sidewalk sales.

Beer is to be provided by Peaks Organic & Rising Tide Brewing Companies and served by B.good employees on the street in a roped off Beer Garden area and would be considered an expansion of B.good's alcohol footprint (B.good currently holds a Class 3 & 4 beer & wine license). Organizer's staff (and private security staff) will ensure that only 21+ wrist banded attendees are in beer service area. Organizer is obtaining the necessary "beer tasting" license from the state/city for serving beer, as well as other licenses from the city for live music, refreshments and other aspects of the event.

There is no registration or ticket fee; however, individuals attending the event will be charged \$10-\$15 for an all you can eat plate. Several hundred people are expected to attend.

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

LICENSES:

**Order 215-15/16
(Tab 11)**

Order Granting Municipal Officers' Approval of Maria's Restaurant. Application to add Entertainment without Dance at 337 Cumberland Ave. – Sponsored by Katherine L. Jones, City Clerk.

Application submitted on 3/15/16. Application holds a current Class I FSE License.

Five affirmative votes are required for passage after public comment.

Order 216-15/16 (Tab 12) **Order Granting Municipal Officers' Approval of Sea Salt Market LLC d/b/a Piccolo. Application for a Class I FSE License at 111 Middle Street – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 3/21/16. Applicant holds a current Class III & IV (Wine & Beer) License.

Five affirmative votes are required for passage after public comment.

Order 217-15/16 (Tab 13) **Order Granting Municipal Officers' Approval of P.E.D. Enterprises Inc. d/b/a Dry Dock Restaurant & Tavern. Application for a Class XI Restaurant/Lounge License with Outdoor Dining on Private Property at 84 Commercial Street – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 3/22/16. This is a change of ownership.

Five affirmative votes are required for passage after public comment.

Order 218-15/16 (Tab 14) **Order Granting Municipal Officers' Approval Muse Paintbar LLC d/b/a Muse Paintbar. Application for a Class III & IV (Wine & Beer) License at 245 Commercial Street – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 3/23/16. This is a change of corporate owner. Corporate officers are staying the same.

Five affirmative votes are required for passage after public comment.

Order 219-15/16 (Tab 15) **Order Granting Municipal Officers' Approval of Local Food 1, LLC d/b/a B. Good Restaurant at 15 Exchange St. Application to Expand Existing Alcohol Service Area on August 14, 2016 for B Good Block Party Festival – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 4/12/16.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

RESOLUTIONS:

**Resolve 8-15/16
(Tab 16)**

**Resolution to Restrict Travel to States with Discriminatory Laws
– Sponsored by Mayor Ethan K. Strimling, Co-sponsored by Councilor
Belinda S. Ray, Councilor Spence Thibodeau, Councilor Edward J.
Suslovic, Councilor Justin Costa, Councilor David Brenerman,
Councilor Jill C. Duson, Councilor Jon Hinck, and Councilor Nicholas
M. Mavodones, Jr.**

This resolution respectfully requests and recommends that the City Manager not expend public funds on non-essential City travel to a state, such as North Carolina or Mississippi, with a law in effect that affirmatively sanctions or requires discrimination on the basis of sexual orientation or gender identity or expression or have any City employee travel to a state with such a law in effect. By passing this resolution, Portland would join 5 states and the District of Columbia along with nearly 20 cities across the nation in recommending travel bans to North Carolina and Mississippi.

Five affirmative votes are required for passage after public comment

UNFINISHED BUSINESS:

**Order 201-15/16
(Tab 17)**

**Order Approving the Purchase of a Street Lamp Sculpture by Aaron
Stephan for Installation at Woodfords Corner and Adding This
Work to the City's Public Art Collection – Sponsored by Lin Lisberger,
Chair of the Portland Public Art Committee.**

The Portland Public Art Ordinance requires the Portland Public Art Committee (PPAC) to seek Council approval for any artwork or artist selected and approve the committee budget. The Woodfords Corner Project was not included in the 2016 Budget Plan presented to Council in February.

The project would allocate \$25,000 towards the project from the PPAC budget - \$20,000 artist fee and \$5,000 installation/construction budget. This represents a reduction in cost to the City for the Woodfords Corner project budget because the light feature is now being covered by the public art budget. The project would use funds already within the PPAC budget, which are generated through the ½ % for Public Art in the CIP.

Accepting this proposal represents the approval of an allocation of funds already secured by the Public Art Committee.

There is no additional money requested. The PPAC is able to fund this project with money left over from the Langlais installation project.

At the April 4 2016, City Council meeting this item was postponed to this meeting.

Five affirmative votes are required for passage after public comment.

**Order 203-15/16
(Tab 18)**

Order Approving Two-Party Agreement Between the City of Portland and the Maine Department of Transportation 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 two-party agreement with MaineDOT for the purpose of paving Danforth St (York to High) in 2016.

The City Council recently approved the three-party agreement on March 21, 2016, with approval of Order 178-15/16.

The two-party agreement covers the final design & construction phase and stipulates maintenance requirements for the City in perpetuity. The total value of this paving project is estimated at \$137,443.44 and for cost efficiencies the work will be added to the existing Commercial and Franklin Streets paving contract being administered by MaineDOT.

The City Local Share obligation is 25%, or \$26,750 The City is also obligated to pay 100% of any cost associated with sewer and stormwater system adjustments; this cost is estimated at \$11,700. Also, the Department of Public Works is requesting an ADA improvement at the intersection of Danforth and York St; we have estimated this cost at roughly \$18,750. All City costs (current estimate = \$57,193.44) are included in the FY17 CIP request.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 220-15/16
(Tab 19)**

Order Approving the Lease to Tiqa Café LLC for the Deering Oaks Castle Building and Adjacent Property at Deering Oaks Park – Sponsored by Jon P. Jennings, City Manager.

The City issued a solicitation of interest in order to identify businesses and individuals interested in operating a food service in the Castle in Deering Oaks Park. Five local businesses responded with formal proposals. A review committee comprised of Ethan Hipple, Recreation Director, Troy Moon, Open Space Manager, and Anne Pringle, President of Friends of Deering Oaks reviewed the proposals using selection criteria established in advance and shared with all parties who participated in the process. After careful deliberation, the committee unanimously agreed that the proposal submitted by Deen Haleem and Carol Mitchell of Tiqa Restaurant most closely met the goals outlined in the selection criteria.

In order for the Café to open for business in early May, staff is requesting that this order be passed as an emergency. Seven votes are required for emergency passage of this order.

**Order 221-15/16
(Tab 20)**

Order Granting Municipal Officers' Approval of Tiqa Café LLC d/b/a Tiqa Café. Application for a Class III & IV (Wine & Beer) License with Entertainment without Dance and Outdoor Dining on Public Property at Deering Oaks Castle at 356 State Street – Sponsored by Katherine L. Jones, City Clerk.

Application submitted 3/11/16. New City and State applications.

Five affirmative votes are required for passage after public comment.

**Order 222-15/16
(Tab 21)**

Order Accepting a Public Pedestrian Easement for Public Sidewalk from 22-28 Tate Street, LLC – Sponsored by the Planning Board, Beth Boepple, Chair.

December 15, 2015, the Planning Board approved a Level III Site Plan and Subdivision application for an eight-unit condominium development at 22-28 Tate Street.

The Planning Board voted unanimously (6-0) to approve the application with waivers and conditions, including a condition that the applicant provide a public pedestrian access easement for areas of sidewalk proposed on private property. The Department of Planning and Urban Development is now forwarding this public pedestrian easement to the Council.

Five affirmative votes are required for passage after public comment.

**Order 223-15/16
(Tab 22)**

Order Accepting a Leadership in Community Resilience Grant from National League of Cities – Sponsored by Councilor Jon Hinck.

The National League of Cities has invited 10 cities to participate in a new program called Leadership in Community Resilience. It will address problems created by climate change like rising sea levels and allows cities to work with each other to devise the best defenses and solutions.

A \$10,000 grant for Portland, as part of its participation in the National League of Cities' Leadership in Community Resilience program, must be accepted by the full City Council, and can be used for workshops for staff and/or public forums, either citywide or regional.

Five affirmative votes are required for passage after public comment.

**Order 224-15/16
(Tab 23)**

Order Approving the Right-of-entry Agreement between the Department of the Army and the City for Work to Improve Safety at Fort Gorges – Sponsored by Jon P. Jennings, City Manager.

In the summer of 2015, the Army Corp of Engineers approached the City about making safety improvements at Fort Gorges. The Fort, acquired by the City from the Federal Government in 1960, is in need of repair and requires action to minimize risks to visitors.

Representatives from the City and the Army Corp visited the fort and documented a number of specific conditions that could pose a hazard to visitors. These include missing or failing floors, structural issues, missing steps, and lack of guard rails at high points.

Following this visit, the Army Corp developed a hazard mitigation plan to secure the unsafe areas by installing galvanized steel gates and rails. The plan also calls for plugging open cisterns, replacing some stair steps, and eliminating some tripping hazards. The project does not include structural repairs. City staff reviewed the proposed work plan and agrees that it will contribute to the safety of visitors.

The Parks Commission received a briefing on the project during their January meeting and endorsed it. The Historic Preservation Commission held a workshop about the project during their March 6 meeting and has also endorsed the project.

Funding for the work comes entirely from Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS), a Federal program. There is no cost to the City of Portland.

Five affirmative votes are required for passage after public comment.

**Order 225-15/16
(Tab 24)**

Order Approving Change in Sidewalk Material Policy from Brick to Concrete for Kennebec Street from Forest Avenue to Hanover Street – Sponsored by Jon P. Jennings, City Manager.

On April 14, 2015, the Planning Authority approved a Level II site plan for the redevelopment of the Century Tire site at 195 Kennebec Street. The plans included brick sidewalks, in accordance with the city's sidewalk material policy, on both the Marginal Way and Kennebec Street frontages of the site. The developer has requested a change in sidewalk material for this frontage, stating that "the Kennebec side of the site would be better served by a concrete sidewalk.

The use of brick has been a matter of discussion for some time, particularly in areas, like Bayside, which lie outside the city's historic districts and adjacent to existing concrete sidewalk zones. Staff has no concern with changing the material at this specific location to concrete, given the quality of that material and the nature of Kennebec Street.

However, rather than changing just that one section of the street, staff supports a change in material for the length of Kennebec Street from Forest Avenue east to Pearl Street. Kennebec Street is a secondary street in Bayside where the sidewalks are generally comprised of concrete and asphalt with some remnant cobbles, and the only existing segment of brick sidewalk on Kennebec Street can be found at 195 Kennebec. Changing the policy for that entire street would provide for continuity of the public realm, a better walking surface during wet, snowy or icy weather, and potentially lower maintenance costs.

Five affirmative votes are required for passage after public comment.

**Order 226-15/16
(Tab 25)**

Order Granting Licenses Re: Midtown Development – Sponsored by Jon P. Jennings, City Manager.

Federated Companies is requesting City Council approval of various licenses for the Midtown project. The Midtown development received Planning Board site plan and subdivisions approval on March 3, 2015. The development was approved subject to a number of conditions including City Council approval of licenses for certain improvements within City rights-of-way and acceptance of various easements on private property. The licenses and easements related to the site plan approval were authorized by the Council in January of this year. In addition, several other licenses are identified on the final subdivision plan approved by the planning board for utility and drainage purposes and require Council approval at this time. Approval of these licenses are necessary for Midtown to proceed.

Licenses requested by Midtown cover a number of improvements within the public right-of-way:

1. Grading, drainage and utility licenses for Lots 1 and 3
2. Utility license for Lot 3; and,
3. Grading, drainage and utility license for Lots 6 and 7.

Five affirmative votes are required for passage after public comment.

**Order 227-15/16
(Tab 26)**

Order Referring the Issue of Increasing the Legal Age for the Purchase of Tobacco Products to the Health and Human Services Committee – Sponsored by Mayor Ethan K. Strimling and Councilor Edward J. Suslovic.

Mayor Strimling and Councilor Suslovic request that the issue of an increase of the minimum legal sale age for tobacco products in the City of Portland from 18 to 21 years of age be referred to the Health and Human Services Committee, and that an ordinance to raise that age be reviewed.

Five affirmative votes are required for passage after public comment.

BREAK FOR DINNER:

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

FY 17 BUDGET ITEMS: PUBLIC HEARING

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL BUDGET ORDERS. COUNCIL ACTION ON THE SCHOOL BUDGET WILL TAKE PLACE ON MAY 2, 2016, AT 5:00 P.M. THE PUBLIC REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, MAY 10, 2016.

**Order 228-15/16
(Tab 27)**

Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY2017 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Order 228-15/16 to 233-15/16 are orders required by State law 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$79,013,267 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This requires the city to raise \$63,109,880 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy for the total for school budget programs of \$103,602,884 will be \$80,331,376.

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

**Order 229-15/16
(Tab 28)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2017 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$572,216 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$572,216 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

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

**Order 230-15/16
(Tab 29)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2017– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$15,758,040 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$16,331,256 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

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

**Order 231-15/16
(Tab 30)**

Order Approving Total School Operating Budget for Portland Schools for FY2017– Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$98,155,645.

That is the amount in the budget that under state law will be sent to the voters for approval at a citywide Referendum Election on May 10, 2016. \$79,013,267 of the \$98,155,645 would come from property taxes, \$15,556,722 would come from state subsidy, and \$3,435,657 from other revenues.

This order does not provide money unless the other General Fund budget orders are passed.

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

**Order 232-15/16
(Tab 31)**

Order Appropriating and Raising Funds for Adult Education for FY 2017 as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$1,149,033 to support the Adult Education program and appropriates a budget for that program of \$1,807,713.

The budgets for the Adult Education Program and for the Food Service Program in the next Order, are in addition to the \$98,155,645 proposed for the General Fund School Budget that must be submitted to the voters.

Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program and the Food Service Program are added to the proposed General Fund School Budget, it leads to a total for FY2017 school budget programs of \$103,602,844.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 16th, if the voters approve the General Fund School Budget submitted to them on May 10th.

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

**Order 233-15/16
(Tab 32)**

Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2017 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$169,076 to support the Food Service Budget. The total proposed Food Service Program is \$3,639,526, which is in addition to the General Fund School Budget.

Under the City Charter, the Council must act on this school funding order which is not part of the General Fund budget.

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

UNFINISHED BUSINESS: (continued)

**Order 204-15/16
(Tab 33)**

Order Authorizing General Obligation Bonds to Finance a Portion of the City's 2017 Capital Improvement Program in an Amount not to Exceed \$26,369,854 and Reallocating \$778,191 from Prior CIP Bonds- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

The 2017 Capital Improvement Program has been approved at the Finance Committee level and is now going to City Council for approval. The detailed list of project is included in the agenda backup as an appendix.

The first order authorizes bond proceeds in an amount not to exceed \$26,369,854 for the FY17 Capital Improvement Program and reallocates \$778,191 of excess prior year capital improvement funds to FY17 projects to reduce the upcoming borrowing.

The second order appropriates an amount not to exceed \$27,548,045 for the city's Capital Improvement Program. The third order establishes a \$2,084,960 capital reserve within unallocated fund balance for future use towards school capital improvements.

The Finance Committee met on March 24, 2016, and voted unanimously to forward this order and the orders that follow to the City Council with a recommendation for passage.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Seven affirmative votes are required for passage after public comment.

**Order 205-15/16
(Tab 34)**

Order Appropriating Bond Proceeds and TIF Funds in an Amount not to Exceed \$27,548,045 for the City's FY17 Capital Improvement Program and Other CIP Projects – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Order 204-15/16 above.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Five affirmative votes are required for passage after public comment.

**Order 206-15/16
(Tab 35)**

Order Establishing \$2,084,960 of School Capital Improvement Reserve – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Orders 204-15/16 and 205-15/16 above.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Five affirmative votes are required for passage after public comment.

Orders: (continued)

**Order 234-15/16
(Tab 36)**

**Order Appropriating \$500,000 of Surplus School CIP Funds –
- Sponsored by Councilor Nicholas M. Mavodones, Jr. Chair.**

This order appropriates \$500,000 from the School Unassigned Fund Balance to pay for the following school vehicles and improvements as part of the City's Capital Improvement Program (Other Funding Sources):

Two (2) 14-Passenger Buses - \$87,000

Replacement School Bus - \$88,000

Schools Conditional Appraisal/Work plan for Future Repairs - \$325,000

This item must be read on two separate days. This is its first reading. The Council will be asked to waive the second reading so that action on this Order can coincide with action on the above Capital Improvement Orders. Seven affirmative votes are required to waive the second reading. Five affirmative votes are required for passage of the Order after public comment.

**Order 235-15/16
(Tab 37)**

Order Accepting and Appropriating \$400,000 for the Renovation of the Peaks Island Community Center and Branch Library and Renaming It the Kennedy & Carter Family Community Center and Branch Library – Sponsored by Jon P. Jennings, City Manager.

The Kennedy and Carter families have deep roots in the Peaks Island community and have been patrons of the Peaks Island Branch Library over the years. Cynthia Kennedy Carter was a driving force behind the introduction of Portland Recreation Division senior adult program on Peaks Islands. Raymond Carter, Cynthia Kennedy Carter's husband has worked in the City's Recreation Division for more than 30 years.

Kevin Carter, the son of Raymond and Cynthia Carter, has offered the City \$200,000 toward the cost of the renovation of the Peaks Island Branch Library in their honor, and an additional \$200,000 was raised from private citizens to the New Visions Campaign for the Peaks Island Community Center and Branch Library.

This order accepts and appropriates the \$200,000 donation from Kevin Carter and the \$200,000 donated to the New Visions Campaign to assist in the payment of the renovations for the Peaks Island Community and Branch Library and renames the Peaks Island Community Center and Branch Library to the Kennedy & Carter Family Community Center and Branch Library. An additional \$250,000 is included in the FY17 Capital Improvement Program for a total project cost of \$650,000.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

LICENSE RENEWALS:

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

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

AGENDA
SPECIAL CITY COUNCIL MEETING
APRIL 25, 2016

The Portland City Council will hold a Special 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:

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) **April 4, 2016 Regular City Council Meeting Minutes**

PROCLAMATIONS:

Proc 25-15/16 Proclamation Honoring Derek S. Pierce – Sponsored by Mayor
(Tab 2) Ethan K. Strimling.

Proc 26-15/16 Proclamation Proclaiming National Telecommunicators Week
(Tab 3) April 10-16, 2016 - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

MAYOR'S BUDGET COMMENTS:

Mayor Ethan K. Strimling will present his comments on the FY17 municipal budget as required in the City Charter.

CONSENT ITEMS:

**Order 208-15/16
(Tab 4)**

Order Declaring May 1, 2016 through October 31, 2016 as the In the Square Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares May 1 through October 31, 2016, as In the Square Festival sponsored by Friends of Congress Square Park. There will be entertainment, dances, films, and other activities held in Congress Square.

Friends of Congress Square Park will work around other Public Works Event Office permitted events for that location so that activities at the square would be both Friends of the Parks events, as well as other permitted events such as rallies, start location for parades, concerts, art shows, etc. Even though the festival duration is six month, the friends group does not have sole exclusivity to the area during that time.

Programming at the square kicks off on May 1 with a May Day Celebration. Most events will occur on Wednesday, Friday, and Sunday evenings with other ongoing activities taking place on other days throughout the summer.

**Order 209-15/16
(Tab 5)**

Order Declaring the Portland Rugby Football Club - Pig Roast Fundraiser 2016 as a Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Portland Rugby Football Club – Pig Roast Fundraiser 2016 as a Festival. The festival is scheduled for the Maine State Pier from 9:00 AM – 6:00 PM on Saturday, May 7, 2016 with a fundraiser and celebration to be held from 1:00 PM - 5:00 PM. The Maine State Pier and festival areas are bordered by the southeastern end of the Maine State Pier, up to the area of business of the Portland Schooner Company. Beer will be available in a restricted area, to which access will be limited to those twenty-one (21) and over.

The purpose of The Portland Rugby Football Club – Pig Roast Fundraiser is to introduce the community of Portland to the rugby club representing them throughout the north east and to raise needed funds for the fulfillment of the organization's mission.

The mission of Portland RFC is to promote the growth and development of the game of Rugby Union (“Rugby”) in the Portland area; to increase the awareness of Rugby and its traditions; to facilitate participation in Rugby on local, national and international levels and to foster amateur athletic competition in line with the goals of USA Rugby and affiliated regional organizations.

**Order 210-15/16
(Tab 6)**

Order Declaring May 13 and 14, 2016 as the Rappel for Rippleffect Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Friday and Saturday, May 13 and 14, 2016, as the Rappel for Rippleffect Festival.

Rappel for Rippleffect is a fundraiser for Rippleffect. Rippleffect staff are organizing the event. Participants raise \$1,000 each, which qualifies them to rappel down the side of One City Center. A professional rappelling company leads participants in the rappelling.

Approximately 70 participants will rappel on Saturday, May 14 from 4:30-7:30 p.m. There will be approximately 10 participants rappelling on Friday, May 13, from 9:00 a.m. to 5:00 p.m. This will mainly be a VIP/Press event, but the public is invited. There will be an outdoor beer and wine garden, to which access will be limited to those twenty-one (21) and over.

**Order 211-15/16
(Tab 7)**

Order Declaring June 12, 2016 as the Old Port Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Sunday, June 12, 2016, as the Old Port Festival. The festival will run from 11:00 a.m. to 5:00 p.m. and offers musical and visual entertainment, children’s activities and food and drink. There is no rain date.

Street closings are included in the agenda backup.

**Order 212-15/16
(Tab 8)**

Order Declaring July 8, 2016 Old Port Lobster Bake and the July 9, 2016 Shipyard Old Port Half Marathon and 5K Road Race as Festivals – Sponsored by Jon P. Jennings, City Manager.

This order declares Friday, July 8, 2016, as the Old Port Lobster Bake and Fitness & Health Exposition Festival which will be held at the Ocean Gateway Terminal from 2:00 p.m. to 8:00 p.m. A Beer Garden will also be set up for this event at Moon Tide Park where the lobster bake is being held.

The Shipyard Old Port Half Marathon & 5K Road Race Festival will be held on Saturday, July 9, 2016, from 5:00 a.m. to 3:00 p.m. along city streets and trails. Runners will congregate in the Ocean Gateway Queuing Lanes area for the start of the Half Marathon, which starts at 7:00 a.m., and the Eastern Prom area for the start of the 5K, which starts at 7:20 a.m.

For Saturday’s race a Beer Garden will be set up in Moon Tide Park and another will be set up at the Amethyst Lot.

**Order 213-15/16
(Tab 9)**

Order Declaring Saturday, August 6, 2016 as Picnic Music & Arts Festival, a Festival of Music, Crafts and Local Food – Sponsored by Jon P. Jennings, City Manager.

This order declares Saturday, August 6, 2016, as the Picnic Music & Arts Festival to be held at Lincoln Park from 11:00 a.m. – 6:00 p.m.

There will be over 100 crafters and artists who will sell handmade products including clothing, jewelry, prints, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and more. In addition, the festival will feature an eclectic mix of local music with five to eight bands playing between noon and 6:00 p.m. A few local bands will be on site. There is no admission fee to the festival.

**Order 214-15/16
(Tab 10)**

Order Declaring August 14, 2016 as the B. Good Party Festival - Sponsored by Jon P. Jennings, City Manager.

This order declares Sunday, August 14, 2016, from 12:00 p.m. to 5:00 p.m. as the B. good Block Party festival to be held on Exchange Street. Exchange Street will be closed from Middle to Fore Street starting at 10:00 a.m. The festival itself will be held in front of and around the B. good restaurant, but other stores along Exchange may participate as well by holding sidewalk sales.

Beer is to be provided by Peaks Organic & Rising Tide Brewing Companies and served by B.good employees on the street in a roped off Beer Garden area and would be considered an expansion of B.good's alcohol footprint (B.good currently holds a Class 3 & 4 beer & wine license). Organizer's staff (and private security staff) will ensure that only 21+ wrist banded attendees are in beer service area. Organizer is obtaining the necessary "beer tasting" license from the state/city for serving beer, as well as other licenses from the city for live music, refreshments and other aspects of the event.

There is no registration or ticket fee; however, individuals attending the event will be charged \$10-\$15 for an all you can eat plate. Several hundred people are expected to attend.

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

LICENSES:

**Order 215-15/16
(Tab 11)**

Order Granting Municipal Officers' Approval of Maria's Restaurant. Application to add Entertainment without Dance at 337 Cumberland Ave. – Sponsored by Katherine L. Jones, City Clerk.

Application submitted on 3/15/16. Application holds a current Class I FSE License.

Five affirmative votes are required for passage after public comment.

Order 216-15/16 (Tab 12) **Order Granting Municipal Officers' Approval of Sea Salt Market LLC d/b/a Piccolo. Application for a Class I FSE License at 111 Middle Street – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 3/21/16. Applicant holds a current Class III & IV (Wine & Beer) License.

Five affirmative votes are required for passage after public comment.

Order 217-15/16 (Tab 13) **Order Granting Municipal Officers' Approval of P.E.D. Enterprises Inc. d/b/a Dry Dock Restaurant & Tavern. Application for a Class XI Restaurant/Lounge License with Outdoor Dining on Private Property at 84 Commercial Street – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 3/22/16. This is a change of ownership.

Five affirmative votes are required for passage after public comment.

Order 218-15/16 (Tab 14) **Order Granting Municipal Officers' Approval Muse Paintbar LLC d/b/a Muse Paintbar. Application for a Class III & IV (Wine & Beer) License at 245 Commercial Street – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 3/23/16. This is a change of corporate owner. Corporate officers are staying the same.

Five affirmative votes are required for passage after public comment.

Order 219-15/16 (Tab 15) **Order Granting Municipal Officers' Approval of Local Food 1, LLC d/b/a B. Good Restaurant at 15 Exchange St. Application to Expand Existing Alcohol Service Area on August 14, 2016 for B Good Block Party Festival – Sponsored by Katherine L. Jones, City Clerk.**

Application submitted on 4/12/16.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

RESOLUTIONS:

**Resolve 8-15/16
(Tab 16)**

**Resolution to Restrict Travel to States with Discriminatory Laws
– Sponsored by Mayor Ethan K. Strimling, Co-sponsored by Councilor
Belinda S. Ray, Councilor Spence Thibodeau, Councilor Edward J.
Suslovic, Councilor Justin Costa, Councilor David Brenerman,
Councilor Jill C. Duson, Councilor Jon Hinck, and Councilor Nicholas
M. Mavodones, Jr.**

This resolution respectfully requests and recommends that the City Manager not expend public funds on non-essential City travel to a state, such as North Carolina or Mississippi, with a law in effect that affirmatively sanctions or requires discrimination on the basis of sexual orientation or gender identity or expression or have any City employee travel to a state with such a law in effect. By passing this resolution, Portland would join 5 states and the District of Columbia along with nearly 20 cities across the nation in recommending travel bans to North Carolina and Mississippi.

Five affirmative votes are required for passage after public comment

UNFINISHED BUSINESS:

**Order 201-15/16
(Tab 17)**

**Order Approving the Purchase of a Street Lamp Sculpture by Aaron
Stephan for Installation at Woodfords Corner and Adding This
Work to the City's Public Art Collection – Sponsored by Lin Lisberger,
Chair of the Portland Public Art Committee.**

The Portland Public Art Ordinance requires the Portland Public Art Committee (PPAC) to seek Council approval for any artwork or artist selected and approve the committee budget. The Woodfords Corner Project was not included in the 2016 Budget Plan presented to Council in February.

The project would allocate \$25,000 towards the project from the PPAC budget - \$20,000 artist fee and \$5,000 installation/construction budget. This represents a reduction in cost to the City for the Woodfords Corner project budget because the light feature is now being covered by the public art budget. The project would use funds already within the PPAC budget, which are generated through the ½ % for Public Art in the CIP.

Accepting this proposal represents the approval of an allocation of funds already secured by the Public Art Committee.

There is no additional money requested. The PPAC is able to fund this project with money left over from the Langlais installation project.

At the April 4 2016, City Council meeting this item was postponed to this meeting.

Five affirmative votes are required for passage after public comment.

**Order 203-15/16
(Tab 18)**

Order Approving Two-Party Agreement Between the City of Portland and the Maine Department of Transportation 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 two-party agreement with MaineDOT for the purpose of paving Danforth St (York to High) in 2016.

The City Council recently approved the three-party agreement on March 21, 2016, with approval of Order 178-15/16.

The two-party agreement covers the final design & construction phase and stipulates maintenance requirements for the City in perpetuity. The total value of this paving project is estimated at \$137,443.44 and for cost efficiencies the work will be added to the existing Commercial and Franklin Streets paving contract being administered by MaineDOT.

The City Local Share obligation is 25%, or \$26,750 The City is also obligated to pay 100% of any cost associated with sewer and stormwater system adjustments; this cost is estimated at \$11,700. Also, the Department of Public Works is requesting an ADA improvement at the intersection of Danforth and York St; we have estimated this cost at roughly \$18,750. All City costs (current estimate = \$57,193.44) are included in the FY17 CIP request.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 220-15/16
(Tab 19)**

Order Approving the Lease to Tiqa Café LLC for the Deering Oaks Castle Building and Adjacent Property at Deering Oaks Park – Sponsored by Jon P. Jennings, City Manager.

The City issued a solicitation of interest in order to identify businesses and individuals interested in operating a food service in the Castle in Deering Oaks Park. Five local businesses responded with formal proposals. A review committee comprised of Ethan Hipple, Recreation Director, Troy Moon, Open Space Manager, and Anne Pringle, President of Friends of Deering Oaks reviewed the proposals using selection criteria established in advance and shared with all parties who participated in the process. After careful deliberation, the committee unanimously agreed that the proposal submitted by Deen Haleem and Carol Mitchell of Tiqa Restaurant most closely met the goals outlined in the selection criteria.

In order for the Café to open for business in early May, staff is requesting that this order be passed as an emergency. Seven votes are required for emergency passage of this order.

**Order 221-15/16
(Tab 20)**

Order Granting Municipal Officers' Approval of Tiqa Café LLC d/b/a Tiqa Café. Application for a Class III & IV (Wine & Beer) License with Entertainment without Dance and Outdoor Dining on Public Property at Deering Oaks Castle at 356 State Street – Sponsored by Katherine L. Jones, City Clerk.

Application submitted 3/11/16. New City and State applications.

Five affirmative votes are required for passage after public comment.

**Order 222-15/16
(Tab 21)**

Order Accepting a Public Pedestrian Easement for Public Sidewalk from 22-28 Tate Street, LLC – Sponsored by the Planning Board, Beth Boepple, Chair.

December 15, 2015, the Planning Board approved a Level III Site Plan and Subdivision application for an eight-unit condominium development at 22-28 Tate Street.

The Planning Board voted unanimously (6-0) to approve the application with waivers and conditions, including a condition that the applicant provide a public pedestrian access easement for areas of sidewalk proposed on private property. The Department of Planning and Urban Development is now forwarding this public pedestrian easement to the Council.

Five affirmative votes are required for passage after public comment.

**Order 223-15/16
(Tab 22)**

Order Accepting a Leadership in Community Resilience Grant from National League of Cities – Sponsored by Councilor Jon Hinck.

The National League of Cities has invited 10 cities to participate in a new program called Leadership in Community Resilience. It will address problems created by climate change like rising sea levels and allows cities to work with each other to devise the best defenses and solutions.

A \$10,000 grant for Portland, as part of its participation in the National League of Cities' Leadership in Community Resilience program, must be accepted by the full City Council, and can be used for workshops for staff and/or public forums, either citywide or regional.

Five affirmative votes are required for passage after public comment.

**Order 224-15/16
(Tab 23)**

Order Approving the Right-of-entry Agreement between the Department of the Army and the City for Work to Improve Safety at Fort Gorges – Sponsored by Jon P. Jennings, City Manager.

In the summer of 2015, the Army Corp of Engineers approached the City about making safety improvements at Fort Gorges. The Fort, acquired by the City from the Federal Government in 1960, is in need of repair and requires action to minimize risks to visitors.

Representatives from the City and the Army Corp visited the fort and documented a number of specific conditions that could pose a hazard to visitors. These include missing or failing floors, structural issues, missing steps, and lack of guard rails at high points.

Following this visit, the Army Corp developed a hazard mitigation plan to secure the unsafe areas by installing galvanized steel gates and rails. The plan also calls for plugging open cisterns, replacing some stair steps, and eliminating some tripping hazards. The project does not include structural repairs. City staff reviewed the proposed work plan and agrees that it will contribute to the safety of visitors.

The Parks Commission received a briefing on the project during their January meeting and endorsed it. The Historic Preservation Commission held a workshop about the project during their March 6 meeting and has also endorsed the project.

Funding for the work comes entirely from Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS), a Federal program. There is no cost to the City of Portland.

Five affirmative votes are required for passage after public comment.

**Order 225-15/16
(Tab 24)**

Order Approving Change in Sidewalk Material Policy from Brick to Concrete for Kennebec Street from Forest Avenue to Hanover Street – Sponsored by Jon P. Jennings, City Manager.

On April 14, 2015, the Planning Authority approved a Level II site plan for the redevelopment of the Century Tire site at 195 Kennebec Street. The plans included brick sidewalks, in accordance with the city's sidewalk material policy, on both the Marginal Way and Kennebec Street frontages of the site. The developer has requested a change in sidewalk material for this frontage, stating that "the Kennebec side of the site would be better served by a concrete sidewalk.

The use of brick has been a matter of discussion for some time, particularly in areas, like Bayside, which lie outside the city's historic districts and adjacent to existing concrete sidewalk zones. Staff has no concern with changing the material at this specific location to concrete, given the quality of that material and the nature of Kennebec Street.

However, rather than changing just that one section of the street, staff supports a change in material for the length of Kennebec Street from Forest Avenue east to Pearl Street. Kennebec Street is a secondary street in Bayside where the sidewalks are generally comprised of concrete and asphalt with some remnant cobbles, and the only existing segment of brick sidewalk on Kennebec Street can be found at 195 Kennebec. Changing the policy for that entire street would provide for continuity of the public realm, a better walking surface during wet, snowy or icy weather, and potentially lower maintenance costs.

Five affirmative votes are required for passage after public comment.

**Order 226-15/16
(Tab 25)**

Order Granting Licenses Re: Midtown Development – Sponsored by Jon P. Jennings, City Manager.

Federated Companies is requesting City Council approval of various licenses for the Midtown project. The Midtown development received Planning Board site plan and subdivisions approval on March 3, 2015. The development was approved subject to a number of conditions including City Council approval of licenses for certain improvements within City rights-of-way and acceptance of various easements on private property. The licenses and easements related to the site plan approval were authorized by the Council in January of this year. In addition, several other licenses are identified on the final subdivision plan approved by the planning board for utility and drainage purposes and require Council approval at this time. Approval of these licenses are necessary for Midtown to proceed.

Licenses requested by Midtown cover a number of improvements within the public right-of-way:

1. Grading, drainage and utility licenses for Lots 1 and 3
2. Utility license for Lot 3; and,
3. Grading, drainage and utility license for Lots 6 and 7.

Five affirmative votes are required for passage after public comment.

**Order 227-15/16
(Tab 26)**

Order Referring the Issue of Increasing the Legal Age for the Purchase of Tobacco Products to the Health and Human Services Committee – Sponsored by Mayor Ethan K. Strimling and Councilor Edward J. Suslovic.

Mayor Strimling and Councilor Suslovic request that the issue of an increase of the minimum legal sale age for tobacco products in the City of Portland from 18 to 21 years of age be referred to the Health and Human Services Committee, and that an ordinance to raise that age be reviewed.

Five affirmative votes are required for passage after public comment.

BREAK FOR DINNER:

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

FY 17 BUDGET ITEMS: PUBLIC HEARING

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL BUDGET ORDERS. COUNCIL ACTION ON THE SCHOOL BUDGET WILL TAKE PLACE ON MAY 2, 2016, AT 5:00 P.M. THE PUBLIC REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, MAY 10, 2016.

**Order 228-15/16
(Tab 27)**

Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY2017 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Order 228-15/16 to 233-15/16 are orders required by State law 20-A M.R.S.A. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$79,013,267 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This requires the city to raise \$63,109,880 as the city's contribution to the total cost of funding public education from K-12 as described in the EPS law. The City's Tax levy for the total for school budget programs of \$103,602,884 will be \$80,331,376.

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

**Order 229-15/16
(Tab 28)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2017 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this long-term debt was previously approved by the voters or the City Council.

This order appropriates \$572,216 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$572,216 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

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

**Order 230-15/16
(Tab 29)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2017– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$15,758,040 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$16,331,256 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

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

**Order 231-15/16
(Tab 30)**

Order Approving Total School Operating Budget for Portland Schools for FY2017– Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$98,155,645.

That is the amount in the budget that under state law will be sent to the voters for approval at a citywide Referendum Election on May 10, 2016. \$79,013,267 of the \$98,155,645 would come from property taxes, \$15,556,722 would come from state subsidy, and \$3,435,657 from other revenues.

This order does not provide money unless the other General Fund budget orders are passed.

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

**Order 232-15/16
(Tab 31)**

Order Appropriating and Raising Funds for Adult Education for FY 2017 as Required by the Maine Revised Statutes, Title 20-A M.R.S.A. §8603-A(1) – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$1,149,033 to support the Adult Education program and appropriates a budget for that program of \$1,807,713.

The budgets for the Adult Education Program and for the Food Service Program in the next Order, are in addition to the \$98,155,645 proposed for the General Fund School Budget that must be submitted to the voters.

Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program and the Food Service Program are added to the proposed General Fund School Budget, it leads to a total for FY2017 school budget programs of \$103,602,844.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 16th, if the voters approve the General Fund School Budget submitted to them on May 10th.

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

**Order 233-15/16
(Tab 32)**

Order to Raise Local Funds for Food Service in the Portland Public Schools for FY 2017 – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

This order raises \$169,076 to support the Food Service Budget. The total proposed Food Service Program is \$3,639,526, which is in addition to the General Fund School Budget.

Under the City Charter, the Council must act on this school funding order which is not part of the General Fund budget.

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

UNFINISHED BUSINESS: (continued)

**Order 204-15/16
(Tab 33)**

Order Authorizing General Obligation Bonds to Finance a Portion of the City's 2017 Capital Improvement Program in an Amount not to Exceed \$26,369,854 and Reallocating \$778,191 from Prior CIP Bonds- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

The 2017 Capital Improvement Program has been approved at the Finance Committee level and is now going to City Council for approval. The detailed list of project is included in the agenda backup as an appendix.

The first order authorizes bond proceeds in an amount not to exceed \$26,369,854 for the FY17 Capital Improvement Program and reallocates \$778,191 of excess prior year capital improvement funds to FY17 projects to reduce the upcoming borrowing.

The second order appropriates an amount not to exceed \$27,548,045 for the city's Capital Improvement Program. The third order establishes a \$2,084,960 capital reserve within unallocated fund balance for future use towards school capital improvements.

The Finance Committee met on March 24, 2016, and voted unanimously to forward this order and the orders that follow to the City Council with a recommendation for passage.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Seven affirmative votes are required for passage after public comment.

**Order 205-15/16
(Tab 34)**

Order Appropriating Bond Proceeds and TIF Funds in an Amount not to Exceed \$27,548,045 for the City's FY17 Capital Improvement Program and Other CIP Projects – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Order 204-15/16 above.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Five affirmative votes are required for passage after public comment.

**Order 206-15/16
(Tab 35)**

Order Establishing \$2,084,960 of School Capital Improvement Reserve – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is a companion order to Orders 204-15/16 and 205-15/16 above.

This item must be read on two separate days. It was given a first reading on April 4, 2016. Five affirmative votes are required for passage after public comment.

Orders: (continued)

**Order 234-15/16
(Tab 36)**

**Order Appropriating \$500,000 of Surplus School CIP Funds –
- Sponsored by Councilor Nicholas M. Mavodones, Jr. Chair.**

This order appropriates \$500,000 from the School Unassigned Fund Balance to pay for the following school vehicles and improvements as part of the City's Capital Improvement Program (Other Funding Sources):

Two (2) 14-Passenger Buses - \$87,000

Replacement School Bus - \$88,000

Schools Conditional Appraisal/Work plan for Future Repairs - \$325,000

This item must be read on two separate days. This is its first reading. The Council will be asked to waive the second reading so that action on this Order can coincide with action on the above Capital Improvement Orders. Seven affirmative votes are required to waive the second reading. Five affirmative votes are required for passage of the Order after public comment.

**Order 235-15/16
(Tab 37)**

Order Accepting and Appropriating \$400,000 for the Renovation of the Peaks Island Community Center and Branch Library and Renaming It the Kennedy & Carter Family Community Center and Branch Library – Sponsored by Jon P. Jennings, City Manager.

The Kennedy and Carter families have deep roots in the Peaks Island community and have been patrons of the Peaks Island Branch Library over the years. Cynthia Kennedy Carter was a driving force behind the introduction of Portland Recreation Division senior adult program on Peaks Islands. Raymond Carter, Cynthia Kennedy Carter's husband has worked in the City's Recreation Division for more than 30 years.

Kevin Carter, the son of Raymond and Cynthia Carter, has offered the City \$200,000 toward the cost of the renovation of the Peaks Island Branch Library in their honor, and an additional \$200,000 was raised from private citizens to the New Visions Campaign for the Peaks Island Community Center and Branch Library.

This order accepts and appropriates the \$200,000 donation from Kevin Carter and the \$200,000 donated to the New Visions Campaign to assist in the payment of the renovations for the Peaks Island Community and Branch Library and renames the Peaks Island Community Center and Branch Library to the Kennedy & Carter Family Community Center and Branch Library. An additional \$250,000 is included in the FY17 Capital Improvement Program for a total project cost of \$650,000.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

LICENSE RENEWALS:

IN COUNCIL REGULAR MEETING APRIL 4, 2016 VOL. 132 PAGE 91

ROLL CALL:

Mayor Pro Tem, Mavodones called the meeting to order at 5:00 P.M. (Mayor Strimling absent).

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Costa and seconded by Councilor Brenerman to approve the minutes of the March 21, 2016, Regular City Council Meeting and the March 28, 2016 Special City Council Meeting.

Motion was made by Councilor Hinck and seconded by Councilor Brenerman to amend the minutes of March 28th by adding the title of Resolve 7. Passage 8-0.

Motion was made by Councilor Ray to amend the Minutes of March 21, 2016 Order 190 by changing Councilor Duson to Councilor Brenerman as chair of the Economic Development Committee.

Motion was made by Councilor Costa and seconded by Councilor Brenerman for passage of the minutes as amended. Passage 8-0.

PROCLAMATIONS:

Proc 21-15/16 **Proclamation Honoring Police Officer Daniel Rose as Officer of the Month for February 2016 – Sponsored by Mayor Ethan K. Strimling.**

Proc 24-15/16 **Proclamation Recognizing Starting Strong Day – Sponsored by Mayor Ethan K. Strimling.**

APPOINTMENTS: **Councilor Brenerman asked to suspend the rule and take up an unagenda item.**

Motion was made by Councilor Brenerman and seconded by Councilor Duson to suspend the rule and take up an unagenda item. Passage 8-0

Order 207-15/16 **Order Appointing Dwight Glidden Ward Clerk for the 2016 calendar year.**

Motion was made by Councilor Suslovic and seconded by Councilor Brenerman to pass as an emergency. Passage 8-0.

CONSENT ITEMS:

LICENSES:

Order 198-15/16 Order Granting Municipal Officers' Approval of Woodford F&B, LLC d/b/a Woodford Food & Beverage. Application to add Outdoor Dining on Private Property at 660 Forest Ave. – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Suslovic and seconded by Councilor Duson for passage. Passage 8-0.

BUDGET ITEMS:

Order 199-15/16 Order Receiving and Referring City Manager's Fiscal Year 2017 Municipal Budget to the Finance Committee and Setting Date of Public Hearing on the Fiscal Year 2017 Municipal Budget and Fiscal Year 2017 Appropriation Resolve – Sponsored by Jon P. Jennings, City Manager

Budget materials will be distributed at the City Council meeting.

The Public Hearing on all municipal budget orders and the Appropriation Resolve will be held by the City Council on May 2, 2016, at 5:00 p.m. in City Council Chambers.

A City Council workshop to discuss the municipal budget will be held on Monday, May 9, 2016, at 5:00 p.m. at City Hall, City Council Chambers.

Final City Council action on the municipal budget will take place at the City Council meeting on May 16, 2016, at 5:00 p.m.

Mayor Pro Tem Mavodones indicated that Mayor Strimling will give his comments at the next City Council meeting, April 25, 2016.

Motion was made by Councilor Suslovic and seconded by Councilor Thibodeau for passage. Passage 8-0.

Order 200-15/16 Order Receiving and Referring to the Finance Committee the Portland Board of Public Education's Fiscal Year 2017 Budget Estimate and Setting a Public Hearing Thereon – Sponsored by Jon P. Jennings, City Manager.

A City Council Workshop on the School Budget will be held on April 25, 2016, at 5:00 p.m.

The City Council public hearing on the school budget will be held at a Special City Council meeting on Monday, April 25, 2016, at 7:00 p.m. Council action on the school budget will take place Monday, May 2, 2016.

Motion was made by Councilor Hinck and seconded by Councilor Suslovic for passage. Passage 8-0.

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 190-15/16 Order Amending the Rules for the Disposition of City-Owned and Tax-Acquired Property – Sponsored by the Economic Development Committee, David Brenerman, Chair. This item was given first reading on March 21, 2016.

Motion was made by Councilor Suslovic and seconded by Councilor Hinck for passage.

Motion was made by Councilor Ray and seconded by Councilor Duson to amend Order 190 by adding in section 4-B-(1) “staff will survey City departments, and District Councilor, At-Large Councilors, and Mayor to” Passage 8-0.

Motion was made by Councilor Suslovic and seconded by Councilor Hinck for passage as amended. Passage 8-0.

Order 191-15/16 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 was given first reading on March 21, 2016.

Motion was made by Councilor Brenerman and seconded by Councilor Costa for passage. Passage 8-0.

Order 192-15/16 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. This was given first reading on March 21, 2016.

Motion was made by Councilor Suslovic and seconded by Councilor Duson to pass as an emergency. Passage 7-0 (Costa recused).

ORDERS:

Order 201-15/16 Order Approving the Purchase of a Street Lamp Sculpture by Aaron Stephen for Installation at Woodfords Corner and Adding This Work to the City's Public Art Collection – Sponsored by Lin Lisberger, Chair of the Portland Public Art Committee.

Motion was made by Councilor Suslovic and seconded by Councilor Costa to postpone Order 192 to the April 25, 2016 City Council meeting.
Passage 8-0.

Order 202-15/16 Order Endorsing Projects for Federal and State Funds Through Portland Area Comprehensive Transportation System – Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Hinck and seconded by Councilor Duson for passage. Passage 8-0.

Order 203-15/16 Order Approving Two-Party Agreement Between the City of Portland and the Maine Department of Transportation Re: Danforth Street - Sponsored by Jon P. Jennings, City Manager.

This is its first reading.

Order 204-15/16 Order Authorizing General Obligation Bonds to Finance a Portion of the City's 2017 Capital Improvement Program in an Amount not to Exceed \$26,369,854 and Reallocating \$778,191 from Prior CIP Bonds- Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

Order 205-15/16 Order Appropriating Bond Proceeds and TIF Funds in an Amount not to Exceed \$27,548,045 for the City's FY17 Capital Improvement Program and Other CIP Projects – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading

Order 206-15/16 Order Establishing \$2,084,960 of School Capital Improvement Reserve – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This is its first reading.

BREAK FOR DINNER:

Motion was made by Councilor Suslovic and seconded by Councilor Thibodeau to move into Executive Session pursuant to 1 M.R.S.A. 405 (6), (C) to discuss the term of the lease for Bay Ferries.

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

Motion was made by Councilor Suslovic and seconded by Councilor Hinck to recess the executive session and will re-convene after the conclusion of the 7:00 p.m. City Council meeting. Passage 8-0, 7:05 P.M.

Motion was made by Councilor Hinck and seconded by Councilor Suslovic to come out of executive session. Passage 8-0.

Motion was made Councilor Suslovic and seconded by Councilor Mavodones to adjourn. Passage 8-0 at 8:35.

A TRUE COPY.

Katherine L. Jones, City Clerk

*Doc 25-15/16
Tab 2 4-25-16*

PROCLAMATION

HONORING

Derek S. Pierce

WHEREAS, **Derek Pierce** received a Bachelor of Arts Degree from Brown University in 1988 and a Master's Degree from Harvard Graduate School of Education in 1993; and

WHEREAS, **Derek Pierce's** career in Education includes teaching English, Theater and American Studies in school systems from California to Maine from 1990 -1998. In addition, he served as Dean of Faculty at Poland Regional High School and Whittier Middle school from 1998 2002 before serving as their school principal from 2002-2005; and

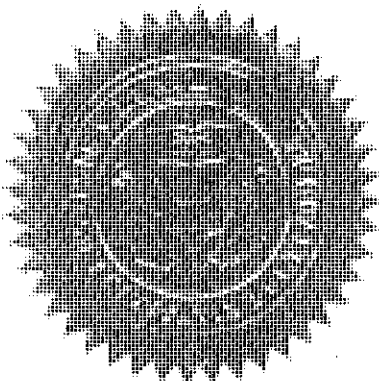
WHEREAS, **Derek Pierce** is the founding principal of Casco Bay High School, which was established in 2005 and, over the past eleven years, has earned the reputation as an outstanding and extremely dedicated school administrator who is highly respected by parents, students, staff and alumni; and

WHEREAS, In addition to serving as a High School Principal, **Derek Pierce's** educational affiliations include: serving as an Expeditionary Learning Mentor School Principal as well as a member of both the Maine Principals Association and the National Association of Secondary School Principals; and

WHEREAS, In 2015, **Derek Pierce** was the recipient of the Lawrence W. O'Toole \$100,000 Leadership Award sponsored by the Nellie Mae Foundation. This distinct honor is presented annually to an individual or organization from New England who demonstrates innovative leadership in advancing student-centered learning; and

WHEREAS, Recently, the Maine Principal's Association announced that **Derek Pierce** was the 2016 recipient of the Maine's NASSP Principal of the Year Award for his exceptional ability to inspire and challenge every student and provide them with opportunity to succeed to their fullest potential in a welcoming and positive school environment; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize **Derek Pierce** for his extraordinary vision and genuine commitment which has not only been instrumental in promoting educational achievement for both students and staff but also has truly proven to be invaluable in establishing Casco Bay High School as a national model for expeditionary learning.



Signed and sealed this 25th day of April, 2016

A handwritten signature in black ink, appearing to read "Ethan K. Strimling", is written over a horizontal line.

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

Dec 26 - 15/16
Tab 3 4-25-16

PROCLAMATION

PROCLAIMING NATIONAL TELECOMMUNICATORS WEEK APRIL 10-16, 2016

WHEREAS: Emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS: When an emergency occurs, the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

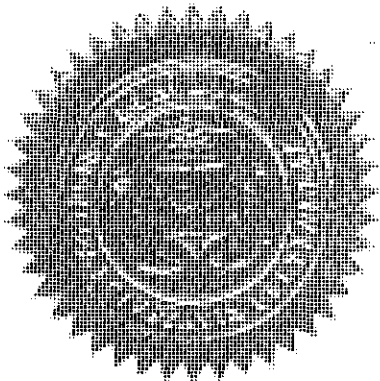
WHEREAS: The safety of our police officers, paramedics and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Portland-South Portland-Cape Elizabeth emergency communications center; and

WHEREAS: The Public Safety Dispatchers are the single vital link for our police officers, paramedics and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS: Public Safety Dispatchers of the Portland-South Portland-Cape Elizabeth Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS: Each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and members of the Portland City Council do hereby proclaim the week of April 10-16, 2016, as National Telecommunicators Week, in honor of the men and women whose diligence and professionalism keep our communities and citizens safe.



Signed and sealed this 25th day of April, 2016

A handwritten signature of Ethan K. Strimling in black ink, written over a horizontal line.

Ethan K. Strimling, Mayor
City of Portland, Maine

*Order 208-15/16
Tab 4 4-25-16*

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 MAY 1, 2016 THROUGH OCTOBER 31, 2016
AS THE IN THE SQUARE FESTIVAL**

ORDERED, that the period beginning May 1, 2016 and ending on October 31, 2016 is hereby declared to be the In the Square Festival, sponsored by the Friends of Congress Square Park; and

BE IT FURTHER ORDERED, that the In the Square Festival area, which is Congress Square Park and adjoining sidewalks of Congress and High streets, shall be closed to licensed street vendors on the days of scheduled In the Square Festival events as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that vehicles in violation of "no parking" signs in the spaces next to the adjacent sidewalks shall be towed at owner's expense; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Friends of Congress Square Park 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. The Friends of Congress Square Park shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. The Friends of Congress Square Park 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;
3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in a permit issued from the Public Works Event Office

shall be adhered to;

4. The Friends of Congress Square Park shall have sole authority over which vendors may participate in the festival during the scheduled events except for any Food Trucks awarded a contract with the City authorizing operation in Congress Square Park. The Friends of Congress Square Park may charge a fee to those vendors chosen by the Friends to operate at the In the Square Festival;
5. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Organizer has agreed shall participate, including an annual concert license fee for \$100.00; and
6. If a proposed event requires the assistance of city staff, the Friends of Congress Square Park will hire and pay for that city staff assistance;

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.



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: April 5, 2016
RE: Council Agenda Item –

Friends of Congress Square Park “In the Square” Event Series

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

Order declaring May 1 – October 31, 2016, as “Friends of Congress Square Park ‘In the Square’ Event Series,” a program of music, dance, film and community gatherings, to be held in Congress Square Park. This series would have Festival Declaration status.

Friends of Congress Square Park has submitted a proposal to schedule entertainment, dances, films, and other activities for Congress Square Park. Time frame is May 1 – October 31, 2016.

Important Note: The friends group would work around other Public Works Event Office permitted events for that location, so that activities at the square would be both “Friends” events as well as other permitted events, such as rallies, start location for parades, concerts, art shows, etc. In other words, even though the festival duration is 6 months, the friends group does not have sole exclusivity to the area during that time. If other requests come in for use of the park/square, they would be able to use the space (given there wasn’t an event already scheduled at the park during that particular time) and would not need to go through FOCSP in order to use the space.

Programming at the square kicks off on May 1, with a May Day Celebration. Most events will occur on Wednesday, Friday, and Sunday evenings, with other ongoing activities (like yoga classes and Tai Chi) taking place on other days throughout the summer.

Festival zone for the events is: Congress Square Park, sunken plaza and stage area, and adjoining sidewalks of Congress Street and High Street.

At some of these events, reserved parking may be needed at the parking meters surrounding Congress Square Park. **Vehicles in violation of “No Parking” signs will be towed at owner’s expense.**

On the days FOCSP has scheduled activities at the square/park, the Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code (except for Food Trucks who are awarded the RFP for Congress Square) and is reserved for the use of Friends of Congress Square Park for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

The City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to the Friends of Congress Square for the use of the above-described area for said Events/Festival, subject to the following conditions:



- Friends of Congress Square Park shall indemnify the city and hold it harmless from and against all claims arising out of activities during said events, and shall take out and maintain public liability insurance coverage in the amount of at least **\$400,000** per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "In the Square" Festival and its programs/activities,
- Under no circumstances may alcoholic beverages be sold/served on the streets/sidewalks/park grounds of public property of said area during said Festival,
- Conditions for use of grounds and requirements for food service, vending sales, tents, stages, and other items specified in a permit issued from Public Works Event Office, shall be adhered to,
- City Clerk's Office will charge the usual fees for licensing food vendors, street goods vendors, (Concert License for the season set at \$100),
- If a proposed event is such that city staff require Police Officers and city EMS staff, or city event staff to be on site during the event, then "In the Square" organizers/FOCSP will need to hire and pay for those city services/staff, and
- Friends of Congress Square Park shall have sole authority over participating vendors at the Festival (except for RFP awarded Food Trucks) and may charge a fee to vendors for the opportunity to vend at the "In the Square" Festival and 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 Office

Date: April 5, 2016



**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

For uses of city property, there are typically ^{lvm@portlandmaine.gov} 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		3-14-16 Revised: 3-14		ORGANIZATION NAME		Friends of Congress Square Park					
ORGANIZATION ADDRESS				74 Grant Street		CITY	Portland	STATE	ME	ZIP	04101
CONTACT NAME(S)		Bree LaCasse, Executive Director Denis Nye, Sound Tech Engineer David LaCasse, President									
HOME #	WORK			CELL	FAX						
EMAIL	bree lacasse@gmail.com			EMAIL	nyedenis@gmail.com						

PARK AREA OR PUBLIC SPACE REQUESTED		Congress Square Park			
EVENT DAY & DATE(S)		May 1 – October 31 st 2016 (see attached)		RAIN DAY & DATE(S)	
EVENT START TIME (i.e. set-up start time)	Varies – see attached	EVENT END TIME (i.e. when event cleanup is complete)		ACTUAL START & END TIME OF EVENT	varies

EVENT NAME		EXPECTED ATTENDANCE
In the Square event series in Congress Square Park		Will vary with event: 25-300
DESCRIPTION OF EVENT:		
The Friends of Congress Square Park will program a series of events to occur between May 1 and October 31st, primarily on Wednesday, Friday and Sunday evenings. (For FFAW's, organizers are working with Creative Portland for scheduling entertainment.) This third season continues the community effort to activate the square and its park through free public amenities and events. The event season will include a wide variety of community activities such as art interactions, dance performances, live music, films and community gatherings. All activities will be scheduled in advance with Ted Musgrave at the PW Event Office. See attached calendar for current proposed dates and programs. (Organizers will also work with other groups during this time so that other agencies or events, other than FoCSP events, can also take place in the square/park.) Electricity will be needed during some events. Musical equipment and PA set up on the stage area. Tables & chairs (provided by FOCSP) will be placed out in the plaza. Signage placed at park. Some parking spaces need to be reserved for performers.		
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?
We anticipate that people will walk to the events.

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) ?		X	
* Do you wish to set up a tent(s)?		X	
* Will you be setting up tables and/or chairs ? EXISTING	X		
* Are other items or equipment being placed on City property ?		X	

*	Will there be refreshments at the event?		X	
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) ? If so, you will need approval from 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:			X
*	Are you setting up a PA (sound) system ? Yes Are you planning on having Amplified Music ? Yes Band ? Yes DJ ? Yes If so, your event requires a concert license from the City Clerk's Office (874-8557). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm – 8pm).	X		
*	Will your event require electricity ? Electricity is available at Congress Square. Elec. is turned off & may need a key for access.	X		
*	Are you planning on bringing a Grill for a Barbecue ?		X	
*	Will the event require reserved parking spaces / parking meters ? How many? "No Parking" signs may be purchased at PW Event Office, 55 Portland Street. We will reserve 1 parking space per event for performers .	X		
*	Will your event need safety vests, signs, barricades and/or cones ?		X	
*	Will your event require street closures ?		X	
*	Will your event require Police assistance?		X	
*	Will your event require Fire/EMS assistance?		X	
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms		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: email to 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. Congress Square has no units. If organizers would like a unit on site, they would need to rent one. The city currently is contracted with Associated Septic, 207-799-1980.

TRASH
All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event 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 city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.

SMOKE-FREE ZONES
By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. 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	BAL	DATE	3-14-16
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ASSUMPTION OF RISK & LIABILITY	
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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	BAL	DATE	3-14-16
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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 Event 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	

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:	\$ N/A Friends Group	Vest/Cone Deposit: \$10 per/item Barricade Deposit: \$25 per/item	\$???
Admin/Staff Fee (support for events): \$30/hour	\$ 0	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 250
Key Deposit: \$50 per key	\$ 100 need	Other (Porta-Restroom User Fee: \$25, etc.)	\$ 0
Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$ 0		

FOR OFFICE USE ONLY							
DATE REC'D APPLICATION	3-14-16	DATE REC'D INSURANCE	need	PERMIT FEE AMT REC'D	\$ N/A	SECURITY DEPOSIT	\$ NEED
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$

Event	Day	Time	Start Date	End Date
Tai Chi Chih/Qigong	Wednesday	10-11am	May 4th	October 26th
Chase the Chill Knitting	Thursday	8:30-10:30	May 5th	October 27th
Summer of Science	TBD			
Yoga	Thursday	7:00-8:00	June 2nd	September 29th

Performance Date	Artist/Performer	Start time	End Time
April 30th	International Tai Chi Day	10:00 AM	11:00 AM
April 30th	Michael Lewis Art Intervention	2:00 AM	4:00 AM
May 1st	Maypole festivities & contra dance	1:00 AM	4:00 AM
May 4th	CSP Redesign Public Forum at the PMA	-	-
May 6th	FFAW -Raging Brass Raggae	6:00 PM	8:00 PM
May 11th	Portland Swing Project	6:00 PM	8:00 PM
May 13th	TBD	6:00 PM	8:00 PM
May 18th	TBD	6:00 PM	8:00 PM
May 20th	TBD	6:00 PM	8:00 PM
May 25th	TBD	6:00 PM	8:00 PM
May 27th	PM Salsa & Primo Cubano	6:00 PM	8:00 PM
June 1st	TBD	6:00 PM	8:00 PM
June 3rd	FFAW: Bayside Trio (Chamber Music)	6:00 PM	8:00 PM
June 5th	Movie Night	8:15 PM	
June 8th	Portland Swing Project	6:00 PM	8:00 PM
June 10th	Contra Dance	6:00 PM	8:00 PM
June 12th	Movie Night	8:30 PM	

June 15th	TBD	6:00 PM	8:00 PM
June 17th	Choro Louco (Brazilian Music)	6:00 PM	8:00pm
June 19th	Movie Night	8:30 PM	
June 22nd	TBD	6:00 PM	8:00 PM
June 24th	PM Salsa & Primo Cubano	6:00 PM	8:00 PM
June 26th	Movie Night	8:30 PM	
June 29th	TBD	6:00 PM	8:00 PM
July 1st	TBD	6:00 PM	8:00 PM
July 3rd	Movie Night	8:30 PM	
July 6th	TBD	6:00 PM	8:00 PM
July 8th	American Music Camp: maine heritage night	6:00 PM	8:00 PM
July 9th	Rain Date: American Music Camp: maine heritage night	6:00 PM	8:00 PM
July 10th	Movie Night	8:20 PM	
July 13th	Portland Swing Project	6:00 PM	8:00 PM
July 15th	TBD	6:00 PM	8:00 PM
July 16th	Printmaking Festival	10:00 AM	6:00 PM
July 17th	Movie Night	8:20 PM	

July 20th	Gather Rounders (Bluegrass Music)	6:00 PM	8:00 PM
July 21st	Bare Bare Portland: Midsummer's Night's Dream	6:00 PM	7:00 PM
July 22nd	PM Salsa & Primo Cubano	6:00 PM	8:00 PM
July 23rd	Fenix Shakespeare in the Park	5:00 PM	7:00 PM
July 24th	Bare Bare Portland: Midsummer's Night's Dream	6:00 PM	7:00 PM
July 24th	Movie Night	8:00 PM	
July 27th	TBD	6:00 PM	8:00 PM
July 29th	Bare Bare Portland: Midsummer's Night's Dream	6:00 PM	7:00 PM
July 30th	Bare Bare Portland: Midsummer's Night's Dream	6:00 PM	7:00 PM
July 31st	Bare Bare Portland: Midsummer's Night's Dream	6:00 PM	7:00 PM
July 31st	Movie Night	8:00 PM	
August 3rd	TBD	6:00 PM	8:00 PM
August 5th	FFAW: Maine POPS! (non-FoCSP via CP)	5:00 PM	7:00 PM
August 7th	Movie Night	7:45 PM	
August 10th	Portland Swing Project	6:00 PM	8:00 PM

August 12th	TBD	6:00 PM	8:00 PM
August 14th	Movie Night	7:45 PM	
August 17th	TBD	6:00 PM	8:00 PM
August 19th	TBD	6:00 PM	8:00 PM
August 20th	Hip Hop Summit	8:00 AM	5:00PM
August 21st	Movie Night	7:45 PM	
August 24th	Contra Dance	6:00 PM	8:00 PM
August 26th	Salsa & Primo	6:00 PM	8:00 PM
August 28th	Movie Night	7:15 PM	
August 31st	TBD: Novel Jazz Septet?	6:00 PM	8:00 PM
September 2nd	FFAW	5:00 PM	7:00 PM
September 7th	TBD	5:00 PM	7:00 PM
September 9th	Fodhla	5:00 PM	7:00 PM
September 14th	Portland Swing Project	5:00 PM	7:00 PM
September 16th	TBD	5:00 PM	7:00 PM

September 17th	HOLD for Pilar Printmaking event	10:00 AM	5:00 PM
September 21st	TBD	5:00 PM	7:00 PM
September 23rd	PM Salsa & DJ	5:00 PM	7:00 PM
September 24th	HOLD for Pilar Printmaking event	10:00 AM	5:00 PM
September 28th	Dance Party for Everyone	5:00 PM	7:00 PM
September 30th	HOLD Art Department Film Festival	5:00 PM	7:00 PM
October 5th	TBD	5:00 PM	7:00 PM
October 7th	FFAW: Hinge Works	5:00 PM	7:00 PM
October 12th	Portland Swing Project	5:00 PM	7:00 PM
October 14th	TBD	5:00 PM	7:00 PM
October 19th	TBD	5:00 PM	7:00 PM
October 21st	TBD	5:00 PM	7:00 PM
October 23rd	Pumpkin Festival	11:00 AM	5:00 PM
	TOTAL Artist Stipends		
	Weekly events		

*Order 209-15/16
Tab 5 4-25-16*

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 THE PORTLAND RUGBY FOOTBALL CLUB - PIG
ROAST FUNDRAISER 2016 AS A FESTIVAL**

ORDERED, that Saturday, May 7, 2016 is hereby declared to be the Portland Rugby Football Club - Pig Roast Fundraiser Festival, sponsored by the Portland Rugby Football Club; and

BE IT FURTHER ORDERED, that the Portland Rugby Football Club - Pig Roast Fundraiser Festival area shall be the southeastern end of the Maine State Pier up to the leased access area of the three schooners on the western side; and

BE IT FURTHER ORDERED, that use of Maine State Pier in the Festival area shall be from 9:00 a.m. to 6:00 p.m. on May 7, 2016, and a small music stage will be set up with sound volume to be focused on the pier and its immediate environment and with all amplified sound to end at 5:00 p.m.; and

BE IT FURTHER ORDERED, that the Portland Rugby Football Club - Pig Roast Fundraiser 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 Portland Rugby Football Club 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. Portland Rugby Football Club shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Portland Rugby Football Club 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, to be run and staffed by Portland Rugby Football Club with security provided by Public Assembly Facilities;

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 Assembly Facilities Division shall be adhered to;

4. Portland Rugby Football Club shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Portland Rugby Football Club - Pig Roast Fundraiser Festival;

5. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Portland Rugby Football Club has agreed shall participate; and

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



Sally L. DeLuca
Director

Department of Recreation & Facilities Management

Andrew J. Downs
Director

Public Assembly Facilities Division

TO: Jon Jennings, City Manager
FROM: Andrew Downs, Director of Public Assembly Facilities
DATE: March 31, 2016
RE: Portland Rugby Football Club – Pig Roast Fundraiser 2016

I am requesting that the following order be placed on the next City Council agenda: order authorizing Portland Rugby Football Club – Pig Roast Fundraiser 2016 as a “Festival”, scheduled for Saturday May 7, 2016.

The festival area will include: all of the Maine State Pier.

The Portland Rugby Football Club, a registered 501c3 non-profit, will be organizing and producing the event. They will also be signing an operating agreement with the City of Portland’s Public Assembly Facilities Division.

The purpose of the Portland Rugby Club – Pig Roast Fundraiser is to introduce the community of Portland to the rugby club representing them throughout the North East and to raise needed funds for the fulfillment of the organization's mission which is to promote the growth and development of the game of Rugby Union (“Rugby”) in the Portland area.

The bulk of the Maine State Pier would be open to the public with the event being held on the far southeastern side of the pier, access to the schooners that operate from Maine State Pier and egress from the adjacent Casco Bay Lines Terminal and garage would not be impeded.

A small stage would be set-up on the southeast waterside portion of the pier, oriented northwest towards Franklin Street with entertainment performed by local/regional musicians. 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 Portland Rugby Football Club, its contractor and the City to focus volume on the pier and its immediate environment, limiting any sound impacts in residential areas. All amplified sound will end at the conclusion of the festival’s activities (5:00pm Saturday, May 7th 2016).

Beer would be available in a restricted area, to which access would be limited to those twenty-one (21) and over. The event will also include merchandise and food vendors. All vendors will require the appropriate permits and licenses.

All Security will be provided by Public Assembly Facilities Division Staff.

This is the second year for this event. The previous year had no issues, and was viewed as a success. City staff feels we can appropriately manage this event and recommend approval.

MEMORANDUM
City Council Agenda Item

TO: Mayor Strimling and City Council

FROM: Andrew Downs, Director of Public Assembly Facilities

DATE: 3/19/2016

DISTRIBUTION: Jon Jennings, Ethan Strimling, Sonia Bean,
Danielle West-Chuhta, Nancy English, Julie Snllivan

SUBJECT: Portland Rugby Football Club – Pig Roast Fundraiser

SPONSOR:

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

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action _____

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

Organizers are in need to begin planning and marketing inmediately following approval.

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

I. SUMMARY OF ISSUE (Agenda Description)

Declare “Portland Rugby Football Club – Pig Roast Fundraiser” as a Festival. Festival is scheduled for the Maine State Pier from 9:00 AM – 6:00PM on Saturday, May 7, 2016 with a fundraiser and celebration to be held from 1:00PM - 5:00PM Saturday, May 7, 2016. The Maine State Pier and Festival areas are bordered by the southeastern end of the Maine State Pier, up to the area of business of the Portland Schooner Company.

The purpose of the “The Portland Rugby Football Club – Pig Roast Fundraiser” is to introduce the community of Portland to the rugby club representing them throughout the North East and to raise needed funds for the fulfillment of the organization's mission.

The mission of Portland RFC is to promote the growth and development of the game of Rugby Union (“Rugby”) in the Portland area; to increase the awareness of Rugby and its traditions; to facilitate participation in Rugby on local, national and international levels, and to foster amateur athletic competition in line with the goals of USA Rugby and affiliated regional organizations.

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

Approval of “Portland Rugby Football Club – Pig Roast Fundraiser” will allow:

- A Festival Declaration
- Control of vendors in the Festival Zone
- Permission to use public space and sell tickets / charge admission
- Sale of alcohol (Maine State Pier)

III. INTENDED RESULT

See above.

IV. COUNCIL GOAL ADDRESSED

“Portland Rugby Football Club – Pig Roast Fundraiser” will bring an anticipated 150 people to the Portland Waterfront and provide a positive financial impact to the waterfront during the day of the event.

V. FINANCIAL IMPACT

All costs incurred by City Departments will be reimbursed by Portland Rugby Football Club, organizers of this event.

VI. STAFF ANALYSIS

The Portland Rugby Football Club has had a successful working relationship with the City of Portland for the last several years. City staff feels the Portland Rugby Club can successfully plan and implement an event that will have a positive impact on the waterfront.

VII. RECOMMENDATION

This is the second year for this event. The previous year had no issues, and was viewed as a success. City staff feels we can appropriately manage this event and recommend approval.

VIII. LIST ATTACHMENTS

- Memo with additional details

Prepared by: Andrew J. Downs, Director of Public Assembly Facilities

Date: March 31, 2016

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**

*Order 210-15/16
Sub 6 4-25-16*

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

**ORDER DECLARING MAY 13 AND 14, 2016 AS
THE RAPPEL FOR RIPPLEFFECT FESTIVAL**

ORDERED, that May 13 and May 14, 2016, with a Rain Date of May 15, 2016, are hereby declared to be the Rappel for Rippleffect Festival, sponsored by Rippleffect, Inc.; and

BE IT FURTHER ORDERED, that the Rappel for Rippleffect Festival area shall be Federal Street Extension, Temple Street sidewalks from Congress Street to Free Street, Monument Square and all those streets' adjacent sidewalks, including on Monument Way and outside of One City Center; and

BE IT FURTHER ORDERED, that Federal Street Extension shall be closed to traffic on May 13, 2016 from 3:00 p.m. to 7:30 p.m. and on May 14, 2016 from 6:00 a.m. to 6:00 p.m. (and for the same hours if the Festival is held on the Rain Date, May 15, 2016); and

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

BE IT FURTHER ORDERED, that the Rappel for Rippleffect 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 Rippleffect, Inc. 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. Rippleffect, Inc. 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. Rippleffect, Inc. 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, to be run and staffed by Rippleffect, Inc. with Public Assembly Facilities staff assisting to verify identification;
3. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in a permit issued from the Public Works Event Office shall be adhered to;
4. Rippleffect, Inc. will reimburse the City for all expenses incurred by City departments for the Festival;
5. Rippleffect, Inc. shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Rappel for Rippleffect Festival; and
6. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Rippleffect, Inc. has agreed shall participate; and

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



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: April 5, 2016
RE: Council Agenda Item – Rappel for Rippleffect Festival

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

Order declaring Friday & Saturday, May 13 & 14, 2016, as the Rappel for Rippleffect Festival, to be held at Federal Street Ext. and Monument Square/One City Center sidewalks.

The festival area will include: Federal Street Ext. and abutting sidewalks, Temple Street sidewalks (from Congress Street to Free Street), Monument Square sidewalk, and sidewalk areas at One City Center/Monument Way. An emergency lane (for Fire/Medcu/Police) will be kept available in the closed section of street.

Rappel for Rippleffect is a fundraiser for Rippleffect. Rippleffect Staff are organizing the event. Participants raise \$1000 each, which qualifies them to rappel down the side of One City Center (softly reaching the bottom at Federal Street Ext. sidewalk). A professional rappelling company (Over the Edge) leads participants in the rappelling. Approximately 70 participants will rappel on Saturday, May 14 (4:30 – 7:30pm); probably 10 participants rappelling on Friday, May 13 (which is a VIP / Press Event, more or less – though the public is invited): 9am – 5pm. Rain date for the event is Sunday, May 15. Overall attendance on the days should number: Friday: 125; Saturday: 600.

For both days, organizers will need to close Federal Street Ext. to vehicle traffic; they are working with One City Center and 2 Monument Square management (and Parking Garage management) to coordinate and notify downtown workers. Monument Square Parking Garage cars will use the Free Street Exit those days.

This event was held last year, and was a big hit (even though it drizzled a bit on Saturday). This year, organizers wish to include an outdoor Beer & Wine Garden (which would be open to the public, 21+) on the Friday event (Rippleffect being the non-profit sponsor). City Council needs to review and approve this outdoor alcohol service area. (STATE of MAINE application attached)

For Friday's event: a large tent will be setup on Federal Street Ext. sidewalk with tables and chairs underneath; beer & wine garden for 21+, refreshments served, DJ playing music, VIPs and press on site, and a live video feed to TV monitors under the tent. For Saturday's event: sponsor's canopies and tables set up on the parking lane and sidewalks of Federal Street Ext., music/DJ on the sidewalk, pre-packaged food given away.



The Order should include the following items:

Rappel for Rippleffect Festival be authorized for Friday, May 13, 2016 and Saturday, May 14, 2016, (with a rain date of Sunday, May 15, 2016), to be held on Federal Street Ext. and abutting sidewalks, Temple Street sidewalks (from Congress Street to Free Street), Monument Square sidewalk, and sidewalk areas at One City Center and Monument Way.

This festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of festival organizers, for the purpose of conducting the Rappel for Rippleffect Festival, subject to the direction and control of the City Manager.

In order to hold the event on city property, Federal Street Ext. needs to be closed to vehicle traffic: Friday, May 13, 2016; 3 – 7:30pm, Saturday, May 14: 6am – 6pm (if Sunday, May 15 needs to be used as a rain date: 6am – 6pm). The street would also be posted “No Parking” both days. Vehicles in violation of the “No Parking” signs shall be towed at owner’s expense.

Beer and Wine would be available (at a beer garden) in a restricted area on Federal Street Ext. sidewalk, to which access would be limited to those twenty one (21) and over (it will be open to the public). All IDs will be checked by Public Assembly Facilities Management Staff. The event will also include merchandise and food vendors. All vendors will be required to obtain the appropriate permits and licenses.

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

- Rippleffect organizers (Adm Shepard / Jack Lufkin) shall reimburse the City for all expenses incurred by City Departments for said 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 and time approved by Portland City Council;
- Rippleffect organizers shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the festival;
- Conditions for use of grounds, specified in a permit issued from Public Works Event Office, shall be adhered to; and



- Rippleffect organizers 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 **"Rappel for Rippleffect"** 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: April 5, 2016



**CITY OF PORTLAND, DEPARTMENT OF PUBLIC WORKS
PUBLIC PARK & SPACE APPLICATION (4 pages)**
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 / 8751 (Event Office) ~ Fax 207-874-8816
City of Portland, Maine
www.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	3/16/16 Revised: 3-17, 3-18	ORGANIZATION NAME	Rippleffect			
ORGANIZATION ADDRESS	PO Box 441	CITY	Portland	STATE	ME	ZIP 04112
CONTACT NAME(S)	Adam Shepherd & Jack Lufkin (Executive Director / Board Chair)					
HOME #	WORK 791-7870	CELL			FAX	
EMAIL	adam@rippleffect.net		EMAIL	Jack lufkin@keybank.com		

PARK AREA OR PUBLIC SPACE REQUESTED	Federal Street EXT (closure), Monument Square in front of One City Center, Federal Street sidewalks - next to and across from OCC, access street to OCC parking garage				
EVENT DAY & DATE(S)	FRI 5-13-16 SAT 5-14-16	RAIN DAY & DATE(S)	SUN 5-15-16		
EVENT START TIME (i.e. set-up start time)	5-13: 3pm 5-14: 6am	EVENT END TIME (i.e. when event cleanup is complete)	5-13: 7:30pm 5-14: 6:00pm	ACTUAL START & END TIME OF EVENT	5-13: 4:30pm-7:30pm 5-14: 9am-5pm

EVENT NAME	EXPECTED ATTENDANCE
Rappel For Rippleffect	FRI 5-13: 10 Rappellers / 100 reception guests SAT 5-14: 70 Rappellers 500-600 spectators (over the course of the full day)

DESCRIPTION OF EVENT: DESCRIPTION OF EVENT:

Rappel For Rippleffect Over The Edge, May 13th & 14th (severe weather date: Sun May 15)
A fundraiser for the Portland based non-profit, Rippleffect.

Overview:
Participants gain entry by raising a minimum of \$1000 to rappel down the Federal Street side of One City Center. Rippleffect has contracted a professional event company (Over The Edge) that runs these rappelling events all over the world. They adhere to strict state and federal guidelines for occupational and industrial grade rappelling (NOT recreational standards). Over The Edge provides all the equipment, highly trained technicians, insurance, specific to the rappelling and event support while the organization, Rippleffect, arranges the on-the-ground activities and recruitment of rappelling participants.

This event will require the Federal Street to be closed on FRI, May 13th from 3-8pm and SAT, May 14th from 6am to 6pm. Should high winds or severe weather postpone the event, the rappels will happen on SUN, May 15th where Federal Street may again need to be closed for some time.

Monument Square Garage parkers will need to exit out onto the Free Street side during these street closure times (organizer will work with Garage Management on this).

This event will have 3 different parts to it: *PLEASE NOTE, WE ARE REQUESTING THIS PERMIT INCLUDE USE OF THE FEDERAL STREET EXTENSION FOR A BEER & WINE RECEPTION ON FRIDAY EVENING FROM 4:30-7:30PM.

1) **May 13th Liquid Courage Reception & CEO Rappelling** - This day of the event will have 2 different components:
a) **Liquid Courage Reception:** happening on Federal Street in a cordoned off area of the street (still allowing for emergency vehicles to pass. The attendance will be approximately 100 people. Reception will include:
~Beer & Wine Service—Rippleffect will provide licensed bartenders and is requesting Portland City event staff to check id's.

~Appetizers
 ~One 20x40 tent
 ~City barricades to create a designated "reception area"
 ~DJ playing music
 ~High-top tables
 b) In addition, there will be a smaller rappelling event beginning at 4:00pm and ending at 7:00pm. During this time, 10 media/VIP rappellers will rappel. For this event, a Headlight Audio truck will be managing a live video feed from the helmet cams to televisions placed in the reception area.

2) May 14th Rappel For Ripple: The remaining rappellers will rappel down One City Center (landing on the sidewalk next to OCC's Loading Dock). There will be approximately 70 people rappelling this day.

3) May 14th on the ground event: In addition to the rappelling, there will be sponsors and other community partners that will have tables/canopies lining Federal Street. To date, there will be approximately 13 different "booths" set up on the sidewalks lining Federal Street. Music/DJ will play music. **Pre-packaged Food (Oakhurst Milk) given away.**
 Please note, as per city regulations, there will be an emergency fire lane open on the street.

Federal Street to be closed to traffic from approx. 6am – 6pm.

The LL Bean Boot Mobile will also be parked on site.
 *Please see map provided for layout of the event and the space requested in the permit.

ELEC NEEDED. 5 Vests 15 Barricades NEEDED.

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	PLEDGES: \$1000 per rappeller (fundraised)
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WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? *We expect around 100-150 spectators/participants to be in attendance at a time and parking on the street/garages around the city should suffice.*

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 10 (SAT)	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 – 874-8703 - 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): 20'x40' Exact Location(s) of Tent Placement Requested: ON FEDERAL STREET EXT. JUST INFRONT OF THE 2 MONMUMENT SQUARE LOADING DOCK (SEE MAP) In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.	X		
* Will you be setting up tables and/or chairs ? How many tables: 10 chairs: 0	X		
* Are other items or equipment being placed on City property ? Please List: DJ Sound Equipmnet	X		
* Will there be refreshments at the event? Do you wish to sell food? NOT appetizers... but everything else would cost \$ List food and drink: ONLY FOR FRIDAY RECEPTION: Appetizers (TBD), Beer from Allagash, Wine, Soft Drinks and Water. 2 Food Trucks parked on the street (both Friday + Sat). 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).	ASKED ADAM TO REVISE WORDING		
* Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.) ? 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:	?		
* Are you setting up a PA (sound) system ? YES Are you planning on having Amplified Music ? YES Band ? NO DJ ? YES If so, your event requires a concert license from the City Clerk's Office (874-8557). (Just voice – i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		

*	Will your event require electricity? Electricity is available at Monument Square. It is	X		
*	Are you planning on bringing a Grill for a Barbecue?		X	
*	Will the event require reserved parking spaces / parking meters? How many? 14 "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: safety vests, barricades 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? Federal Street Ext from Congress to Temple	X		
*	Will your event affect METRO BUS ROUTES? NO			
*	Will your event require Police assistance?		X	
*	Will your event require Fire/EMS assistance?		X	
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? Organizer Provides Their Own.	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 "Add'l 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: email to tym@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. If over 150 people are expected to attend the event, you are required to provide porta-restroom facilities. There are no City facilities in Monument Sq.

TRASH
All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event 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 city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.

SMOKE-FREE ZONES
By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. 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	AJS	DATE	3/16/2016
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form, (should permission be granted to use city property), the above parties agree to indemnify 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	AJS	DATE	3/16/2016
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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 Event 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)
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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: Fri: 4 hrs, Sat: 12 hrs. + SUN: rain date (50% of 12 hrs) Admin/Staff Fee (support for events): \$30/hour	\$ 600 +240 (Rain date) CC to be charged following event	Vest/Cone Deposit: \$10 per/item Barricade Deposit: \$25 per/item 5 Vests 15 Barricades	\$?
Key Deposit: \$50 per key Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$ PAF staff costs \$???	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000 Other (Porta-Restroom User Fee: \$25, etc.)	\$ 250 (covers both - CC on file) \$

FOR OFFICE USE ONLY

DATE REC'D APPLICATION	3-16-2016	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ NEED	SECURITY DEPOSIT	\$ NEED
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$



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

Application for License for Incorporated Civic Organization

\$50.00 Fee / \$10.00 Filing Fee - Check Payable: Treasurer State of Maine

1. (a) Full Name of Applicant: Rippleffect, INC
- (b) Corporate Address: 400 Commercial St, Suite 303 ^(Corporate Name) Portland ME 04101
- Street Address City/Town State Zip Code
- (c) Authorized Corporate Office: SAME
- (d) Address: _____
- Street Address Town/City State Zip Code
- (e) Telephone Number: 207 791 7870 Fax: 207 791 8998

INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS

2. (a) Title and Purpose of Event: Rappel For Rippleffect Fundraiser Reception--annual fundraiser
- (b) Date of Event: May 13th, 2016 Time: From: 5:00pm AM/PM To: 7:30pm AM/PM
- (c) ☐ Inside ☒ Outside Event (If Outside, attach diagram of area)
- (d) Location of Event: Federal Street extension next to 1 City Center in Portland, Maine
- (e) Number of Persons Attending: Approx 125
- (f) Name and Address of Sponsor: Rippleffect
- Address: _____ Town/City: _____ State: _____
- (g) Name and Address of Caterer: N/A--Rippleffect is self-catering the reception
- Address: _____ Town/City: _____ State: _____
- (If other than licensee): _____
- (If food is to be served): _____
- (h) Type of building to be occupied: 20x40 event tent on Federal Street

(i) Area to be licensed: A cordoned off section of Federal Street (see map)

Dated at: Portland, Maine on April 11, 2016
Town/City, State Month/Day

NOTE:

This application must be signed by a duly authorized officer of the corporation executing the application and approved by the Municipal Officer/Country Commissioners and filed with the Division.

Rippleffect

BY: NAME OF CORPORATION
Adam Shepherd, Executive Director
CORPORATE OFFICER'S SIGNATURE - TITLE PRINTED NAME & TITLE

STATE OF MAINE

Dated at: Portland, ME Cumberland
City/Town Maine ss
On: March 21st
Date (County)

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

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

Signature	Print

**72 Hours in Advance of Said Event or Gathering
REQUESTED**

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 21-15/16
Tab 7 4-25-16*

**ORDER DECLARING JUNE 12, 2016 AS
THE OLD PORT FESTIVAL**

ORDERED, that Sunday, June 12, 2016 is hereby declared to be the 43rd annual Old Port Festival, sponsored by Portland Downtown; and

BE IT FURTHER ORDERED, that the Old Port Festival Zone on Sunday, June 12, shall be bordered by Congress Street from Monument Square to Pearl Street; Union/Temple Streets from Commercial Street to Congress Street; Commercial Street from Union Street to Pearl Street and including all sidewalks; Pearl Street from Commercial Street to Congress Street; and the Monument Square area and Federal Street Extension; and

BE IT FURTHER ORDERED, that in the Sunday Old Port Festival area will be reserved for concert attendees and music stages will be set up in the Old Port; and

BE IT FURTHER ORDERED, that the following streets shall be closed to traffic:

On Sunday, June 12, 2016, from 6 a.m. to 6 p.m.

Exchange Street (from Congress Street to Fore Street);
Market and Silver Streets (from Congress Street to Commercial Street);
Federal Street (from Temple Street to Pearl Street);
Middle Street (from Temple Street to Pearl Street);
Fore Street (from Union Street to Pearl Street);
Newbury Street (from Pearl Street to Market Street)
Wharf Street (all); Dana Street (all); Moulton Street (all); Milk Street (all);
and
Federal Street Extension (from Congress Street to Temple Street); and

BE IT FURTHER ORDERED, that the Sunday June 12 parade will begin at 11:00 a.m. on Federal Street (at intersection with Exchange). Parade participants will march east-bound around the corner to Exchange Street and then march down Exchange, taking a left onto Fore Street, then a right onto Silver – where the parade disbands; and

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

BE IT FURTHER ORDERED, that the Old Port 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 Portland Downtown 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. Portland Downtown shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Portland Downtown 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 area of the Festival;
3. Conditions for use of grounds and requirements for food service, vending sales, stages, and other items specified in a permit issued from the Public Services Event Office shall be adhered to;
4. The City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival;
5. Portland Downtown shall have sole authority over participating vendors at the festival and may charge a fee to vendors for the opportunity to vend at the Old Port Festival;
6. City Departments will provide in-kind services at no charge to Portland Downtown for Sunday's traditional Old Port Festival; and
8. In consideration of the City of Portland's support/in-kind services for the Festival, Portland Downtown shall include the City of Portland logo on all festival publicity; and

BE IT FURTHER ORDERED, that the City Manager is authorized 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.



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: April 4, 2016
RE: Council Agenda Item – 2016 Old Port Festival

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

Order declaring Sunday, June 12, 2016, as the Old Port Festival.

This will be the **43rd** Annual Old Port Festival. Portland Downtown is again organizing this year's Festival. The Old Port Festival attracts thousands of people to the Old Port District; expected attendance at this year's event is estimated at 25,000. **The Festival will run Sunday, June 12, 2016, from 11:00 a.m. to 5:00 p.m.** and offers musical and visual entertainment, children's activities and delicious food and drink. There is no rain date.

In order for the Festival to be held, a portion of the Old Port District needs to be barricaded to traffic. The Festival area/zone is bordered by Congress, Pearl, Commercial, Center, Union, and Temple Streets. Interior Streets will be closed to vehicular traffic from approximately 6:00 a.m. – 6:00 p.m., **on Sunday, June 12, 2016.** In addition, Monument Square area (to include Federal Street Ext.) would also be a part of the Festival Zone.

Those streets include:

- Congress Street (from Monument Square to Pearl Street)
 - Union / Temple Streets (from Commercial Street to Congress Street)
 - Commercial Street (from Union Street to Pearl Street), to include sidewalks on both sides of Commercial Street
 - Pearl Street (from Commercial to Congress)
 - Monument Square area and Federal Street Ext. (from Center Street to Temple Street)
- Main Streets listed above (Congress, Union/Temple, Commercial and Pearl) stay open to vehicular traffic. All other streets within the festival zone are closed to vehicles (6am – 6pm), and posted "No Parking:"
 - Market and Silver Streets (from Congress to Commercial Street)
 - Federal, Middle and Fore Streets (from Temple/Union to Pearl Street)
 - Newbury Street (from Pearl Street to Market Street)
 - Exchange Street (from Congress Street to Fore Street)
 - All of Moulton, Dana, Wharf and Milk Streets
 - Federal Street Ext. (Congress Street to Temple Street)



- **The Festival area will also include both sidewalks of Commercial Street, as well as the Monument Square/One City Center area.**
- The festival will feature the annual Parade, which will be entirely on foot. Beginning at 11am, participants assemble on Federal St. (near Exchange Street), and travel down Exchange St., turn left onto Fore, and right onto Silver St. where it will end. Streets used for the parade will have already been closed down to vehicles, starting at 6am.
- In addition to the music stages in the Old Port, the patio at One City Center will also host concerts that day. Organizers will reserve Monument Square, One City Center sidewalks, and Monument Way for anticipated attendance at these concerts. These areas are to be included in the Festival Zone. Organizers will work with City Officials to facilitate safe crossing of spectators across at Temple Street.

The Festival areas will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of Portland Downtown for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

Vehicles in violation of the "no parking" signs in the Festival Zones shall be towed (at owner's expense).

City Departments will provide in-kind services at no charge to Portland Downtown for Sunday's traditional Old Port Festival Day.

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

- Portland Downtown shall indemnify the city and hold it harmless from and against all claims arising out of activities during said parade and ceremony, 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 for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the Old Port Festival and its activities,
- Under no circumstances may alcoholic beverages be sold on the streets of public property of said area during said Festival;
- Conditions for use of grounds and requirements for food service, vending sales, stages, and other items specified in a permit issued from Public Works Event Office, shall be adhered to;



- City Clerk's Office will charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival;
- Portland Downtown shall have sole authority over activities and events and vendors at the Festival, and may charge a fee to vendors for the opportunity to vend at the Old Port Festival; and
- In consideration of the City of Portland's support/in-kind services of Sunday's Festival, Portland Downtown shall include the City of Portland logo on all Festival publicity.

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

Document prepared by Ted Musgrave, PW Event Office

Date: April 4, 2016



CITY OF PORTLAND, DEPARTMENT OF PUBLIC WORKS
PUBLIC PARK & SPACE APPLICATION (4 pages)
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 / 8751 (Event Office) ~ Fax 207-874-8816

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		3/24/16 Revised 4-5		ORGANIZATION NAME		Portland Downtown						
ORGANIZATION ADDRESS				549 Congress St		CITY	Portland		STATE	ME	ZIP	04101
CONTACT NAME(S)		Sally Newhall Casey Gilbert Adam MacDonald		TITLE	Events Manager Executive Director Marketing & Communications Manager							
HOME #	WORK 772-6828			CELL				FAX				
EMAIL	sally@seaglasseevents.com				EMAIL	casey@portlandmaine.com						

PARK AREA OR PUBLIC SPACE REQUESTED		Old Port District Streets Sidewalks and Parks Monument Square / Monument Way / One City Center patio & sidewalk areas / P.O. Park / Tommy's Park / Downtown Streets: Federal, Market, Exchange, Middle, Fore, Wharf, Dana, Moulton, Milk, Silver, Newbury & Union									
EVENT DAY & DATE(S)		SUN 6-12-16		RAIN DAY & DATE(S)		None					
EVENT START TIME (set-up start time)		6:00am		EVENT END TIME (i.e. when event cleanup is complete)		7:00pm		ACTUAL START & END TIME OF EVENT		11:00am – 5:00pm	

EVENT NAME		EXPECTED ATTENDANCE	
Old Port Festival (43 rd annual)		40,000	
DESCRIPTION OF EVENT: The Old Port Festival offers musical and visual entertainment, children's activities, as well as food and drink. Market Street will house a local Arts & Crafters area. Kid's Rides positioned on Federal Street. Children's Area – Post Office Park. Evo Rock & Fitness (climbing wall) - Federal St and Bungee Trampoline on Market St. 5 Main musical stages will be positioned on City streets. In addition to the music stages in the Old Port, the patio at One City Center will also host (Townsquare Media) concerts that day. Organizers will reserve Monument Square, One City Center sidewalks, and Monument Way for anticipated attendance at these concerts. These areas are to be included in the Festival Zone. Organizers will work with City Officials to facilitate safe crossing of spectators across at Temple Street. Organizer is renting a number of porta-restrooms. In order for the festival to take place, a large portion of the Old Port District will be closed to traffic including: Exchange Street, from Congress to Fore Street; Market Street, from Congress to Commercial Street; Federal Street, from Temple to Pearl Street; Middle Street, from Temple to Pearl; Fore Street, from Union to Pearl; all of Wharf, Dana, Moulton, Milk and Silver Streets; Newbury Street, from Market to Pearl; and Union Street, from Spring to Fore Street. The festival will also include the sidewalks of both sides of Commercial Street. The festival includes a parade which starts at 11am at the intersection of Federal and Exchange (the Post Office), then proceeds down Exchange Street, takes a left onto Fore Street, then right onto Silver Street where the parade disbands. The streets along the parade route will have been closed to traffic starting at 6am. (Some additional "No Parking" signs are needed for Commercial Street area for the parade participants). Police Officers are provided by the City. Additional security personnel are hired by Portland Downtown. Additional City staff will also assist: Public Works staff, Fire Department, Inspections.			
THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?		Please check: ☐ NO ☐ FEE ☐ NO ☐ PLEDGES (Vendors pay a fee to participate)	

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? Parking at area lots and garages and on street.

LEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 100+	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 – 874-8703 - for information on their application process / PLEASE give them at least a 2-week notice).		X	
* Will you be setting up tables and/or chairs ? How many tables: vendors only chairs: vendors only	X		
* Are other items or equipment being placed on City property? Please List: Vendors and Crafters booths, stages for music, children's amusement rides, rock wall, bungee trampoline	X		
* Will there be refreshments at the event? yes Do you wish to sell food ? yes (If so, you will need approval from Public Works) List food and drink: See vendor apps 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 (like T-shirts, crafts, cd's, etc.)? 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: TRINKETS, CRAFTS, ETC. (See vendor apps)	X		
* Are you setting up a PA (sound) system ? Yes-6 live music stages 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). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		
* Will your event require electricity ? Electricity is available at some of the parks & squares (Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park). Elec. at these areas is turned off. Some of these electrical boxes need a key for access.	X		
* Are you planning on bringing a Grill for a Barbecue ? Only Gas Grills are allowed in the parks (NO CHARCOAL). Grilling is subject to weather conditions and possibly Fire Dept. review.	X		
* Will the event require reserved parking spaces / parking meters ? How many? LOTS – to cover the entire Old Port. "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: Provided by Public Works 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 ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? NO (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetrobus.com) to discuss.	X		
* Will your event require Police assistance?	X		
* Will your event require Fire/EMS assistance? MEDCU ON BIKES	X		
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? 14 RENTED	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,			

PUBLIC WORKS POLICIES

ELECTRICITY

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.

BARBECUES - GAS GRILLS ONLY

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

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where food is being served. Event organizers are renting units.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event 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 city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. 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	TE	DATE	3/24/16
--	---------------	----	------	---------

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	TE	DATE	3/24/16
--	---------------	----	------	---------

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	Impact/Street Closure Fee (variable based on impact): \$0-\$500
Event with registration or pledges & attendance 25 – 300: \$100/hr	Admin/Staff Fee (support for events): \$30/hour
Event with registration or pledges & attendance 301+: \$200/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Public Space/Park Security Deposit/Sound Security Deposit: \$100 - \$1000	

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 is returned (however \$50 is non-refundable) Number of Hours of Use: 13	\$ WAIVED	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	\$ N/A
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee: \$25, etc.)	\$ N/A
Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$		

FOR OFFICE USE ONLY							
DATE REC'D APPLICATION	3-24-2016	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ N/A	SECURITY DEPOSIT	\$ N/A
PAYMENT TYPE							
VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT \$

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**

*Order 212-15/16
Tab 8 4-25-16*

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

**ORDER DECLARING JULY 8, 2016
OLD PORT LOBSTER BAKE AND JULY 9, 2016 SHIPYARD OLD PORT HALF
MARATHON AND 5K ROAD RACE AS FESTIVALS**

ORDERED, that July 8, 2016 is hereby declared to be the Old Port Lobster Bake and Fitness & Health Exposition Festival, and July 9, 2016 is hereby declared to be the Shipyard Old Port Half Marathon & 5K Road Race Festival, sponsored by GiddyUp Productions, LLC; and

BE IT FURTHER ORDERED, that the Old Port Lobster Bake on Friday July 8, 2016 will take place in the Amethyst Lot from 2:00 p.m. to 8 p.m.; and

BE IT FURTHER ORDERED, that the races are authorized from 5:00 a.m. – 3:00 p.m. Saturday, July 9, 2016, to be held in Portland, along city streets and trails, with a concert to follow until 10:00 p.m.; and

BE IT FURTHER ORDERED, that the Half Marathon will start at 7:00 a.m. and the 5K Race will start at 7:20 a.m.; and

BE IT FURTHER ORDERED, that Runners will congregate for the start of the Half Marathon in the Ocean Gateway queuing lanes and in the Eastern Promenade area for the 5-K Road Race; the finish line for both races is at Ocean Gateway; and

BE IT FURTHER ORDERED, that the Old Port Lobster Bake and Fitness & Health Exposition and the Shipyard Old Portland Half Marathon & 5K Road Race Festival area shall be Ocean Gateway's Amethyst Lot, Moon Tide Park, the Eastern Promenade and City Streets and trails designated as the route of the race; and

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

BE IT FURTHER ORDERED, that the Old Port Lobster Bake and Fitness & Health Exposition and the Shipyard Old Portland Half Marathon & 5K Road Race 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 GiddyUp Productions, 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. GiddyUp Productions, 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. GiddyUp Productions, 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. Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than in areas restricted to 21-year-old and older patrons in Moon Tide Park and also in Amethyst Lot, during the Lobster Bake, and during the awards ceremony on July 9, 2016 from 9:00 a.m. to 1:30 p.m. and at the concert after the race, with security provided by Public Assembly Facilities Management staff;
4. Conditions for use of grounds and requirements for food service, vending sales, and other items specified in an operating agreement issued from Public Assembly Facilities and in a permit from the Public Works Events Office shall be adhered to;
5. GiddyUp Productions, 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 Old Port Lobster Bake and Fitness & Health Exposition and the Shipyard Old Portland Half Marathon & 5K Road Race Festival;
6. GiddyUp Productions, LLC shall hire police officers and parking control officers to assist with directing traffic at street closures, and Public Assembly Facilities staff shall be hired to oversee the Amethyst Lot/Ocean Gateway/Moon Tide Park areas; and
7. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the GiddyUp Productions, LLC has agreed shall participate; and
8. Route of the course is subject to change, depending on construction projects along the course and police recommendations leading up to the race day; and

BE IT FURTHER ORDERED, the following streets will be closed to vehicular traffic on Saturday July 9, 2016:

- West-bound lane of Commercial St. (both lanes – from Franklin Street to Valley Street) will be closed to vehicular traffic (6:50 a.m. – 8:25 a.m.)
- Franklin Street and Commercial Street (Hancock Street to Franklin Street) 6:50 a.m. – 7:10 a.m.), with traffic held back from approximately 7:00 a.m. – 7:10 a.m.);
- Eastern Promenade road (both lanes, from Morning Street to Washington Avenue) (7:10 a.m. – 7:35 a.m.)
- North Street (from Walnut Street to Eastern Promenade), (7:10 a.m. – 7:35 a.m.)
- Cutter Street (6:30 a.m. – 7:30 a.m.)
- North-bound traffic on Washington Avenue (at the intersection with Eastern Promenade road), will either be detoured or held back from 7:20 – 8:45a.m. (State Police will close the I-295 Exit 8 ramp onto Washington Avenue from 7:20 – 8:45a.m.)
- Danforth Street (both lanes, from Valley Street to Vaughan Street (7:10 a.m. – 8:05 a.m.).
- Danforth Street (west-bound lane, from Clark Street to Vaughan Street) (7:10 a.m. – 8:15a.m. (Church attendees detoured onto Clark, to Spring, to Emery Street)
- Western Promenade (both lanes from Vaughan Street to Bowdoin Street) (7:15 a.m. – 7:45a.m.)
- Beach Street (from York Street to Commercial Street) (7:10 a.m. – 8:10 a.m.)
- Sewage Plant Road (approximately 1,000 feet starting at the Eastern Prom Trail) 8:00 a.m. – 9:45 a.m.

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.



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: April 7, 2016 (revised from April 6)
RE: Council Agenda Item – 2016 Shipyard Old Port Half Marathon

I am requesting that the following order be placed on the next City Council agenda (Mon. April 25):

Order declaring Friday, July 8, 2016: Old Port Lobster Bake and Fitness & Health Exposition, and Saturday, July 9, 2016: Shipyard Old Port Half Marathon & 5K Road Race, as Festivals.

I am requesting that the following order be placed on the next City Council agenda: order authorizing the Shipyard Old Port Half Marathon & 5K Road Race, scheduled for Saturday, July 9, 2016, and the Shipyard Old Port Lobster Bake and Fitness & Health Exposition, will be held the night before (Friday, July 8).

The Shipyard Old Port Half Marathon & 5K Road Race is a for-profit event, however, Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails all benefit from the Old Port Half Marathon proceeds.

This race has been held in the city for five years now. Each successive year, attendance at the race increases; this year's Half Marathon should draw 3,600 runners; the 5K – 1,200 runners.

The Order should include the following three major items:

- (1) The Shipyard Old Port Half Marathon & 5K Road Race be authorized for Saturday, July 9, 2016, from 5am - 3pm, to be held in Portland, along city streets and trails. Runners will congregate in the Ocean Gateway Cueing Lanes area (Half Marathon Start) and the Eastern Prom area (5K Race Start). The Half Marathon starts at 7am; the 5K Race starts at 7:20am.
- (2) For Saturday's race (July 9), 2 Beer Gardens will be setup: A 21+ beer garden will be set up in Moon Tide Park beside Ocean Gateway, and another set up at the Amethyst Lot. Both will be staffed by Public Assembly Facilities staff. Sponsor of the Beer Garden is Candace Cares, a non-profit supporting cancer programs in Maine. Proceeds benefit Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails. Two events with these Beer Gardens will be held on Saturday: an Awards Ceremony (9am – 1:30pm) and a Festival Concert (5 – 10pm). This Festival Concert (5 – 10pm) request is still under review by the Public Assembly Facilities Dept.
- (3) The Shipyard Old Port Lobster Bake and Health & Fitness Exposition (Friday, July 8) will take place at the Ocean Gateway Terminal, from 2 – 8pm. A Beer Garden will also be set up for this event at Moon Tide Park (where the lobster bake is being held). This Beer Garden will also be overseen by Public Assembly Facilities Staff. The use of the Amethyst Lot and Ocean Gateway area for all these events is under separate contract with PAF.



These areas will also be closed to street vendors pursuant to Section 19-17 of the Portland City Code and are reserved for the use of the race organizer, for the purpose of conducting the Shipyard Old Port Half Marathon & 5K Road Race and the Shipyard Old Port Lobster Bake and Health & Fitness Exposition, subject to the direction and control of the City Manager.

The route of the races are as follows: (Please also refer to Maps)

Half Marathon (start time 7am). Runners assemble in the OG Cueing Lanes (Start Line), runners go left onto Thames Street, continue west to Commercial Street (using right lane of Commercial Street – which will be coned off to traffic), run west on Commercial, round the corner at the end and take a right onto Valley Street, then right onto Danforth Street and left onto Vaughan Street, taking runners up onto the Western Prom streets, finally ending back on Beach Street headed back down to Commercial Street, where runners then turn left and continue east-bound on Commercial Street (running in the same coned off lane as they were in before), take a left onto Hancock Street, then a right onto Fore Street (heading east), run up to the Eastern Promenade, then down to Washington Ave. – crossing there and continuing around Back Cove Trail (clockwise), then crossing Tukey's Bridge and continuing down to Bayside Trail, then running a short distance on Sewage Plant Road and turning around, continuing back to run south onto the Eastern Prom Trail, ending back at the Ocean Gateway Visitors Center Parking Lot / Finish Line. 3600 runners.

5K (start time 7:20am). Runners assemble at top of Cutter Street area. Runners take a right at the top of Cutter St, head north onto Eastern Promenade Road, down the hill to Washington Ave, crossing over Washington Ave. and getting onto Bayside Trail, then getting onto the Eastern Prom Trail running south, and ending at Ocean Gateway Visitors Center Parking Lot / Finish Line. 1200 runners.

The City Manager is authorized to issue a revocable permit under Sections 25-26 thru 25-30 of Portland City Code to the race organizer subject to the following conditions:

- Under no circumstances may alcoholic beverages be sold or consumed on City of Portland right-of-ways during said event, other than what is approved by City Council (Friday Night Lobster Bake, and Saturday's After Race Festivities (Awards Ceremony and Festival Concert) – taking place at Moon Tide Park and the Amethyst Lot under the direction of Public Assembly Facilities Staff);
- Waterfront Concerts will be providing PA Sound Production for the events. Music on Friday, July 8 (for the Lobster Bake, 2 – 8pm) will be staged at Moon Tide Park, and will primarily be a DJ. During Saturday's Races, there will be a number of locations where PA Systems will be set up; including OG Cueing Lanes, the CVB parking lot, Amethyst Lot, Preble Street Parking Lot, Eastern Prom Trail, East End Beach, Eastern Prom (top of Cutter Street), grass area underneath Casco Bay Bridge, and Moon Tide Park. Most of these areas will have a DJ playing music while runners pass by. For the After-Party / Awards Ceremony (Saturday, July 9, 9am – 1:30pm), a band will perform at the Amethyst Lot. For the Festival Concert (still under review, slated also for the Amethyst Lot) – Saturday, July 9, 5 – 10pm, a number of bands will perform (if approved, this concert would be free to the public). 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 the event organizer and the City to focus volume away from residential housing, limiting any sound impacts in residential areas;



- Race organizer shall indemnify the City and hold it harmless from and against all claims arising out of activities during said event, and shall take out and maintain public liability insurance coverage (as well as alcohol liability coverage) in the amount of at least \$400,000 per occurrence for personal or bodily injury, death, or property for said purposes;
- Conditions for use of grounds, specified in permit issued from Public Works Event Office, and a contract from the Public Assembly Facilities Office, shall be adhered to;
- Race organizers shall have sole authority over participating vendors at the events and may charge a fee to vendors for the opportunity to vend at the Festivals;
- City permit fees and license fees, and costs for city staff assistance, will be paid by the race organizer (race organizer will hire many Police Officers and Parking Control Officers to assist with street closures, detours, race intersections, and hire Public Assembly Facilities staff to oversee the Amethyst Lot / Ocean Gateway / Moon Tide Park areas); and
- Route of the course is subject to change, depending on construction projects along the course and Police recommendations leading up to the race day.

During the Shipyard Old Port Half Marathon & 5K Road Race, streets listed below will be closed to vehicular traffic, Saturday, July 9, 2016: (The Police Dept. has endorsed the closures. Many Police Officers and Parking Control Officers will be hired by organizer. Volunteers will also staff race intersections.) The organizer will reach out to the many businesses along Commercial Street, to alert them to the street closures and traffic delays on Saturday morning.

For the Half Marathon, the west-bound lane of Commercial Street (from Franklin St. to Valley St.) will be closed to traffic from 6:50 – 8:25am. However, there will be a rolling opening of this closed lane, as runners are on their return trip from the Western Prom (approx. 8:09 – 8:25am). Traffic will still flow on the east-bound lane and access to the waterfront businesses will remain open (there will Police Officers on site at some intersections: Park St., Center St., Union St., Pearl St., and Franklin St., where vehicles can turn from the east-bound lane onto these side streets – when space between runners allows).

During the wave start of the Half Marathon race at 7am, Thames St. and Commercial St. (both lanes - from Hancock St. to Franklin St.) will be closed to vehicular traffic, from approx. 6:50 – 7:10am. This section of Commercial Street – the water side, will be posted “No Parking.” Franklin Street (at Commercial St.) will also be closed to traffic while the 3500 runners cross through (approx. 7 – 7:10am). Vehicles needing to get to Casco Bay Ferry Lines, will be let through when space between runners allows.

For the wave start of the 5K race (7:20am), Eastern Promenade road (both lanes, from Morning St. to Washington Ave.) will be closed to vehicular traffic from approximately 7:10 - 7:35am. This will also necessitate during this time, the closure of North Street (from Walnut St. to E. Prom), other than local traffic to residences and East End School. Cutter Street (assembly area for 5K runners) will be closed to traffic from 6:30 – 7:30am.

North-bound traffic on Washington Ave. (at the intersection with Eastern Prom road), will either be detoured or held back from 7:20 - 8:45am. (State Police will close the I-295 Exit 8 ramp onto Washington Ave from 7:20 - 8:45am). This is so runners in both races can cross over Washington Ave.



Danforth Street (both lanes, from Valley St. to Vaughan St.) will be closed to traffic from approx. 7:10 – 8:05am.

Danforth Street (west-bound lane, from Clark St. to Vaughan St.) will be closed to traffic from approx. 7:10 – 8:15am. (Church attendees detoured onto Clark, to Spring, to Emery St.

Western Promenade (both lanes from Vaughan St. to Bowdoin St.) will be closed to traffic from 7:15 - 7:45am.

Beach Street (from York St. to Commercial St.) will be closed to traffic from 7:10 - 8:10am.

Sewage Plant Rd. (a segment approx. 1,000 ft. long starting from Eastern Prom Trail) will be closed to traffic from 8:00 – 9:45am. Employees at the plant will be allowed access.

In the event the start of the Half Marathon or 5k Race is delayed, then the ending times of the above street closures would also be delayed.

Some street areas of the race routes will need to be posted "No Parking." These include Thames Street, Fore Street, Cutter Street, Commercial Street, and spaces on streets at some race intersections. NOTE: Vehicles in the Thames Street area will not be towed.

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

Document prepared by Ted Musgrave, PW Event Office

Date: April 7, 2016



**CITY OF PORTLAND, DEPARTMENT OF PUBLIC WORKS
PUBLIC PARK & SPACE APPLICATION (8 pages)**
55 Portland St. ~ Portland ~ ME ~ 04101
207-874-8826 / 8751 (Event Office) ~ Fax 207-874-8816

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		1-14-16 Revised: 4-7		ORGANIZATION NAME		GiddyUp Productions LLC					
ORGANIZATION ADDRESS				141 School St		CITY	South Portland	STATE	ME	ZIP	04106
CONTACT NAME(S)		Erik Boucher		TITLE		President		EC: Peter McFarland			
HOME #	WORK			CELL				FAX			
EMAIL		erik@justgiddyup.com				EMAIL					

PARK AREA OR PUBLIC SPACE REQUESTED		Eastern Prom Trail, Bayside Trail, Back Cove Trail, Portland Streets Use of Ocean Gateway Terminal area (START & FINISH line for both races), Amethyst Lot, Moontide Park, Thames St Lot - by Contractual Agreement with Facilities Management				
EVENT DAY & DATE(S)		Friday, July 8 th (Exposition) & Saturday, July 9 th , 2016 (races)		RAIN DAY & DATE(S)		None
EVENT START TIME (i.e. set-up start time)		Thursday: 8:00am	EVENT END TIME (i.e. when event cleanup is complete)		Sat: 3:00pm	ACTUAL START & END TIME OF EVENT Fri: 2:00pm to 8:00pm Sat: 5:45am to 2:00pm

EVENT NAME	EXPECTED ATTENDANCE
Friday: Old Port Lobster Bake and Fitness and Health Exposition Saturday: Shipyard Old Port Half Marathon (3,600 runners) & 5k (1,200 runners)	Friday: 3,000 at different times Saturday: 4,800

DESCRIPTION OF EVENT: PLEASE SEE ATTACHED OPERATIONS PLAN FOR MAPS AND ADDITIONAL DETAILS

Proceeds benefit Habitat for Humanity of Greater Portland, Cancer Community Center, and Portland Trails.

A half marathon (13.1 miles) and a 5K Road Race. This is the sixth year for this event; and the routes for both races are the same as those used in 2015. MAPS attached detail the routes.

Route Description

Half Marathon..... Runners go off at 7:00am. Start inside the Ocean Gateway queuing lanes, left onto Thames Street, then west on Commercial Street (using the entire west bound lane – this area will be cordoned off for runners), then at the end of West Commercial St. runners stay on right side of Commercial, round the corner, right onto Valley St., right on Danforth St, then Left on Vaughan St., Left on Western Promenade, right to West St., right on Vaughan St, left on Orchard St, right on Fletcher St, left on Danforth St, right on Clark St, right on Beach St, down the hill and left on Commercial Street, running east now, take a left onto Hancock St., then a right onto Fore St, straight on Eastern Promenade, down the hill to Washington Ave, cross over Washington Ave then right on Bayside Trail, cross over I-295 on Washington Ave bridge, sharp left on Back Cove Trail, run Back Cove Trail clockwise, cross over Tukey's Bridge then sharp right on Bayside Trail, loop underneath Tukey's Bridge, right on Sewage Plant Rd, continue for 1,000 ft then turnaround on Sewage Plant Rd heading in the opposite direction, right on Eastern Prom trail, straight at East End Beach, end at Ocean Gateway Terminal.

5K..... start time 7:20am - Start at top of Cutter St, then proceed right and onto Eastern Promenade, down the hill to Washington Ave, cross over Washington Ave then right onto the Bayside Trail, sharp left on Anderson St, right on Plowman St, right on Bayside Trail, right on Eastern Prom Trail, continue on the trail past East End Beach, the end at Ocean Gateway Terminal.

Some of the race routes are on Trails and Paths (and some on the street).

Many volunteers (50+) will staff intersections.

Organizer will hire Police Officers (6 and 2 Supervisors) to be stationed at the following locations:

- 1 @ West Commercial and Beach (7:00 am to 8:15 am)
- 1 @ Washington and Eastern Promenade (7:15am to 9:00am)
- 1 @ Danforth & Clark St (7:15am to 8:15am)
- 1 @ Commercial and Park St (6:45am to 9:00am)
- 1 @ Franklin Art and Commercial (5:30am to 8:30am)
- 2 @ Franklin Art and Commercial (5:30am to 8:30am)

Organizer will hire eight (8) PCOs placed at Commercial and India, Fore and Franklin, Eastern Promenade and Cutter, Commercial and Union, Valley and Danforth, Danforth and Vaughan, Commercial and Center, Commercial and Pearl.

Organizer will hire some Portland Medcu Staff on bicycles and ATVs to patrol the Back Cove and Eastern Prom trails. Organizer will hire 4 ambulances to be placed on stand-by at positions along the Back Cove and Eastern Prom trails and at the start/finish area.

Organizer will borrow many barricades from Public Works to be placed at many intersections along the course.

During the races - bicycles, baby strollers, and walkers/joggers with dogs, will not be permitted on portions of the Eastern Prom Trail and Back Cove Pathway.

Start line for the half marathon race is at the Ocean Gateway. Start line for the 5K is near the top of Cutter St. Finish Line for both races is the parking area in front of the Ocean Gateway Visitor's Center. Use of the Ocean Gateway and activities there fall under FM Contractual Agreement.

Temporarily Closed Streets

Eastern Promenade and Cutter St

During the mass start of the 5K race Eastern Promenade closed from Cutter St to Washington Ave from 7:15 am to 7:35 am. Volunteers will be placed on the Eastern Promenade at every intersection from Cutter St to Washington Ave to stop / hold back vehicles until the last runner passes by. Cutter St closed from Eastern Promenade down to the top of the lower parking lot from 6:30 am to 7:30 am. Barricades will also be placed at the top of Cutter St and at the railroad tracks near the bottom. A PCO at the top of Cutter St will stop all traffic from 6:30 am to 7:30am, and then breakdown the barricades. The PCO will stop all traffic on Eastern Promenade from 7:15am to 7:35am. A volunteer will be placed near the railroad tracks on Cutter St to stop / hold back vehicles from 7:30 am to 10:00 am as needed when runners pass by.

Thames St

Both lanes on Thames St from Hancock St to India St will be closed from 6:50 AM to 7:05 AM will be curtailed and Commercial St from India St to Franklin St.

Franklin St

The downhill lane of Franklin St from Fore St to Commercial St will be closed from 6:50 AM to 7:05 AM except for access to Casco Bay Lines. Starting at 6:50 AM a single row of 18" non-reflective cones will be placed in the right-turn lane from Fore St to Commercial St. These cones will be removed after the last runner passes through the Franklin St intersection around 8:25 AM.

Commercial St Closure Plan

- Close westbound lane of Commercial St from Franklin St to Valley St from 6:50 AM to 8:25 AM
- Rolling-opening of westbound lane of Commercial St from Beach St at 8:09 AM to Franklin St at 8:25 AM
- Eastbound traffic on Commercial St and access to waterfront businesses remain open
- Setup one row of 42" delineator cones connected with yellow caution tape on double-yellow line (or WATER side of turning lane) from Park St to Franklin St
- Traffic allowed to crossover Commercial St at Park St, Center St, Union St, Pearl St, and Franklin St
- Setup 18" non-reflective orange cones on double-yellow line every 100' from Park St to Valley St
- Place a volunteer and set of barricades with a Road Closed signs at all intersections along Fore St and York St starting 6:50am to stop traffic flow towards Commercial St
- Barricades at Park St and York St setup from 7:00 AM to 7:15 AM
- Remove barricades at crossover streets (only) starting at 7:15 AM then allow traffic to crossover Commercial St when safe
- Volunteers placed at every intersection along westbound lane of Commercial St to stop all vehicles from getting onto Commercial St starting at 6:50am
- Orange cones and roaming volunteers placed behind any parked car along Commercial St to prevent them from

- backing into runners during race
- Contact all businesses along Commercial St and all Peaks Island residences using USPS "Every Door Direct Mail" service
- Close Commercial St between India and Franklin from 7:00 AM to 7:10 AM then create Runners' Lane by setting up row of 18" non-reflective cones 10' from curb (water side)
- Close Franklin St between Fore St and Commercial St from 6:50 AM to 7:10 AM except for Casco Bay Lines access only. Sign, barricade, and PCO at Fore St to warn motorists
- Use 18" non-reflective orange cones to close off right-turn lane on Franklin St from Fore St to Commercial St
- Police positioned at Franklin St x2, Park St, and Beach St
- PCO positioned at India St, Pearl St, Union St, and Center St

Commercial St Rolling Opening Plan

- Two race staff members will coordinate the rolling opening of Commercial St using radios provided by Maine Radio (with repeater on Congress St)
- Staff #1 on bicycle follows behind last runner along westbound Commercial St and announces when they pass through Franklin St, Pearl St, Center St, Union St, and Park St
- Staff #2 on bicycle positioned on Fore St / York St mirrors the position of Staff #1
- Staff #2 removes barricades at crossover (only) streets when Staff #1 makes announcement on radio
- Staff #1 & #2 stop at Park St until runners return heading eastbound
- Cone pickup crew waits at Beach St for last runner to clear the Beach St intersection
- Cone pickup crew follows behind last runner and picks up cones
- Staff #1 follows behind cone pickup crew and announces when they pass every street along Commercial St
- Staff #2 removes barricades when Staff #1 makes announcement
- Police cruiser follows behind cone pickup crew and Staff #1

Beach St

Traffic on Beach St between York St and Commercial St will be closed from 7:10 AM to 8:10 AM. A volunteer at the intersection of Beach St and York St will stop traffic from turning down Beach St.

Danforth St

Both lanes of Danforth St will be closed between Valley St and Vaughan St from 7:10 AM to 7:40 AM. The downhill lane will be opened at 7:40 AM while the uphill lane will remain closed until 8:05 AM.

Western Promenade

Western Promenade between Bowdoin St to Vaughan St will be closed from 7:15 AM to 7:45 AM.

Washington Ave

West-bound traffic on Washington Ave will be held back by Police from Eastern Promenade to I-295 ramp from 7:20 AM to 8:45 AM. State Police will close the I-295 Exit 8 ramp onto Washington Ave from 7:15 AM to 8:45 AM. A set of barricades will be setup in westbound lane of Washington Ave at Fox St with a detour and left arrow sign.

Sewage Plant Rd

Sewage Plant Rd will be closed starting near the U-Haul business from 7:30 AM to 10:30 AM. Only staff from the Portland Water District will be allowed through. Before the race starts a row of 18" non-reflective cones will be setup on Sewage Plant Rd from the Eastern Prom Trail out to a point about 1,400' away (prior to U-Haul business). A set of barricades will be placed on Sewage Plant Rd.

Flashing Lights

Traffic signal lights will be turned to flashing mode at the following intersections: Fore St and Franklin Art (5:30am to 8:30am), Franklin St and Commercial St (5:30am to 8:30am), Union St and Commercial St (6:30am to 8:30am), Center St and Commercial St (6:30am to 8:30am), Beach St and Commercial St (6:30am to 8:30am).

Commercial St Runners' Lane #2

After the half marathon race starts and runners cross over Franklin St then a row of 18" non-reflective orange cones will be set up along Commercial St from India St to Franklin St 10' from the curb (water side). On their return trip through Franklin St runners will run to the right of these cones.

Thames St and Hancock St Runners' Lane

After the half marathon race starts a row of 18" non-reflective orange cones will be set up along Thames St from India St to Hancock St 10' from the curb (water side). Another set of 18" cones will be set up along Hancock St from Thames St and connect to the cones going up Fore St. Runners will run to the right of the cones. "No Parking" signs would go up along

these street but NO Vehicles will be towed.

Fore St Runners' Lane

Before the race starts a row of 18" non-reflective cones will be set up on Fore St from Hancock St up to Cutter St. The cones will be placed 10' from the edge of the curb (water side). Runners will run to the right of the cones. Vehicles will be towed that are parked in the runners' lane.

Valley St Runners' Lane

Before the race starts a row of 18" non-reflective cones will be set up on Valley St. The cones will start in the right turning lane on West Commercial St, take up one lane closest to the curb, and wrap around to the beginning of Danforth St.

Water Stops

There will be a number of water stops set up along the course where volunteers will set up folding banquet tables, water coolers, and hand out cups of water and Gatorade drink. Garbage barrels will be placed before and after each stop and volunteers will pick up trash on the ground left by runners. Nine water stops will be placed in the following locations: Mile 1.3 & 4.4: West Commercial St (turnout near Casco Bay Bridge), Mile 3.1: Western Promenade and West St, Mile 5.8: Hancock St and Fore St, Mile 7.2: Eastern Promenade near Loring Memorial Circle, Mile 8.6: Back Cove Trail (in parking lot), Mile 9.4: Back Cove Trail (Vannah Ave), Mile 10.5: Back Cove Trail (Payson Park), Mile 11.5: Sewage Plant Rd, Mile 12.2: East End Beach. A direct line from fire hydrants will be used to supply 5 water stops. The other 4 water stops will draw water from 125-gallon "Water Monster" containers that are setup along the edge of the course.

Misting Stations

At each of the following locations a misting station will be setup to cool off runners during the race: Mile 8.6: Back Cove Trail (near soccer fields), Mile 11.5: Sewage Plant Rd, Mile 12.2: East End Beach. Water for each station will be supplied by a fire hydrant or a 125-gallon Water Monster.

Wet Towel Stations

At each of the following locations runners may grab a cold wet towel and carry it with them along the course: Mile 8.6: Back Cove Trail, Mile 9.4: Back Cove Trail, Mile 10.5: Back Cove Trail, Mile 11.5: Sewage Plant Rd, and Mile 12.2: East End Beach.

Portable Toilets

Forty (50) portable toilets will be placed in the Ocean Gateway Terminal starting on Friday 7/8 and removed on Saturday 7/9. An additional ten (10) portable toilets will be placed in the upper parking lot on Cutter St. One or two portable toilets will be placed at each of the following water stop location out on the course: Mile 1.3 & 4.4: West Commercial St (turnout near Casco Bay Bridge), Mile 8.6: Back Cove Trail (in parking lot), and Mile 11.5: Sewage Plant Rd.

Portable Showers

On Friday 7/8 a 40' trailer will be positioned in front of the old Public Works paint building near the Ocean Gateway. The trailer will contain 16 private shower booths and running participants will be offered free showers after the race. The trailer will be maintained and operated by New England Mobile Showers. The trailer will use power and water connections from the building. Effluent from the trailer will drain into a nearby sewer drain.

Inflatable Arches

Two 30' inflatable arches will be setup at the start lines for both races. For the 5K race an arch will be setup on Cutter St spanning the entire width of the road starting at 6:30 AM. The arch will be removed soon after the race starts at 7:20 AM. For the half marathon race an arch will be setup near the entrance to the Ocean Gateway Queueing Lanes.

PA Sound Systems

PA sound systems will be placed in the following areas: 1) Ocean Gateway queuing lanes, 2) Ocean Gateway Visitor's Center parking lot, 3) Amethyst Lot, 4) Back Cove Trail (near Preble St parking lot), 5) Eastern Prom trail (end of Sewage Plant Rd), 6) East End beach, 7) top of Cutter St, 8) West Commercial St underneath the Casco Bay bridge, and 9) Moontide Park. On Friday 7/8 music will be played in area 9) from 2:00 PM to 8:00 PM. Then on Saturday 7/9 an announcer will speak and give directions to the runners before each race in areas 1) from 6:00 AM to 7:00 AM and 7) from 6:30 AM to 7:30 AM. Light music will be played in-between announcements. An announcer will play music and make announcements in areas 2) and 9) from 7:00 AM to 12:00 PM. A DJ will play music in areas 4), 5), 6), and 8) starting around 7:30am to 10:00 AM (stopping after the last runner passes by). A band will play at 3) from 9:00 AM to 1:30 PM.

Notification Of Businesses on Commercial St

Organizers recognize that the following business could be impacted by the temporary closing of westbound Commercial St and will notify the appropriate manager / owner at each location: Irving Oil, Becky's Diner, Rufus Deering Lumber, Courtyard Portland Downtown/Waterfront, Standard Baking Company, Hilton Garden Inn Portland Downtown Waterfront, Casco Bay Lines, Crema Coffee Company, and Rosemont Market and Bakery.

Event Warning Signs

On Wednesday 7/6 starting at 5:00pm signs will be placed along the Eastern Prom and Back Cove trails to warn pedestrians about the race. Each sign will include the event logo, contact phone number, and say:

RACE IN PROGRESS

Saturday 7/9

7:30am to 11:00am

No dogs, strollers, or bicycles

Additional warning signs will be placed in the West End Neighborhood on Western Promenade and West St, and Vaughan St and West St.

A digital CMS sign will be placed at York St and High St that says "WEST COMM ST CLOSED" and "SATURDAY 7/9 7AM-9AM". An additional digital sign will be placed at Fore St and Franklin St that says "OLD PORT ½, ROAD RACE, SATURDAY 7/9" and "EXPECT, DELAYS, 6AM-10AM".

MDOT Guidance For Road Closure 2016

The guidelines set out in the *MDOT Guidance For Road Closure 2016* will be followed. The Chief Engineer's office at MaineDOT will be contacted as required.

No Parking Signs

No parking signs will be placed at the following locations on Thursday 7/7/16 by 5pm. No parking will be allowed on Saturday 7/9/16 from 3:00 am to 9:00 am

- Thames St (water side only) between Hancock St and India St
- Commercial St (water side only) between India St and Franklin St
- Fore St from Hancock St to Vesper St (water side only)
- Hancock St from Thames St to Fore St (public lot side only)
- Hancock St from Fore St towards Middle St (4 meters next to Marriott)
- Western Promenade (northbound lane only) from corner of West St south to first driveway

Eastern Promenade Trail

Both half marathon and 5km runners will run along the Eastern Prom Trail from Tukey's Bridge all the way to the Ocean Gateway Terminal.

Back Cove Trail

Half marathon runners will run on the entire Back Cove trail (clockwise). Volunteers will be placed on Tukey's Bridge to stop traffic of bikes, strollers, and dog walkers.

Ocean Gateway Terminal Building

On Friday 7/8/16 the Ocean Gateway Terminal Building will be used to stage the Old Port Health and Fitness Exposition. Use of the Terminal Building and Moontide Park and activities there fall under FM Contractual Agreement. Activities planned will last from 2:00 PM to 8:00 PM. The activities planned are meant for pre-registered runners, their friends and family, and not the general public. The exposition will include vendors who will sell or give-away merchandise. Runners will be required to come to the exposition to pick up their registration materials for the race on the following day. On Saturday 7/9 the Terminal Building will also be used from 5:00 AM to 7:00 AM for runners to pick up their registration materials.

Moontide Park

On Friday 7/8/16 Moontide Park will be used to stage the Old Port Lobster Bake from 2:00 PM to 8:00 PM. A 20'x40' tent will be set up in the park along with banquet tables, cocktail tables, and chairs. DIG SAFE will be contacted. The lobster bake will include licensed food trucks to be parked in the Visitor's Center parking lot area. A beer garden will also be setup as part of the Lobster Bake. On Saturday 7/9 the same tent, tables, and chairs will be used in Moontide Park from 5:00 AM to 2:00 PM.

Beer Gardens

Two separate beer gardens will be set up. On Friday 7/8 a beer garden will be setup in Moontide Park to coincide with the Lobster Bake. The same beer garden setup will be used during the race on Saturday morning. On Saturday 7/9 a second beer garden will be setup in the Amethyst Lot which falls under FM Contractual Agreement.

Summer Festival – Saturday, July 9 (5-10pm) – Amethyst Lot (This event is currently pending and under review by the PAF Dept.) At the conclusion of the races all the different venues will be cleaned up and returned to their original order with the exception of the Amethyst Lot. From 5:00 PM to 10:00 PM the Amethyst Lot will be used to host a concert that is free and open to the public. (Set up for the event would start at 3pm.) The same infrastructure that was used in the Amethyst Lot earlier in the day for the races including the stage, sound system, beer garden, tents, and portable restrooms will be used at the concert. The beer garden in the Amethyst Lot would change to a cash bar. Additional security will be hired to cover the concert.		
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ☒ FEE ☐ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE STUDENT FEE	\$\$55 half marathon \$25 for 5k n/a

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN?
 Approximately half of the queuing lanes lot next to the Ocean Gateway pier will be used for participant parking. Participants will be directed to park in public garages in the Old Port area – but not the Casco Bay Ferry building. Arrangements will be made with a private company United Parking Partners to provide VIP parking options at 58 Fore St. The Thames St lot will be needed for race staff, volunteers, and vendors. A sign will be placed in the dashboard of all official vehicles with permission to park in the Thames St lot. The Thames St lot will be used on Thursday 7/7 to Sunday 7/10 for setup and cleanup. Two 20' long shipping containers and a dumpster will also be placed in the Thames St lot.

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: ~12 Canopies in large areas (Monument Square, Deering Oaks, Payson Park, Lincoln Park, Preble Street Grass Area), do not need Public Works review. For smaller parks and squares (such as Congress Square, Tommy's Park, Post Office Park) review and permission is needed from Public Works, Event Office.	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 – 874-8703 - 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): 20'x120', 20'x40' Exact Location(s) of Tent Placement Requested: Amethyst Lot, Moontide Park In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.	X		
* Will you be setting up tables and/or chairs ? yes How many tables: 20 chairs: 10	X		
* Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: portable toilets, stage, PA systems, event signs and banners, directional arrow signs, road closure signs, orange cones, delineator cones with caution tap, water station supplies (125 gallon water containers and bases, hoses, cups, tables, & trash barrels), finish line structure, balloon arch, food trucks, misting stations, mile markers, feather flags	X		
* Will there be refreshments at the event? Do you wish to sell food ? (If so, you will need approval from Public Works) List food and drink: vendors in licensed food trucks will provide various foods such as lobster rolls, French fries, and ice cream. 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 (like T-shirts, crafts, cd's, etc.)? 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: race shirts, hats, glass mugs, posters	X		
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Y Band? Y DJ? Y If so, your event requires a concert license from the City Clerk's Office (874-8557). (Just voice – i.e. Press Conference, would not require the license because it is not music). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		
* Will your event require electricity ? Electricity is available at some of the parks & squares	X		

	(Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park). Elec. at these areas is turned off. Some of these electrical boxes need a key for access.			
*	Are you planning on bringing a Grill for a Barbecue ? Only Gas Grills are allowed in the parks (NO CHARCOAL). Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? 40 "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: 20 barricades 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 ? (Please be specific under "Description of Event") Will your event affect METRO BUS ROUTES ? (If service is affected, organizer needs to work directly with METRO for endorsement / feedback). Please check with Glenn Fenton, METRO: 517-3029 (gffenton@gpmetrobus.com) to discuss.	X		
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance.	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: email to 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.

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

PORTA-RESTROOMS / BATHROOM FACILITIES
Porta-Restrooms are required for large events and events where food is being served. Some of Portland's parks already have portable restrooms (*Preble Street Grass Area at the Preble Street Parking Lot -- across from Hannafords, *Entrance to Dyer's Flat -- beside Payson Park, *Deering Oaks Park -- Playground + Ravine, *East End Beach). If over 150 people are expected to attend the event, a \$25 user fee is required (paid to Public Works). The restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic, 207-799-1980, M-F) to request and pay for a cleaning.

TRASH
All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event 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 city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.

SMOKE-FREE ZONES
By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. 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	EB	DATE	1/5/16
--	---------------	----	------	--------

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	EB	DATE	1/5/16

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	Impact/Street Closure Fee (variable based on impact): \$0-\$500
Event with registration or pledges & attendance 25 – 300: \$100/hr	Admin/Staff Fee (support for events): \$30/hour
Event with registration or pledges & attendance 301+: \$200/hr	Porta Restroom User Fee (if attendance is 150+): \$25
Public Space/Park Security Deposit/Sound Security Deposit: \$100 - \$1000	

CREDIT CARD INFORMATION				
Visa or MasterCard Number		0948	Exp Date (Mon/Yr)	7 17
CREDIT CARD WILL ONLY BE CHARGED FOR SECURITY DEPOSIT(S) AS NEEDED				

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)	\$	Vest/Cone Deposit: \$10 per/item Barricade Deposit: \$25 per/item	\$
Number of Hours of Use:			
Admin/Staff Fee (support for events): \$30/hour	\$	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$
Key Deposit: \$50 per key	\$	Other (Porta-Restroom User Fee: \$25, etc.)	\$
Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$		

FOR OFFICE USE ONLY							
DATE REC'D APPLICATION	3-2-2016	DATE REC'D INSURANCE		PERMIT FEE AMT REC'D	\$	SECURITY DEPOSIT	\$
PAYMENT TYPE							
VISA	\$	MC	\$	CK #		CK AMOUNT	\$
				CASH AMT	\$		

*Order 213-15/16
Feb 9 4-25-16*

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 SATURDAY, AUGUST 6, 2016, AS
PICNIC MUSIC & ARTS FESTIVAL,
A FESTIVAL OF MUSIC, CRAFTS AND LOCAL FOOD**

ORDERED, that Picnic, a collaboration by organizers, Noah DeFilippis and Amy Teh, is authorized to use Lincoln Park on Saturday, August 6, 2016 from 11:00 a.m. – 6:00 p.m. for a free event to showcase crafters' and artists' work and live music performances from local bands to the public and declaring such use as a Festival; and

BE IT FURTHER ORDERED, that the festival area (Lincoln Park itself and the abutting sidewalks) will also be closed to street artists pursuant to Section 19-17 of the Portland City Code and is reserved for the use of Picnic for the purpose of conducting the art & music festival, subject to the direction and control of the City Manager; and

BE IT FURTHER ORDERED, that setup for the festival begins at 7:30 a.m. and organizers will be cleaned up and out of the park by 7:30 p.m.; and

BE IT FURTHER ORDERED, that parking shall be reserved for Festival vendors on Federal Street and Congress Street (beside Lincoln Park); and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit under Section 25-27 of the Portland City Code subject to the following conditions:

- The Picnic Festival organizers, Noah DeFilippis and Amy Teh, (hereinafter, the Picnic Festival Organizers) shall reimburse the City for all expenses incurred by City Departments for said Festival; and
- The Picnic Festival organizers shall take steps to ensure any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound, be maintained at a reasonable level and be configured by organizers to create the least amount of noise disturbance to area residents; and

- The Picnic Festival organizers agree to leave a Noise Control Security Deposit (amount determined by the Public Works Director or designee) on file at the Public Works Event Office; and
- The Picnic Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Works Director or designee) on file at the Public Works Event Office; and
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival; and
- The Picnic Festival organizers shall have the sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival; and Food Trucks permitted to park on Congress Street beside Lincoln Park shall not be allowed to park there during this Festival, unless permitted as a Picnic vendor; and
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from Public Works Event Office, shall be adhered to; and
- The Picnic Festival organizers 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 for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "Picnic Music & Arts Festival" activities, and the City be endorsed on the policy; and

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



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: April 4, 2016
RE: Council Agenda Item – PICNIC Music & Arts Festival

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

Order declaring Saturday, August 6, 2016, as " PICNIC Music & Arts Festival," a festival of music, crafts, and local food, to be held at Lincoln Park, 11am – 6pm.

PICNIC is a collaborative effort, headed up by festival organizers and co-founders: Noah DeFilippis and Amy Teh, designers and owners of Pinecone+Chickadee, a store and design studio.

The festival will showcase 100+ of the most talented emerging artists from the local indie craft scene. Crafters and artists will sell handmade products. Shoppers can expect clothing, jewelry, prints, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and more. In addition, the festival will also feature an eclectic mix of local music with 5-8 bands playing between Noon – 6pm. A few local food vendors will be on site. There is no admission fee to the festival. Participating artists and vendors pay a registration fee to be on site at the event.

Overall attendance for the day is anticipated at 500 people (with 75-100 people in the park at any one time).

Setup for the festival begins at 7:30am. Organizers will be cleaned up and out of the park by 7:30pm. Canopies and tables will be set up on the grass area beside the sidewalks in the park, thereby keeping much of the foot traffic to the hardscape areas. A generator will provide power for the musicians and bands. A small PA system will be set up in the park near the fountain (speakers aimed towards Franklin Street).

In order for this festival to be held, some reserved parking is needed on Federal Street and Congress Street (beside Lincoln Park).

The Festival area (Lincoln Park itself and the abutting sidewalks as well as Congress Street Parking Lane beside the park) will be closed to street vendors and artists pursuant to Section 19-17 of the Portland City Code and is reserved for Picnic organizers, for the purpose of conducting the Festival, subject to the direction and control of the City Manager. Organizers also request that the Food Truck parking spots on Congress Street beside Lincoln Park be reserved that day for PICNIC vendors (i.e. give exclusivity to PICNIC food vendors, and not open up those spots to regular food trucks).

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



- The Picnic Festival organizers, Noah DeFilippis and Amy Teh, shall reimburse the City for all expenses incurred by City Departments for said Festival;
- The PICNIC Festival organizers shall take steps to ensure any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound, be maintained at a reasonable level and be configured by organizers to create the least amount of noise disturbance to area residents;
- The PICNIC Festival organizers agree to leave a Noise Control Security Deposit (amount determined by the Public Works Director or designee) on file at the PW Event Office;
- The PICNIC Festival organizers shall be solely responsible for trash cleanup at the festival and shall be required to leave a Park Security Deposit (amount determined by the Public Works Director or designee) on file at the PW Event Office;
- Under no circumstances may alcoholic beverages be sold or consumed on the streets or public property of said area during said festival;
- The PICNIC Festival organizers shall have sole authority over participating vendors at the event and may charge a fee to vendors for the opportunity to vend at the Festival, and in addition, the Food Truck parking on Congress Street beside Lincoln Park, shall be reserved strictly and exclusively for only PICNIC affiliated vendors;
- Conditions for use of grounds and requirements for food service, vending sales, concert licensing, tent and stage installations, and other items specified in a permit issued from PW Event Office, shall be adhered to; and
- The PICNIC Festival organizers 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 for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the "PICNIC Festival" activities, and the City be endorsed on the policy.

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 Office

Date: April 4, 2016



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

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	3.15.16 Revised 3-29	ORGANIZATION NAME	Picnic LLC					
ORGANIZATION ADDRESS	6 Free Street		CITY	Portland	STATE	ME	ZIP	04101
CONTACT NAME(S)	Noah DeFilippis & Amy Teh		TITLE Co-founders					
HOME #	WORK		CELL	FAX				
EMAIL	picnicportland@gmail.com		EMAIL	ndefilippis@maine.rr.com				

PARK AREA OR PUBLIC SPACE REQUESTED	Lincoln Park and adjoining sidewalks Parking Spaces of Congress Street, Pearl Street, Federal Street				
EVENT DAY & DATE(S)	SAT 8-6-16		RAIN DAY & DATE(S)	N/A	
EVENT START TIME (i.e. set-up start time)	7:30am	EVENT END TIME (i.e. when event cleanup is complete)	7:30pm	ACTUAL START & END TIME OF EVENT	11am to 6pm

EVENT NAME	EXPECTED ATTENDANCE
picnic Music+Arts Festival	500

DESCRIPTION OF EVENT:

100+ Crafters and artists will be selling handmade products in a variety of materials. Canopies and tables will be set up on the grass so that attendees may use the sidewalks areas to view merchandise. Shoppers can expect clothing, jewelry, prints, accessories, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and much more. The event will also feature live music at a small stage/riser. A 20x20 TENT (free-standing) will cover the stage area. Generators will provide power for the bands. 2 Food Vendors will be on site.

10 parking spaces need to be reserved.

Organizer will rent Porta-Restrooms (place on concrete beside the wrought iron fence, close to Federal Street – but just inside the park). Organizers have requested that the FOUNTAIN be turned on.

Food Trucks normally permitted to park on Congress Street beside Lincoln Park shall not be allowed to park there during this Festival, unless permitted as a Picnic vendor.

NO CHARGE TO ATTEND. VENDORS PAY FEE TO PARTICIPATE.

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

Please check: ☒ X ☐ VENDOR FEE

IF YES FOR FEES, HOW MUCH?

FEE \$125

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

We will need some reserved parking along Federal St, beside the park

PLEASE CHECK OFF AND ANSWER:

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

	X-YES	X-NO	X-NOT SURE
* Are you setting up a canopy(s) ? (canopy is 10x10 size) How many: 85+ Canopies in Lincoln Park do not need Public Work's review.	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 – 874-8703 - 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): 20x20 (free standing – no stakes / cement blocks used to weigh down) Exact Location(s) of Tent Placement Requested: Over Stage In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233.	X		
*	Will you be setting up tables and/or chairs ? How many tables: 100 chairs: 200	X		
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List: Stage	X		
*	Will there be refreshments at the event? Do you wish to sell food ? (If so, you will need approval from Public Works) List food and drink: For Sale by Festival-approved Vendors 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 (like T-shirts, crafts, cd's, etc.)? 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: Clothing, jewelry, prints, accessories, bags, dolls, paper goods, housewares, fine art, vintage goods, bicycles, records, and much more.	X		
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? X Band? X DJ? ? If so, your event requires a concert license from the City Clerk's Office (874-8557). For amplified music/speech, there are time restrictions for the Downtown Parks & Squares (music limited to 11:45am – 1:15pm, and 1 hour between 5pm - 8pm).	X		
*	Will your event require electricity ? Using own generator.		X	
*	Are you planning on bringing a Grill for a Barbecue?		X	
*	Will the event require reserved parking spaces / parking meters ? How many? 10 "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 ?		X	
*	Will your event require Police assistance?		X	
*	Will your event require Fire/EMS assistance?		X	
*	Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? Organizers will rent their own.	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: email to 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. Because your event meets both of those conditions, you are required to contract with a vendor to provide porta-restrooms at your event.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event 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 city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. 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

ND

DATE

3.15.16

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

ND

DATE

3.15.16

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
Event 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

0186

Exp Date (Mon/Yr)

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

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: **12 hours**

**\$ 2400 pd
CC to be
charged
following
event**

Vest/Cone Deposit: \$10 per/item
Barricade Deposit: \$25 per/item

\$???

Admin/Staff Fee (support for events): \$30/hour

\$ N/A

Public Space / Park Security Deposit:
Sound Security Deposit \$100 - \$1000

**\$ 500 pd
CC on file**

Key Deposit: \$50 per key

\$ N/A

Other (Porta-Restroom User Fee: \$25, etc.)

**\$ N/A -
Rent Their
Own**

Impact/Street Closure Fee (variable based on impact): \$100-\$500

\$ N/A

FOR OFFICE USE ONLY

DATE REC'D
APPLICATION

3-16-2016

DATE REC'D
INSURANCE

NEED

PERMIT FEE
AMT REC'D

**\$ 2400
CC on File**

SECURITY
DEPOSIT

**\$ 500
CC on File**

PAYMENT TYPE

VISA

\$

MC

\$

CK #

CK AMOUNT

\$

CASH AMT

\$

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 214-15/16
Tab 10 4-25-16*

**ORDER DECLARING AUGUST 14, 2016 AS
THE B. GOOD BLOCK PARTY FESTIVAL**

ORDERED, that Sunday, August 14, 2016 is hereby declared to be the B. Good Block Party Festival, with a rain date on August 21, 2016, sponsored by Local Food 1, LLC; and

BE IT FURTHER ORDERED, that the B. Good Block Party Festival area shall be lower Exchange Street between Middle Street and Fore Street, Milk Street between Market Street and Exchange Street, and the adjoining sidewalks of Exchange and Milk streets; and

BE IT FURTHER ORDERED, that lower Exchange Street between Middle Street and Fore Street as well as Milk Street from Market Street to Exchange Street shall be closed to traffic from 10:00 a.m. to 6:00 p.m. on Sunday, August 14, 2016 or on the Rain Date of Sunday August 21, 2016 if the festival is postponed; and

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

BE IT FURTHER ORDERED, that the B. Good Block Party 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 Local Food 1, LLC under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager or the Acting City Manager and to the following specific conditions:

1. Local Food 1, 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. Local Food 1, 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 within a 21-years-old and older area to be run by the staff of B. Good in front of its restaurant, under the rules and regulations of its liquor license and under an additional beer-tasting license issued by the State of Maine;
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 Services Event Office shall be adhered to;
5. Local Food 1, 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 B. Good Block Party Festival;
6. Police Officers and a Parking Control Officer will be hired by the organizer;
7. In addition, the City Clerk's Office shall charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival to those vendors the Local Food 1, LLC has agreed shall participate; and

BE IT FURTHER ORDERED, that the City Manager or the Acting 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.



TO: Jon Jennings, City Manager
FROM: Robert Leeman, Acting Director of Public Works
DATE: April 4, 2016
RE: Council Agenda Item – B.good Block Party for B.good Portland Foundation

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

Order declaring Sunday, August 14, 2016, as the B.good Block Party Festival

B.good, located on Exchange Street, has proposed hosting a fundraising block party (small festival) to raise money for the B.good Portland Foundation. The foundation uses micro-grants to help inspired individuals improve their communities. The organizer for this event has submitted a detailed plan for the festival, which includes hosting a neighborhood block party/festival (food, games, music, beer garden), to be held on Sunday, August 14th 2016, from 12pm-5pm on Exchange Street (Exchange Street closed from Middle Street to Fore Street, beginning at 10am). Rain Date for the event is Sunday, August 21st. The festival itself would be held in front of and around the B.good restaurant, but other stores along Exchange may participate as well by holding sidewalk sales (setting up merchandise tables outside or organizing events in the street/parking spaces). There is no registration/ticket fee, however, individuals attending the event will be charged \$10 - \$15 for an "all you can eat plate," as well as \$2 for beverages and \$5 for beer. Expected attendance is 100 people for the "all you can eat plate," but several hundreds of people are expected to take advantage of the Exchange Street "pedestrian friendly" shopping experience.

Beer is to be provided by Peaks Organic & Rising Tide Brewing Companies and served by B.good employees on the street in a roped off Beer Garden area and would be considered an expansion of B.good's alcohol footprint (B.good currently holds a Class 3 & 4 beer & wine license). Organizer's staff (and private security staff) will ensure that only 21+ wrist banded attendees are in beer service area. Organizer is obtaining the necessary "beer tasting" license from the state/city for serving beer, as well as other licenses from the city for live music, refreshments and other aspects of the event.

Lower Exchange Street, from Middle Street to Fore St. would be closed to traffic. Milk Street, from Market to Exchange, would also need to be closed to traffic. Portland Downtown has endorsed the event, and the organizer will again be contacting businesses in the closed section of street to get their endorsement. City staff have conferred with organizers to discuss details and traffic management, which will consist of event staff-monitored barricades positioned at the intersections.

At least two Police Officers are required to be on site, hired by the organizer.

A Parking Control Officer is required be hired to cover the top of Exchange Street (Exchange/Middle intersection).



In order for this block party festival to be held, a portion of Exchange Street needs to be barricaded to vehicle traffic (from 10am – 6pm). Lower Exchange Street, from Middle Street to Fore Street, would be closed to traffic, as well as Milk Street at Market. These streets would also need to be posted “No Parking.” The above closed streets and the adjoining sidewalks are the Festival Zone.

Organizers will leave an emergency lane (Fire, Police) down the entire length of Exchange Street.

The Festival area will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and is reserved for the use of B.good (and participating Exchange Street businesses) for the purpose of conducting the Festival, subject to the direction and control of the City Manager.

Vehicles in violation of the “no parking” signs in the Festival

Zones shall be towed (at owner's expense).

Also, the City Manager is authorized to issue a revocable permit under Section 25-27 of the Municipal Code to B.good for the use of the above-described area for said Festival subject to the following conditions:

- B.good shall indemnify the city and hold it harmless from and against all claims arising out of activities during said events, and shall take out and maintain public liability insurance coverage in the amount of at least \$400,000 per occurrence for personal or bodily injury, death or property damage for said purpose. This insurance certificate will also list the City of Portland as an additional insured in regards to the B.good Block Party and its activities,
- Under no circumstances may alcoholic beverages be sold/served on the streets of public property of said area during said Festival other than the designated beer garden located in front of the B.good restaurant at 15 Exchange Street. City Council approves the service of alcohol in the designated “beer garden”, pending a license from the State is issued to the festival organizer,
- Conditions for use of grounds and requirements for food service, vending sales, tents, stages, and other items specified in a permit issued from Public Works Event Office, shall be adhered to,
- City Clerk's Office will charge the usual fees for licensing food vendors, street goods vendors, and other needed licenses for the Festival,
- Police Officers and a PCO will be hired by the organizer (B.good), and
- B.good shall act as managing authority over participating vendors and storefront exhibits/displays/activities on the sidewalks and parking spaces at the Festival (Exchange Street, from Middle to Fore), and will act as Festival Manager for the event.



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 Office

Date: April 4, 2016



**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**

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		1/4/16 Revised 1-5-16		ORGANIZATION NAME		B.good	
ORGANIZATION ADDRESS				15 Exchange St.		CITY	Portland
				STATE	ME	ZIP	04101
CONTACT NAME(S)		Bill Zolper Will Bouchard		TITLE		Owner Catering/Marketing Manager	
HOME #	WORK			CELL	FAX		
EMAIL	billzolper@bgood.com			EMAIL	willbouchard@bgood.com		

PARK AREA OR PUBLIC SPACE REQUESTED		Lower section of Exchange St. (from Middle St. to Fore St.) as well as Milk St. (from Market to Exchange St.)				
EVENT DAY & DATE		SUN 8-14-16		RAIN DAY & DATE		SUN 8-21-16
EVENT START TIME (i.e. set-up start time)		10am		EVENT END TIME (i.e. when event cleanup is complete)		6:00 pm
				ACTUAL START & END TIME OF EVENT		Noon – 5pm

EVENT NAME		EXPECTED ATTENDANCE
B.good Block Party for B.good Portland Foundation		500
DESCRIPTION OF EVENT:		
Event is a fundraiser to raise money for b.good Old Port, Portland. 3 submissions (out of all plans submitted for positive action in downtown Portland) will be voted on by b.good family members (1,500 members). B.good will give said money to winner to create idea. B.good will be involved in taking idea to fruition. We will have event in front of b.good restaurant with live music, kids games, dunk tank and beer area. All proceeds go to fundraiser winner. B.good Boston has done this for the past 10 years and has raised over \$22,000 with same event for groups and individuals such as Ultimate Sports Program (5/13), Groundwork Somerville (10/13), and Food Recovery Project (1/14). Food stations outside with chaffing dishes to keep food warm, all food to be made inside restaurant. Beer to be served in roped-off sidewalk area in front of B.good. Beer will be provided by Peaks Organic & Rising Tide brewing companies. All alcohol will be poured by B.good employees. Other storefronts are welcome to host tables and events/activities outside on the sidewalk and in parking lane at their stores. B.good will act as Festival Manager when applying for licenses at the Clerk's Office. Musical entertainment out on sidewalk at B.good (Electricity will come from B.good). There is no registration fee. You are charged for an all you can eat plate \$10-\$15, beverages \$2 and beer \$5. Organizer will hire minimum 2 police officers..... PCO to cover top of Exchange. Street closed to traffic. Exchange Street barricaded at Middle. Milk Street barricaded at Market. Streets need to be posted "No Parking" the day before.		
IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?		Please check: ☐ No ☐ FEE ☐ No ☐ PLEDGES

WHAT WILL BE THE ANTICIPATED NEED FOR PARKING AND WHAT IS YOUR PARKING PLAN? *Parking in streets adjacent to event.*

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) ?		X	
* Do you wish to set up a tent(s) ?		X	
* Will you be setting up tables and/or chairs ? How many tables: 8 chairs: 40	X		
* Are other items or equipment being placed on City property? Please List: DUNK TANK	X		
* Will there be refreshments at the event? Do you wish to sell food ? YES (If so, you will need approval from Public Works) List food and drink: BURGER/SALAD BAR, BEER & SODA 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 (like T-shirts, crafts, cd's, etc.) ? 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:			X
* Are you setting up a PA (sound) system ? Are you planning on having Amplified Music ? Band ? DJ ? If so, your event requires a concert license from the City Clerk's Office (874-8557).	X		
* Will your event require electricity ? B.GOOD TO PROVIDE	X		
* Are you planning on bringing a Grill for a Barbecue ?		X	
* Will the event require reserved parking spaces / parking meters ? How many? 2-4 "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: 3 Barricades 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 ? (SEE ABOVE)	X		
* Will your event require Police assistance?	X		
* Will your event require Fire/EMS assistance?		X	
* Will your event require porta-restroom rental(s) or need existing porta-restrooms cleaned? Participating restaurants/cafes open their doors to the public.		X	

INSURANCE CERTIFICATE INFORMATION

* Will your event require liability Insurance?	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: email to tvm@portlandmaine.gov.			

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Porta-Restrooms are required for large events and events where food is being served.

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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 city staff). \$10 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas would mean a forfeit of your security deposits.**

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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

BZ

DATE

1/4/16

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

BZ

DATE

1/4/16

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
 Event with registration or pledges & attendance 25 – 300:
 00/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

1078

Exp Date (Mon/Yr)

07

16

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

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: 8 hours	\$ 400 + \$200 (rain date) \$600 total CC to be charged	Vest/Cone Deposit: \$10 per/item Barricade Deposit: \$25 per/item	\$ 75..? CC on file
Admin/Staff Fee (support for events): \$30/hour	\$?	Public Space / Park Security Deposit: Sound Security Deposit \$100 - \$1000	\$ 500 CC on file
Key Deposit: \$50 per key	\$ N/A	Other (Porta-Restroom User Fee: \$25, etc.)	\$ No-BZ
Impact/Street Closure Fee (variable based on impact): \$100-\$500	\$ 300 CC to be charged		

FOR OFFICE USE ONLY

DATE REC'D APPLICATION	1-4-2016	DATE REC'D INSURANCE	NEED	PERMIT FEE AMT REC'D	\$ 900 CC to be charged	SECURITY DEPOSIT	\$ 500 CC on file
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PAYMENT TYPE

VISA	\$	MC	\$	CK #	CK AMOUNT	\$	CASH AMT	\$
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*Order 215-15/16
Tab 11 4-25-16*

ETHAN STRIMLING (MAYOR)
BELINDA RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

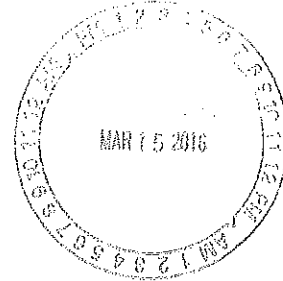
**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:**

**Maria's Restaurant, Inc. d/b/a Maria's Restaurant. Application to add Entertainment without
Dance at 337 Cumberland Ave.**

Anthony Napolitano
Maria's Restaurant
337 Cumberland Avenue
Portland, ME 04101
March 20, 2016



Portland City Council
City of Portland
389 Congress Street
Portland, ME 04101

Dear Portland City Council:

Maria's Restaurant is one of the oldest restaurants in Portland established in 1960.

It is our plan to offer our patrons live and very low amplified music while they enjoy their dining experience. We understand that an entertainment license is required, to that end we are asking today, for your approval.

The entertainment is strictly classic dining music that will be played by a vocalist. We have no open windows in the dining room and the music is played as background only therefore not bothering anyone outside the restaurant. Music is played from 6:00pm to 10:pm.

Thank you for your consideration.

Sincerely,

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

Anthony Napolitano
Maria's Restaurant
Owner/Chef

Portland, Maine



Yes, life's good here.

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

Supplemental Application for Dancing and Entertainment License

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

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

Business Information	
Business Name (d/b/a):	Marias Restaurant
Phone:	2339232
Location Address:	337 Cumberland Ave. port. me. 04101

About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:	
Italian Restaurant wanting to provide back round singer for dining entertainment	
Will music be electric, acoustical, or both? (Circle)	
Will amplification be used?	Y/N
If yes, where and at what level?	
Fine dining, not a club, Very low level, back round music for diners	
Will music be played (Circle all that apply):	Inside Outside
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place?	
185 feet no windows in restaurant	
What is your targeted opening date?	5/8/16
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):	

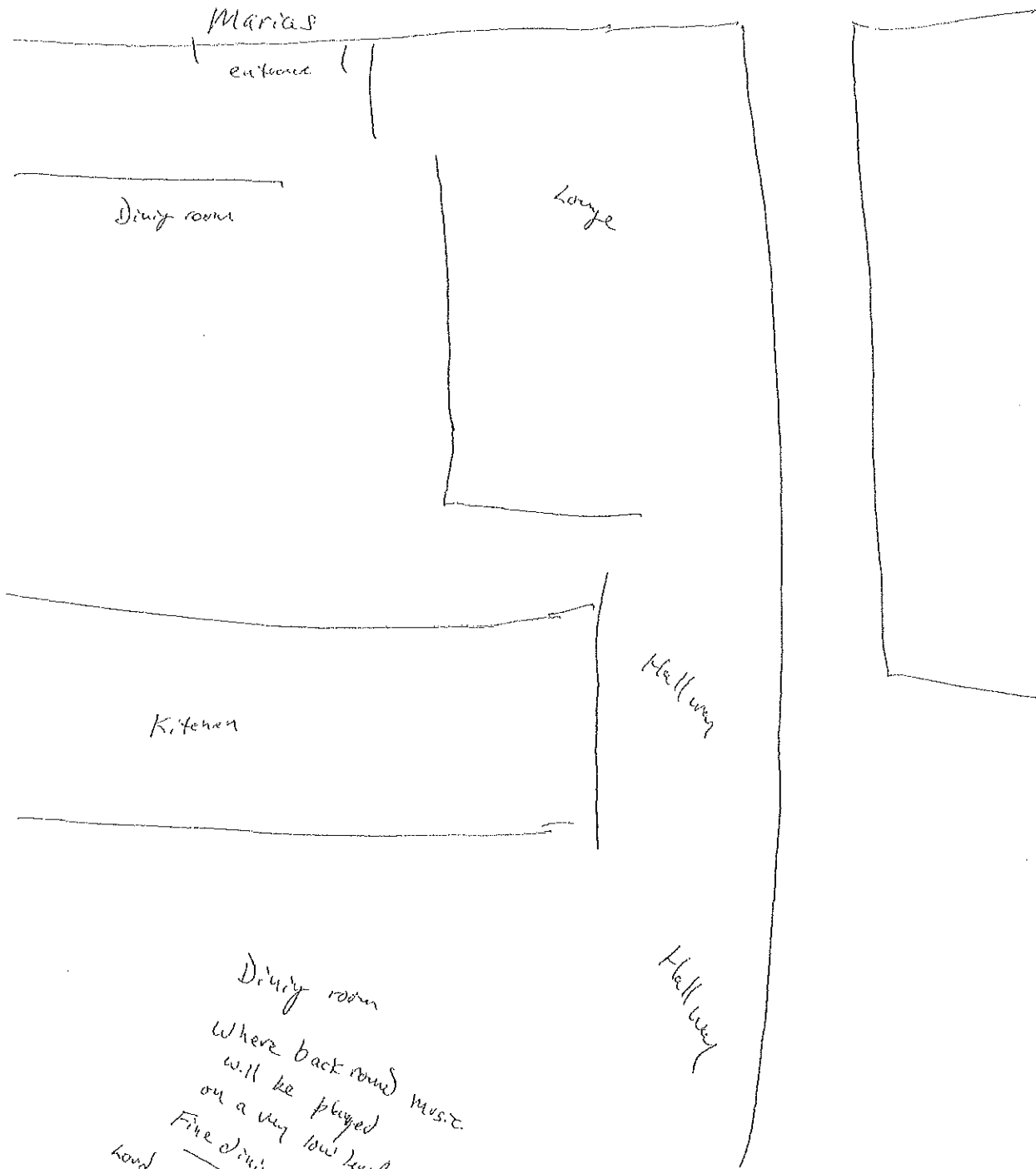
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts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

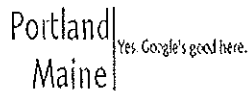
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

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 A. Laporte Title owner Date 3/8/16

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





Janice Gardner <jgardner@portlandmaine.gov>

Re: Maria's Restaurant - Adding Entertainment

1 message

Gary Hutcheson <garyh@portlandmaine.gov>
To: Janice Gardner <jgardner@portlandmaine.gov>

Wed, Mar 23, 2016 at 5:53 PM

Approved.

On Tue, Mar 22, 2016 at 4:11 PM, Janice Gardner <jgardner@portlandmaine.gov> wrote:

Hello,

For your approval:

Maria's Restaurant at 337 Cumberland Ave has submitted a supplemental application for an entertainment license without dancing. They currently hold a Class I FSE license. They will go before Council on April 20th.

Contact: Anthony Napolitano - 233-9232

The application is attached. Please put feedback into UI and email me directly until a solution is found to the UI/Googlemail issue.

Thanks,
Janice
Business License Administrator
bj@portlandmaine.gov
207.874.8557

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

Portland, Maine



Yes. Life's good here.

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

April 6, 2016

Maria's Restaurant
Attn: Anthony Napolitano
337 Cumberland Ave.
Portland, ME 04101

Re: Maria's Restaurant, Inc. d/b/a Maria's Restaurant. Application to add Entertainment without Dance at 337 Cumberland Ave.

Dear Mr. Napolitano,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 25th, at 5:00 p.m.** for the review of your application to add entertainment without dance to your Class I FSE license at 337 Cumberland Ave. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

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

*Order 216-15/16
Sub 12 4-25-16*

ETHAN STRIMLING (MAYOR)
BELINDA RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

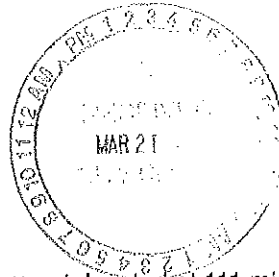
CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Sea Salt Market LLC d/b/a Piccolo. Application for a Class I FSE License at 111 Middle St.

March 21 of 2016
Portland, Maine



Mayor Strimling and City Council Members

My name is Ilma Lopez, I am a co-owner of Piccolo Restaurant, located at 111 middle street, Portland, ME 04101. We currently serve wine and beer only. This letter is to ask for permission to upgrade our establishment to a Class I restaurant/lounge license. to be able to provide amaro, grappa and limoncello to our customers.

Thank you in advance for your time and consideration in this matter.

Best

A handwritten signature in black ink, appearing to be "Ilma Lopez".

Ilma Lopez
cel 917.690.5000

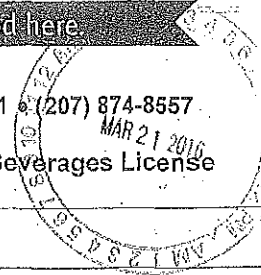
Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License



Business Information.	
Business Name (d/b/a):	Piccolo Phone: 207 7475307
Location Address:	111 MIDDLE ST PORTLAND ME Zip: 04101
If new, what was formerly at this location:	
Mailing Address:	111 MIDDLE ST PORTLAND ME Zip: 04101
Contact Person:	Ilma Lopez Phone: 917 690 5000
Contact Person Email:	INFO@ XXXXXXXXXX PICCOLOMAINE.COM
Manager of Establishment:	DAMIAN SANSONETTI Phone: 347 5818 794
Owner of Premises (Landlord):	VINCENT XXXXXXXXXX MAIETTA
Address of Premises Owner:	129 WALNUT ST. SOUTH PORTLAND ME Zip: 04106

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

Name of Owner(s)	Date of Birth	Residence Address
DAMIAN SANSONETTI	02.19.1977	145 HARRIS AVE PORTLAND ME 04103
Ilma Lopez	09.13.1981	" "

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

Corporate Name		Corporate Mailing Address	
SEA SALT ^{MARKET} LLC		145 HARRIS AVE PORTLAND ME Zip: 04103	
Contact Person:	Ilma Lopez	Phone:	917.690.5000
Principal Officers	Title	Date of Birth	Residence Address
DAMIAN SANSONETTI	CO OWNER	02.19.77	145 HARRIS AVE PORTLAND ME
Ilma Lopez	CO OWNER	09.13.81	" " "

About Your Establishment

Class of Liquor License:	CLASS 1 RESTAURANT / LOUNGE.	
Type of food served:	ITALIAN	
Please circle all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: 70%	Generated from Alcohol: 30%
Hours & days of operation:	7 DAYS DURING SUMMER. 5 DAYS DURING WINTER.	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s):	
SAME RESTAURANT JUST UPGRADING OUR LICENSE.	
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, Ima Lopez do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

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

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

Signature [Signature] Title CO-OWNER Date 03.21.16

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

Department of Public Safety
Division

Liquor Licensing & Inspection

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



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☒ RESTAURANT/LOUNGE (Class XI)
☒ HOTEL-OPTINONAL FOOD (Class I-A) ☒ HOTEL (Class I,II,III,IV)
☒ CLASS A LOUNGE (Class X) ☒ CLUB-ON PREMISE CATERING (Class I)
☒ CLUB (Class V) ☒ GOLF CLUB (Class I,II,III,IV)
☒ TAVERN (Class IV) ☒ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>SEA SALT CRACKER LLC</u> DOB: _____			2. Business Name (D/B/A) <u>PICCOLO</u>		
DOB: _____			DOB: _____		
DOB: _____			Location (Street Address) <u>111 MIDDLE ST</u>		
Address <u>MRS HARRIS AVE</u>			City/Town <u>PORTLAND</u>	State <u>ME</u>	Zip Code <u>04101</u>
			Mailing Address <u>111 MIDDLE ST</u>		
City/Town <u>PORTLAND</u>	State <u>ME</u>	Zip Code <u>04103</u>	City/Town <u>PORTLAND</u>	State <u>ME</u>	Zip Code <u>04101</u>
Telephone Number <u>207 747 4992</u>			Business Telephone Number <u>207 747 5307</u>		
Fax Number			Fax Number		
Federal I.D. #			Seller Certificate #		

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 \$ 800K LIQUOR \$ 200K
 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: DAMIAN SANSONETTI
 8. If business is NEW or under new ownership, indicate starting date: _____
 Requested inspection date: _____ Business hours: _____
 9. Business records are located at: PICCOLO 111 MIDDLE ST PORTLAND ME 04101
 10. Is/are applicants(s) citizens of the United States? ☒ YES ☐ NO

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

☒ YES ☐ NO

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

Name in Full (Print Clearly)	DOB	Place of Birth
DAMIAN SANSONETTI	02.19.1977	PITTSBOROUGH, PA
ILMA LOPEZ	09.13.1981	CARACAS/VZLA.

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

145 HANUS AVE. PORTLAND ME 04103

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

VINCENT MARTELLA 129 WALNUT ST SOUTH PORTLAND ME 04106

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

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

YES ☒ NO ☐ Applied for: _____

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

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 MAINE

Town/City, State

on MARCH 21, 2016

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)



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:

Piccolo / SEA SALT MARKET LLC

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

Piccolo.

3. Date of filing with the Secretary of State: _____

4. State in which you are formed: MAINE

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

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

Name	Address for Previous 5 years	Date of Birth	Ownership %
DAMIAN SANSONETTI	145 HARRIS AVE PORTLAND	02/19/1977	50%
Ilma LOPEZ	MAINE 04103	09/13/1981	50%

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

Yes ☐ No ☒

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

Name: _____ Agency: _____

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

Yes ☐ No ☒

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

03.21.2016

Date

Ilma Lopez

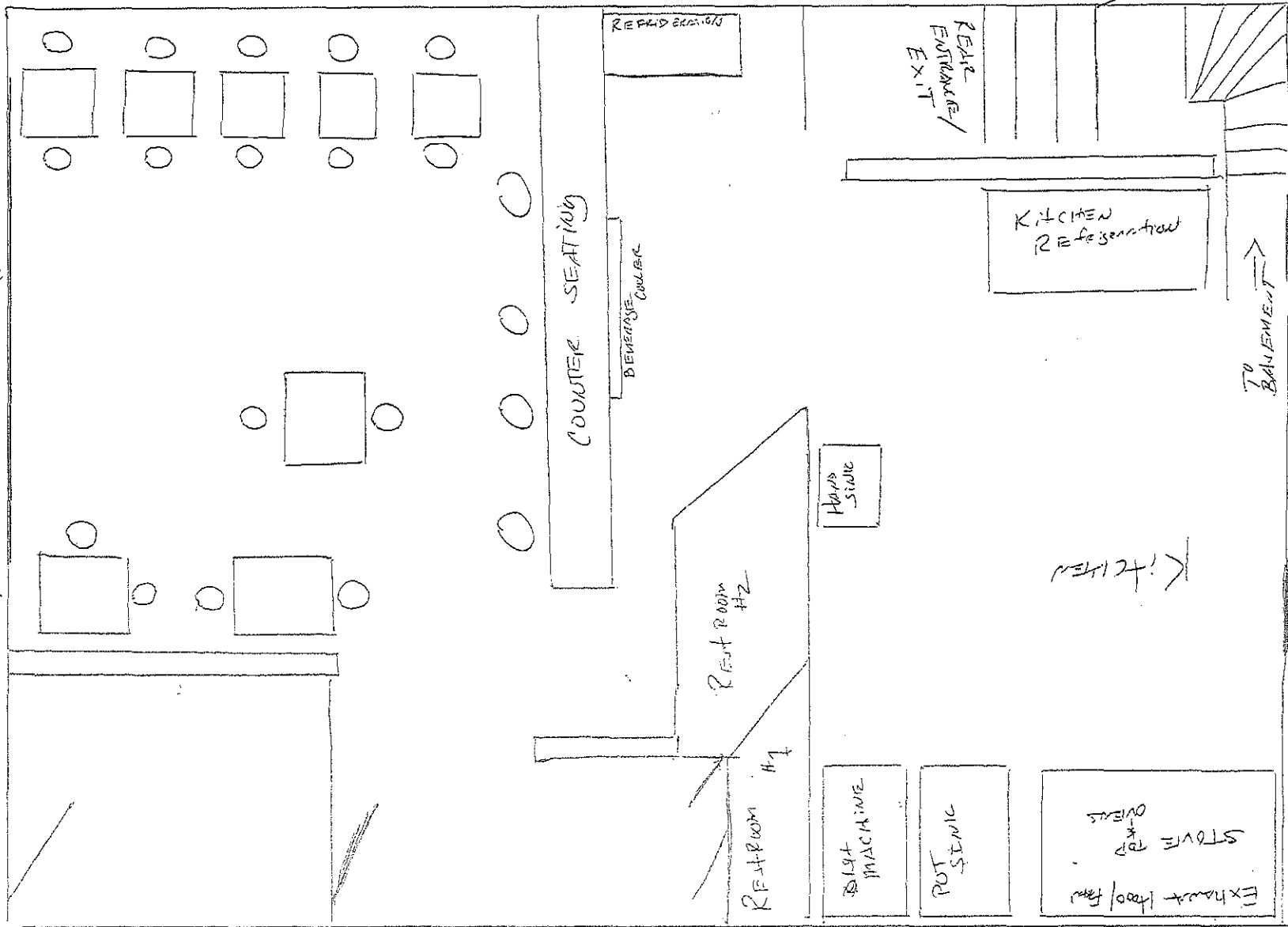
Print Name of Duly Authorized Person

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

FRONT OF RESTAURANT (Middle street)



PICCOLO 111 Middle St. Portland ME 04101 (NOT TO SCALE)

PICCOLO BY THE GLASS

ca furlan cuvee beatrice prosecco • veneto • nv • 9
nicchia lambrusco di sorbara • emiglia-romagnia • nv • 8

barone fini valdadige pinot grigio • alto adige • 2014 • 10 / 33
sut tibolla gialla della venezie • friuli • 2012 • 9 / 31
elena walch pinot bianco • alto adige • 2014 • 12 / 38

colle cicchio corte dei papi cesanese • lazio • 2013 • 10 / 35
santadi carignano sulcis grotta rossa • sardinia • 2010 • 11 / 34
la quercia motepulciano d'abruzzo • abruzz • 2013 • 12 / 38

BEER

bottled

foundation wanderlust hoppy farmhouse • maine • 8
allagash saison • maine • 6
brewlist spaccan IPA • italy • 5
oxbow crossfade vintage farmhouse ale 2014 • maine • 22
birra moretti • italy • 4
narragansett lager • rhode island • 3
bantam wunderkind cider • massachusetts • 6
brasserie dieu du ciel aphrodite • canada • 9
rising tide waypoint tandem coffee porter • maine • 6
sally brown, birrificio del ducato • italy • 11

SODA

san pellegrino grapefruit soda • italy • 3
coca cola / diet coke • usa • 2
maine root sarsaparilla / ginger brew • usa • 3
spindrift natural sodas/seitzers • massachusetts • 4
san pellegrino sparkling mineral water • italy • 7

APERITIF, DIGESTIF & DESSERT

cocchi americano rosso • aperitif • piedmont • 8
cardamaro vino amaro • piedmont • 7
pichierri primitivo di manduria • puglia • 2007 • 8
mareno pineto brachetto d'aqui • piedmont • 2012 • 10 / 34
maculan dindarello moscato • veneto • 2012 • 9
barolo chinato cocchi • piedmont • 12
cantine intorcia dry marsala • sicily • 7

SPUNTINO

snacks

FORMAGGIO

artisanal unpasteurized italian cheese, semolina raisin toast, mostarda • 12

SALUMI

assorted cured and preserved meats, gata olives, pickled vegetables • 13

CONTIGUO

appetizers

POLPO

grilled baby octopus, roasted peppers, chickpeas, pickled chilis, garlic • 14

ZUPPA

butternut squash soup, maine mussels, local apples, prosciutto • 10

CAVOLETTI DI BRUXELLES

fried brussels sprouts, hazelnuts, garlic dressing, white anchovies • 12

BARBABIETOLE

roasted beets, organic kale, calabrese raisins, apple mostarda, walnuts • 12

ALTRO

entrée

SPAGHETTI NERO "ALLA CHITARRA"

ink pasta, swordfish belly bolognese, charred tomato, radish • 25

TONNO

bluefin tuna, "sardinian" cabbage, local potatoes, olives, saffron • 31

PASTA FATTA IN CASA

cavatelli, lamb neck ragu, eggplant, ccrignola, orange, aged pecorino • 24

COSTATA DI MANZO

ribeye "deckle", organic carrots, tropea onions, pistachio, marsala • 27

CONTORNI

sides

CAVOLFIORRE

fried snell farms cauliflower, charred lemon, pickled mustard, capers • 6

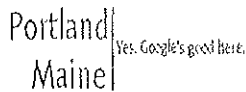
PANELE

sicilian chickpea "fritters", pepperoncini, anchovy aioli • 5

consumption of undercooked meat, poultry, eggs, or seafood may increase the risk of food borne illness.

3/24/2016

City of Portland Mail - Piccolo - Upgrading to Class I



Janice Gardner <jgardner@portlandmaine.gov>

Piccolo - Upgrading to Class I

3 messages

Janice Gardner (Business Licensing) <bl@portlandmaine.gov>
To: "Hutcheson, Gary" <garyh@portlandmaine.gov>

Tue, Mar 22, 2016 at 4:28 PM

Hi,

For your approval:

Sea Salt Market LLC d/b/a Piccolo at 111 Middle St. has submitted an application to upgrade their Class III & IV license to a Class I. They wish to go before Council on April 20th.

The application is attached. Please put feedback into UI and email me.

Thanks!
Janice
Business License Administrators
bl@portlandmaine.gov
207.874.8557

 Piccolo Restaurant.pdf
189K

Janice Gardner <jgardner@portlandmaine.gov>
To: "email, Treasury" <treasury@portlandmaine.gov>

Tue, Mar 22, 2016 at 4:34 PM

[Quoted text hidden]

 Piccolo Restaurant.pdf
189K

Treasury <treasury@portlandmaine.gov>
To: Treasury <treasury@portlandmaine.gov>
Cc: jgardner@portlandmaine.gov

Thu, Mar 24, 2016 at 12:35 PM

Piccolo owes all of FY 2016 PP taxes, currently \$631.12.
Melissa
[Quoted text hidden]



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

April 6, 2016

Piccolo
Attn: Ilma & Damien
111 Middle St.
Portland, ME 04101

Re: Sea Salt Market LLC d/b/a Piccolo. Application for a Class I FSE License at 111 Middle St.

Dear Ilma & Damien,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on Monday, April 25th, at 5:00 p.m. for the review of your application for a Class I FSE License at 111 Middle St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

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

*Order 217-15/16
Sub 13 4-25-16*

ETHAN STRIMLING (MAYOR)
BELINDA RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

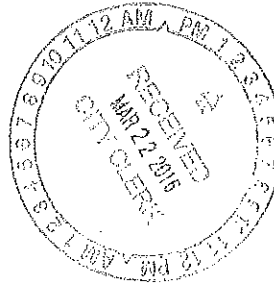
CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**P.E.D. Enterprises Inc. d/b/a Dry Dock Restaurant & Tavern. Application for a Class XI
Restaurant/Lounge License with Outdoor Dining on Private Property at 84 Commercial St.**

DryDock Restaurant & Tavern
84 Commercial Street
Portland, ME 04101
(207) 774-3550



March 18, 2016

City of Portland, Maine
Mr. Ethan Strimling, Mayor
Members of the City Council

Dear Mr. Mayor and Members of the City Council,

Please accept this letter, along with our various applications to the City of Portland and State of Maine, of our intent to take ownership of, and begin operating (with your approval) the DryDock Restaurant & Tavern at 84 Commercial Street.

We are also submitting a copy of our Purchase & Sale Agreement with the Sellers (Dale Weeks, Jim Finley and Jeannine LaRochelle) whom have owned and operated the business since 1983. I consider it a privilege to have the opportunity to take over this business.

We plan to close the business for a few weeks for minor renovations during April, with a target of re-opening May 1 or shortly thereafter. It is also our plan to keep the existing staff in place, including current manager Heather Chouinard, who has worked at the restaurant for 19 years.

I am also the owner of the Maine Wharf property located immediately behind the DryDock, where the Portland Business Center, Scales Restaurant, Casco Bay Art and other businesses are located.

I have been an employer of hundreds of Portland area residents over the years, including as CEO of PowerPay at the Portland Public Market, and as owner of Morrison's Chowder House on Temple Street, my only specific restaurant experience. I am the former owner of Market Fresh Produce, which also gave me a great deal of exposure to the restaurant industry.

I do plan to be involved in the operation of this business, and not as an absentee owner, however the managers will be largely responsible for day-to-day, with periodic oversight and input from me.

I believe I have been a competent, stable and compassionate employer in all of my business endeavors, which hopefully will be reflected in any inquiries. I am acquainted with, amongst others, City Manager Jon Jennings, with whom I was a founding member of the Red Claws.

Thank you for considering my application to the City for a Food and Alcohol license for DryDock.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Goodrich'.

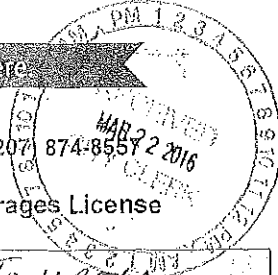
Stephen Goodrich

Portland, Maine



Yes. Life's good here

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



Application for Food Service Establishment with Alcoholic Beverages License

Business Information:	Dry dock Restaurant & Tavern		
Business Name (d/b/a):	→	Phone:	207-724-3550
Location Address:	84 Commercial Street, Portland 04101		
If new, what was formerly at this location:	same		
Mailing Address:	PO Box 535, Buxton, ME 04093		
Contact Person:	Mike Bruger	Phone:	207-229-6070
Contact Person Email:	bryndar@ddol.com		
Manager of Establishment:	Heather Chouinard	Phone:	207-699-8360
Owner of Premises (Landlord):	84 Commercial LLC		
Address of Premises Owner:	PO Box 535, Buxton, ME 04093		

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
P.E.D. Enterprises Inc.		PO Box 535, Buxton, ME 04093	
Contact Person:	Mike Bruger	Phone:	207-229-6070
Principal Officers	Title	Date of Birth	Residence Address
Stephen Goodrich	member	3/23/58	760 Harbour Isles Ct. N. Palm Beach FL 33410

About Your Establishment

Class of Liquor License:	Class II (XI) Restaurant/Lounge	
Type of food served:	customary Family & waterfront fare	
Please circle all that will be served:	Beer Wine Liquor	
Projected percentage of sales:	Generated from Food: 55%	Generated from Alcohol: 45%
Hours & days of operation:	10am - 10pm Summer 10am - 1am	

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: pub menu later in evening	
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 1, 2010 June 1,	
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): n/a	
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): Power-Pay LLC, Morrison's Marine Course	
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? Cumberland & Camden	Y/N
If Yes, please explain: arguing w/ ex-wife - charges dropped	

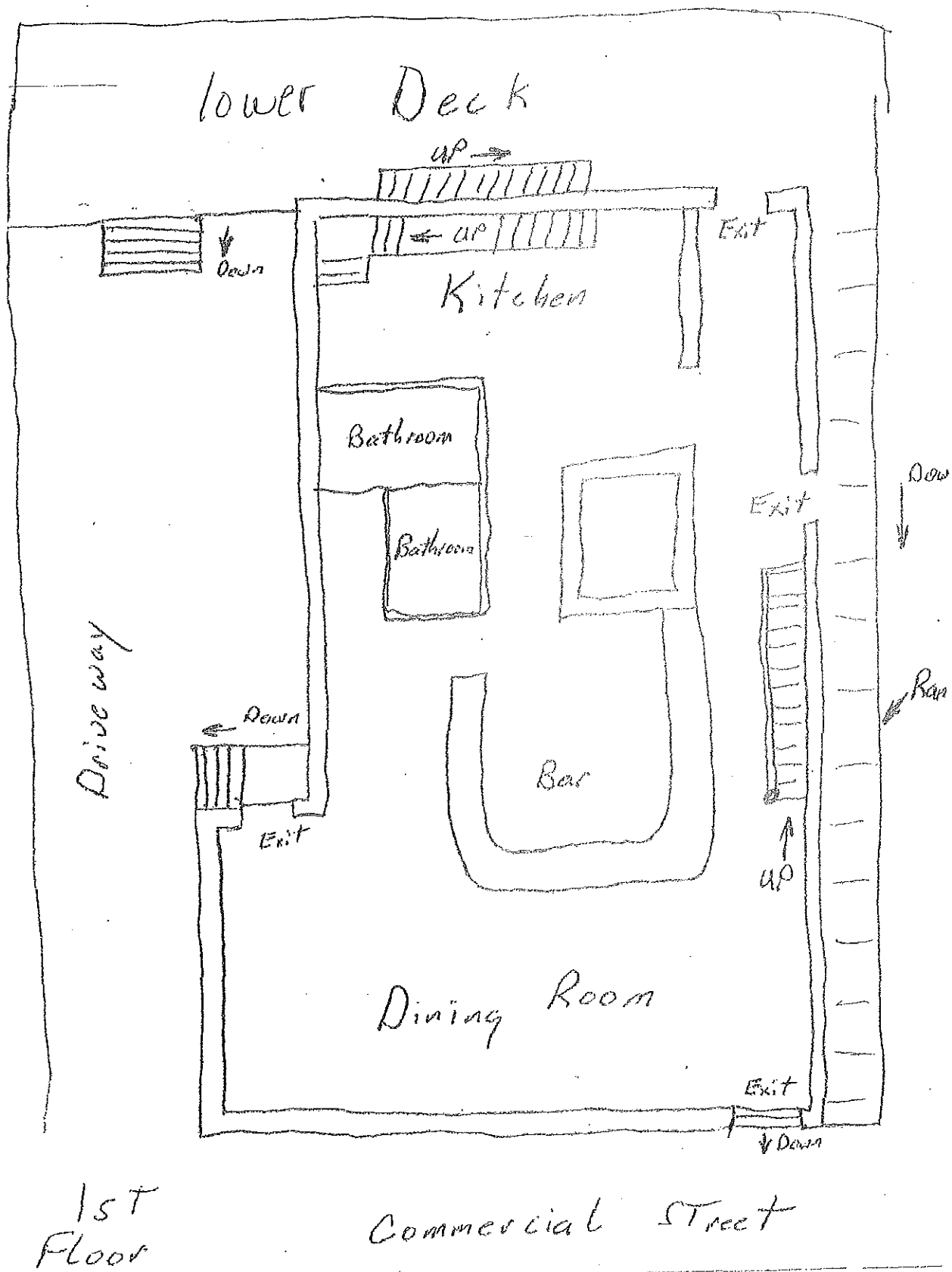
I, Stephen Goodrich, do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require 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.

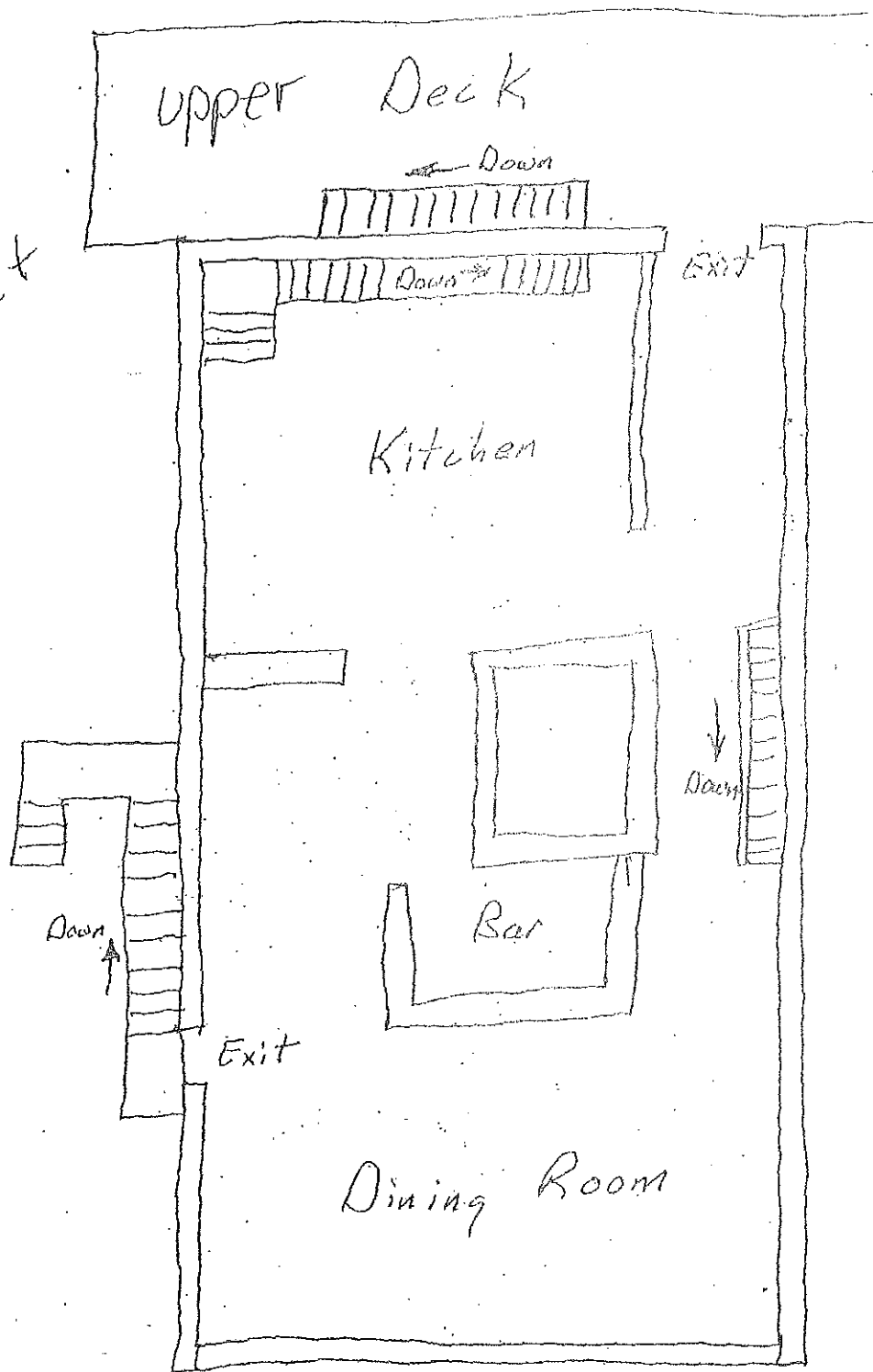
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive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

Signature Stephen P. Goodrich Title owner Date 3/18/10

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



↑
water front



2nd
Floor

commercial st.



Outdoor Dining Permit Application

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

Check all that apply: ☐ New Application for Outdoor Dining or ☐ Renewal Application for Outdoor Dining ☒ Application for dining on Private Property		
☐ Outdoor Dining in a Public Park ☐ If Renewal, are there changes to previous permit? ☐ Outdoor Dining in a Historic District ☐ Yes ☐ No ☐ Petition for Exception for Special Circumstances ☒ Liquor License required? City Clerk signature for liquor license approval: _____ <u>OR Pending Council Data:</u> _____		
Location Name & Address: <u>Dry Dock Restaurant 84 Commercial Portland, ME</u> Owner Name: <u>P.E.D. - Stephen Goodrich</u> Owner Phone #: <u>(561) 568-5540 207-229-6070</u>	Chart _____ Block _____ Lot _____ Total Square Footage of Proposed Outdoor Dining Area: <u>2 decks approx 500 sq ft ea.</u> Fee: \$80 (Public-Annual) \$125 (Private 1X) Total Sq. Ft.: <u>1000 of less</u> Sq. Ft. Fee: (sq ft x \$2) \$ <u>2000</u> (sq ft x \$6 for public parks) Total Fees: \$ <u>2,125.-</u> (Permit not issued until all fees are paid)	
Applicant *must* be owner or lessee Name: <u>P.E.D.</u> Address: <u>PO Box 535</u> City, State & Zip: <u>Buxton, ME 04093</u> E-Mail: <u>drydock@ao1.com</u>		
Current use: <u>same (restaurant)</u> Business name: <u>Dry Dock Restaurant</u> Seating area dimensions: <u>2 decks approx 500 sq ft ea.</u> How many chairs? <u>90</u> How many tables? <u>15</u> ☒ Yes Alcohol is served. ☐ No Alcohol being served.		
Who should we contact: <u>Mike Bringer</u> Phone: <u>207-229-6070</u> Address: <u>87 Fogg Rd, Buxton</u> E Mail: <u>drydock@ao1.com</u>		

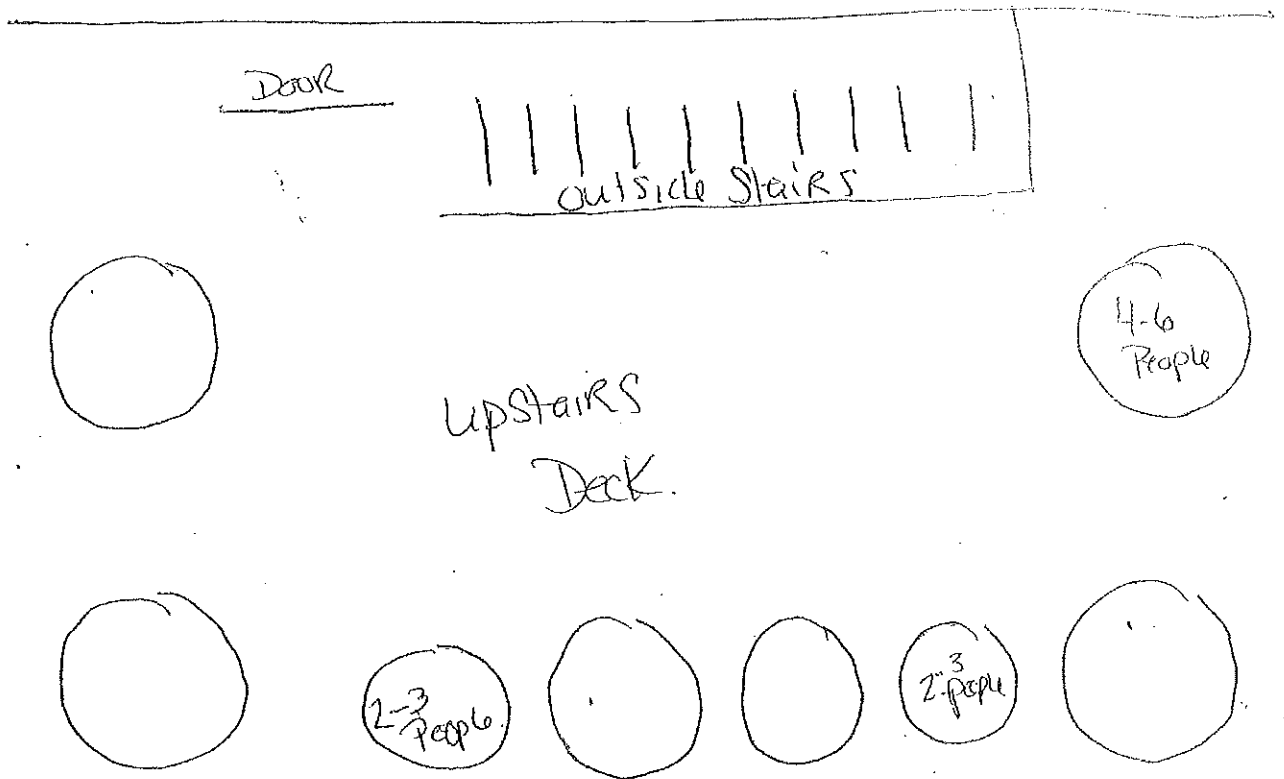
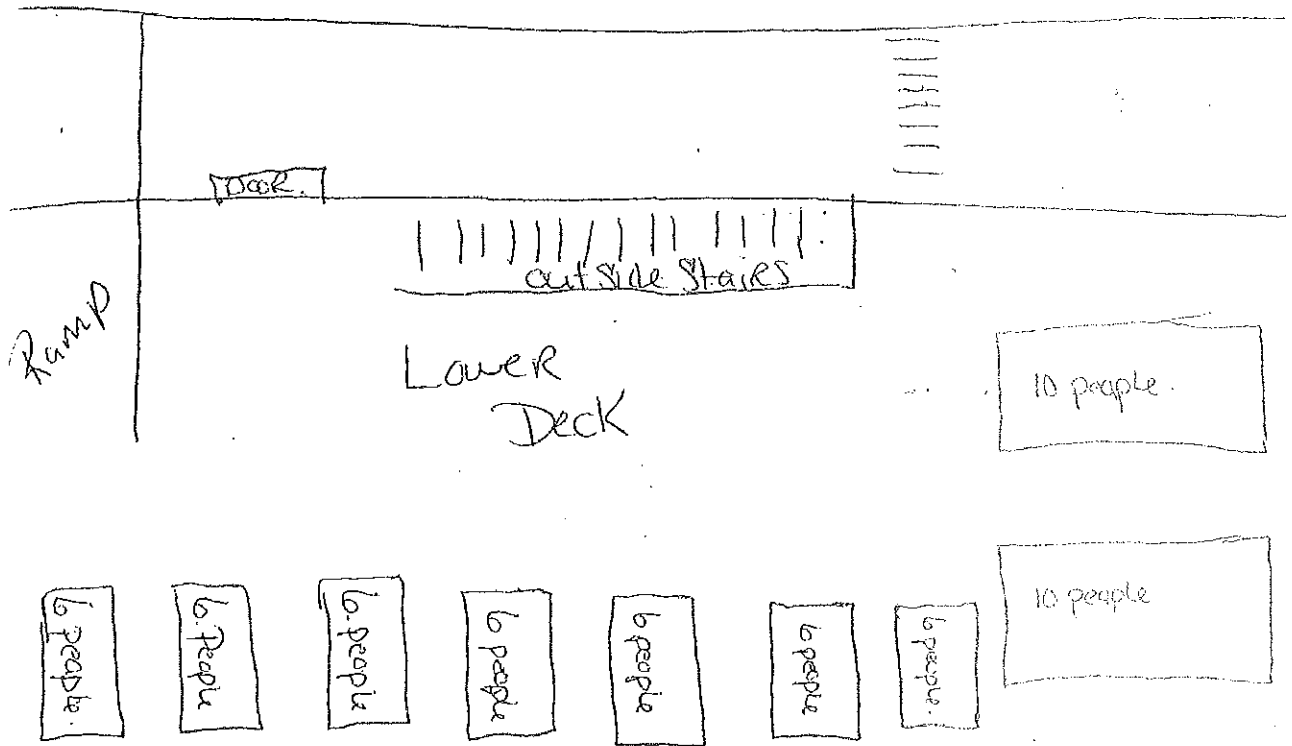
Please submit all of the information outlined in the Outdoor Dining Application Checklist. Failure to do so will result in the automatic denial of your permit. New applications and renewals are reviewed on an annual basis and should be submitted no later than June 1st.

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

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

Signature of Applicant: [Signature] Date: 3/18/16

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



DryDock Restaurant menu

84 Commercial Street

dry dock special entrees

all entrees served with fries or pasta salad, cole slaw, roll & butter

Filet Mignon Dinner our famous hand cut 8 oz. filet, grilled to order	\$17.95	Fried Clam Dinner fresh clams lightly breaded with crumbs and deep fried until golden	\$16.95
Fried Haddock Dinner lightly breaded and fried until golden	\$16.95	Grilled Chicken Dinner one whole fresh chicken breast, plain or seasoned and grilled to perfection	\$15.95

specialty sandwiches

all sandwiches are served with fries or pasta salad

Our Famous Filet Mignon Sandwich filet mignon wrapped w/bacon, served on an english muffin, w/fries & onion rings	\$14.95	Fried Clam Roll-Fresh Clams fried in crumbs until golden, served on a toasted bulle roll w/tartar sauce	\$11.95
Fresh Fried Haddock Sandwich topped w/melted cheese on a toasted bulle roll w/tartar sauce	\$9.75	Crabby Diane fresh malaga crabmeat on whole toast w/tomato, sprouts & melted cheddar cheese	\$10.95
Hot Pastrami w/swiss on rye	\$8.50	Vickie's Reuben hot corned beef w/sauerkraut and melted swiss on grilled rye w/a side of thousand island	\$8.50
Hot Corned Beef w/melted swiss on rye	\$8.25	Lobster Club fresh lobster meat served club-style, priced daily	\$0.00
Fresh Maine Crabmeat Club fresh crabmeat served club-style	\$14.95		

kids' menu

for children 10 years old and under

Grilled Cheese w/fries	\$4.95	Hot Dog w/fries	\$4.95
Chicken Fingers w/fries	\$6.50	P.B. & J. w/fries	\$3.95
Cheeseburger w/fries, on english muffin	\$5.95		

for the "sweet tooth"

check blackboard for her other scrumptious delights!

Homemade Desserts (baked fresh daily), mrs. w's award winning	\$0.00	Hot Apple Crisp A La Mode	\$4.95
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tavern appetizers

Peel & Eat Shrimp (1/4 or 1/2 lb.)	\$7.25 - \$12.25	Guacamole & Chips	\$5.95
Chili Nachos w/sour cream, salsa & guacamole (extra sour cream or salsa 0.50, extra guacamole 0.75)	\$6.50 - \$8.25	Black Bean Veggie Nachos w/sour cream, salsa & guacamole	\$6.50 - \$7.95
Veggie Nachos w/sour cream, salsa & guacamole	\$5.95 - \$7.75	Deep-Fried Potato Skins w/bacon, cheddar, sour cream & chives	\$5.50 - \$6.95
Buffalo Wings w/celery sticks & side order of bleu cheese	\$7.95	Beer-Battered Onion Rings	\$6.50

salads

choice of: house vinaigrette, thousand island, ranch, pepper parmesan, oil & vinegar, no-fat raspberry, house italian, bleu cheese-\$0.50 extra

Tossed	\$4.95 - \$5.95	Chef	\$10.50
Fresh Maine Crabmeat	\$11.95	Tuna	\$8.75
atop a large garden salad		atop a large garden salad	
Grilled Chicken	\$10.95		
atop a large garden salad			

soups

(all soups, chowders, stews & chili are made from scratch)

Baked French Onion Soup	\$3.50 - \$4.50	Chowder And Soup Of The Day	\$0.00
topped w/seasoned croutons & imported swiss cheese		priced daily	
baked until golden			
Shirley's Chili	\$4.95 - \$3.95		
served with cheese, onions & nacho chips			

sandwich board

available on wheat, white, rye, or bulgie roll all sandwiches served w/chips & pickle, (lettuce, tomato, onion or sprouts on request) with fries -add \$0.75

Fresh Roast Turkey	\$7.25	Smoked Turkey & Cheddar	\$7.25
Ham & Swiss	\$7.25	Veggie	\$7.25
Maine Crabmeat Roll	\$10.50	Lobster Roll	\$0.00
		priced daily	
Tuna Roll	\$7.25	Fresh Roast Beef	\$7.25

combos

soups and sandwiches, combo prices include soup of the day add \$0.50 for other soups & chowders combos exclude lobster or crab rolls

Cup Soup & 1/2 Sandwich	\$6.95	Bowl Soup & 1/2 Sandwich	\$7.50
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world-famous dry dock hamburgers

6 oz. fresh ground chuck steak, char-broiled to perfection served with fries. (lettuce, tomato, onion or sprouts on request)

Steakburger	\$7.50	Cheeseburger	\$7.75
		swiss, cheddar, provolone or american	
Bacon & Bleu Cheeseburger	\$8.75	Mexican Burger	\$8.25
		w/our own salsa & cheddar cheese	
Teriyaki Burger	\$7.75	Chili Burger	\$8.75
		w/cheddar cheese & shirley's chili	
Dry Dock Special Burger	\$8.50	BLT Burger	\$8.75
w/sauteed peppers, onions & mushrooms			
Veggie Burger Of The Day	\$7.50		

fresh-and-fabulous chicken breast sandwiches

grilled chicken breast sandwiches served on toasted rolls with fries (lettuce, tomato, onion or sprouts on request), your choice

Cajun	\$8.95	Jamaican Jerk	\$8.95
Mexican	\$8.95	Buffalo	\$8.95
BBQ	\$8.95	Honey Mustard	\$8.95
Teriyaki	\$8.95	Buffalo	\$8.95

Menu for Dry Dock Restaurant & Tavern provided by Allmenus.com

Department of Public Safety
Division

Liquor Licensing & Inspection

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



existing lic,
new owner

PRESENT LICENSE EXPIRES

BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|--|--|
| ☒ RESTAURANT (Class I,II,III,IV) | ☒ RESTAURANT/LOUNGE (Class XI) |
| ☒ HOTEL-OPTINONAL FOOD (Class I-A) | ☒ HOTEL (Class I,II,III,IV) |
| ☒ CLASS A LOUNGE (Class X) | ☒ CLUB-ON PREMISE CATERING (Class I) |
| ☒ CLUB (Class V) | ☒ GOLF CLUB (Class I,II,III,IV) |
| ☒ TAVERN (Class IV) | ☒ OTHER: |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
P.E.D. Enterprises Inc.		Drydock Restaurant & Tavern	
DOB:		DOB:	
DOB:		DOB:	
DOB:		DOB:	
Address		Location (Street Address)	
PO Box 535		84 Commercial Street	
City/Town		City/Town	
Buxton, ME 04093		Buxton, ME 04093	
State		State	
Zip Code		Zip Code	
Telephone Number		Business Telephone Number	
Fax Number		Fax Number	
Federal I.D. #		Seller Certificate #	
01-0385687		0194376	

3. If premises are a hotel, indicate number of rooms available for transient guests: n/a
4. State amount of gross income from period of last license: ROOMS \$ n/a FOOD \$ 500K LIQUOR \$ 500K
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: Heather Chouinard
8. If business is NEW or under new ownership, indicate starting date: May 1, 2016
- Requested inspection date: April 21 Business hours: 10am-10pm winter
9. Business records are located at: Buxton, ME 10am-1pm summer
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

87 Fogg Road

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
Stephen P. Goodrich	3-22-58	Middletown CT
Heather R. Goodrich Chouinard	6-14-77	Caribou, ME

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

Goodrich - North Palm Beach, FL / Falmouth, ME
Chouinard - Portland, ME

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

Name: n/a 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: n/a

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

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

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

4500 Sq Ft
2 story restaurant & bar on Portland waterfront

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? 1/4 mile? Which of the above is nearest? Church

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

If YES, give details: n/a

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 Maine on 3/18/11, 2011

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)



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: PED Enterprises Inc
2. Other business name for your entity (DBA), if any: Dry Dock Restaurant & Tavern
3. Date of filing with the Secretary of State: 1983
4. State in which you are formed: Maine
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: n/a
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 %
Stephen Goodrich	760 Harbour Isles Ct. N. Palm Beach, FL 33410	3/23/58	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: n/a 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: n/a

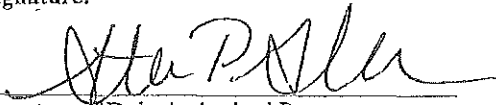
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

3/18/11
Date

Stephen P. Goodrich
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



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

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C805134

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2016-03-22) :

Inquiries Name(s) STEPHEN GOODRICH (1958-03-23)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2016-03-22**

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in

Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

Identification

Subject Name/or potential Alias Name(s)

GOODRICH, STEPHEN
GOODRICH, STEPHEN P

Subject Description (date information provided listed in parentheses)

State ID Number
ME0087231

DOC Number
Unknown/NA

Sex
Male

Race
White

Skin Tone
Unknown/NA

Height
600 (2010-09-09)
600

Weight
210 (2010-09-09)
210

Date of Birth
1958-03-23

Hair Color
Brown (2010-09-09)
Brown

Eye Color
Hazel (2010-09-09)
Hazel

Scars, Marks, and Tattoos
Unknown/NA

Place of Birth
CT

Citizenship
US (2010-09-09)

Residence
Residence as of
Address

2010-12-09
113 FORESIDE RD
FALMOUTH, ME 04105

Caution Information
Firearms Disqualified

C - Cleared

Criminal History

Cycle 001

ATN/Tracking Number 824870A
Earliest Event Date 2010-09-09

Arrest/Charge (Cycle 001)
Arrest/Charge Date 2010-09-09
Arresting/Charging Agency CAMDEN PD; ME0070100
Subject Name(s) GOODRICH, STEPHEN
Arrest Type Adult
Charge 1

Charge Number 824870A 001
Charge Tracking Number 824870A
Charge Case Number C10-3353
Agency CAMDEN PD; ME0070100
Offense Date 2010-09-09
Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)
Statute 15 MRSA SUBSECTION 1092(1)(A)
State Sequence Code 9632
Severity Misdemeanor

Prosecutor Disposition (Cycle 001)
Prosecutor Agency DISTRICT ATTORNEY'S OFFICE ROCKLAND;
ME007013A

Charge 1
Charge Number 824870A 001
Charge Tracking Number 824870A
Offense Date 2010-09-09
Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)
Statute 15 MRSA SUBSECTION 1092(1)(A)
State Sequence Code 9632
Severity Misdemeanor
Prosecutor Record ADDED
Modified/Updated

Court Disposition (Cycle 001)
Court Case Number ROCDC-CR-2010-00905
Court Agency 6TH DISTRICT COURT ROCKLAND; ME007025J
Charge 1

Charge Number 824870A 001

Charge Tracking Number 824870A

Agency 6TH DISTRICT COURT ROCKLAND; ME007025J

Offense Date 2010-09-09

Charge Description VIOLATING CONDITION OF RELEASE (Charge Class E)

Statute 15 MRSA SUBSECTION 1092(1)(A)

State Sequence Code 9632

Severity Misdemeanor

Disposition 2010-10-28; GUILTY

Sentencing	(Cycle 001)
Sentencing Agency	6TH DISTRICT COURT ROCKLAND; ME007025J
	Court Case Number ROCDC-CR-2010-00905
	Charge Number 824870A 001
	Charge Sequence Number 1
	Charge Tracking Number 824870A
	Sentence 2010-10-28: FINED \$250.00

Corrections	No data supplied
--------------------	------------------

Index of Agencies

Agency	6TH DISTRICT COURT ROCKLAND; ME007025J
Agency Telephone	207-596-2240
Address	62 UNION STREET ROCKLAND, ME 04841

Agency	CAMDEN PD; ME0070100
Agency Telephone	207-236-7967
Address	P O BOX 1207 CAMDEN, ME 04843

Agency	DISTRICT ATTORNEY'S OFFICE ROCKLAND; ME007013A
Agency Telephone	207-594-0424
Address	62 UNION STREET ROCKLAND, ME 04841



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

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C805132

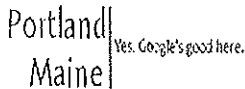
Criminal History Record

Introduction

This criminal history record was produced in response to the following request (
Produced on 2016-03-22) :

Inquiries Name(s) HEATHER CHOUINARD (1973-06-14)

NO MATCH WAS FOUND FOR YOUR REQUEST.



Janice Gardner <jgardner@portlandmaine.gov>

Re: Dry Dock Restaurant & Tavern - Change of Ownership

1 message

Gary Rogers <garyr@portlandmaine.gov>

Wed, Apr 6, 2016 at 11:53 AM

To: "Janice Gardner (Business Licensing)" <bl@portlandmaine.gov>

I have reviewed the attached SBI. Police approve the change in ownership application.

Thank you,
Gary

On Wed, Apr 6, 2016 at 11:45 AM, Janice Gardner (Business Licensing) <bl@portlandmaine.gov> wrote:
Hello,

Could I please have your feedback on this change of ownership? The SBI results for the principal officer is attached. This item is going before Council on April 25th and I need to provide back-up to the Councilors today.

Thanks,
Janice

Business License Administrator
bl@portlandmaine.gov
207.874.8557

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

From: Janice Gardner <jgardner@portlandmaine.gov>

Date: Tue, Mar 22, 2016 at 4:42 PM

Subject: Dry Dock Restaurant & Tavern - Change of Ownership

To: "Carlson, Laurie" <lac@portlandmaine.gov>, "Cobb, Eric" <ecobb@portlandmaine.gov>, Craig Messinger <crm@portlandmaine.gov>, David Margolis-Pineo <dmp@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, "email, Treasury" <treasury@portlandmaine.gov>, Frank Brancely <fjb@portlandmaine.gov>, "Gautreau, Keith" <kng@portlandmaine.gov>, "Hutcheson, Gary" <garyh@portlandmaine.gov>, "Machado, Ann" <amachado@portlandmaine.gov>, "Malloch, Vernon" <vwm@portlandmaine.gov>, Michael Sauschuck <mjs@portlandmaine.gov>, "Rogers, Gary" <garyr@portlandmaine.gov>, "Russell, Michael" <mar@portlandmaine.gov>, "Smith, Rachel" <rms@portlandmaine.gov>, "Stacey, Christina" <cstacey@portlandmaine.gov>, Tammy Munson <tnm@portlandmaine.gov>, "Williams, Tom" <tw@portlandmaine.gov>

Hello,

For your approval:

P.E.D. Enterprises Inc d/b/a Dry Dock Restaurant & Tavern has submitted an application for a Class XI license with outdoor dining on private property at 84 Commercial St. This is a change of ownership. They wish to go before Council on April 20th.

Owner: Stephen Goodrich, d.o.b. 3/23/58
Manager: Heather R. Chouinard, d.o.b. 6/14/73

Contact: Stephen Goodrich - 774-3550 or brynbar@aol.com

Application is attached. Please put feedback into UI and email me.

Portland, Maine



Yes. Life's good here.

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

April 6, 2016

P.E.D. Enterprises Inc.
Attn: Mike Brnger
P.O. Box 535
Buxton, ME 04093

Re: P.E.D. Enterprises Inc, d/b/a Dry Dock Restaurant & Tavern. Application for a Class XI Restaurant/Lounge License with Outdoor Dining on Private Property at 84 Commercial St.

Dear Mr. Brnger,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 25th**, at **5:00 p.m.** for the review of your application for a Class XI Restaurant/Lounge License with Outdoor Dining on Private Property at 84 Commercial St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

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

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

Order 218-15/16
Tab 14 4.25.16

ETHAN STRIMLING (MAYOR)
BELINDA RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Muse Paintbar LLC d/b/a Muse Paintbar. Application for a Class III & IV (Wine & Beer)
License at 245 Commercial St.



Stanley Finch
Muse Paintbar
315 West 36th Street, 7th Floor
New York, NY 10018

March 21st, 2016

Office of the City Clerk
389 Congress Street
Portland, ME 04101

To whom it may concern:

This letter is to inform you of our change to our legal corporate name. You previously had us listed as The Paint and Sip Corp, liquor license number 14-5036. Our current legal corporate name is now Muse Paintbar, LLC. Our conversion documents are also attached here for your records.

Thank you,

A handwritten signature in black ink, appearing to be "S. Finch", written over the typed name and title.

Stanley Finch
President and Member
Muse Paintbar



Office of the City Clerk • 389 Congress St. • Portland, ME 04101 • (207) 874-8657

Application for Food Service Establishment with Alcoholic Beverages License

Business Information:	Muse Paintbar, LLC		
Business Name (d/b/a):	Muse Paintbar	Phone:	207-618-9500
Location Address:	245 Commercial Street	Zip:	04101
If new, what was formerly at this location:			
Mailing Address:	315 West 36 Street, New York City, NY	Zip:	10018
Contact Person:	Jennifer Gomez	Phone:	347 409 3002
Contact Person Email:	jen@musepaintbar.com		
Manager of Establishment:	Kristine Solete	Phone:	617-997-9374
Owner of Premises (Landlord):	Cisco View Holdings		
Address of Premises Owner:	261 Commercial St, PO Box 11409	Zip:	04104

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name:	Muse Paintbar LLC		
Corporate Mailing Address:	315 W. 36 Street, NY, NY 10018		
Contact Person:	Jennifer Gomez	Phone:	347 409 3002
Principal Officers	Title	Date of Birth	Residence Address
Stan Finch	President/Member	2/5/83	247 W. 87 Street, NYC 10024
Raymond G. Weaver	Vice President	4/9/70	120 CHILTON ST. Cambridge, MA 02138
Jordan A. Bellman	Director	8/18/84	205 East 59th St. New York, NY 10022

About Your Establishment

Class of Liquor License:	Class III & IV Restaurant	
Type of food served:	Finger Foods, Small bites	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☐	
Projected percentage of sales:	Generated from Food:	Generated from Alcohol:
Hours & days of operation:	Sun - Sat from Noon to 10pm	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N
If No, please explain: <u>Small bites are served, not full course meals.</u>	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	Y/N
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	Open already
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s): <u>The Paint & Sip Corp / 245 Commercial Street</u>	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain:	

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

Signature [Signature] Title President Date 3/21/16

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

Department of Public Safety
Division



Liquor Licensing & Inspection

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

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES

5/27/16

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER:

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.) Muse Paintbar LLC		2. Business Name (D/B/A) Muse Paintbar	
DOB:		DOB:	
DOB:		DOB:	
Address 247 W. 87 Street		Location (Street Address) 245 Commercial St.	
City/Town New York	State NY	City/Town Portland	State ME
Zip Code 10029		Zip Code 04101	
Mailing Address 315 W. 36 Street 7 floor		Mailing Address 315 W. 36 Street 7 floor	
City/Town New York	State NY	City/Town New York	State NY
Zip Code 10028		Zip Code 10028	
Telephone Number	Fax Number	Business Telephone Number	Fax Number
Federal I.D. # 1168756		Seller Certificate #	

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: Kristina Solet

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: _____ Business hours: _____

9. Business records are located at: _____

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
Stanley Finch	2/5/83	Texas
Raymond George Weaver	4/9/70	Indiana
Jordan Alex Bettman	8/18/84	
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
247 W. 87 Street		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

Casco View Holdings - 261 Commercial St.

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

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? 3 blocks Which of the above is nearest? Church

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

If YES, give details: _____

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

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

Dated at: New York, NY on March 21, 2016

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)



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: Muse Paintbar, LLC
2. Other business name for your entity (DBA), if any: Muse Paintbar
3. Date of filing with the Secretary of State: 4/28/14
4. State in which you are formed: Delaware
5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: 4/28/14
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 %
Stanley Finch	247 W. 87 Street, NYC	2/5/83	40
Raymond G. Weaver	120 CHILTON ST. Cambridge MA 02138	4/9/70	55
Jordan A. Beltman	205 East 59th New York, NY 10022	8/18/84	5

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: _____

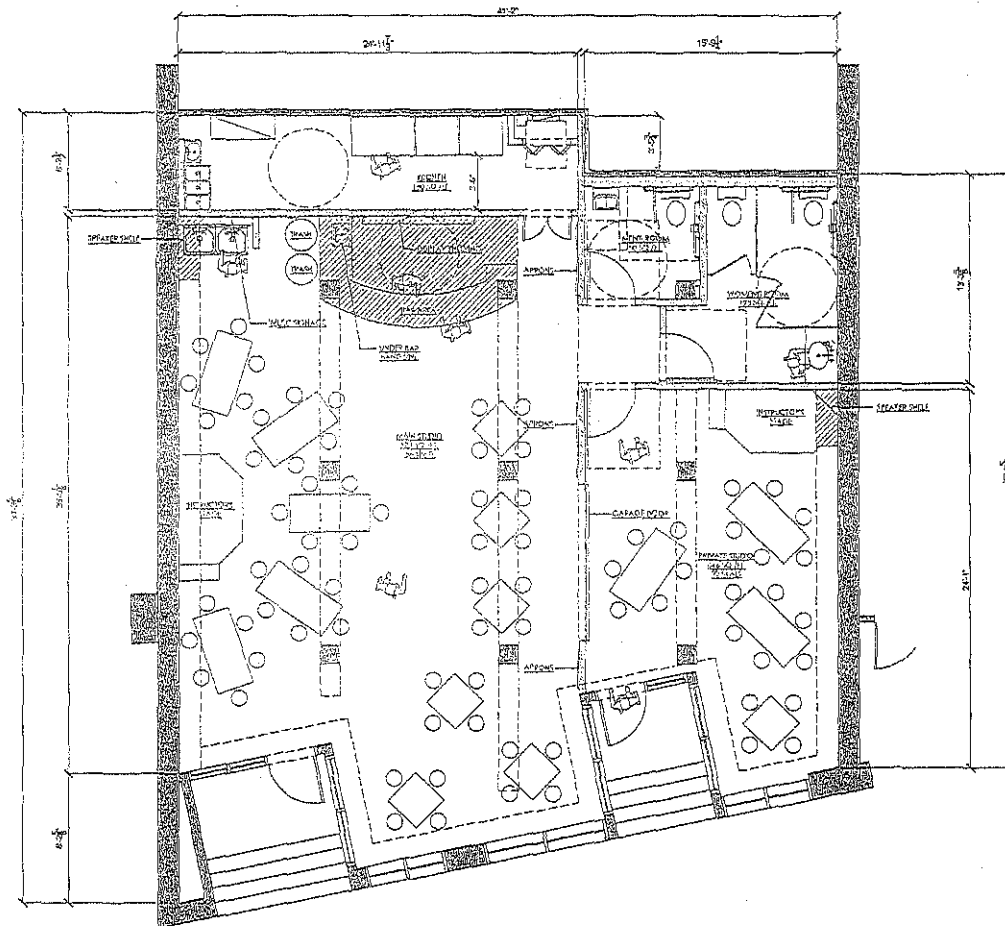
Signature of Duly Authorized Person

Date

Print Name of Duly Authorized Person

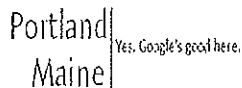
If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this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



3/29/2016

City of Portland Mail - Re: Muse Paintbar - Change of Corporate Owner



Janice Gardner <jgardner@portlandmaine.gov>

Re: Muse Paintbar - Change of Corporate Owner

1 message

Gary Hutcheson <garyh@portlandmaine.gov>

Mon, Mar 28, 2016 at 2:48 PM

To: "Janice Gardner (Business Licensing)" <bl@portlandmaine.gov>

Approved by PD.

On Mon, Mar 28, 2016 at 2:45 PM, Janice Gardner (Business Licensing) <bl@portlandmaine.gov> wrote:

Hi,

For your approval:

Muse Paintbar LLC d/b/a Muse Paintbar has submitted a revised application for their Class III & IV. Their corporate owner is changing from The Paint and Sip Corp to Muse Paintbar LLC. The corporate officers are staying the same. They will go before Council on April 20th.

Thanks,
Janice

Business License Administrator
bl@portlandmaine.gov
207.874.8557

--

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

Portland, Maine



Yes. Life's good here.

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

April 6, 2016

Muse Paintbar LLC
Attn: Stan Finch
315 West 36 St.
New York, NY 10018

Re: Muse Paintbar LLC d/b/a Muse Paintbar. Application for a Class III & IV (Wine & Beer) License at 245 Commercial St.

Dear Mr. Finch,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 25th, at 5:00 p.m.** for the review of your application for a Class III & IV (Wine & Beer) License at 245 Commercial St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

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

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

*Order 219-15/16
Tab 15 4-25-16*

ETHAN STRIMLING (MAYOR)
BELINDA RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Local Food 1, LLC d/b/a B Good Restaurant at 15 Exchange St. Application to expand existing alcohol service area on August 14, 2016 for B Good Block Party Festival.

Dear Mayor Strimling,

4/10/16

Thank you for taking the time to read this letter, my name is Bill Zolper I am the owner of bgood Portland and South Portland. Last year we had an incredible event in the historic district of the Old Port on the lower section of Exchange st. for our family foundation. We raised \$4,000, which we then donated to a local charity connected with Maine Hatha Yoga to improve the lives of those faced with addiction.

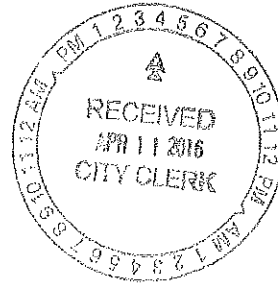
In 2016 we are pleased to be doing the 2nd annual bgood block party and look forward to bringing more good into our community by simply bringing the community together for a day. Over the years we have raised over \$60,000 by doing block parties such as these in the South End in Boston as well as on Exchange St.

Thank you for your consideration.

Best,

Bill Zolper

4/10/16



Portland, Maine



Yes. Life's good here.

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

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



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

Applicant Information:	
Business/Group Name(s):	Local Food 1, LLC DBA- bgood
Business Address:	15 Exchange St. Portland, ME 04101
Applicant/Contact Person's Name:	Bill Zolper
Daytime Phone Number:	207-949-0935
Phone Number Day of Event:	
Email Address:	bill@bgood.com

Event Information:	
Name of Festival/Event:	bgood block party
Location of Event:	15 Exchange St Portland, ME 04101
Date of Event:	August 14th, 2016
Time of Event (start to finish):	Noon to 5 PM
Estimated Attendees:	1500
Style of Music: (ex. DJ, Live, Acoustic)	Live, family bands
NOTE: Please utilize back of page if a number of bands or musicians are performing.	
Premises Owner's Name and Address:	City of Portland, lower section of Exchange & Mills St
Does the award of this license benefit any City employee?	Y/N ()
If yes, list name(s) and department(s):	

Read Carefully & Sign:

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

Signature [Signature]

Date 4/10/16

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

Email Sent:	Dept.	Approval Received:	Fee: \$36.00
	Fire		Cash:
	PD		Check #:
	Public Services		CC: <u>[initials]</u>
	Treasury		
	Zoning		

*Resolved 8-15/16
Tab 16*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**RESOLUTION TO RESTRICT CITY TRAVEL TO STATES
WITH DISCRIMINATORY LAWS**

WHEREAS, the adoption of the Public Facilities Privacy and Security Act in the State of North Carolina, signed into law on March 23, 2016, that prevents transgender individuals from using the restroom of his or her preference, is fundamentally discriminatory; and

WHEREAS, the adoption of the Religious Liberty Accommodations Act in the State of Mississippi, signed into law on April 5, 2016, that authorizes people and groups with religious objections, to refuse services to any party, including gay, lesbian, bisexual or transgender individuals, runs counter to equality and fairness and is also fundamentally discriminatory; and

WHEREAS, the City of Portland, Maine, prides itself on its adoption of a Human Rights Ordinance in 1992 that banned discrimination on the basis of sexual orientation; and

WHEREAS, it is vital in a fair society for everyone to have equal rights and protections under the laws of a municipality, county, state or federal government; and

WHEREAS, the City Council of the City of Portland, Maine, hereby desires to stand in support of those who are harmfully impacted by discriminatory laws by refraining and recommending that public funds not be spent in such jurisdictions that choose to pass such discriminatory laws;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Portland, Maine, hereby respectfully requests and recommends that the City Manager not expend public funds on non-essential City travel to a state with a law in effect that affirmatively sanctions or requires discrimination on the basis of sexual orientation or gender identity or expression or have any City employee travel to state with such a law in effect; and

BE IT FURTHER RESOLVED, that this recommendation shall not include essential City employee travel that may be necessary for the enforcement of an ordinance, to meet contractual obligations in existence prior to the effective date of this resolution, or for the protection of the public health, safety or welfare.

MEMORANDUM
City Council Agenda Item

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

FROM: Jason J. Shedlock
Special Assistant to the Mayor

DATE: April 15, 2016

SUBJECT: Resolution to Restrict Travel to States With Discriminatory Laws

SPONSOR: Ethan K. Strimling, Mayor, Councilors Brennerman, Costa, Duson, Hinck,
Mavadones, Ray, Suslovic, Thibodeau

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action 4/25/16 _____

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

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

I. ONE SENTENCE SUMMARY

Resolution urging the City Manager to not expend City funds on travel to states that pass discriminatory laws, such as the ones recently enacted in North Carolina and Mississippi.

II. AGENDA DESCRIPTION

This resolution respectfully requests and recommends that the City Manager not expend public funds on non-essential City travel to a state, such as North Carolina or Mississippi, with a law in effect that affirmatively sanctions or requires discrimination on the basis of sexual orientation or gender identity or expression or have any City employee travel to a state with such a law in effect. By passing this resolution, Portland would join 5 states and the District of Columbia along with nearly 20 cities across the nation in recommending travel bans to North Carolina and Mississippi.

III. BACKGROUND

In recent months, there have been efforts by legislatures nationwide to preserve "religious freedom" by passing laws that in effect sanction discriminatory practices against LGBT individuals. While the state of Indiana has walked back a previous effort to

enact such legislation, two states, North Carolina and Mississippi have moved forward.

On March 23rd, the Public Facilities Privacy and Securities Act was signed into law in North Carolina. This law prevents transgender individuals from using the restroom of their choice.

On April 5th, Mississippi enacted a law, The Religious Liberty Accommodations Act, that authorizes people and groups with religious objections to refuse services to any party, including LGBT individuals.

Portland has a long and proud history of turning back discrimination and working to support the rights of all people. The Council adopted a Human Rights Ordinance back in 1992, to codify their resolve to enforce protections for all people under the law.

This resolution respectfully requests and recommends that the City Manager not expend public funds on non-essential City travel to a state, such as North Carolina or Mississippi, with a law in effect that affirmatively sanctions or requires discrimination on the basis of sexual orientation or gender identity or expression or have any City employee travel to a state with such a law in effect.

The resolution does not include essential City employee travel that may be necessary for the enforcement of an ordinance, to meet contractual obligations or for the protection of public health, safety or welfare.

Portland would join 5 states and the District of Columbia along with nearly 20 cities in issuing travel bans to NC and MS.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

None

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

Jason J. Shedlock

VII. RECOMMENDATION

The sponsors urge passage of this resolution.

VIII. LIST ATTACHMENTS

Prepared by: Jason J. Shedlock

Date: 4.15.16

Bean/agendarequestmemo/rev 11/2015

Order 201-15/16
~~Tab 10~~ 4-14-16
Tab 17 4-25-16

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 PURCHASE OF A STREET LAMP SCULPTURE BY
AARON STEPHAN FOR INSTALLATION AT WOODFORDS CORNER
AND ADDING THIS WORK TO THE CITY'S PUBLIC ART COLLECTION**

ORDERED, that the City hereby approves the addition of a street lamp sculpture from the artist Aaron Stephan, to be displayed at Woodford's Corner, to the City's Public Art Collection; and

BE IT FURTHER ORDERED, that \$20,000 is hereby approved for the purchase of this work of art and an additional \$5,000, to be used for its installation, is also hereby approved, and both amounts shall be allocated from the budget of the Public Art Committee; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any related documents necessary or convenient to carry out the intent of this order.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Caitlin Cameron, Urban Designer, Planning and Urban Development

DATE: March 21, 2016

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

SUBJECT: **Order Approving** the Portland Public Art Committee artist selection and budget for Woodfords Corner Public Art

SPONSOR: Lin Lisberger, Chair, Portland Public Art Committee

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading N/A **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 Lin Lisberger, Chair of the Portland Public Art Committee and Planning Staff (if necessary).

I. SUMMARY OF ISSUE (Agenda Description)

Order approving the Portland Public Art Committee artist selection and budget for Woodfords Corner public art commission. Sponsored by Lin Lisberger, Chair of the Portland Public Art Committee.

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

The Portland Public Art Ordinance requires the Portland Public Art Committee to seek Council approval for any artwork or artist selected and approve the committee budget. The Woodfords Corner Project was not included in the 2016 Budget Plan presented to Council in February.

III. INTENDED RESULT

Hire an artist to create the light sculpture at Woodfords Corner as part of the overall Woodfords Corner transportation and streetscape project. Acceptance of this proposed project, budget, and artist will result in the creation of a new public artwork off-peninsula as part of the overall Woodfords Corner project. The intended result is improved placemaking at the busy intersection, building an identity for the retail corridor and neighborhood node.

IV. COUNCIL GOAL ADDRESSED

The Public Art Committee efforts seek to improve and enhance the quality of life of all Portland residents and visitors.

V. FINANCIAL IMPACT

The project would allocate \$25,000 towards the project from the PPAC budget - \$20,000 artist fee and \$5,000 installation/construction budget. This represents a reduction in cost to the City for the Woodfords Corner project budget because the light feature is now being covered by the public art budget. The project would use funds already within the PPAC budget, which are generated through the ½ % for Public Art in the CIP. Accepting this proposal represents the approval of an allocation of funds already secured by the Public Art Committee – there is no additional money requested. The PPAC is able to fund this project with money left over from the Langlais installation project.

VI. STAFF ANALYSIS

On March 16, 2016, the Portland Public Art Committee unanimously recommended proceeding with the Woodfords Corner public art commission and the selection of Aaron Stephan as the artist and a budget of \$25,000 to the Portland City Council. Staff met with the City Manager and Finance Director to approve the sole source of an artist for this project. Aaron's work is uniquely suited for this project which uses off-the-shelf street lights to create sculpture.

VII. RECOMMENDATION

Staff recommends that the City Council accept the recommendations of the Portland Public Art Committee to proceed with the Public Art Commission in Woodfords Corner with Aaron Stephan as the artist and \$25,000 as the budget.

VIII. LIST ATTACHMENTS

1. 2014 Woodfords Corner Streetscape Proposal (excerpts)
2. Examples of artist's work

Prepared by: Caitlin Cameron, Urban Designer

Date: March 21, 2016

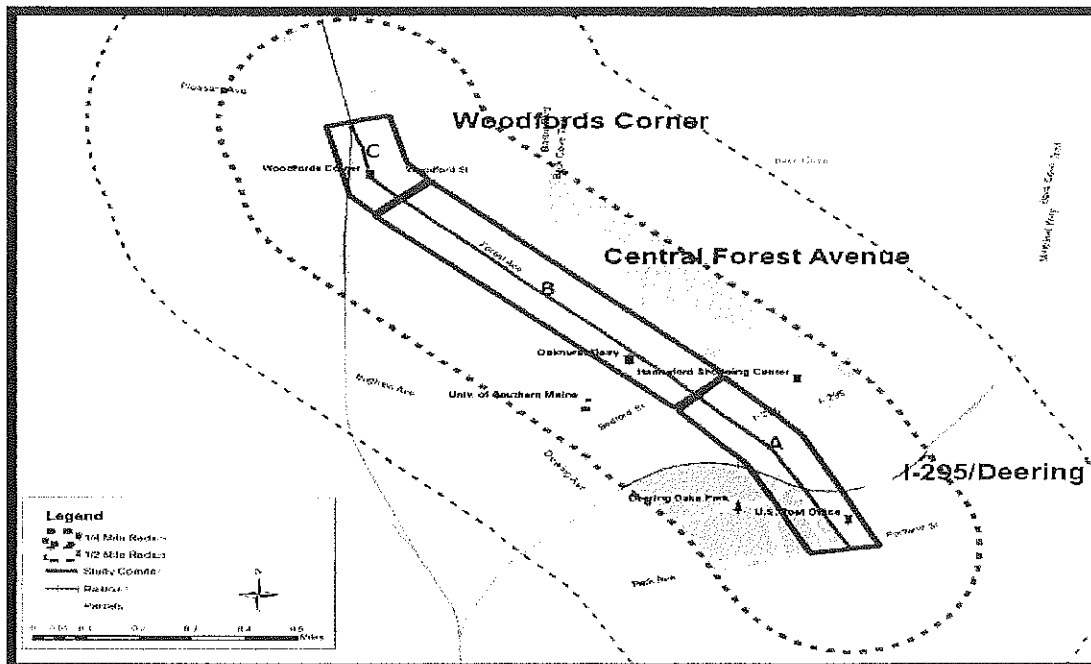


Transforming Forest Avenue Streetscape Recommendations

October, 2014

City of Portland, Planning Division

Jeff Levine, Director of Planning & Urban Development



Introduction

Transforming Forest Avenue was adopted by the Portland City Council as an element of the City's Comprehensive Plan on June 4, 2012. The plan includes a wide range of land use, streetscape and transportation related recommendations, all designed to encourage transit-supported development and the evolution of Forest Avenue as a complete street. Key elements of the streetscape section of the plan include the following:

- Install **high-quality** and **consistent streetscape** features such as street furniture, lighting, and landscaping to brand Forest Avenue as a place.
- **Upgrade** sidewalks, ramps and crosswalks to provide universal access and using techniques to create a more **pedestrian-oriented** environment.
- Streetscape and design improvements would primarily be targeted at making the corridor a more **pleasant place to be**, rather than a pass through. These improvements should be made wherever possible, with attention to maintenance requirements.
- Install **consistent landscaping** along the corridor. The goal would be to re-embrace the name of Forest Avenue by **increasing vegetation** on the corridor.
- Install street furniture for both functionality and comfort where space is available. Consistently branded street furniture would give Forest Avenue a **cohesive identity**, and in certain locations, can be used to indicate a **special character**.

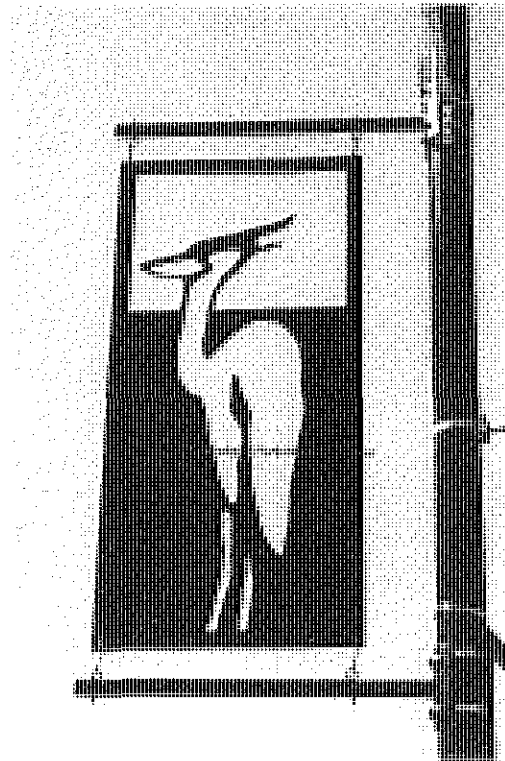
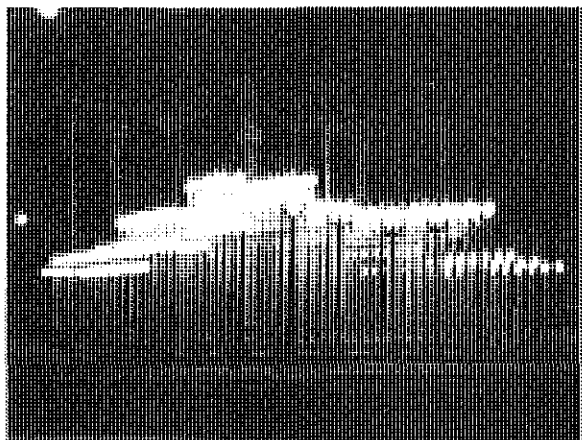
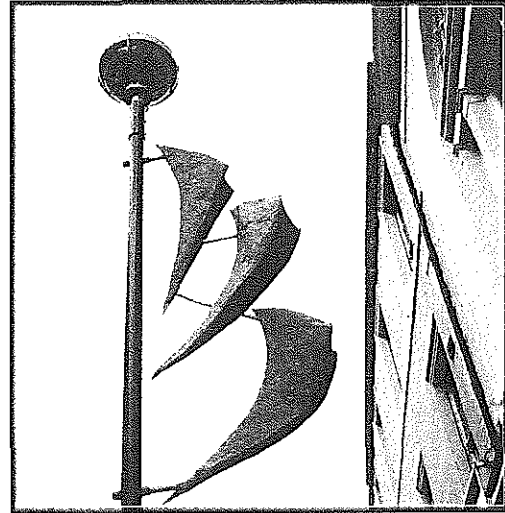
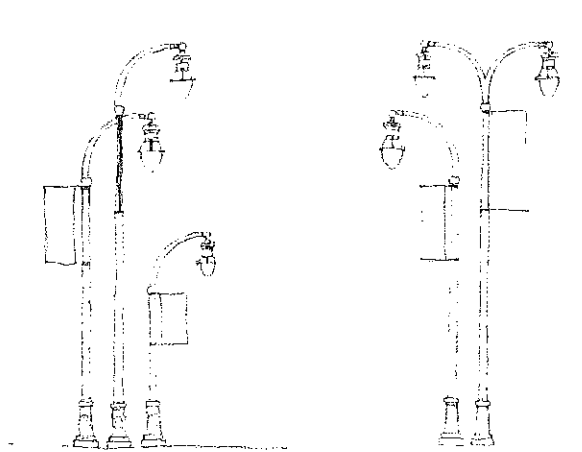
With the Maine Department of Transportation projects at Woodfords Corner and Exit 6, there is an opportunity to implement the strategies and recommendations of the Transforming Forest Avenue as part of the City's Comprehensive Plan. In September, 2014, City staff met with former members of the Transforming Forest Avenue Advisory Committee to present and discuss material and streetscape palette for Forest Avenue. This report includes the City's specifications for the following streetscape items:

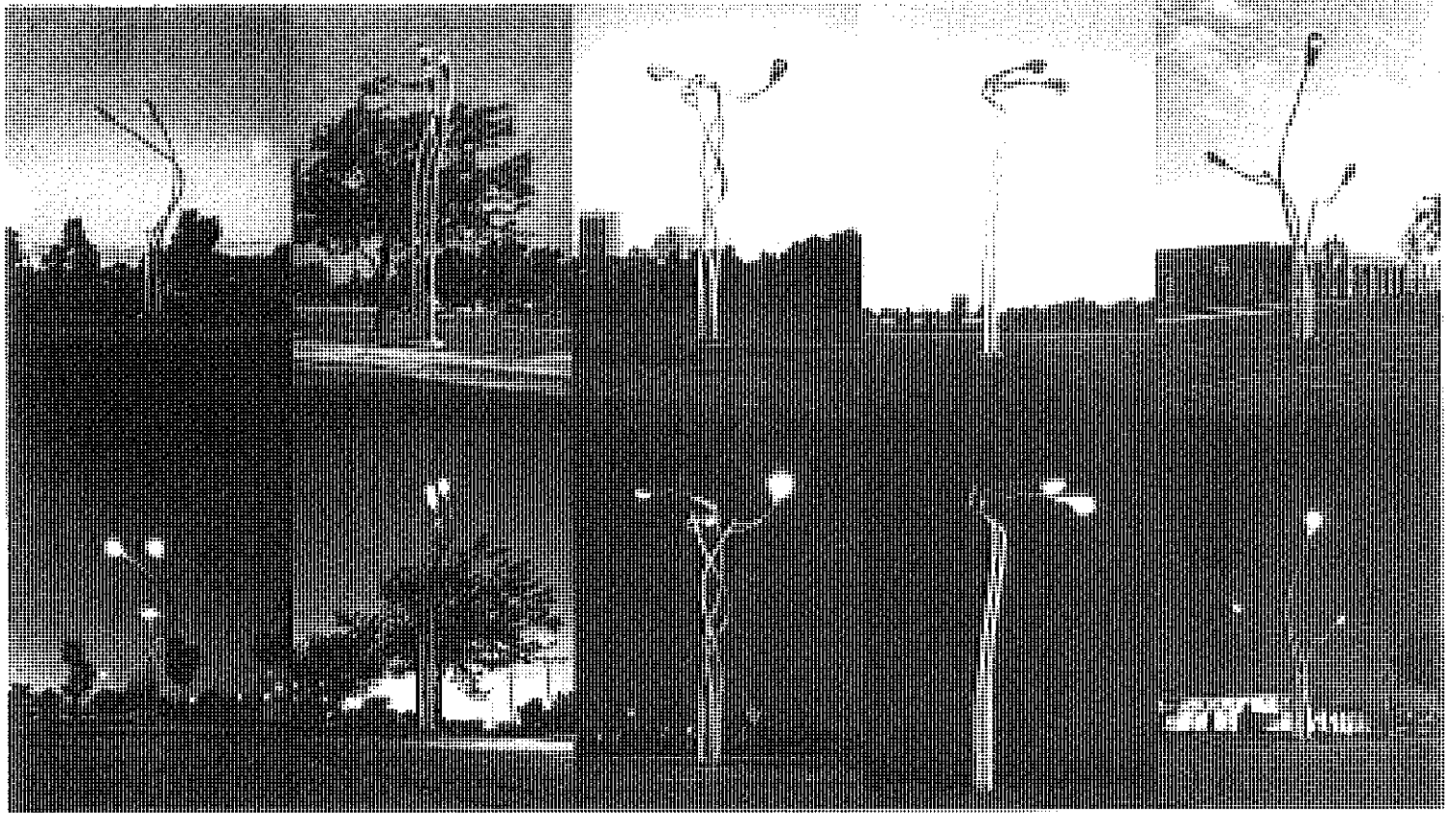
- Place Branding/Identity
- Street Light
- Bollard
- Bench
- Trash Receptacle
- Bicycle Hitch
- Street Trees
- Sidewalk Materials
 - Pedestrian Zone
 - Furnishing Zone

This report also includes concepts for how the streetscape and plaza spaces should be configured to accomplish the goals of Transforming Forest Avenue. On the next page is the Transportation and Streetscape Concept Plan: Corridor Segment C – Woodfords Corner, which staff referenced when developing concepts and recommendations for the design details of the corridor.

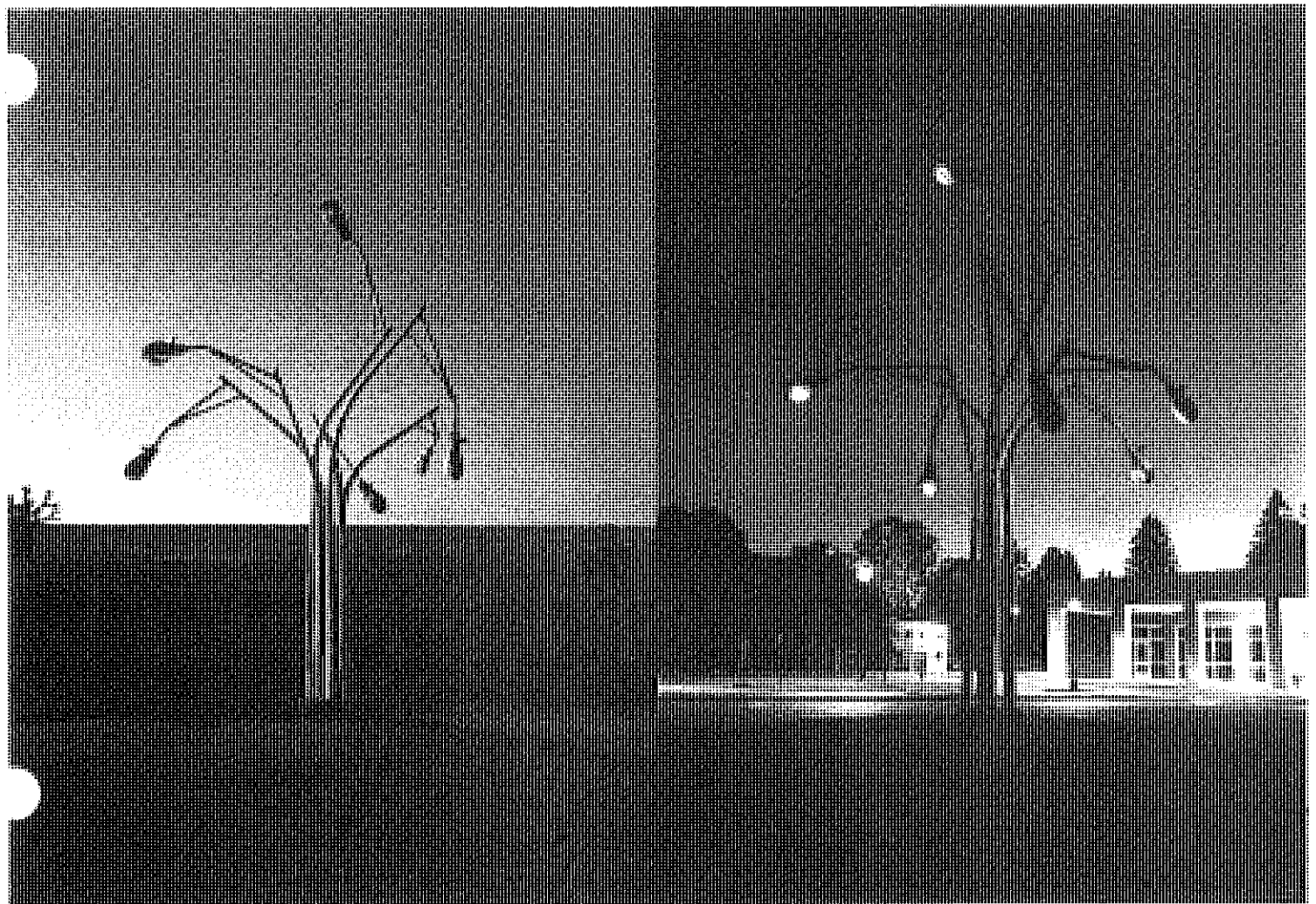
Place Branding/Identity

Using the standard manufactured light poles and banner arms, the concept is to create a sense of place and identity at Woodfords Corner with clustering of lights at various heights and configurations at the intersection. The banner arms serve as a site for art that could be rotating and afford the opportunity to engage neighborhood schools, MECA students, or local artists for installations managed through the Portland Public Art Committee's Temporary Art program. This strategy is intended to provide a low-cost, flexible solution to fulfilling the Transforming Forest Avenue goal of identity.





Variations (2014), Lubbock, TX - aluminum and roadway fixtures, permanent installation
Aaron Stephan, artist



Illuminations (2012), Farmington, ME - aluminum and LED roadway fixtures, permanent installation
Aaron Stephan, artist

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**CITY OF PORTLAND
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JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

Order 203-15/16
~~*Feb 17 4-4-16*~~
Feb 18 4-25-16

**ORDER APPROVING TWO-PARTY AGREEMENT
BETWEEN THE CITY OF PORTLAND AND THE MAINE DEPARTMENT OF
TRANSPORTATION RE: DANFORTH STREET**

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

- Danforth Street Paving; and

BE IT FURTHER ORDERED, that the City Manager or his or her designee is hereby authorized to sign the two-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: March 18, 2016 *REVISED April 7, 2016*

SUBJECT: Two-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__April 4, 2016____ Final Action__April 25, 2016__

Can action be taken at a later date: ____ Yes ____**X** No (If no why not?)
Timely action is required as this 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 two-party agreement with 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 two-party agreement with MaineDOT for the purpose of paving Danforth St (York to High) in 2016. The City Council recently approved the three-party agreement on March 21, 2016, with approval of Order 178-15/16. The two-party agreement covers the final design & construction phase and stipulates maintenance requirements for the City in perpetuity.

The total value of this paving project is estimated at \$137,443.44 and for cost efficiencies the work will be added to the existing Commercial and Franklin Streets paving contract being administered by MaineDOT.

The City Local Share obligation is 25%, or \$26,750 The City is also obligated to 100% of any cost associated with sewer and stormwater system adjustments; this cost is estimated at \$11,700. Also, the Department of Public Works is requesting an ADA improvement at the

intersection of Danforth and York St; we have estimated this cost at roughly \$18,750. All City costs (current estimate = \$57,193.44) are included in the FY17 CIP request.

III. BACKGROUND

This paving project was awarded to Portland in 2014 as part of the PACTS 16/18 TIP Collector Paving program.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This pavement preservation project advances the City's goals of maintaining a viable transportation network, in addition to improving the pedestrian network in this area.

V. FINANCIAL IMPACT

The Local costs associated with this project total \$57,193.44 and include:

- 25% Local Share estimated as \$26,750
- 100% sewer/stormwater system costs estimated as \$11,700
- 100% intersection improvement costs estimated at roughly \$18,750

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 during deliberations at PACTS.

Both Unifit and the City's Water Resources team will be actively replacing utility system components this spring in advance of the paving activity tentatively scheduled for August. All paving must be complete by September 15, 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

- Two-Party agreement for WIN #20876.00: Danforth Street Shim & ¾" Overlay

Prepared by: Katherine Earley, PE, Engineering Manager/City Engineer

Date: March 18, 2016 REVISED April 7, 2016



MaineDOT use only	
TEDOCS #:	_____
CT #:	_____
CSN #:	_____
PROGRAM:	_____

**MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT**

PROPOSED IMPROVEMENTS TO DANFORTH STREET

(MaineDOT Use Only)	
Project Location: <u>Portland - Danforth St.</u>	Estimated Municipal Share: <u>\$57,193.44</u>
State WIN #: <u>20876.00</u>	Vendor Customer #: <u>17A12144</u>
Federal Aid Project #: <u>STP-2087(600)</u>	Agreement Begin Date: _____
	Agreement End Date: <u>(3 years from the date last signed below)</u>

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 Danforth Street, 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 Rules" 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 "Utility Accommodation Rules", 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: _____
Jon Jennings, City Manager

By: _____
William A. Pulver, Director
Bureau of Project Development

(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 DANFORTH STREET

FEDERAL AID PROJECT NO. STP-2087(600)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 20876.00

Project Scope: 3/4" Overlay from High Street to York Street

Funding Outline: The Total Project Estimated Cost is \$ 137,443.44 , and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		Project Share				Total Cost
			MPO	Portion	MaineDOT (State) Portion		
	%	\$	%	\$	%	\$	\$
Preliminary Engineering	25.0%	\$ 1,750.00	75.0%	\$ 5,250.00	0.0%	\$ -	\$ 7,000.00
Right of Way	25.0%	\$ -	75.0%	\$ -	0.0%	\$ -	\$ -
Construction	25.0%	\$ 17,500.00	75.0%	\$ 52,500.00	0.0%	\$ -	\$ 70,000.00
Construction Engineering	25.0%	\$ 7,500.00	75.0%	\$ 22,500.00	0.0%	\$ -	\$ 30,000.00
PROJECT SHARES		\$ 26,750.00		\$ 80,250.00		\$ -	\$ 107,000.00
Total Cost of Additional Work Requested by Municipality (Below)	100.0%	\$ 30,443.44					
TOTAL ESTIMATED MUNICIPAL SHARE (Receivable Amount)		\$ 57,193.44					

(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	
Curb and Sidewalk Changes		\$	18,743.44
Sewer Adjustment		\$	11,700.00
TYPE OF WORK		\$	-
TOTAL COST OF ADDITIONAL WORK REQUESTED BY MUNICIPALITY		\$	30,443.44

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	\$42,900.00	6/15/2016
Portland	\$14,293.44	3/1/2017
Portland	Remaining Balance if Any	3/1/2018
Total Receivable Amount:	\$57,193.44	

APPENDIX C
Additional Work

MAINE DEPARTMENT OF TRANSPORTATION
MUNICIPAL/STATE AGREEMENT
Transportation Improvement Project

MUNICIPALITY OF PORTLAND

PROPOSED IMPROVEMENTS TO DANFORTH STREET

FEDERAL AID PROJECT NO. STP-2087(600)
STATE PROJECT IDENTIFICATION NUMBER (WIN) 20876.00

1. **Description of Work Being Added to Project By The Municipality:**
Curb and Sidewalk changes.

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 MaineDOT as set forth in the latest version of its *"Highway Design Guide"* and *"Standard Details"* and comply with MaineDOT's Utility Accommodation Rules.
 - 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 MaineDOT'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 MaineDOT 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 MaineDOT'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 MaineDOT. A copy of MaineDOT'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 MaineDOT 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 MaineDOT.
- b) If the bid price for such additional work is acceptable to the Municipality, the Municipality shall pay MaineDOT, 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, MaineDOT 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 MaineDOT 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 220-15/16
Feb 19 485-16*

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 LEASE TO TIQA CAFE LLC
FOR THE DEERING OAKS CASTLE BUILDING AND ADJACENT PROPERTY
AT DEERING OAKS PARK**

ORDERED, that the Lease Agreement for a Restaurant to be located in the building known as the "Castle" and adjacent property for parking spaces in Deering Oaks Park 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 document and any other related documents necessary or convenient to carry out the intent of said document.

LEASE AGREEMENT

This Lease is made as of the ____ day of April, 2016, by and between TIQA CAFÉ LLC, a Maine limited liability company having a mailing address of 172 Eastern Promenade, Portland, Maine 04101 (hereinafter referred to as "Tenant"), and CITY OF PORTLAND, a Maine Municipality having its principal place of business at 389 Congress St., Portland, Maine 04101 (hereinafter sometimes referred to as "Landlord" and sometimes as "City").

WHEREAS, Landlord owns real property known as Deering Oaks Park (the "Park") along with the building known as the "Castle" in the park and an adjacent parking lot (the "Parking Lot"), all of which are located at 356 State Street, Portland, Maine; and

WHEREAS, Landlord solicited proposals to operate a restaurant in the Castle and received several proposals, including Tenant's proposal (the "Proposal"), which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, upon due consideration of all of the proposals, and having concluded that Tenant has the requisite knowledge, ability and resources to operate a restaurant in the Castle, Landlord has decided to lease to Tenant the Castle and 6 parking spaces in the Parking Lot (the "Demised Premises" or "Premises"); and

WHEREAS, Landlord has sufficient right, title and interest in and to the Demised Premises, together with the facilities, easements, rights, licenses, and privileges hereinafter granted, and has full power and authority to enter into this Agreement in respect thereof;

NOW, THEREFORE, in consideration of the mutual covenants and considerations herein contained, the sufficiency of which is hereby acknowledged, Landlord and Tenant agree as follows:

1. Demised Premises; "As Is" Condition.

Landlord does hereby lease, demise and let unto Tenant the Castle and 6 parking spaces in the Parking Lot, as depicted in the diagram that is attached hereto as Exhibit B and incorporated herein by reference. Tenant agrees to accept the Premises in "as is" condition without representation or warranty by Landlord as to its condition or fitness for a particular purpose. The Demised Premises does not include any outdoor space in the Park. To the extent that Tenant desires to use such space, it must obtain an outdoor dining permit pursuant to Portland City Code §§ 25 – 26 to 30 or other permits or licenses for the use of such space.

2. Term.

- a. The initial term of this Lease shall be five years and shall commence May 1, 2016 and end on April 30, 2021. Provided that Unless Tenant has been notified of a default and failed to cure such default within any applicable cure period, Tenant shall have the right to extend this Lease for up to two additional renewal terms of five (5) years each upon the same terms and conditions set forth in this Lease except for the rent set forth in Section 3.a. below. Rent for each renewal period shall increase by the CPI (Northeast) or 2% per year, whichever is greater. Tenant shall provide written notice to Landlord of its desire to renew the lease no less than ninety (90) days before the end of the initial term or the first renewal term of this Lease.
- b. Any holding over by Tenant at the expiration of this Lease and any renewals thereof shall not constitute a renewal of the Lease, but at Landlord's election such holding over shall result in a tenancy-at-will from month to month at the same rent in effect at the expiration of the Lease.
- c. In the event that Tenant applies for and is denied an outdoor dining permit pursuant to Portland City Code §§ 25 – 26 to 30, a certificate of occupancy a license permitting the service of food and liquor, an entertainment license or a license for recreational activities in the park or Tenant's outdoor dining area, Tenant shall have the right to terminate this Lease upon 30 days written notice to Landlord. Tenant acknowledges and agrees that the City of Portland is acting as landlord, and not in its regulatory capacity, in connection with this Lease.

3. Rent; Utilities.

- a. Commencing on the date that all of the permits and licenses enumerated in Section 2.c. above are received, or July 1, 2016, whichever is earlier, and continuing on the first day of each month of the term thereafter, the Tenant shall pay to the Landlord, in advance, monthly rent of Seven Hundred Fifty Dollars (\$750.00); provided, however, that for each month that Tenant has obtained and paid for an outdoor dining permit for outdoor dining space adjacent to the Castle pursuant to Portland City Code §§ 25 – 26 to 30 (as may be amended), Tenant's monthly rent shall be reduced by one twelfth of the annual cost of such permit, provided that in no event shall the monthly rent be less than Two Hundred Fifty Dollars (\$250.00).
- b. Upon full execution of this Lease Agreement, Tenant will deposit with Landlord the sum of One Thousand Five Hundred Dollars (\$1,500.00). This sum represents the security deposit due under the lease. Said deposit will be returned to Tenant at the end of the lease term, provided the premises are left in good repair, "broom clean," and provided Tenant has not been in default of lease. Interest will not be paid on said deposit.

- c. The rent does not include utility expenses. Tenant is directly and solely responsible for all expenses for electricity, water, sewer, natural gas, heating oil, HVAC, telephone, internet and any other utility or communications services.

4. Parking

The Tenant shall be entitled to the exclusive use of six parking spaces in the Parking Lot identified in Exhibit B for employee parking only, provided, however, that Landlord reserves the right at any time during the term of this Lease to assign different parking spaces to Tenant.

5. Obligations of Landlord.

The Landlord shall provide, at Landlord's expense, only the following services: Maintenance and repair of the roof, exterior walls, and structure of the Castle building, reasonable wear and tear, damage by fire and other casualty excepted. To the extent that the heating system existing in the Premises at the time this lease is signed fails and cannot be repaired by Tenant as required by section 6, Landlord shall replace it. In addition, in the event of a break in the sewer line, Landlord shall repair or replace such line. Provided, however, that if any maintenance, repair, or replacement is made necessary by fault or neglect of the Tenant or Tenant's employees, contractors, customers, agents, or anyone else on the Premises with Tenant's permission, such maintenance, repair, or replacement shall be at the expense of the Tenant, and Tenant shall pay all costs therefor. The Landlord shall repair or replace the fireplace in the Castle by September 30, 2016, provided that sufficient funds for such repair or replacement are budgeted for in the City's 2016-17 budget. Thereafter, Tenant shall be responsible for the maintenance, repair, and replacement of the fireplace. Except as set forth herein, the Landlord shall have no obligation to maintain, repair, or replace any part of the Premises.

6. Obligations of Tenant.

The Tenant, at the Tenant's sole expense shall:

- a. Determine all zoning information and secure all necessary or required permits and approvals for its proposed use of the Demised Premises. Landlord makes no representations or warranties as to the suitability of, or the ability to obtain regulatory approval for the Demised Premises for Tenant use.
- b. Incur the cost of any fit-up improvements.

- c. Use and improve the Demised Premises in substantially the manner and form described and depicted in Tenant's Proposal. Provided, however, that before making any modifications or improvements to the Demised Premises, including, without limitation, any interior or exterior painting, Tenant shall obtain Landlord's prior written approval, which approval shall not be unreasonably withheld, delayed or conditioned. Tenant agrees that all work shall be completed in compliance with all applicable state and municipal building codes and ordinances. To the extent that any disagreement is found between the terms of this Lease and the Proposal, the terms of this Lease shall govern.
- d. Except as set forth in Section 5 above, maintain in good repair the entire Demised Premises including, without limitation, the HVAC system, plumbing, electrical, and communication lines as well as any portions of such utility systems located outside the premises. Tenant shall also maintain all windows in good repair, and any casualty damage to windows shall be the responsibility of the Tenant.
- e. Properly bag and remove all trash and garbage and maintain the Demised Premises in a clean and sanitary condition.
- f. Provide and be responsible for all cleaning and janitorial services including the cleaning of exterior windows for the Demised Premises.
- g. Pay and be responsible for all utilities pertaining to the Premises including but not limited to all expenses relating to its use of telephone/communication services, internet, electricity, gas, heat, cooling, water, sewer and storm water.
- h. At all times that Tenant is open for business, Tenant shall allow the general public to access and use the Castle restrooms. Such access and use shall be available to the general public free of charge and without requiring that a purchase be made.

7. Use of Demised Premises.

The Demised Premises shall be used by Tenant and its successors in interest for a cafe during the initial and any renewal terms of this Lease as generally described in the Proposal. Tenant's failure to operate a café in the Demised Premises for more than four consecutive months during the term of this Lease shall result in termination of this lease, unless such failure is caused by casualty loss or the Landlord not fulfilling its repair obligations set forth in Article 5. above. Tenant also intends to apply for a permit for entertainment without dance. Tenant may offer entertainment consistent with such a permit at the Premises, provided, however, that Tenant shall not provide such entertainment at times that musical events or festivals are occurring in the Park. Tenant's operating hours shall be

limited to the hours that the Park is open. Tenant may not use the Premises for any purposes not described herein. Tenant must at all times comply with all applicable federal, state, and local laws, ordinances, codes, regulations and other requirements in its use of the Demised Premises. To the extent that any disagreement is found between the terms of this Lease and the Proposal, the terms of this Lease shall govern.

8. Assignment/Subletting.

Tenant shall not be permitted to assign this lease or sublet space without the express written consent of Landlord.

9. Casualty Damage.

a. If the Demised Premises or any part thereof shall be destroyed or damaged by fire or other unavoidable casualty, so that the same shall be thereby rendered unfit for use, then, and in such case, the Rent hereinabove stated or a just and proportional part thereof, according to the nature and extent of injuries sustained, shall be suspended or abated, until the Demised Premises shall have been put in proper condition for use by Landlord. Provided, however, in the event that restoration is not reasonably possible within ninety (90) days after the occurrence of such damage or destruction, then either Landlord or Tenant shall have the right to terminate this Lease by giving the other party written notice of such termination within thirty (30) days after such damage or destruction, and upon the giving of such notice, the term of this Lease shall cease and come to an end as of the date of such damage or destruction and any unearned rent shall be returned to Tenant.

b. Tenant shall be responsible for covering its own equipment and supplies with such property and casualty insurance as it deems necessary and Landlord shall have no responsibility therefor. Tenant assumes all risk of damage, loss or casualty to its property, equipment and/or supplies while located at the Demised Premises, except if the cause of such damage is the result of the negligent act or omission of Landlord, its officers or employees. Except as set forth above, Tenant shall defend, indemnify and hold the Landlord harmless from any claim arising out of or relating to any damage, loss or casualty to Tenant's property, equipment and/or supplies while at the Demised Premises. Any casualty insurance obtained by Tenant for its property, equipment or supplies at the Demised Premises shall include a waiver of subrogation against the Landlord.

10. Return of Demised Premises; Trade Fixtures.

Tenant, at the expiration of the Lease term or any earlier termination, shall peaceably yield up to Landlord the Demised Premises including any renovations or leasehold improvements installed by Tenant during the term hereof, in good repair in all respects, reasonably use and wear and damage by fire and all other unavoidable casualties excepted. Tenant shall have the right to remove all trade fixtures, equipment and other personal property installed or placed by it at its expense in, on or about the Demised Premises; provided, however, all damage caused by or as a result of such removal shall be repaired by Tenant to Landlord's reasonable satisfaction, reasonable wear and tear or casualty loss excepted.

11. Signage.

Tenant, at its sole expense, shall have the right to erect a sign on a pole or post, but not on the Castle building. Final design and location of exterior signs shall be subject to the City's approval, as Landlord, which approval shall not be unreasonably delayed, conditioned or withheld. Tenant's sign shall also be in accordance with all local and state governmental laws, ordinances, codes and regulations, including zoning, planning, and historic preservation ordinances, and Tenant is responsible for obtaining and paying for any required sign permits prior to installation. Tenant acknowledges and agrees that the City of Portland is acting as landlord, and not in its regulatory capacity, in connection with this Lease.

12. Insurance.

The Tenant will maintain at all times during its use and occupancy of the Demised Premises adequate insurance coverage of not less than One Million Dollars (\$1,000,000) per occurrence for general liability, automobile liability, and liquor liability; workers compensation insurance in the amount required by Maine law; and fire legal liability insurance in the minimum amount of One Hundred Thousand Dollars (\$100,000).

Prior to the commencement of any work on or occupancy of the Demised Premises, and annually thereafter, the Tenant shall furnish the Landlord with certificates of insurance indicating compliance with this paragraph in a form satisfactory to Landlord. The certificates shall provide that the coverage may not be cancelled without thirty (30) days advance notice of cancellation to the Landlord, and the Landlord shall be named as an additional insured on all liability policies, which shall be stated on such certificates. Any insurance provided by the Tenant shall be primary to any coverage which the Landlord may provide. Liability insurance coverage shall also extend to damage, destruction, and injury to City-owned or City-leased property and City personnel, to the extent caused by, or resulting from negligent acts, operations, or omissions of Tenant, its officers, agents, employees, and/or contractors. The Workers' Compensation insurance shall include an endorsement waiving all rights of subrogation against the City of Portland, its officers or employees.

13. Indemnity.

- a. General. To the fullest extent permitted by law, Tenant shall at its own expense defend, indemnify, and hold harmless the Landlord, its officers, agents, and employees from and against any and all liability, claims, damages, penalties, losses, expenses, or judgments, just or unjust, arising from injury or death to any person, or damage to property sustained by anyone (including but not limited to Landlord employees or property), including but not limited to claims based upon violation of any environmental law or regulation arising during the term of this agreement, except to the extent that such claims are caused by a negligent act or omission of the Landlord, its officers, agents, servants or employees.

Tenant shall, at its own cost and expense, defend any and all suits or actions, just or unjust, which may be brought against Landlord or in which Landlord may be impleaded with others upon any such above-mentioned matter, claim or claims, including claims of contractors, employees, laborers, materialmen, and suppliers. In cases in which Landlord is a party, Landlord shall have the right to participate at its own discretion and expense and no such suit or action shall be settled without prior written consent of Landlord, which consent shall not be unreasonably withheld, delayed or conditioned. Such obligation of indemnity and defense shall not be construed to negate nor abridge any other right of indemnification or contribution running to Landlord which would otherwise exist.

- b. Without limiting the foregoing, to the fullest extent permitted by law, Tenant hereby agrees to assume all risk of injury, harm or damage to any person or property (including but not limited to all risk of injury, harm or damage to Tenant's officers, agents, employees, contractors, customers or invitees or to their property) arising out of, during, or in connection with the rental or use of the Demised Premises or any portion thereof and the activities hereunder which injury, harm or damage is alleged to be related to the presence of mold at or in the Premises. Tenant shall, at its own cost and expense, defend, indemnify and hold the Landlord harmless from any such liability, claims, damages, losses or expenses, except to the extent caused by a negligent act or omission of the Landlord, its officers, agents, servants or employees.
- c. Covenant against liens: Tenant shall not cause or permit any lien against the Landlord's property or any improvements thereto to arise out of or accrue from any action or use thereof by Tenant and shall hold the Landlord harmless therefrom; provided, however, that Tenant may in good faith contest the validity of any alleged lien. Upon request of the Landlord, Tenant shall post a bond warranting payment of any such lien in the event Tenant contests such lien.

d. Survival. The Terms of this Section shall expressly survive the expiration or termination of this Agreement.

14. Covenants of Landlord.

Landlord covenants that it is the owner in fee of the Demised Premises and can and will provide quiet enjoyment of the Demised Premises during the original and any extended terms of the Lease, and that the Lease is signed by a duly authorized individual.

15. Default.

Either party shall be determined to be in default hereunder if it shall fail to perform any obligations or comply with any terms or conditions stated herein within fifteen (15) days after receipt of notice of such failure from the other party or (if the default is of such nature that it cannot be cured within such period) if it shall fail to commence to cure the default within such period and thereafter diligently prosecute the cure to completion within a reasonable time. Upon such default and failure to cure, the other party shall have the right, at its option, and in addition to any other remedies, to terminate this Lease by giving the party in default written notice thereof and upon the giving of such notice, this Lease and the term hereof shall cease. Upon any termination of this Lease, Tenant shall quit and surrender to Landlord the Demised Premises in accordance with the provisions of Article 8 hereof. If this lease is terminated, Tenant shall remain liable to Landlord for all Rent accrued and unpaid up to the date of such termination, as well as all Rent for the remainder of the term as and when it shall come due. Tenant shall pay all reasonable costs, expenses, liabilities, losses, damages, fines, penalties, claims, and demands, including reasonable counsel and consultant fees, that are incurred by Landlord as a result of Tenant's default under this Lease. Landlord and Tenant agree to expedite a cure in the event of an emergency situation.

16. Notices.

Any notice required to be given under this Lease shall be in writing and shall be hand-delivered or sent by U.S. certified mail, return receipt requested, postage prepaid, addressed to the parties as stated below or such other address as either party may designate in writing to which its future notices shall be sent.

To Tenant:

c/o Deen Haleem and
Carol Mitchell
172 Eastern Promenade
Portland, ME 04101

To Landlord:

City of Portland
389 Congress Street
Portland, ME 04101
cc: City Manager, same address

17. Amendment.

Both parties hereto acknowledge and agree that they have not relied upon any statements, representations, agreements or warranties except such as are expressed herein. The terms of this Lease may be modified or amended by the mutual assent of the parties hereto; provided, however, that no such modification or amendment to this Lease shall be binding until in writing and signed by both parties.

18. Inspection and Entry.

The Landlord and/or its agents, may, with advance reasonable notice, enter to view, show and make any repairs or inspection of the Demised Premises. The Landlord shall have the right of immediate entry without notice in the event of any emergency or if the Tenant fails to pay rent, commits waste, or otherwise fails to comply with terms and conditions hereof.

19. Successors Bound.

The terms, covenants and agreements herein contained shall be for the benefit of and be obligatory upon the heirs, successors and assigns of the respective parties hereto.

20. Governing Law; jurisdiction.

This Lease shall be governed by and construed in accordance with the laws of the State of Maine. All disputes hereunder which are not mutually resolved shall be resolved by trial without a jury in the Courts of Cumberland County, State of Maine.

21. Force Majeure.

Neither Tenant nor Landlord shall be deemed in violation of this Lease if it is prevented from performing any of its obligations hereunder by reason of strikes, boycotts, labor disputes, acts of God, war, acts of superior governmental authority or other reason over which it has no control; provided, however, that the suspension of performance shall be no longer than that required by the force majeure and the party prevented from performance has given written notice thereof to the other party.

22. Non-Waiver.

No waiver of any breach of any one or more of the conditions of this Lease by the Landlord or Tenant shall be deemed to imply or constitute a waiver of any succeeding or other breach hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be duly executed as of the day and year first above written.

WITNESS:

TIQA CAFÉ , LLC

By: _____

Name: _____

Its: Manager

CITY OF PORTLAND

By: _____

Jon P. Jennings
Its City Manager

Approved as to form:

Approved as to funds:

Corporation Counsel's Office

Finance Department

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Troy Moon

DATE: 3/21/2016

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

SUBJECT: Order ...

SPONSOR: City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action X

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

The applicant requires a signed lease in order to obtain necessary permits for work. We request this item be expedited in order to allow Tiqa Café being open for business in early May. This is important to increase the likelihood of a successful season.

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

I. SUMMARY OF ISSUE (Agenda Description)

The City issued a solicitation of interest in order to identify businesses and individuals interested in operating a food service in the Castle in Deering Oaks Park. Five local businesses responded with formal proposals. A review committee comprised of Ethan Hipple, Recreation Director, Troy Moon, Open Space Manager, and Anne Pringle, President of Friends of Deering Oaks reviewed the proposals using selection criteria established in advance and shared with all parties who participated in the process. After careful deliberation, the committee unanimously agreed that the proposal submitted by Deen Haleem and Carol Mitchell of Tiqa Restaurant most closely met the goals outlined in the selection criteria.

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

City staff has negotiated terms of a lease with Mr. Haleem and Ms. Mitchell to operate Tiqa Café in the Castle in Deering Oaks. The term of the lease is for five years with options for renewal upon mutual agreement of the parties. It includes six spaces in the adjacent parking lot for staff parking. The lease allows for the renovation of one of the two bathrooms to be converted into a small kitchen to allow for the warming and preparation of food that will be cooked at Tiqa Restaurant on Commercial Street. Further modifications to the building would be prohibited unless specifically authorized by the City. Interior furnishings will be modular and set in place in order to protect the integrity of the structure.

As proposed, Tiqa Café will provide indoor seating year round. On a seasonal basis, the owners propose outdoor dining including beer and wine service. They will be required to obtain all necessary licenses and permits for these activities. They must have an executed lease agreement with the City before they can make the necessary applications

III. INTENDED RESULT

The order authorizes the City Manager to execute a lease allowing the owners of Tiqa Restaurant to establish Tiqa Café in the Castle in Deering Oaks.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Upon opening, Tiqa Café will pay rent and fees totaling \$750 per month.

VI. STAFF ANALYSIS

The Castle in Deering Oaks has been largely been vacant since the departure of the Convention and Visitors Bureau several years ago. City staff has made efforts to open the building during Farmers Market on Saturdays in order to provide bathroom facilities but it has proven challenging and costly to do this. Last summer, staff collaborated with the Friends of Deering Oaks to offer coffee and pastry service on Saturdays during the Farmers Market. Volunteers from the Friends of Deering Oaks attended the Castle, making the bathroom facilities available to the public. They also sold coffee and a variety of pastries from local bakeries in order to demonstrate the viability of the café concept. Building on this success, City staff issued a solicitation of interest that has resulted in our request for the Council to authorize the City Manager to execute a lease for the building. We feel that a successful café will benefit existing park users by offering a dining opportunity as well as a rest room facility. We also believe the café will activate the park by attracting people who may not have otherwise visited. The owners propose to offer service seven days per week during the summer. We see this as an opportunity to energize this section of the park on a daily basis.

VII. RECOMMENDATION

We recommend approval of the order authorizing the City Manager to execute the lease.

VIII. LIST ATTACHMENTS

Memo
Draft Lease
Tiqa Café Proposal

Prepared by: Troy Moon

Date: 3/21/2016

Bean/agendamemo/rev7/20/15



Executive Department
Jon P. Jennings, City Manager

To: Jon Jennings, City Manager
From: Troy Moon, Environmental Programs and Open Space Manager
RE: Leasing the Castle in Deering Oaks
Date: March 21, 2016

Introduction:

Earlier this spring the Department of Recreation and Facilities issued a solicitation of interest in order to identify businesses and individuals who would be interested in operating a food service in the Castle in Deering Oaks Park. Five local businesses responded with formal proposals. A review committee comprised of Ethan Hipple, Recreation Director, Troy Moon, Open Space Manager, and Anne Pringle, President of Friends of Deering Oaks reviewed the proposals using selection criteria established in advance and shared with all parties who participated in the process. This group interviewed two of the five applicants in order to better understand their proposals. After careful deliberation, the committee unanimously agreed that the proposal submitted by Deen Haleem and Carol Mitchell of Tiqa Restaurant most closely met the goals outlined in the selection criteria. They offered the longest operating hours, presented an appealing menu, and indicated a willingness to make a significant investment in order to transform the Castle into an appealing café.

Discussion:

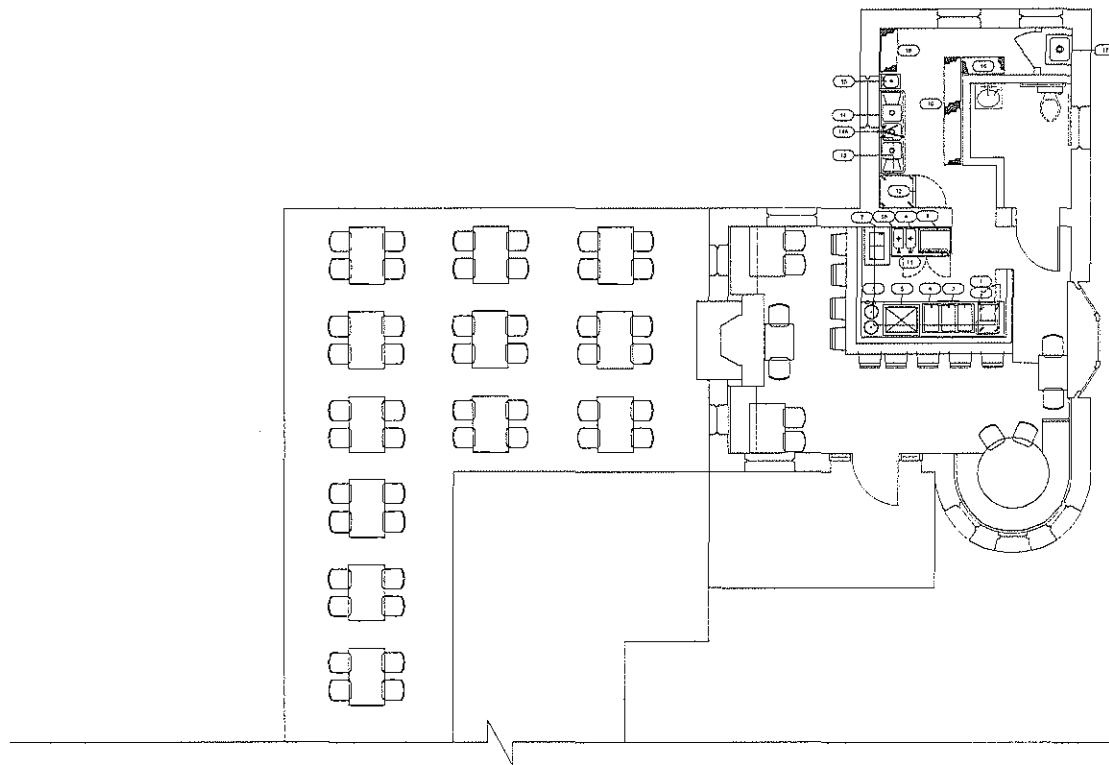
The Castle has been largely vacant since the departure of the Convention and Visitors Bureau several years ago. Efforts by staff to keep its bathrooms open during Farmers Market on Saturdays proved to be costly and difficult to sustain. Last summer, staff collaborated with the Friends of Deering Oaks to offer coffee and pastry service on Saturdays during the Farmers Market. Volunteers from the Friends of Deering Oaks attended the Castle, making the bathroom facilities available to the public. They also sold coffee and a variety of pastries from local bakeries in order to demonstrate the viability of the café concept. Building on this success, City staff issued the solicitation of interest that has resulted in our request for the Council to authorize the City Manager to execute a lease for the building. We feel that a successful café will benefit existing park users by offering a dining opportunity as well as a rest room facility. We also believe the café will activate the park by attracting people who may not have otherwise visited. The owners propose to offer service seven days per week during the summer. We see this as an opportunity to energize this section of the park on a daily basis.

City staff has negotiated terms of a lease with the owners of Tiqa Restaurant to operate Tiqa Café in the Castle for an initial term of five years with renewal options upon mutual agreement of the

parties. It also allows for the conversion of one of the two bathrooms into a small kitchen to allow for the warming and preparation of food that will be cooked at Tiqa Restaurant on Commercial Street and delivered to the site. Further modifications to the building would be prohibited unless specifically authorized by the City. Interior furnishings will be modular and set in place in order to protect the integrity of the structure. As compensation, the City will receive \$9,000 annually in rent and fee payments.

Tiqa Café would provide year round service. Indoor seating would be available in all seasons and outdoor dining would be available, weather permitting. Their concept includes beer and wine service as well as low key entertainment in the outside seating area during the summer months. They will be required to obtain all necessary licenses and permits for these activities. Mr. Haleem and Ms. Mitchell have indicated that beer and wine service is essential to the success of their business. They have already applied for their liquor license which will be before the Council at a subsequent meeting.

City staff believes this proposal presents an outstanding opportunity to energize this corner of the park. The proposed café will support those who already use the park and attract new visitors who wish to enjoy the park in a new way.



EQUIPMENT UTILITY SCHEDULE																	
REV	ITEM NO.	QTY	ITEM DESCRIPTION	MFR	MODEL	VOLTS	PH	ELECTRICAL				PLUMBING					ITEM NO.
								AMPS	HP	KW	CONN	NEMA	GW (IN)	HW (IN)	DW (IN)		
	1	1	HEATED LOW TEMP HOLDING CABINET	ALTO-SHAAM	500-S	120	1	8.4		1.0	CORD & PLUG	S-13P				1	
	2	1	TOASTER OVEN	EQUIPEX	BAR-100	208/240	1	7.0/8.0		2.0	CORD & PLUG	B-18P				2	
	3	1	DROP-IN HOT WELL	WELLS	MOD-300TDM	208-240	3	10.3/11.0		3.72/4.95	DIRECT			1/2"		3	
	4	1	WORK TABLE	ADVANCE TABCO	KSS-3010											4	
	5	1	COLD FOOD WELL UNIT, DROP-IN, REFRIGERATED	WELLS	RCP-200	115	1	2.8	1/5		CORD & PLUG	S-15P		1"		5	
	6	2	DROP-IN SOUP WELL	WELLS	SS-10T0U	120	1	5.8		0.825	DIRECT			1/2"		6	
	7	1	ICE CREAM DIPPING CABINET	MASTERSBILT	DC-25	115	1	5.7	1/4		CORD & PLUG	S-15P				7	
	8	1	ESPRESSO	CUSTOM												8	
	9	1	FRENCH PRESS	CUSTOM	BY OTHERS											9	
	10	1	HOT WATER DISPENSER	FETCO												10	
	11	1	BACK BAR COOLER	TRUE	TBS-24-48	115	1	7.0	1/3		CORD & PLUG	S-15P				11	
	12	1	REACH-IN DUAL TEMP CABINET	TRUE	T-232T	115	1	6.3	1/10		CORD & PLUG	S-15P				12	
		1		TRUE	T-232T				1/3								
	13	1	SHELVING, WALL-MOUNTED	ADVANCE TABCO	WS-12-35											13	
	14	1	THREE (3) COMPARTMENT SINK	ADVANCE TABCO	K7-C9-29									(3) 1-1/2"		14	
	14A	1	PRE-RINSE FAUCET ASSEMBLY	T&S BRASS	B-0133-B								1/2"	1/2"		14A	
	14B	3	LEVER WASTE	T&S BRASS	B-3952									2"		14B	
	15	1	HAND SINK	EAGLE GROUP	HSAN-10-P										1-1/2"	15	
	16	LOT	WIRE SHELVING	CENTRAIR	C1436C											16	
	17	1	MOP SINK	EAGLE GROUP	F1916										2"	17	
				EAGLE GROUP	312690								1/2"	1/2"			

PRELIMINARY ONLY
MM-DD-YYYY
NOT FOR CONSTRUCTION

FOODSERVICE EQUIPMENT LAYOUT
SCALE: 1/4" = 1'-0"

555 Centre Street
P.O. Box 3505
South Portland, ME 02705
P. 508-295-1000
F. 508-241-7820
tina@tiqa.com

This document contains confidential information, is the property of TIQA, and its use is restricted to the project for which it was prepared. It shall not be used for other projects or for the extension of the project without TIQA's written approval.

Owner and all Contractors to check and verify existing conditions and conditions in the field before starting construction and to notify TIQA of any discrepancies or errors.

REVISIONS
DATE BY NO. DESCRIPTION

TIQA CAFE
PORTLAND, ME

RESTAURANT LAYOUT

PROJECT NUMBER:
doc

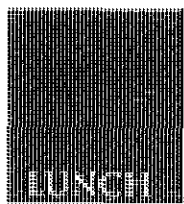
DATE: 02/5/16

SCALE: 1/4" = 1'-0"

DRAWN BY: jrd APPROVED BY: jrd

SHEET TITLE:
FOODSERVICE EQUIPMENT PLAN

SHEET NUMBER:
QF100



PLEASE MAKE A RESERVATION
FOR OUR REGIONALLY-INSPIRED
CHEF'S BAR
OFFERED SUNDAY-FRIDAY

STARTERS

- CHICHARRÓN || PORTUGAL • Confit Pork Belly, Fried Sweet and Hot Peppers and House Chili Sauce • 13
- WARMED MARINATED OLIVES || ISRAEL • Chili, Citrus, Olive Oil • 6
- FALAFEL || EGYPT • Chickpea Fritters and Purée, Cucumber-Tahini • 6
- BABA GANOUSH || TURKEY • Roasted Eggplant Purée, Olive Oil, Pita • 6
- HUMMUS || SYRIA, LEBANON • Sesame, Garlic, Olive Oil, Pita • 6
- MOULES AU LIAISON || FRANCE • Local Mussels with Shallots, White Wine, Creme Fraiche, and Grilled Country Bread • 12
- SHORBAT ADAS || SPAIN • Purée of Red Lentils with Root Vegetable Salad • 6
- TIQA MEZZE PLATE || LEVANT • Baba Ganoush, Hummus, Falafel, Olives, Pita and Brussels Sprouts • 16
- ROASTED BRUSSELS SPROUTS || MOROCCO • Green Tahini, Sesame Seeds, Mustard oil • 7

SALADS

- TIQA SALAD || MEDITERRANEAN INSPIRED • Mixed Greens, Date Purée, Red Wine Vinegar, Sunflower and Mustard Seeds • 7
- BUTTERNUT SQUASH CARPACCIO || ITALY • Roasted Butternut Squash, Cumin Salt, Pepitas, and Sesame Arugula Salad • 9
- MUJADDRA SALAD || LEBANON • Lentil and Rice Salad, Fresh Herbs, Almonds, Onions, and Lemon Vinaigrette • 8
- ADD KABOB TO ANY SALAD • Tofu or Merguez • 6 || Beef, Kefia or Lamb • 8 || Seafood • MP

KEFTA & KABOBS

- MANZO AL VINO ROSSO || ITALY • Red Wine Marinated Beef Kabobs, with Grilled Vegetables, Goat Cheese Crisolini and Tomato Mustard • 17
- CHICKEN MERGUEZ || MOROCCO • Currant and Almond Wild Rice Pilaf, Pomegranate Vinaigrette and Sumac Yogurt • 14
- *SEAFOOD || EGYPT • Grilled Scallops and Shrimp, Freekah, Apple, and Roasted Squash Tabouli with Taratore • MP
- *HARISSA LAMB || TUNISIA • Grilled Eggplant, Chickpeas, Roasted Root Vegetables and Harissa Yogurt • 18
- PATLICAN || TURKEY • Tofu Kabob served with Salad of White Beans, Celery, Red Onion, Mustard Vinaigrette and Saffron Yogurt • 14
- *KEFTA || LEBANON • Spiced Ground Lamb served with Freekah Tabouli and Minted Yogurt • 18

SHAWARMA & PITA

- SHAWARMA || Middle-Eastern Sandwich Wraps served with house-made Markouk Bread and Cucumber Salad
- CHICKEN SHAWARMA || LEVANT • Chicken Kefia, Tahini, Lettuce, Tomato, Cucumber Yogurt and Mint • 15
- SLOW-ROASTED BEEF SHAWARMA || LEVANT • Cucumber Tahini, Pickled Eggplant • 11
- KEFTA PITA || PALESTINE • Grilled Kefia, Taratore Sauce, Marinated Tomatoes and Cucumbers, with Crisp Lettuce and Mint Yogurt • 9
- FALAFEL PITA || EGYPT • Marinated Tomatoes, Cucumber Mint Yogurt, and Taratore Sauce • 12

EXECUTIVE CHEF || BO BYRNE

SOME ITEMS ARE SERVED RAW OR MAY BE COOKED TO ORDER. CONSUMING RAW OR UNCOOKED MEATS, POULTRY, FISH, SHELLFISH OR EGGS, MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS. PLEASE INFORM YOUR SERVER IF A MEMBER OF YOUR PARTY HAS A FOOD ALLERGY.

DESSERTS



KNAFEH || PALESTINE

Crispy Shredded Phyllo, Fresh Mozzarella, Spiced Cherries,
Creme Anglaise • 7

FLOURLESS CHOCOLATE CAKE || ITALY

Hazelnut Mousse, Nutella, Sesame Tuile, Marshmallow,
Tahini Ice Cream • 9

PUMPKIN PRALINE CANOLLI || ITALY

Pumpkin Ricotta, Almond Praline, Maple Caramel, Fall Compote • 9

FIG & GINGER CLAFOUTIS || FRANCE

Braised Figs, Candied Ginger, Pomegranate Molasses,
Vanilla Creme Anglaise • 8

LOUKOUMADES || GREECE

Donuts, Rosewater And Orange Blossom Syrup, Walnuts • 7

HOUSE MADE GELATI & SORBETTO || Assorted Flavors • 6

APRES

HOT CHOCOLATE || WITH TOASTED MARSHMALLOW • 6

ADD SPIRITS || Peppermint Schnapps, Frangelico, Chile Liqueur • +4

VANILLA CARDAMOM BOOZY COFFEE || HOT OR ICED

Infused Cardamom Coffee, Vanilla Simple Syrup, Vodka Triple Sec,
and Cream with Toasted Marshmallows • 9

IRISH ESPRESSO MARTINI || Pulled Espresso,

Baileys Irish Cream, Vodka, and Jameson • 10

COFFEE

BURUNDI KAYANZA BOURBON || ITALIAN ESPRESSO & DECAF

Single • 2.00 Double • 2.60 Cappuccino • 2.90 Latte • 2.90 Macchiato • 2.25

ETHIOPIA SIDAMO • REGULAR || COSTA RICA TRES • DECAF

French press 8 oz • 2.20 French press 16 oz • 4.00

French press 36 oz • 7.50 French press 44 oz • 9.50

TEAS

CEYLON & ORANGE PEKOE TEA, WITH NATURAL SAGE LEAVES

2-cup Teapot • 16 oz • 2.00

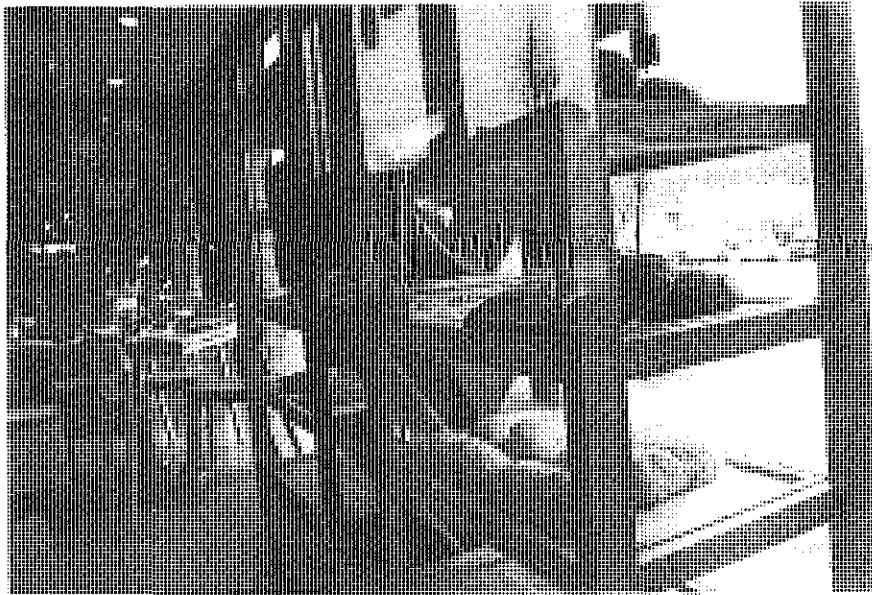
ORGANIC DECAF TEA, WITH NATURAL SAGE LEAVES

2-cup Teapot • 16 oz • 2.00

PACIFIC ORGANIC SPICY CHAI TEA

6 oz • 2.75

TIQA's handmade breads and pastries



Bread

Pita \$3.00/6 ea

Focaccia \$3.00

Sourdough \$4.75

Rye \$5.00

Maine Grains Whole Wheat \$5.00

Chiabatta \$3.00

Bread du jour \$5.50

Baguette \$2.25

Challah \$4.00

Sold in packages of 6:

Croissant \$7.00

Bagels \$4.50

*Caramel Babka \$12.00**

*Chocolate Babka \$12.00**

Pastry

Panforte \$8.00

Chocolate Macaron \$6.00

Baklava \$8.00

Ma'amoul cookies \$8.00

**Available Sundays and by request only*



BRUNCH

TIQA SALAD || PAN MEDITERRANEAN

Mixed Greens, Date Puree, Red Wine Vinegar, Sunflower & Mustard Seeds • 7

BUTTERNUT SQUASH CARPACCIO || ITALY

Roasted Butternut Squash, Cumin Salt, Pepitas, Sesame Arugula Salad • 9

*SHAKSHUKA || ISRAEL • Poached Egg Hot Pot, Tomato, Feta, Spiced Crumbs • 9

KATAYEF || LEBANON • Fresh Berries & Cheese Filled Pancakes • 8

*TWO EGGS, ANY STYLE • Spiced Potatoes, Roasted Tomato • 7

*FOCACCIA SANDWICH

Marinated Tomatoes, Mixed Greens, Cheese Fritata, & Harissa Aioli • 11

*LAMJUN FLATBREAD || TURKEY

Slow-Cooked Lamb with Tomatoes, Herb Salad, and Eggs on House Flatbread • 14

TODAY'S OMELETTE || FRANCE • Spiced Potatoes, Roasted Tomato • 10

* EGGS BENEDICT || PAN MEDITERRANEAN

Spinach, Grilled Focaccia, Spiced Potatoes and Roasted Tomatoes
Lobster • 18 || Steak • 16 || Vegetable • 12

*MOROCCAN BENEDICT • Tzimmes Braised Beef, Harissa-Tomato Hollandaise • 14

*PASTIRMA BEEF HASH || TURKEY

Turkish Slow-Cooked Brisket, Roasted Tomato, with Two Eggs any Style • 14

*SABIH || ISRAEL

Pita, Marinated Tomato & Cucumber, Hummus, Baba Ganoush, Green Tahini • 10

KEFTA PITA SANDWICH || PALESTINE

Grilled Kefta, Taratore Sauce, Marinated Tomatoes and Cucumbers,
with Crisp lettuce and Mint Yogurt • 9

SIDES

Bacon • 4

Spiced Potatoes • 4

House Sausage • 5

Greek Yogurt • 3

House Granola • 3

PASTRIES

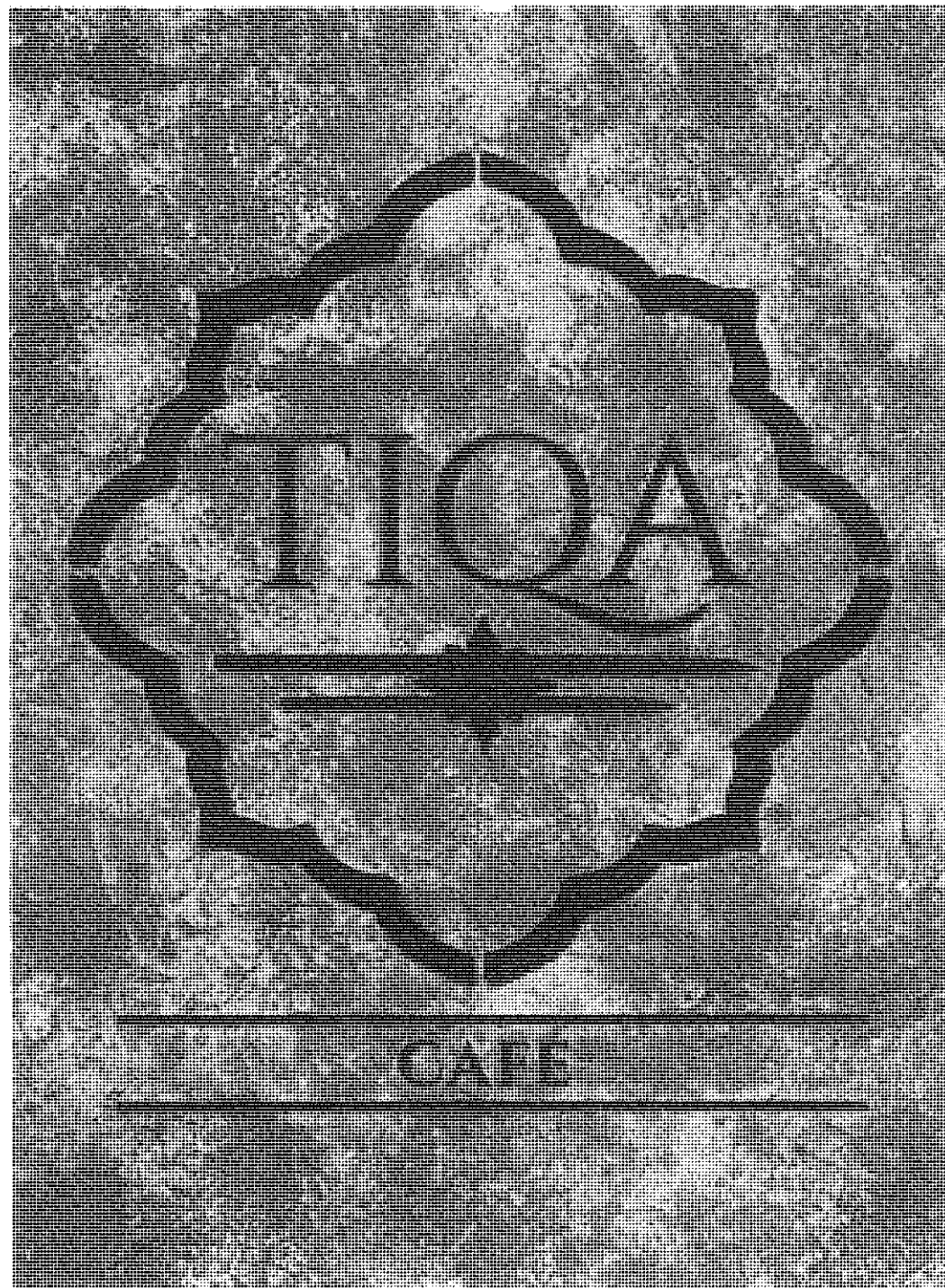
House Sourdough Toast • 3

Chocolate Babka • 4

Salted Caramel Babka • 4

Walnut Spinach Fatayeh • 5

*SOME ITEMS ARE SERVED RAW OR COOKED TO ORDER. CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, FISH, SHELLFISH OR EGGS MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS.
PLEASE INFORM YOUR SERVER IF A MEMBER OF YOUR PARTY HAS A FOOD ALLERGY.



Concept

- TIQA Cafe will be a satellite for TIQA Pan Mediterranean on 327 Commercial St. All food will be prepared at TIQA Pan Mediterranean by our certified chefs in our licensed kitchen and moved in a safe manner to TIQA Café.
 - It will offer a sub section of the main menus to include:
 - Dessert and Pastries
 - Breads
 - Breakfast
 - Lunch
 - Dinner
 - Homemade Gelato and Sorbet
 - Beverage's
 - Beer & Wine
 - Craft Coffee and Tea that's locally sourced
 - Soft Drink's
 - Juices

Hours of Operation

- TIQA Café will start out opening 7 days a week from 7am to dusk (assuming an April opening)
- Business Conditions will eventually dictate the hours of operation

Food Service Experience

TIQA Employs a full time management team consisting of:

- Certified Executive Chef (13 years of experience)
- Executive Sous Chef (10 years of experience)
- 2 Kitchen Shift Managers (combined experience 13 years)
- General Manager (16 years of experience)
- Beverage Director and Sommelier (13 years of experience)
- Front of the house manager (10 years of experience)
- TIQA is an established 7,000 square foot restaurant and a 1,000 square foot private patio that seats over 300 guests and has served over 50,000 patrons during the last year

Licensing

- TIQA holds a class XI license authorizing the sale of spirits, food and providing live music and dancing as well as a permanent outdoor patio permit
- TIQA also has City of Portland Occupancy permit and passed every health inspection to date
- TIQA Café will apply for a food and beverage license to include beer and wine.

Building Modifications

TIQA will work diligently to enhance the beauty of Deering Oaks Castle

- TIQA will renovate the utility room by raising all items off the ground, making the space cleaner and usable
- TIQA will convert the current men's room into a dry storage and dish/cleaning area
- Remove the counter and replace with round banquets to create comfortable seating (they will not be fastened to the wall or floor)

Terms of Payment

- TIQA will offer the prevailing rent within the area, which is estimated at approximately \$15 a square foot

Rejuvenate Deering Oak Park

TIQA will expend significant resources to create an elegant casual café that will:

- Provide free internet access to all guests
- Shaded outdoor seating
- Comfortable Interior seating, that's crafted by local Mainers
- Artisan breads, pastry made fresh daily by our pastry chef and a variety of coffees and teas

Timeline

- TIQA has the resources and experience to move quickly and can be open in less than 45 days from date of signed lease
 - City approvals and inspections are outside the control of TIQA and have historically taken the most amount of time

Requests of the City of Portland

- In the event TIQA encounters any code issues with existing (plumbing, electrical...) – City agrees to be responsible for all such remedies
- Increase the amount of trash receptacles within Deering Oaks Park
 - Please note this is an existing condition, which should be remedied even the Castle is not activated as a restaurant.

Appendix

- Interior and exterior proposed layout and equipment schedule
- Construction effort/budget
- Menu's

*Order 221-15/16
Tab 20 4-25-16*

ETHAN STRIMLING (MAYOR)
BELINDA RAY (1)
SPENCER THIBODEAU (2)
EDWARD J. SUSLOVIC (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Tiqa Café LLC d/b/a Tiqa Café. Application for a Class III & IV (Wine & Beer) License with Entertainment without Dance and Outdoor Dining on Public Property at Deering Oaks Castle at 356 State St.

TIQA Café
Deering Oak Castle
Portland Maine

March 10, 2016

The Honorable Mayor and City Council of Portland Maine
389 Congress St
Portland, ME 04101



Dear Mr. Mayor and Members of the Portland City Council,

TIQA Café is proposing to develop a year round food facility in the Cities Deering Oak Castle. This proposal is contingent on the following conditions:

- Joint approval of a Lease between the City of Portland and TIQA Café
- City and state approval of a beer, wine, outdoor seating, entertainment licenses/permits
- Issuance of a fit up permit to make agreed upon modifications to the Deering Oak's Castle to serve as a food facility
- Issuance of a sign permit
- Issuance of an occupancy permit

TIQA Café will in turn, expend material resources to develop and revitalize Deering Oak Castle - enhancing the foot print of Deering Oak's Park as well as providing the agreed upon rent and eliminating a significant amount of the Cities current cost of maintaining Deering Oak Castle.

Sincerely,

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

Deen Haleem

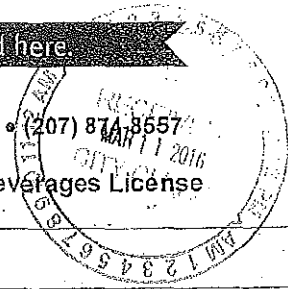
Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License



Business Information:		TIQA CAFE LLC	
Business Name (d/b/a):	TIQA CAFE	Phone:	207 808-8840 / 04101
Location Address:	DEERING OAK CASTLE	Zip:	04101
If new, what was formerly at this location:			
Mailing Address:	327 COMMERCIAL ST	Zip:	04101
Contact Person:	DEEN HALGEM	Phone:	207 808-8840
Contact Person Email:	deen@tiqa.net		
Manager of Establishment:	TAYLOR BURNS	Phone:	207 808-8840
Owner of Premises (Landlord):	CITY OF PORTLAND		
Address of Premises Owner:	389 CONGRESS ST	Zip:	04101

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
TIQA CAFE LLC		327 COMMERCIAL ST Zip: 04101	
Contact Person:	DEEN HALGEM	Phone:	207 808-8840
Principal Officers	Title	Date of Birth	Residence Address
DEEN HALGEM	PRESIDENT	9/24/64	172 E PRIN PORTLAND ME 04101
CAROL MITCHELL	VP	12/26/85	=

About Your Establishment

Class of Liquor License:	III / IV	
Type of food served:	PAW MEDIER	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☐	
Projected percentage of sales:	Generated from Food: 80%	Generated from Alcohol: 20%
Hours & days of operation:	7am to dusk	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒
Will you permit dancing on the premises?	☒
Will you permit dancing after 1:00 a.m.?	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	☒
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date? 5/15	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	☒
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒
If Yes, please list business name(s) and location(s): TIQA	
327 COMMERCIAL ST, PORTLAND, ME 04101	
Is any principal officer under the age of 21?	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒
If Yes, please explain:	

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

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

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

Signature [Signature] Title PRESIDENT Date 3/10/16

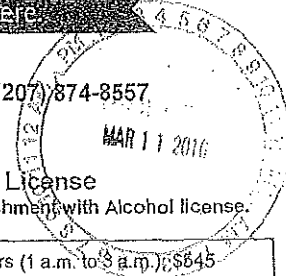
For more information about Liquor Licenses, see Portland City Code Chapter 15 at www.portlandmaine.gov and M.R.S.A. Title 28-A at www.maine.gov

Portland, Maine



Yes. Life's good here.

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



Supplemental Application for Dancing and Entertainment License
License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Alcohol license.

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

Business Information	
Business Name (d/b/a):	TIQA CAFE
Phone:	207 808-8846
Location Address:	DEERING OAK CASTLES
Zip:	04101

About Your Establishment.

Describe in detail the type and nature of the business and proposed entertainment:	
RESTAURANT / CAFE / LIVE MUSIC	
Will music be electric, acoustical, or both? (Circle)	
Will amplification be used?	Y(N)
If yes, where and at what level?	APPROPRIATE LEVEL SET BY CITY ORDINANCE
Will music be played (Circle all that apply): Inside Outside	
Will you permit dancing on the premises?	Y(N)
Will you permit dancing after 1:00 a.m.?	Y(N)
What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place?	1000 FT
What is your targeted opening date?	5/15/16
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):	

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

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

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

Signature [Signature] Title PRESIDENT Date 3/10/16

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

Department of Public Safety
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.



Liquor Licensing & Inspection

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ 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: CAFE CLASS III/IV

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)		
TIQA CAFE LLC DOB: 1/1/11			TIQA CAFE		
Address			Location (Street Address)		
172 EASTERN PROMENADE			DEERING OAK CASTLE		
City/Town State Zip Code			City/Town State Zip Code		
PORTLAND ME 04101			PORTLAND ME 04101		
Mailing Address			Mailing Address		
327 COMMERCIAL ST			327 COMMERCIAL ST		
City/Town State Zip Code			City/Town State Zip Code		
PORTLAND ME 04101			PORTLAND ME 04101		
Telephone Number Fax Number			Business Telephone Number Fax Number		
207-808-8840			207-808-8840		
Federal I.D. #			Seller Certificate #		
81-1786113					

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 \$ 0 FOOD \$ 0 LIQUOR \$ 0

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: TAYLOR BURNS

8. If business is NEW or under new ownership, indicate starting date: 5/5/16

Requested inspection date: 5/5/16 Business hours: 7am - 8pm

9. Business records are located at: 327 COMMERCIAL ST, PORTLAND ME 04101

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
TAYLOR BURNS	8/29/89	LEWISTON ME
DEEN HALEEM	9/24/64	KUWAIT/KUWAIT
CAROL MITCHELL	12/6/55	WATERVILLE ME

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

17 SEQUOIA LN
SCARBOROUGH ME 04074

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

CITY OF PORTLAND

17. Describe in detail the premises to be licensed; (Supplemental Diagram Required) SEE DIAGRAM

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

YES ☐ NO ☒ Applied for: 4/5/16

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? 2,000 Which of the above is nearest? USM

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 3/11, 2016

Town/City, State

Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

DEEN HALEEM



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:

TIQA CAFE LLC

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

TIQA CAFE

3. Date of filing with the Secretary of State: 3/11/16

4. State in which you are formed: MAINE

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

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

Name	Address for Previous 5 years	Date of Birth	Ownership %
DEEN HAZEM	172 E PROM PORTLAND ME 04101	9/24/64	50%
CAROL MITCHELL	=	12/24/55	50%

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

Yes

☐

No

☒

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

Name: _____ Agency: _____

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

Yes ☐ No ☒

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

3/10/16
Date

DEON H. L. SMITH
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



PLEASE MAKE A RESERVATION
FOR OUR REGIONALLY-INSPIRED
CHEF'S BAR
OFFERED SUNDAY-FRIDAY

STARTERS

- CHICHARRÓN || PORTUGAL • Confit Pork Belly, Fried Sweet and Hot Peppers and House Chili Sauce • 13
- WARMED MARINATED OLIVES || ISRAEL • Chili, Citrus, Olive Oil • 6
- FALAFEL || EGYPT • Chickpea Dippers and Pate, Cucumber-Tahini • 6
- BABA GANOUSH || TURKEY • Roasted Eggplant Puree, Olive Oil, Pita • 6
- HUMMUS || SYRIA, LEBANON • Sesame, Garlic, Olive Oil, Pita • 6
- MOULES AU LIAISON || FRANCE • Local Mussels with Shallots, White Wine, Creme Fraiche, and Grilled Country Bread • 12
- SHORBAT ADAS || SPAIN • Puree of Red Lentils with Root Vegetable Salad • 6
- TIQA MEZZE PLATE || LEVANT • Baba Ganoush, Hummus, Falafel, Olives, Pita and Brussels Sprouts • 16
- ROASTED BRUSSELS SPROUTS || MOROCCO • Green Tahini, Sesame Seeds, Mustard oil • 7

SALADS

- TIQA SALAD || MEDITERRANEAN INSPIRED • Mixed Greens, Date Puree, Red Wine Vinaigrette, Sunflower and Mustard Seeds • 7
- BUTTERNUT SQUASH CARPACCIO || ITALY • Roasted Butternut Squash, Cumin Salt, Peppitas, and Sesame Arugula Salad • 9
- MUJADDRA SALAD || LEBANON • Lentil and Rice Salad, Fresh Herbs, Almonds, Onions, and Lemon Vinaigrette • 8
- ADD KABOD TO ANY SALAD • Tofu or Merguez • 6 | Beef, Kefia or Lamb • 8 | Seafood • MP

KEFTA & KABOBS

- MANZO AL VINO ROSSO || ITALY • Red Wine Marinated Beef Kabobs, with Grilled Vegetables, Goat Cheese Chorizo and Tomato Mustard • 17
- CHICKEN MERGUEZ || MOROCCO • Currant and Almond Wild Rice Pilaf, Pomegranate Vinaigrette and Sumac Yogurt • 14
- *SEAFOOD || EGYPT • Grilled Scallops and Shrimp, Freekah, Apple, and Roasted Squash Tabouli with Taratore • MP
- *HARISSA LAMB || TUNISIA • Grilled Eggplant, Chickpeas, Roasted Root Vegetables and Harissa Yogurt • 18
- PATLICAN || TURKEY • Tofu Kabob served with Salad of White Beans, Celery, Red Onions, Mustard Vinaigrette and Saffron Yogurt • 14
- *KEFTA || LEBANON • Spiced Ground Lamb served with Freekah Tabouli and Almond Yogurt • 18

SHAWARMA & PITA

- SHAWARMA || Middle-Eastern Sandwich Wraps served with house-made Markouk Bread and Cucumber Salad
- CHICKEN SHAWARMA || LEVANT • Chicken Kefia, Tahini, Lettuce, Tomato, Cucumber, Yogurt and Mint • 15
- SLOW-ROASTED BEEF SHAWARMA || LEVANT • Cucumber Tahini, Pickled Eggplant • 11
- KEFTA PITA || PALESTINE • Grilled Kefia, Taratore Sauce, Marinated Tomatoes and Cucumbers, with Crisp Lettuce and Mint Yogurt • 9
- FALAFEL PITA || EGYPT • Marinated Tomatoes, Cucumber Mint Yogurt, and Taratore Sauce • 12

EXECUTIVE CHEF || BO BYRNE

SOME ITEMS ARE SERVED RAW OR MAY BE COOKED TO ORDER. CONSULTING WITH OUR LICENSED DIETITIAN, FOR INFORMATION ON ALLERGENS, AND PLEASE ADVISE YOUR SERVER IF A MEMBER OF YOUR PARTY HAS A FOOD ALLERGY.

DESSERTS



KNAFEH || PALESTINE

Crispy Shredded Phyllo, Fresh Mozzarella, Spiced Cherries,
Creme Anglaise • 7

FLOURLESS CHOCOLATE CAKE || ITALY

Hazelnut Mousse, Nutella, Sesame Tuile, Marshmallow,
Tahini Ice Cream • 9

PUMPKIN PRALINE CANOLLI || ITALY

Pumpkin Ricotta, Almond Praline, Maple Caramel, Fall Compote • 9

FIG & GINGER CLAFOUTIS || FRANCE

Braised Figs, Candied Ginger, Pomegranate Molasses,
Vanilla Creme Anglaise • 8

LOUKOUMADES || GREECE

Donuts, Rosewater And Orange Blossom Syrup, Walnuts • 7

HOUSE MADE GELATI & SORBETTO || Assorted Flavors • 6

APRES

HOT CHOCOLATE || WITH TOASTED MARSHMALLOW • 6
AND SPIRITS || Peppermint Schnapps, Frangelico, Chile Liqueur • 4.4

VANILLA CARDAMOM BOOZY COFFEE || HOT OR ICED
Infused Cardamom Coffee, Vanilla Simple Syrup, Vodka Triple Sec,
and Cream with Toasted Marshmallows • 9

IRISH ESPRESSO MARTINI || Pulled Espresso,

Balleys Irish Cream, Vodka, and Jameson • 10

COFFEE

BURUNDI KAVANZA BOURBON || ITALIAN ESPRESSO & DECAF
Single • 2.00 Double • 2.60 Cappuccino • 2.90 Latte • 2.90 Macchiato • 2.25

ETHIOPIA SIDAMO • REGULAR || COSTA RICA TRES • DECAF
French press 8 oz • 2.20 French press 16 oz • 4.00
French press 36 oz • 7.50 French press 44 oz • 9.50

TEAS

CEYLON & ORANGE PEKOE TEA, WITH NATURAL SAGE LEAVES
2-cup Teapot • 16 oz • 2.00

ORGANIC DECAF TEA, WITH NATURAL SAGE LEAVES
2-cup Teapot • 16 oz • 2.00

PACIFIC ORGANIC SPICY CHAI TEA
6 oz • 2.75

• EXECUTIVE PASTRY CHEF || ROBYN RAY •



BRUNCH

TIQA SALAD || PAN MEDITERRANEAN
Mixed Greens, Date Puree, Red Wine Vinegar, Sunflower & Mustard Seeds • 7

BUTTERNUT SQUASH CARPACCIO || ITALY
Roasted Butternut Squash, Cumin Salt, Peppas, Sesame Arugula Salad • 9

***SHAKSHUKA || ISRAEL** • Poached Egg Hot Pot, Tomato, Feta, Spiced Crumbs • 9

KATAYEF || LEBANON • Fresh Berries & Cheese Filled Pancakes • 8

***TWO EGGS, ANY STYLE** • Spiced Potatoes, Roasted Tomato • 7

***FOCACCIA SANDWICH**
Marinated Tomatoes, Mixed Greens, Cheese Fritata, & Harissa Aioli • 11

***LAMJUN FLATBREAD || TURKEY**
Slow-Cooked Lamb with Tomatoes, Herb Salad, and Eggs on House Flatbread • 14

TODAY'S OMELETTE || FRANCE • Spiced Potatoes, Roasted Tomato • 10

***EGGS BENEDICT || PAN MEDITERRANEAN**
Spinach, Grilled Focaccia, Spiced Potatoes and Roasted Tomatoes
Lobster • 18 || Steak • 16 || Vegetable • 12

***MOROCCAN BENEDICT** • Trimmies Braised Beef, Harissa-Tomato Hollandaise • 14

***PASTIRMA BEEF HASH || TURKEY**
Turkish Slow-Cooked Brisket, Roasted Tomato, with Two Eggs any Style • 14

***SABIH || ISRAEL**
Pita, Marinated Tomato & Cucumber, Hummus, Baba Ganoush, Green Tahini • 10

KEFTA PITA SANDWICH || PALESTINE
Grilled Kefla, Taratore Sauce, Marinated Tomatoes and Cucumbers,
with Crisp lettuce and Mint Yogurt • 9

SIDES

Bacon • 4

Spiced Potatoes • 4

House Sausage • 5

Greek Yogurt • 3

House Granola • 3

PASTRIES

House Sourdough Toast • 3

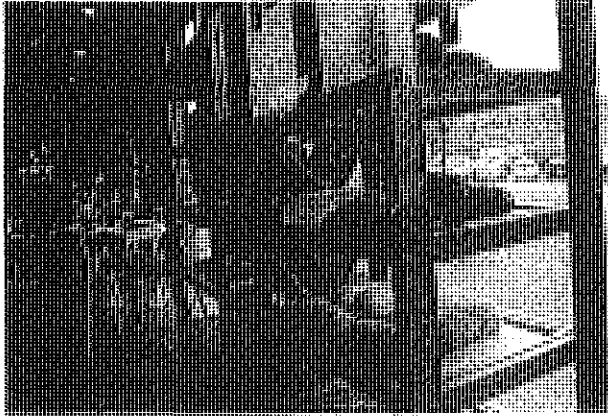
Chocolate Babka • 4

Salted Caramel Babka • 4

Walnut Spinach Fatayeh • 5

*HOUSE ITEMS ARE SERVED RAW OR COOKED TO ORDER. CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, FISH, SHELLFISH OR EGGS MAY INCREASE YOUR RISK OF ACQUIRING ILLNESS.
PLEASE INFORM YOUR SERVER IF A MEMBER OF YOUR PARTY HAS A FOOD ALLERGY.

TIQA's handmade breads and pastries



Bread

Pita \$3.00/6 ea

Focaccia \$3.00

Sourdough \$4.75

Rye \$5.00

Maine Grains Whole Wheat \$5.00

Chiabatta \$3.00

Bread du jour \$5.50

Baguette \$2.25

Challah \$4.00

Sold in packages of 6:

Croissant \$7.00

Bagels \$4.50

*Caramel Babka \$12.00**

*Chocolate Babka \$12.00**

Pastry

Panforte \$8.00

Chocolate Macaron \$6.00

Baklava \$8.00

Ma'amoul cookies \$8.00

**Available Sundays and by request only*



Outdoor Dining Permit Application

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

Check all that apply: ☒ New Application for Outdoor Dining or ☐ Renewal Application for Outdoor Dining ☐ Application for dining on Private Property		
☐ Outdoor Dining in a Public Park ☐ If Renewal, are there changes to previous permit? ☐ Outdoor Dining in a Historic District ☐ Yes ☐ No ☐ Petition for Exception for Special Circumstances ☒ Liquor License required? City Clerk signature for liquor license approval: _____ OR Pending Council Data: _____		
Location Name & Address:	Chart	Block Lot
DEERING OAK CASTLE		
Owner Name: DEEN HALEEM & CAROL MITCHELL	Total Square Footage of Proposed Outdoor Dining Area: ¹	
Owner Phone #: 207-808-8850	2,000	
Applicant *must* be owner or lessee	Fee: \$80 (Public-Annual) \$125 (Private 1X)	
Name: DEEN HALEEM	Total Sq. Ft.: 2000	
Address: 172 E PROMENADE	Sq. Ft. Fee: (sq ft x \$2) \$125	
City, State & Zip: PORTLAND ME 04101	(sq ft x \$6 for public parks)	
E-Mail: deen@tiqa.net	Total Fees: \$ _____	
Current use:	(Permit not issued until all fees are paid)	
Business name: TIQA CAFE		
Seating area dimensions: 50' x 40'		
How many chairs? 64	How many tables? 16	
☒ Yes Alcohol is served.		
☐ No Alcohol being served.		
Who should we contact: DEEN HALEEM	Phone: 805-8840	
Address: 172 E PROMENADE, PORTLAND	E Mail: deen@tiqa.net	

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

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

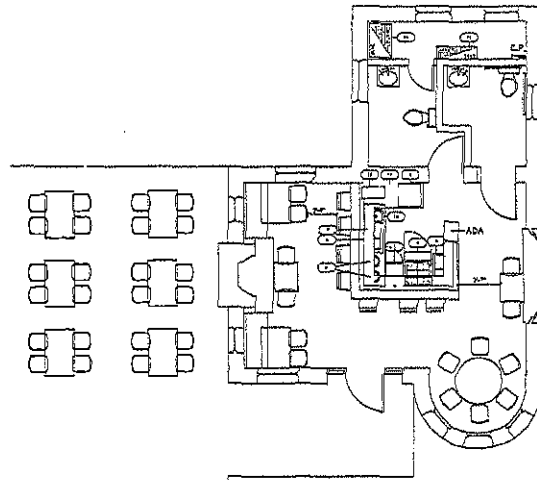
I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition,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

Signature of Applicant: _____

Date: 3/10/16

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

PRELIMINARY ONLY
04-18-2016
NOT FOR CONSTRUCTION



FOODSERVICE EQUIPMENT LAYOUT
SCALE: 1/4" = 1'-0"

EQUIPMENT UTILITY														
ELECTRICAL														
REV	ITEM NO.	QTY	ITEM DESCRIPTION	MFR	MODEL	VOLTS	PH	AMPS	HP	KW	EDNLS	NEMA	GV (IN)	GV (IN)
C	1	1	HEATED LOW TEMP HOLDING CABINET	ALTO-THAAM	505-B	120	1	9.4		1.5	DR	5-15P		
C	2	1	CONVECTION OVEN	CADCO	OV-600	300	1	11.25		2.7	DR	5-15P		
B	3	2	INDUCTION FOOD PAN WARMER, DROP-IN	VOLLAATH	741101EW	120	1	2.1		.25	DR	5-15P		
A	4	1	MEGA TOP HANDHELD/ SALAD PREPARATION REFRIGERATOR	TRUE	7961247124G	115	1	4.0	1/2		DR	5-15P		
C	5	1	REFRIGERATED MERCHANDISER	HIO	BY OTHERS	X	X	X	X	X	X	X		
B	6	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
A	7	1	DROP-IN FREEZER	RANDELL	225SA	115	1	5.2	1/2		DR	5-15P		
S	8	1	DIPWELL 10" W/ INSTALL KIT 3" WIDE W/ FAUCET - CEN	DIPWELL									1/2"	1"
A	9	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
A	10	1	ESPRESSO CAPPUCCINO MACHINE	RANGLIDIGAS	ES03	220-240	1			0.8	DR	NEMA 14-30		
A	11	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
	12	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
	13	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
	14	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
	15	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
	16	1	SPARE NUMBER	CUSTOM	SPARE NUMBER									
C	17	1	UNDERBAR SINK LIGHT	PERLICK	T24SR								5/8"	1/2"
B	18	1	DROP-IN SINK	ADVANCE T800	24-110								1/2"	1/2"
C	19	2	STORAGE SHELVING	EZTAUR	CHROMIC									



303 2nd Ave
New York, NY 10003
Tel: 212-693-1234
Fax: 212-693-1235
www.trimark.com

This document contains confidential information, it is prepared for a particular client and is not to be distributed outside the client's organization. If this document is distributed outside the client's organization, the client's organization shall be responsible for any consequences.

Owner and all participating clients and all participating contractors shall be responsible for the accuracy of the information provided in this document. The information provided in this document is for informational purposes only and is not to be used for any other purpose.

REVISIONS			
DATE	BY	NO.	DESCRIPTION
02/10/2016	A.C.	1	REVISION
02/10/2016	R.D.P.	2	REVISION
02/10/2016	R.D.P.	3	REVISION
02/10/2016	R.D.P.	4	REVISION
02/10/2016	R.D.P.	5	REVISION
02/10/2016	R.D.P.	6	REVISION
02/10/2016	R.D.P.	7	REVISION
02/10/2016	R.D.P.	8	REVISION
02/10/2016	R.D.P.	9	REVISION
02/10/2016	R.D.P.	10	REVISION
02/10/2016	R.D.P.	11	REVISION
02/10/2016	R.D.P.	12	REVISION
02/10/2016	R.D.P.	13	REVISION
02/10/2016	R.D.P.	14	REVISION
02/10/2016	R.D.P.	15	REVISION
02/10/2016	R.D.P.	16	REVISION
02/10/2016	R.D.P.	17	REVISION
02/10/2016	R.D.P.	18	REVISION
02/10/2016	R.D.P.	19	REVISION
02/10/2016	R.D.P.	20	REVISION
02/10/2016	R.D.P.	21	REVISION
02/10/2016	R.D.P.	22	REVISION
02/10/2016	R.D.P.	23	REVISION
02/10/2016	R.D.P.	24	REVISION
02/10/2016	R.D.P.	25	REVISION
02/10/2016	R.D.P.	26	REVISION
02/10/2016	R.D.P.	27	REVISION
02/10/2016	R.D.P.	28	REVISION
02/10/2016	R.D.P.	29	REVISION
02/10/2016	R.D.P.	30	REVISION

Tika Cafe
PORTLAND, ME
Bar Layout

18-030
02-09-2016
1/4" = 1'-0"
R.D.P. J.D.

FOODSERVICE EQUIPMENT PLAN

QF100

Portland, Maine



Yes. Life's good here.

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

April 12, 2016

Deen Haleem & Carol Mitchell
172 Eastern Prom
Portland, ME 04101

Re: Tiqa Café LLC d/b/a Tiqa Café. Application for a Class III & IV (Wine & Beer) License with Entertainment without Dance and Outdoor Dining on Public Property at Deering Oaks Castle at 356 State St.

Dear Mr. Haleem & Ms. Mitchell,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday, April 25th, at 5:00 p.m.** for the review of your application for a Class III & IV (Wine & Beer) License with Entertainment without Dance and Outdoor Dining on Public Property at Deering Oaks Castle at 356 State St. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

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

Sincerely,

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



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

Transaction Response #: MIQ99C283769

Criminal History Record

Introduction

This rap sheet was produced in response to the following request
(Produced on 2014-09-29) :

Inquiries Name(s) DEEN N HALEEM (1964-09-24)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

Transaction Response #: MIQ99C283767

Criminal History Record

Introduction

This rap sheet was produced in response to the following request
(Produced on 2014-09-29) :

Inquiries Name(s) CAROL L MITCHEL (1955-12-26)

NO MATCH WAS FOUND FOR YOUR REQUEST.



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

JANICE GARDNER
389 CONGRESS STREET
ROOM 203
PORTLAND, ME 04101

Transaction Response #: MIQ99C825405

Criminal History Record

Introduction

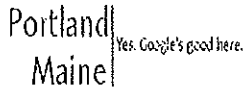
This criminal history record was produced in response to the following request (Produced on 2016-04-12) :

Inquiries Name(s) TAYLOR BURNS (1989-08-29)

NO MATCH WAS FOUND FOR YOUR REQUEST.

4/13/2016

City of Portland Mail - Tiqa Cafe - Deering Oaks



Janice Gardner <jgardner@portlandmaine.gov>

Tiqa Cafe - Deering Oaks

Gary Rogers <garyr@portlandmaine.gov>

Wed, Apr 13, 2016 at 9:53 AM

To: Janice Gardner <jgardner@portlandmaine.gov>

Police approve

On Tue, Apr 12, 2016 at 9:42 AM, Janice Gardner <jgardner@portlandmaine.gov> wrote:

[Quoted text hidden]

--
Commander Gary Rogers
Portland Police Department
109 Middle Street
Portland, Maine 04101
(207) 874-8546

*Order 222-15/16
Tab 21 4-25-16*

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 ACCEPTING A PUBLIC PEDESTRIAN EASEMENT
FOR PUBLIC SIDEWALK FROM 22-28 TATE STREET, LLC**

ORDERED, that the attached public pedestrian easement from 22-28 Tate Street, LLC for a public sidewalk at 22-28 Tate Street is hereby accepted in substantially the form attached hereto.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Jeff Levine, Director, Planning and Urban Development Department

DATE: March 23, 2016

DISTRIBUTION: Jon Jennings, City Manager; Mayor Ethan Strimling; Anita Lachance, Assistant City Manager; Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean, Nancy English and Julie Sullivan

SUBJECT: Proposed Public Pedestrian Easement from 22-28 Tate Street

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading_____ **Final Action:** April 25, 2016

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

I. SUMMARY OF ISSUE (Agenda Description)

On December 15, 2015, the Planning Board approved a Level III Site Plan and Subdivision application for an eight-unit condominium development at 22-28 Tate Street. The Planning Board voted unanimously (6-0) to approve the application with waivers and conditions, including a condition that the applicant provide a public pedestrian access easement for areas of sidewalk proposed on private property. The Department of Planning and Urban Development is now forwarding this public pedestrian easement to the Council.

II. REASON FOR SUBMISSION

The easement requires City Council approval and, per Corporation Counsel, qualifies as a one-reading item.

III. INTENDED RESULT

The easement will allow the public rights to use portions of the sidewalk which encroach on private property.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

The project will ultimately result in tax revenue to the City.

VI. STAFF ANALYSIS AND RECOMMENDATION

Corporation Counsel's office has reviewed the easement and has approved the draft as presented here. As noted above, the Planning Board approved the proposed development on December 15, 2015 with the condition that the applicant obtains the required easement.

VII. LIST ATTACHMENTS

1. Draft Sidewalk easement between the City of Portland and 22 Tate Street, LLX.

Prepared by: Neil Donaldson, Planner

Date: March 23, 2016

Bean/agendarequestmemo/rev 11/2015

SIDEWALK EASEMENT
TO THE
CITY OF PORTLAND

KNOW ALL PERSONS BY THESE PRESENTS that 22-28 Tate Street LLC a Maine Limited Liability Company with a mailing address of 3 Carroll Street, Portland Maine 04102(hereinafter, "GRANTOR), for one dollar and other good and valuable consideration paid by the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (hereinafter "GRANTEE"), does hereby grant to the said CITY OF PORTLAND the perpetual easement and rights described below over the land described below, provided, however, that this easement shall become effective only upon the issuance by the City of Portland of a certificate of occupancy for one or more of the condominium units which were approved by the City of Portland on December 15, 2015 to be constructed at 22-28 Tate Street, Portland, Maine, known as West Port Lofts Condominium.

The purpose of the easement granted herein is to grant public pedestrian access in, on, under, and over the Easement Area which shall function as a sidewalk for pedestrian, bicycle and similar non-motorized pedestrian uses subject, however, to such rules or ordinances that Grantee may adopt from time to time in the interests of public safety. Notwithstanding the foregoing, wheelchair and emergency vehicles as well as snow removal equipment shall be permitted in accordance with applicable federal and/or state laws regulating accessibility for such devices, vehicles or equipment. The GRANTEE shall have the right, but not the obligation, to construct, maintain, repair and replace a sidewalk in, on, under and over the portions of that certain parcel of land of the Grantor as described in Exhibit A, attached hereto and made a part hereof (the "Easement Area") and as depicted on Exhibit B attached hereto and made a part hereof. Notwithstanding anything to the contrary in this easement, it shall be the responsibility of the

GRANTOR, its successors and/or assigns, as is then the owner of the Easement Area, and not the GRANTEE, to remove snow and ice from said sidewalk and to otherwise comply with all laws, rules, regulations, and ordinances governing the removal of snow and ice.

GRANTOR further covenants and agrees for itself, its successors and assigns, that, except for the construction, maintenance, repair, or replacement of the sidewalk and any appurtenances by GRANTEE, its successors and assigns, and except for its use as a driveway from Tate Street to the parking spaces for West Port Lofts Condominium as approved, the land that lies in the Easement Area shall, as provided and permitted herein, be maintained as a sidewalk for the uses set forth and described herein and GRANTOR shall not use or permit any use that would be contrary to such condition. Except for construction, maintenance, and repair and other activities as authorized herein, GRANTEE shall not use the Easement Area in any manner that would obstruct access to GRANTOR'S adjacent property.

This easement is given for recreational use and the GRANTOR and GRANTEE claim the rights and protections against liability in accordance with Title 14 MRS §159-A to the maximum extent permitted by law.

To have and to hold the said Easement and all rights granted hereunder to the said Grantee and its successors and assigns forever.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed by Todd M. Alexander its Manager thereunto duly authorized as of the _____ day of _____, 2016.

WITNESS:

22-28 Tate Street, LLC

By: _____
Its: Manager
Print Name: Todd M. Alexander

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

_____, 2016

Personally appeared the above named Todd M. Alexander in his capacity as Manager of 22-28 Tate Street, LLC who acknowledged the foregoing instrument to be his free act and deed in his capacity and the free act and deed of 22-28 Tate Street, LLC.

Before me,

Name:

Notary Public / Attorney at law

My Commission Expires: _____

EXHIBIT A

Metes and Bounds Description

EXHIBIT A

Sidewalk Easement, 22-28 Tate Street

A certain easement across land situated along the southerly side of Tate Street in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the intersection of the southerly street line of Tate Street and the easterly sideline of property now of 22-28 Tate Street, LLC, as described in a deed recorded in the Cumberland County Registry of Deeds in Book 32116, Page 278, which point is also N 53°57'24" W two hundred forty-five and eighty-nine hundredths feet (245.89') from the southwest corner of the intersection of Tate Street and York Street;

Thence N53°57'24"W one hundred seven and twenty-six hundredths feet (107.26') along said southerly street line of Tate Street to a point in the westerly sideline of property now of 22-28 Tate Street, LLC, as described in a deed recorded in said Registry in Book 32116, Page 280:

Thence S37°24'12"W two and twenty-five hundredths feet (2.25') along said westerly sideline of 22-28 Tate Street, LLC to a point;

Thence S53°57'24"E one hundred seven and twenty-eight hundredths feet (107.28') across land of 22-28 Tate Street, LLC as aforesaid to a point in the easterly sideline of its property as described in deed recorded in said Registry in Book 32116, Page 278;

Thence N36°50'20"E two and twenty-five hundredths feet (2.25) along said easterly sideline to said southerly street line of Tate Street and the point of beginning.

Said easement comprising an area of 241.35 square feet, more or less.

Reference is made to a Subdivision Recording Plan for West Port Lofts Condominium, to be recorded in said Registry, an excerpt of which is attached hereto as Exhibit B.

EXHIBIT B

Plan depicting easement area

LINE	BEARING	DISTANCE
E1	S53°57'24"E	107.28'
E2	N36°50'20"E	225'
E3	N53°57'24"W	107.26'
E4	S31°24'12"W	225'

*Order 223-15/16
Tab 22 4-25-16*

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 ACCEPTING A LEADERSHIP IN COMMUNITY RESILIENCE GRANT
FROM NATIONAL LEAGUE OF CITIES**

ORDERED, that a Leadership in Community Resilience Grant from National League of Cities
in the amount of \$10,000 is hereby accepted; and

BE IT FURTHER ORDERED, that the City of Portland's participation in the Leadership in
Community Resilience Program is hereby approved.

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, Corporation Counsel

DATE: 4/1/2016

SUBJECT: Accepting a Leadership in Community Resilience Grant from National League of Cities

SPONSOR: Councilor Jon Hinck

(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 _____ 4/25/2016 _____ Final Action _____

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

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

I. ONE SENTENCE SUMMARY

A \$10,000 grant for Portland, as part of its participation in the National League of Cities' Leadership in Community Resilience program, must be accepted by the full City Council.

II. AGENDA DESCRIPTION

The National League of Cities has invited 10 cities to participate in a new program called Leadership in Community Resilience. It will address problems created by climate change like rising sea levels and allows cities to work with each other to devise the best defenses and solutions. A \$10,000 grant for Portland, as part of its participation in the National League of Cities' Leadership in Community Resilience program, must be accepted by the full City Council, and can be used for workshops for staff and/or public forums, either citywide or regional.

III. BACKGROUND

Cities are facing flooding, storms, extreme weather, and many other problems associated with the effects of climate change. Portland has experienced more flooding in recent years than in the past, and climate change is believed to be the cause. How to protect the City's stormwater systems, and the streets and buildings now at risk, challenges the City to come up with solutions.

Discussions with other cities and with the National League of Cities offers the prospect of timely assistance.

According to the National League of Cities, participation in this project will require that the pilot cities:

- Designate a lead point person responsible for corresponding with the NLC throughout the technical assistance period and acting as a peer resource to additional cities interested in community resilience topics.
- Share information, as requested by NLC, on topics that address the learning goals for this project.
- Participate fully in 2 monthly calls: one all-group conference calls with the ten pilot cities and one individual call. NLC staff will be available for more communication if desired.
- Use \$10,000 in grant funding provided by the NLC to host a mayoral-level local resilience event that substantively contributes to your local resilience goals. Suggested uses include, but are not limited to:
 - Cross-departmental resilience workshops for senior city staff
 - Public engagement forums to promote awareness and foster whole-community resilience
 - Regional resilience workshop to coordinate planning or implementation efforts among multiple municipalities
- Provide a short summary report on the outcomes of the grant, the effectiveness of the program, lessons learned, and recommendations that will aid future work in this area.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The City Council has prioritized preparedness for climate-related events, which this program will assist with.

V. FINANCIAL IMPACT

A \$10,000 grant to assist the City's response to climate change problems.

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

See attachment.

VII. RECOMMENDATION

This program has been approved as to form by Corporation Counsel. Its staffing and other requirements have been reviewed and approved by the City Manager.

VIII. LIST ATTACHMENTS

Order Accepting a Leadership in Community Resilience Grant from National League of Cities

Resilient Leadership Portland Agreement Form

Prepared by: Nancy English

Date: 4/1/2016

Bean/agendarequestmemo/rev 11/2015



Leadership in Community Resilience:

A Policy and Practice Exchange

Timeframe: June 2016 through June 2017

Participant Agreement Form

I am delighted to inform you that Portland, ME has been selected by the National League of Cities (NLC) to join the Leadership in Community Resilience program.¹

Resilience has increasingly been embraced as a comprehensive, pro-active framework to reduce risk and improve operations within the private sector and at all levels of government. The purpose of this program is to develop and advance the emerging city-level models for pursuing resilience objectives and to apply those models.

As one of ten pilot cities in this program, the NLC is excited to work with your local elected officials, city staff and community partners. The program includes two main components.

- A Policy and Practice Exchange that will be facilitated by NLC staff. This exchange will allow you to discuss local resilience goals, solicit feedback from other cities in a collaborative environment, and connect with multiple public and private sector practitioners throughout the country who can help you achieve your resilience goals.
- A grant in the amount of \$10,000 to support a local resilience event. Grant funds may be spent on costs directly associated with events such as cross-departmental resilience workshops for senior city staff, public engagement forums to promote awareness and foster whole-community resilience. Or regional resilience workshop to coordinate planning or implementation efforts among multiple municipalities

By accepting this grant, both NLC and the City of Portland agree to the roles and responsibilities enumerated on the following page.

Sincerely,

Cooper Martin
Program Director, Sustainable Cities Institute
National League of Cities

¹ This program is supported by the Wells Fargo Foundation.

Participant Agreement Form -- Roles and Responsibilities

NLC will:

- Engage each of the ten pilot cities on topics that address the learning goals for this project.
- Host and facilitate regular conference calls for the entire group as well as individualized calls for participants in the project.
- Respond to emerging questions from city leaders and connect them to resources and national experts, as needed.
- Using information obtained from the pilot cities, summarize insights and lessons learned and develop recommendations for future work for municipalities to improve resilience.
- Provide up to \$10,000 in grant funding to support a local resilience leadership event. help identify and confirm potential speakers and participants as necessary, and send at least one NLC staff to attend the event
- Provide an invitation to an elected official to attend the 2016 Resilient Cities Summit, hosted in partnership with the Urban Land Institute and U.S. Green Building Council.

The pilot cities will:

- Designate a lead point person responsible for corresponding with the NLC throughout the technical assistance period and acting as a peer resource to additional cities interested in community resilience topics.
- Share information, as requested by NLC, on topics that address the learning goals for this project.
- Participate fully in 2 monthly calls: one all-group conference calls with the ten pilot cities and one individual call. NLC staff will be available for more communication if desired.
- Use \$10,000 in grant funding provided by the NLC to host a mayoral-level local resilience event that substantively contributes to your local resilience goals. Suggested uses include, but are not limited to:
 - Cross-departmental resilience workshops for senior city staff
 - Public engagement forums to promote awareness and foster whole-community resilience
 - Regional resilience workshop to coordinate planning or implementation efforts among multiple municipalities
- Provide a short summary report on the outcomes of the grant, the effectiveness of the program, lessons learned, and recommendations that will aid future work in this area.



Leadership in Community Resilience:

A Policy and Practice Exchange

Timeframe: June 2016 through June 2017

Participant Agreement Form – Endorsement and Points of Contact

By signing below, the City of _____, agrees to the above participation expectations for the Leadership in Community Resilience project.

Mayor's name:

Email address:

Phone number:

Lead point of contact:

Email address:

Phone number:

If applicable, please list the contact information of other city staff or community partners who will participate in the project on behalf of the city, including attending monthly conference calls and other peer-learning activities.

Additional contact:

Email address:

Phone number:

Additional contact:

Email address:

Phone number:

*Order 224-15/16
Tab 23 4.25-16*

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 RIGHT-OF-ENTRY AGREEMENT BETWEEN
THE DEPARTMENT OF THE ARMY AND THE CITY FOR WORK
TO IMPROVE SAFETY AT FORT GORGES**

ORDERED, that the Right-of-Entry Agreement of the Department of the Army to do work to improve safety at Fort Gorges is hereby approved in substantially the form attached; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Troy Moon

DATE: 4/1/2016

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

SUBJECT: Order ...

SPONSOR: City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ Final Action X

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

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

I. SUMMARY OF ISSUE (Agenda Description)

In the summer of 2015, the Army Corp of Engineers approached the City about making safety improvements at Fort Gorges. The Fort, acquired by the City from the Federal Government in 1960, is in need of repair and requires action to minimize risks to visitors. Representatives from the City and the Army Corp visited the fort and documented a number of specific conditions that could pose a hazard to visitors. These include missing or failing floors, structural issues, missing steps, and lack of guard rails at high points. Following this visit, the Army Corp developed a hazard mitigation plan to secure the unsafe areas by installing galvanized steel gates and rails. The plan also calls for plugging open cisterns, replacing some stair steps, and eliminating some tripping hazards. The project does not include structural repairs. City staff reviewed the proposed work plan and agrees that it will contribute to the safety of visitors.

The Parks Commission received a briefing on the project during their January meeting and endorsed it. The Historic Preservation Commission held a workshop about the project during their March 6 meeting and has also endorsed the project.

Funding for the work comes entirely from Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS), a Federal program. There is no cost to the City of Portland.

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

The Army Corp of Engineers requires the City to provide Right of Access in order to complete the proposed work. They are requesting this access for a period of 36 months. City Council action is required to authorize the City Manager to enter into this agreement.

III. INTENDED RESULT

The order authorizes the City Manager to execute a an agreement with the Army Corp of Engineers to access Fort Gorges for a period of 36 months in order to complete the proposed project.

IV. COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

The project is federally funded with no expense to the City of Portland.

VI. STAFF ANALYSIS

The offer by the Army Corp of Engineers to complete hazard mitigation work is an outstanding opportunity to improve the safety of visitors to Fort Gorges. The public is increasingly interested in visiting this historic site and it is important to minimize opportunities for injuries. We do not have an estimate from the Army Corp of their anticipated costs, but it would be cost prohibitive for the City to undertake this work on its own.

VII. RECOMMENDATION

We recommend approval of the order authorizing the City Manager to execute the lease.

VIII. LIST ATTACHMENTS

Draft Right of Entry agreement
Slides describing the proposed project

Prepared by: Troy Moon

Date: 4/1/2016

Bean/agendamemo/rev7/20/15

DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY FOR CONSTRUCTION

**DEFENSE ENVIRONMENTAL RESTORATION PROGRAM FORMERLY USED
DEFENSE SITES (DERP-FUDS)**

FORMER FORT GORGES
Portland Harbor, Maine

ROE No. 2627
Site No. DO1ME0496

The undersigned, hereinafter called the "Owner," in consideration for the mutual benefits of the work described below, hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government," a right-of-entry upon the property located in the State of Maine, County of Cumberland, located in Portland Harbor and referred to as Former Fort Gorges and also as Hog Island Ledge, as indicated on the attached map (Exhibit A). The right-of-entry is granted upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable and assignable right to enter in, on, over, and across the land described in Condition 5, for a period of thirty-six (36) months beginning 1 December 2015 and ending 30 November, 2018, for use by the United States, its representatives, agents, contractors, and assigns, as a work area in order to implement a project to mitigate falling and entrapment hazards at Fort Gorges, including but not limited to removal of debris and installation of barricade rail and gates -; and to carry out such other work as may be necessary to complete the investigation being made of said lands by the Government or its contractor under the Defense Environmental Restoration Program.

2. This right of entry includes the right of ingress and egress over and across other lands of the Owner, not described below, provided such egress and egress is necessary and not otherwise conveniently available to the Government.

3. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this right-of-entry.

4. If any action of the Government's employees or agents in the exercise of this right-of-entry results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The

DERP ROE No. 2627
Fort Gorges, Portland Harbor, ME

Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided herein.

5. The lands subject to this right-of-entry are located as shown on Exhibit A, attached hereto and made a part hereof, known as Fort Gorges. The deed reference is United States of America to the City of Portland dated October 13, 1960 recorded in the Cumberland County Registry of Deeds at Book 2568 and Page 117.

WITNESS MY HAND AND SEAL this _____ day of _____, 2015.

THE CITY OF PORTLAND, MAINE

By: _____
Jon Jennings, City Manager

This Right of Entry No. 2627 is hereby accepted on behalf of the Government
this _____ day of _____ 2016.

UNITED STATES OF AMERICA

Anne L. Kosel
District Chief of Real Estate
Real Estate Contracting Officer

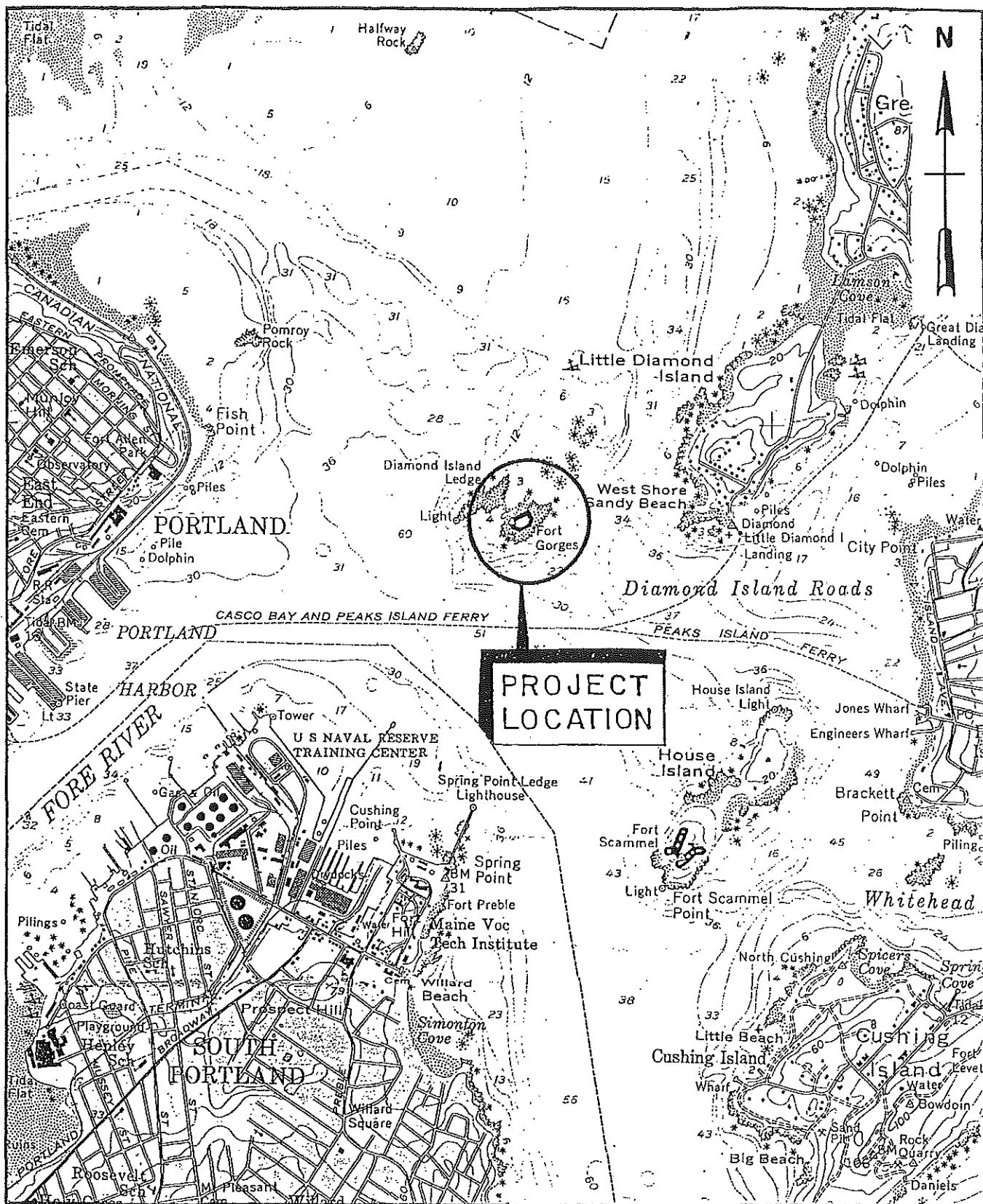
DERP ROE No. 2627
Fort Gorges, Portland Harbor, ME

CERTIFICATE OF AUTHORITY

I, Michael I. Goldman, certify that I am the Associate Corporation Counsel for the City of Portland, Maine, the entity which executed the forgoing instruments (ROE No. 2627) with the United States of America; that Jon Jennings, who executed said instrument as City Manager of Portland, Maine, was then Manager of said City of Portland, Maine and has been duly authorized to execute said instrument on behalf of said City of Portland; that I know the signature of said City Manager Jon Jennings; and that the signature affixed to such instrument is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Portland, Maine this _____ day of _____ 2016.

Michael I. Goldman,
Associate Corporation Counsel



SCALE: 1" = 2000 FT. (APPROX.)

Exhibit A to ROE
No. 2627

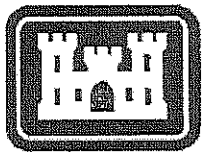
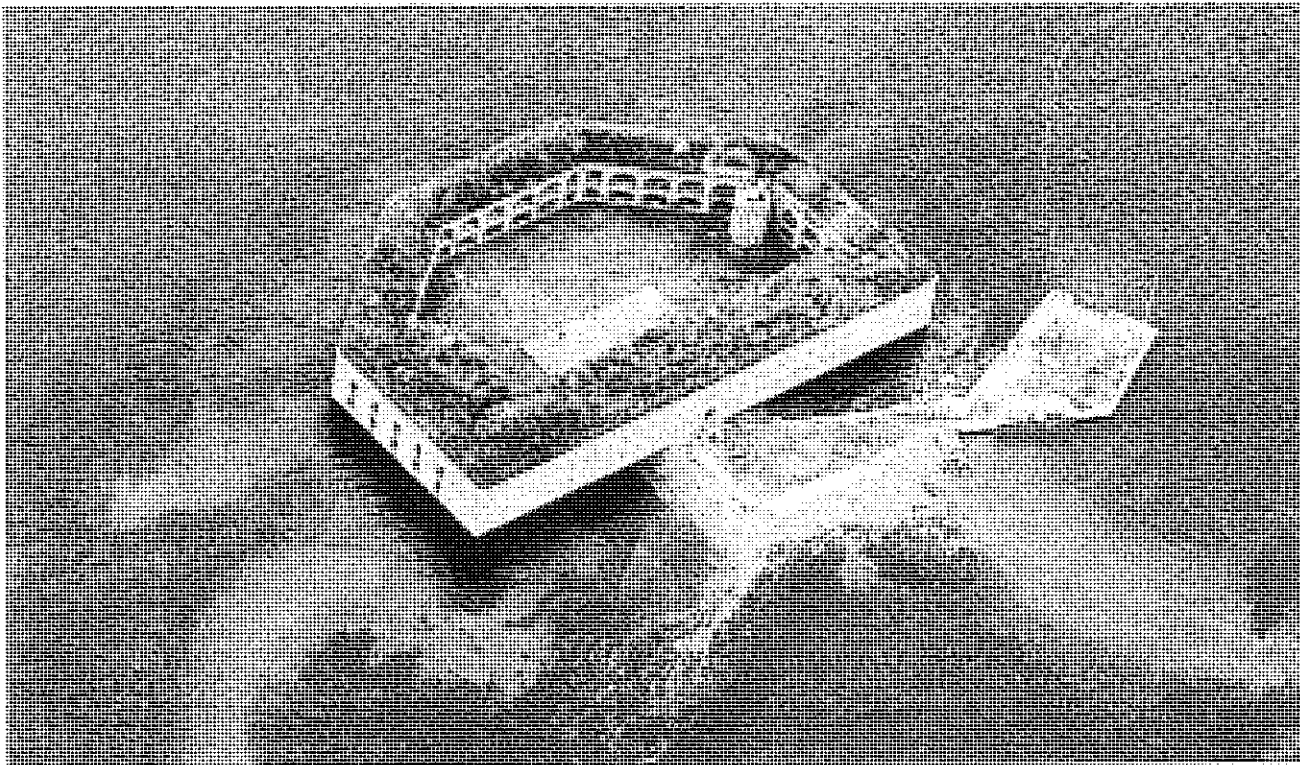
DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION
CORPS OF ENGINEERS
WALTHAM, MASS.

DEFENSE ENVIRONMENTAL RESTORATION PROGRAM

PORTLAND, ME.
FORT GORGES
VICINITY MAP

Fort Gorges, Portland, Maine

Fall Hazard Mitigation

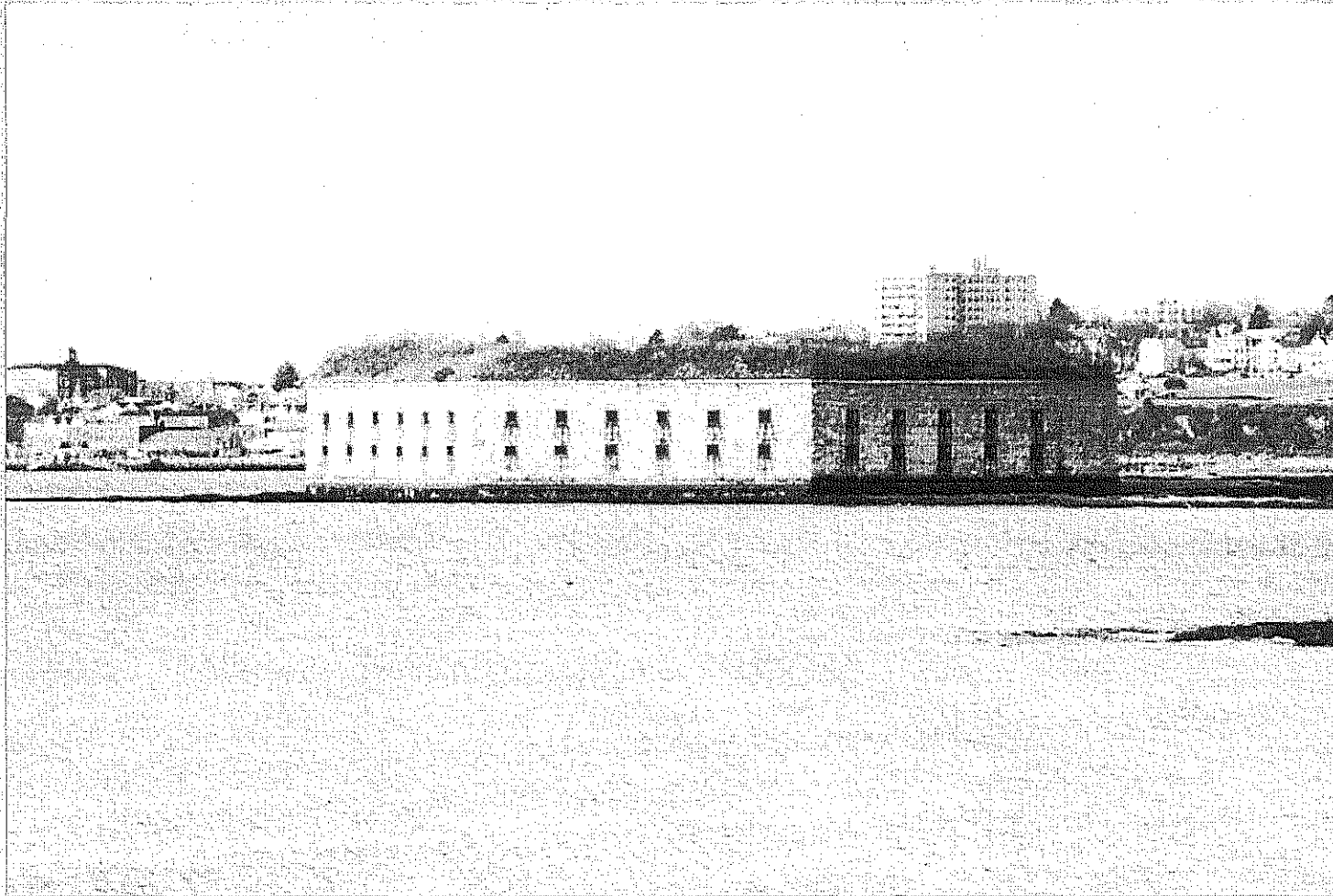


**US Army Corps
of Engineers®**
New England District

(revised) March 2016

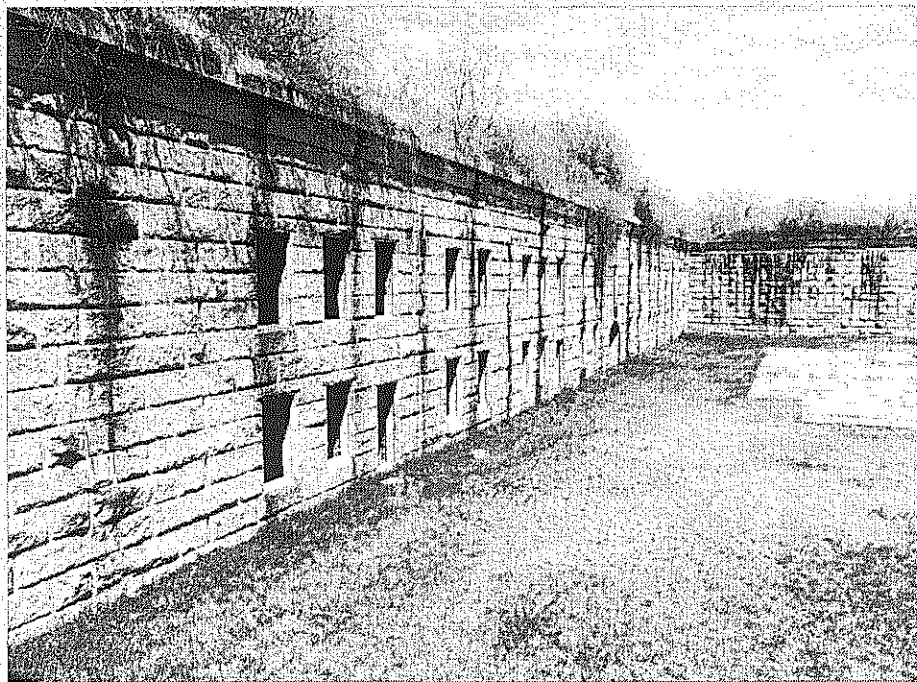
Fort Gorges - Fall Hazard Mitigation

Fort Gorges was constructed in the mid-19th century to protect the city of Portland and its ship channels.



Fort Gorges - Fall Hazard Mitigation

Fort Gorges is a superb example of a United States Third System seacoast fortification.

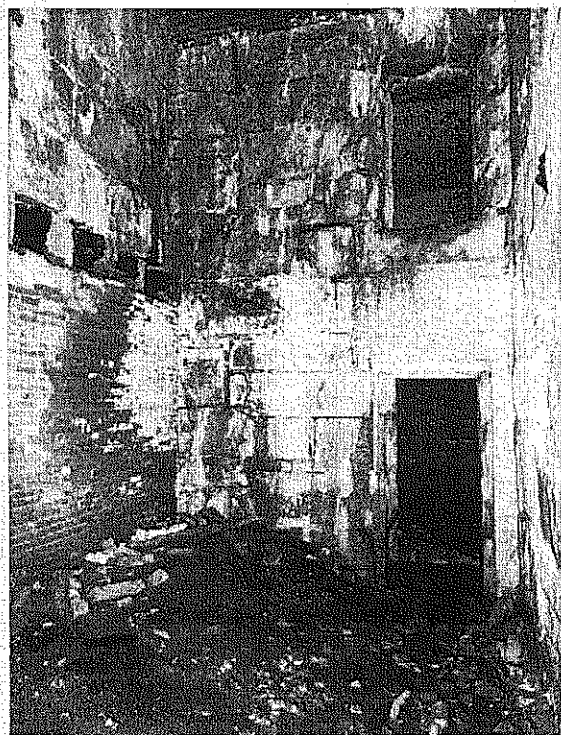


There are many places at the fort where falls leading to personal injury are possible.

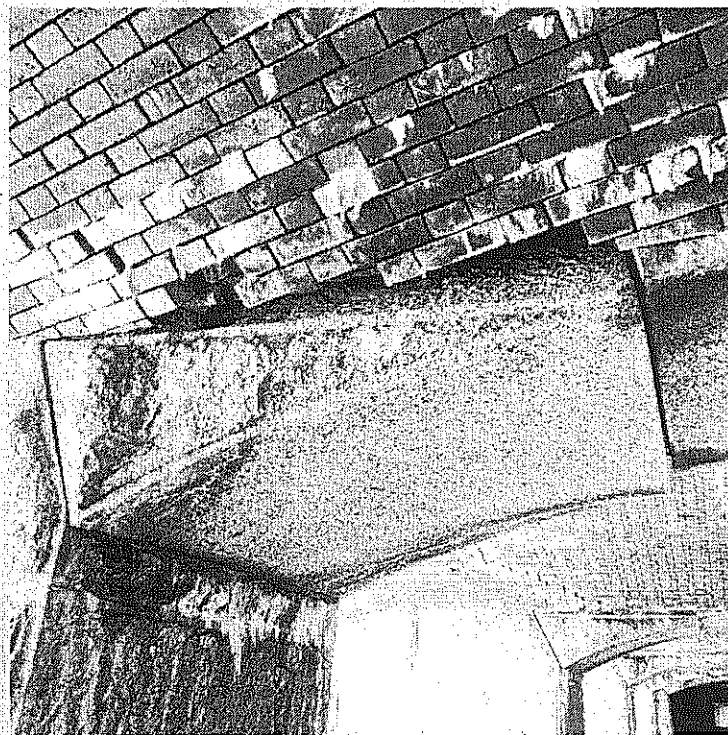
Fort Gorges - Fall Hazard Mitigation

Several types of physical hazards exist that may be reasons to restrict public access to certain parts of Fort Gorges.

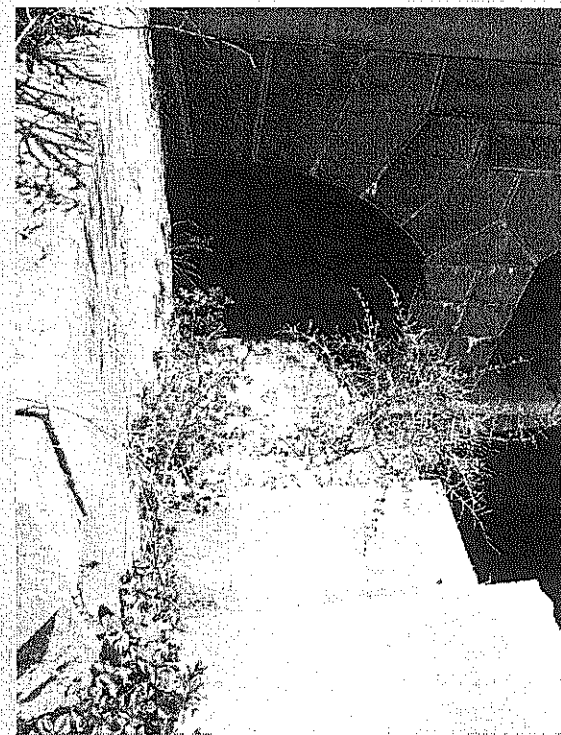
Missing or failing floors



Structural issues



Missing steps



Fort Gorges - Fall Hazard Mitigation

Fort Gorges has an outstanding artifact in this surviving Parrot gun tube.

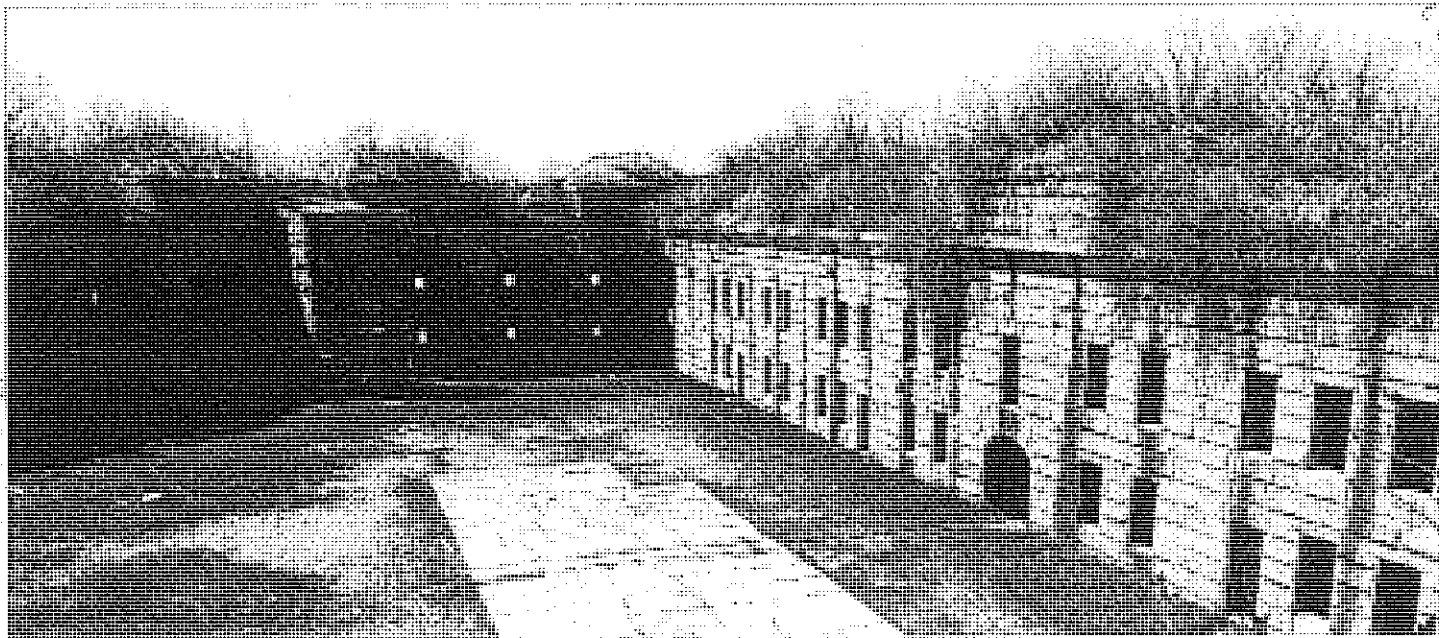


Fort Gorges - Fall Hazard Mitigation

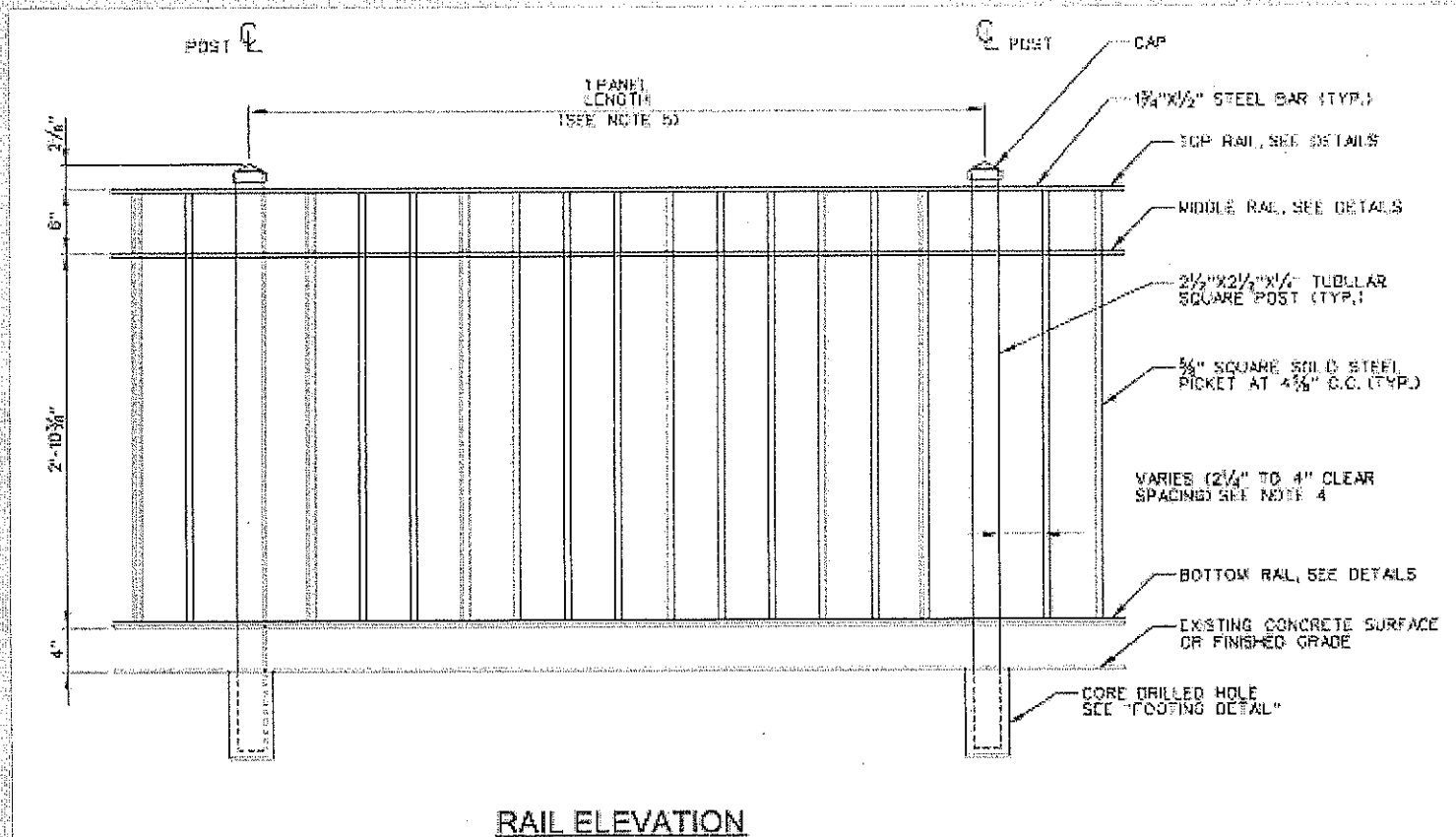
- Work is proposed under the Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS)
- Projects constructed under the DERP-FUDS program are Federally-funded. Property owner will provide Right-of-Entry.
- BD/DR Project Category – For approved projects, the Corps can mitigate falling hazards of six feet or more.
- The Corps and City of Portland Parks representative visited Fort Gorges in May 2015 to assess conditions and verify hazards.
- A plan has been developed to provide access control for the City and mitigate certain falling hazards while providing visitors using ordinary and reasonable care safe access to view Fort Gorges.

Fort Gorges - Fall Hazard Mitigation

- A plan for installation of hot-dip galvanized steel barricade rail meeting OSHA requirements is proposed.
- A selected rail arrangement reflects anticipated park use and satisfies public safety and FUDS program considerations.

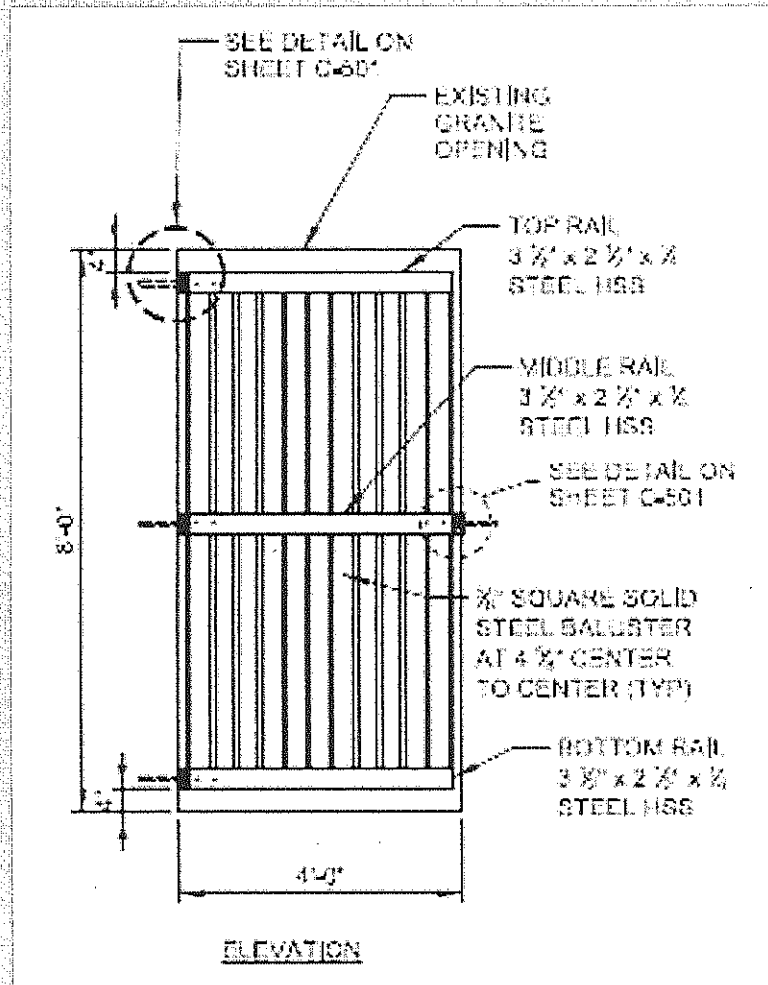


Fort Gorges - Fall Hazard Mitigation

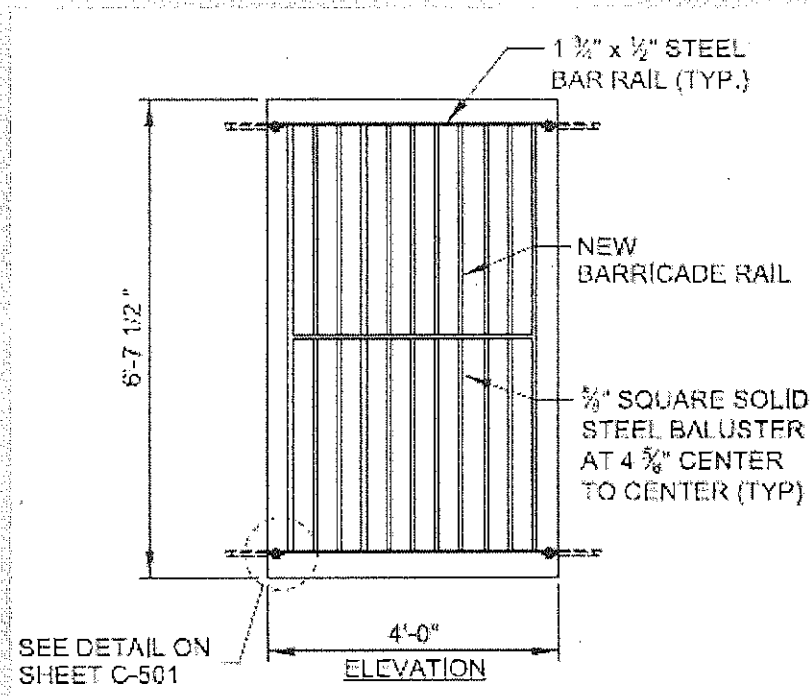


Example of OSHA-compliant barricade rail design

Fort Gorges - Fall Hazard Mitigation

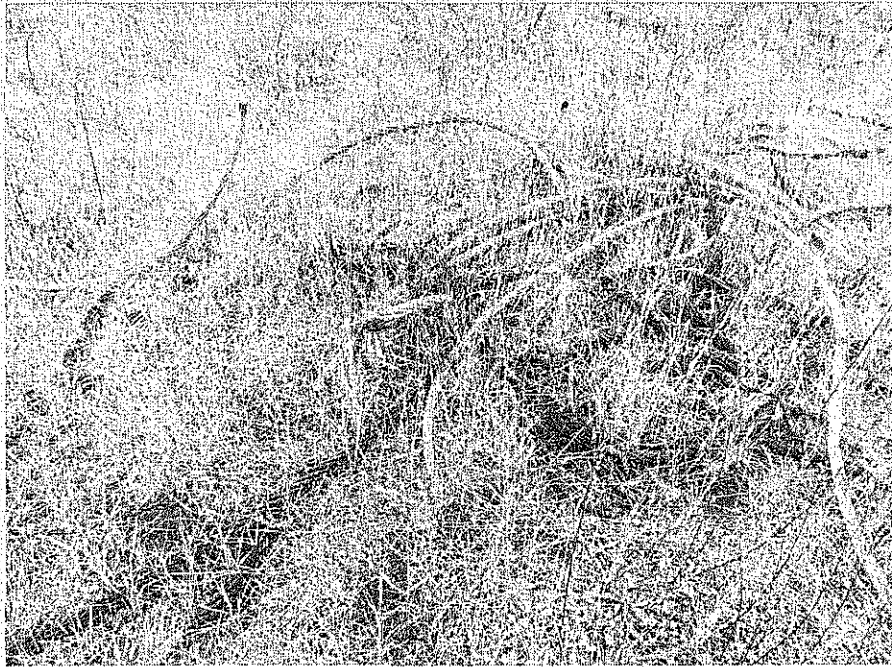


Example of gate detail for a doorway.



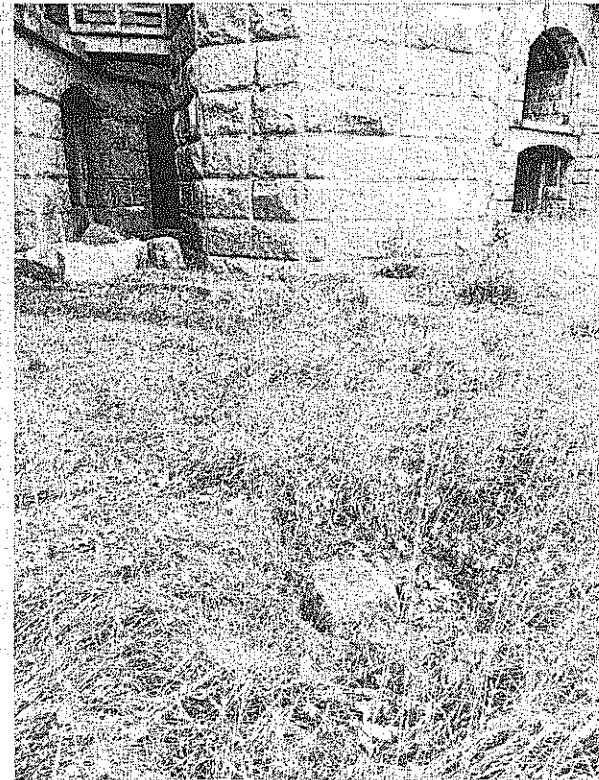
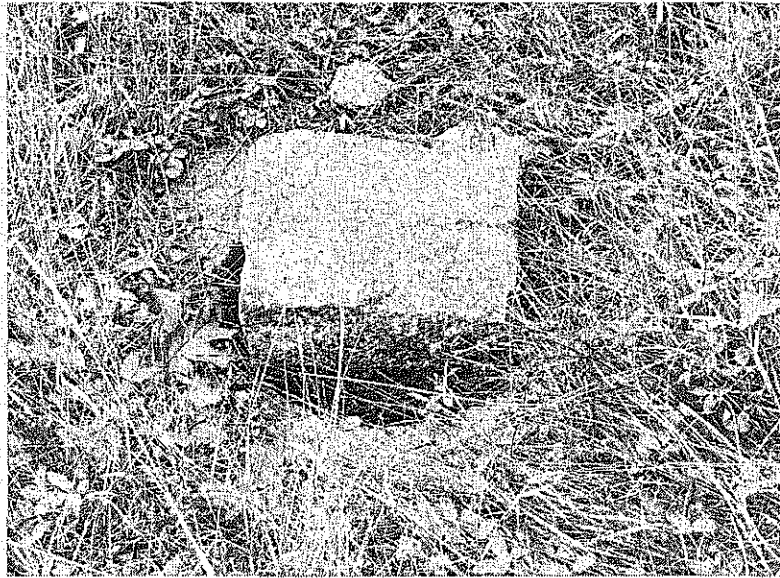
Example of grate detail for a window opening.

Fort Gorges - Fall Hazard Mitigation



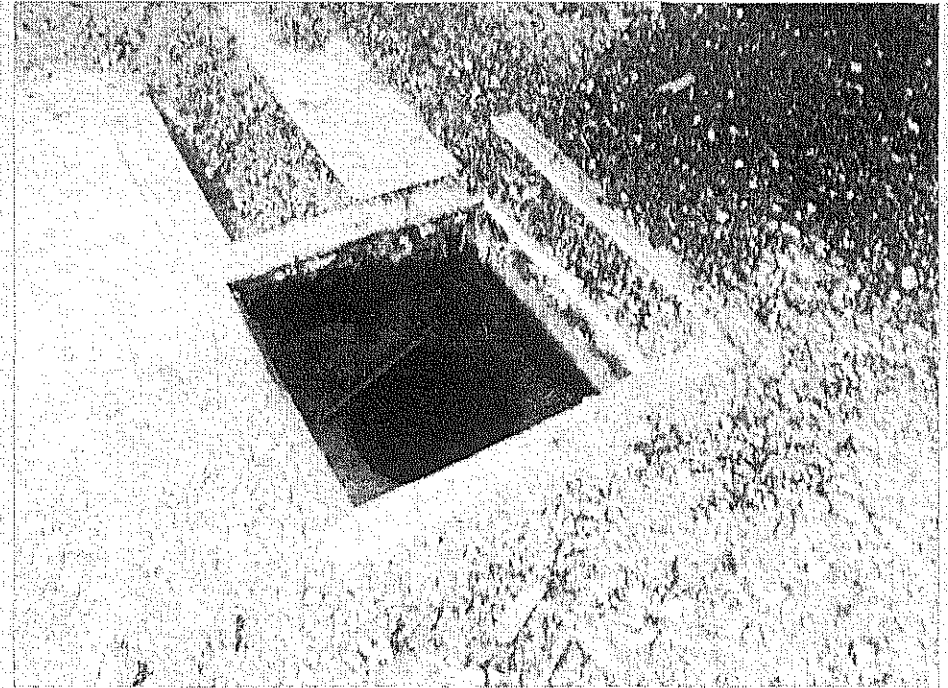
Discarded cable represents a tripping hazard on the wharf.
The cable will be removed.

Fort Gorges - Fall Hazard Mitigation



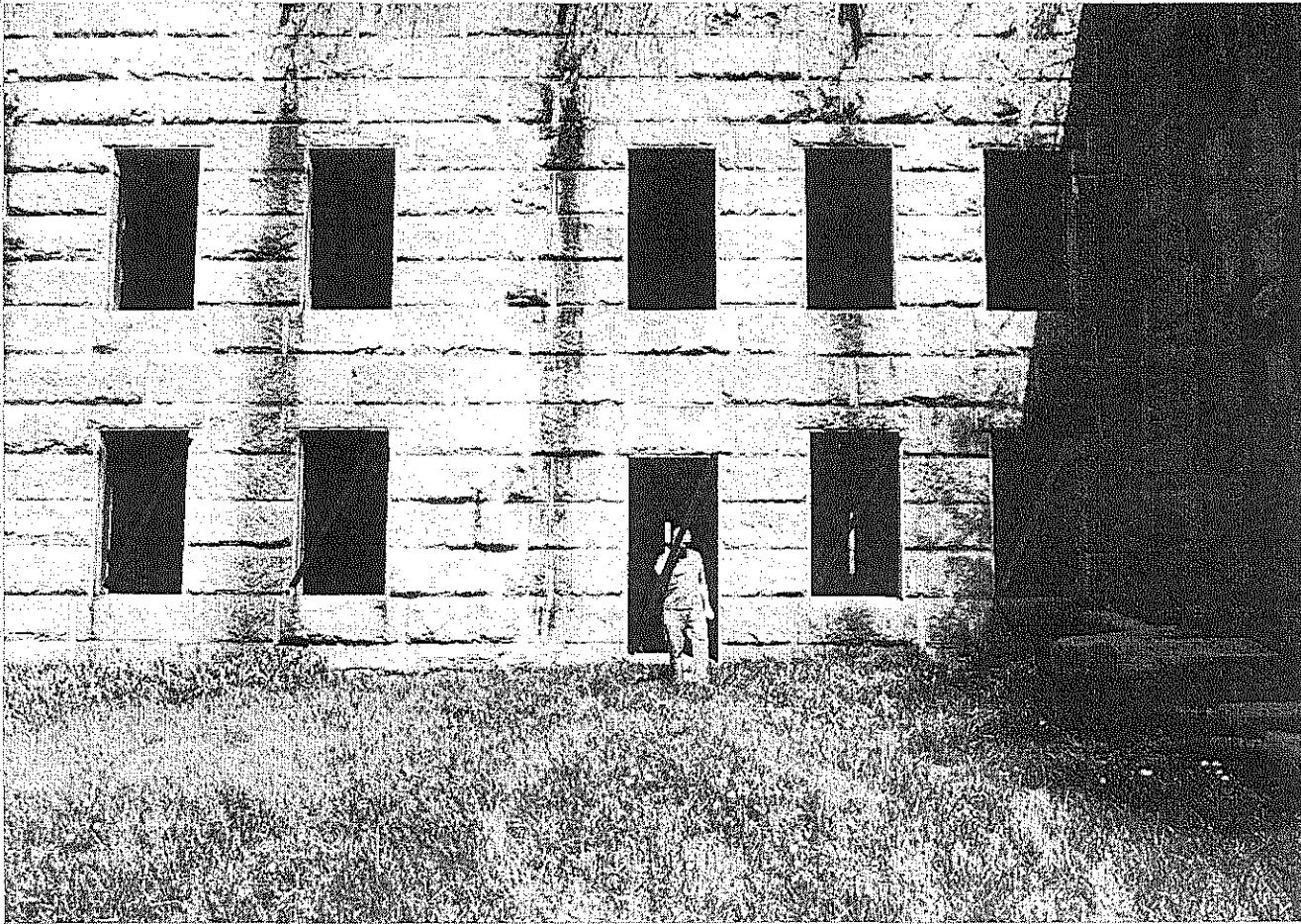
Plugs will be provided to close these openings to cisterns that are beneath the parade ground.

Fort Gorges - Fall Hazard Mitigation

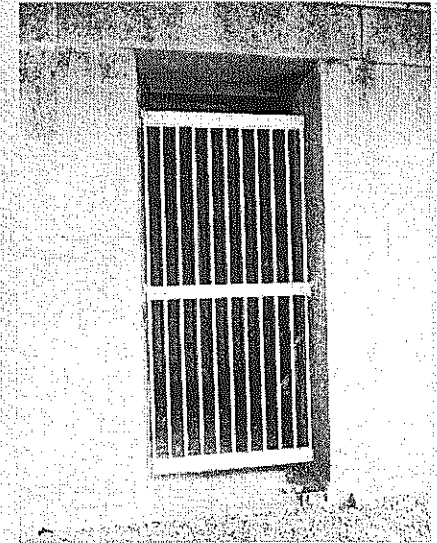


Plugs will be provided to close these openings to cisterns that are beneath the ground floor of the officers' quarters section of the fort.

Fort Gorges - Fall Hazard Mitigation

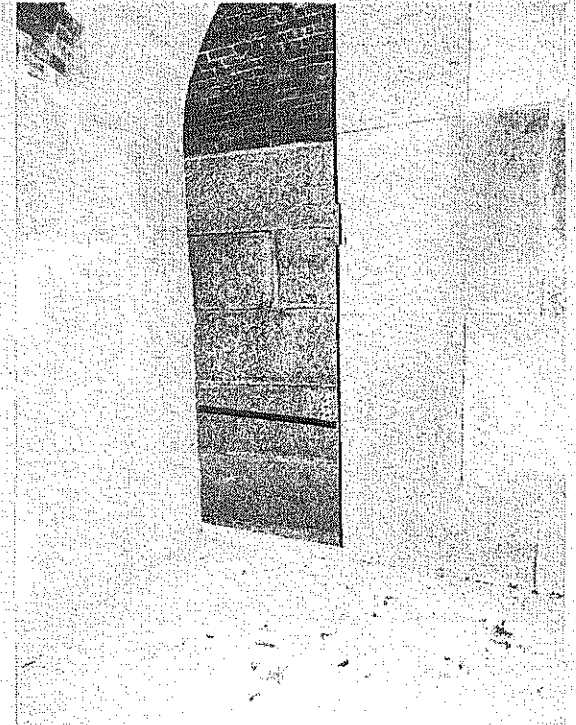
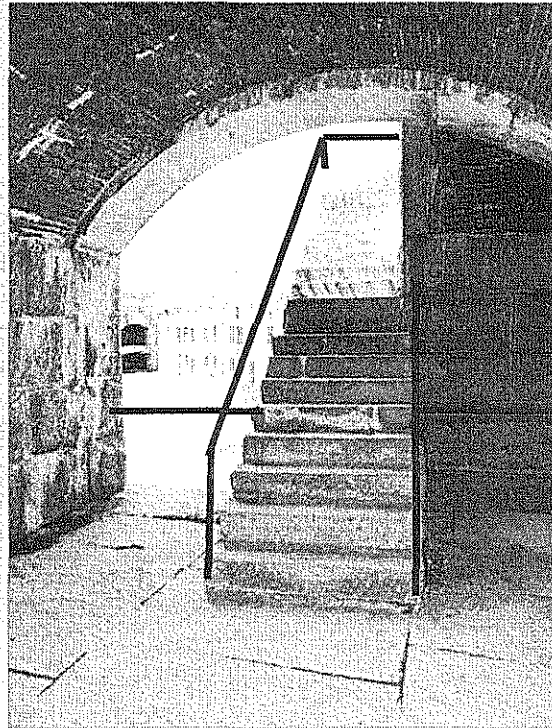
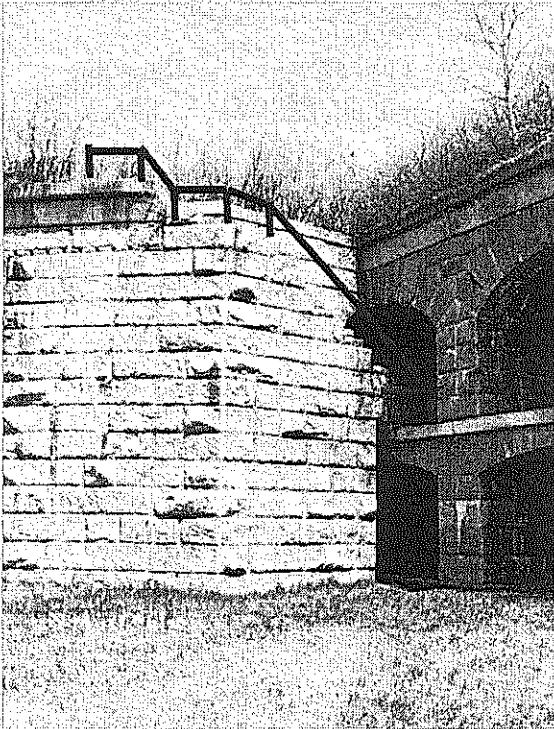


One doorway and five window openings will be closed to prevent access to Fort Gorges' only remaining wooden staircase and the 2nd level quarters.



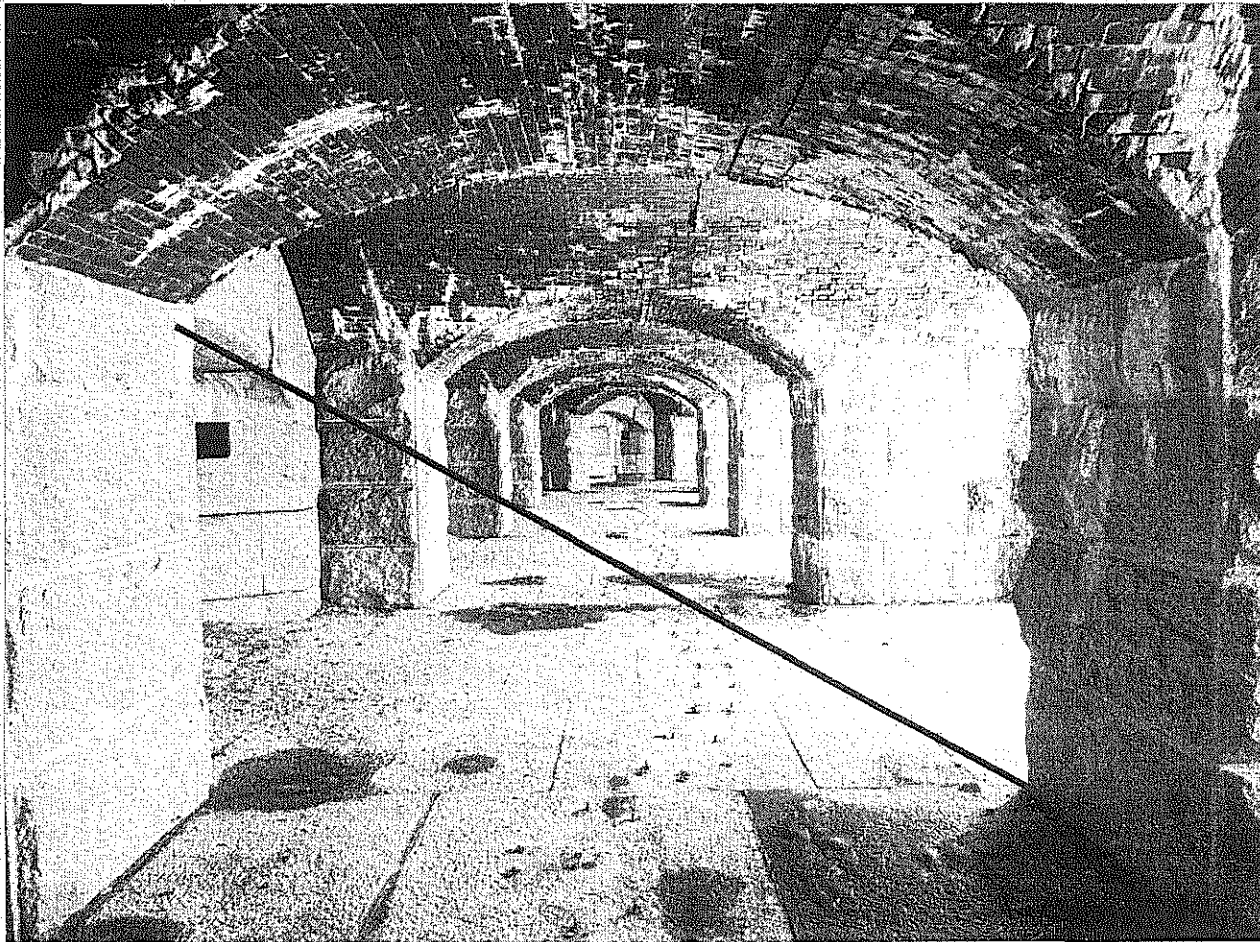
This gated doorway is an example of what can be installed at Fort Gorges to control public access to unsafe areas.

Fort Gorges - Fall Hazard Mitigation



Stairway from 2nd tier to barbette tier at east side of the fort.
The city will restore four missing steps.

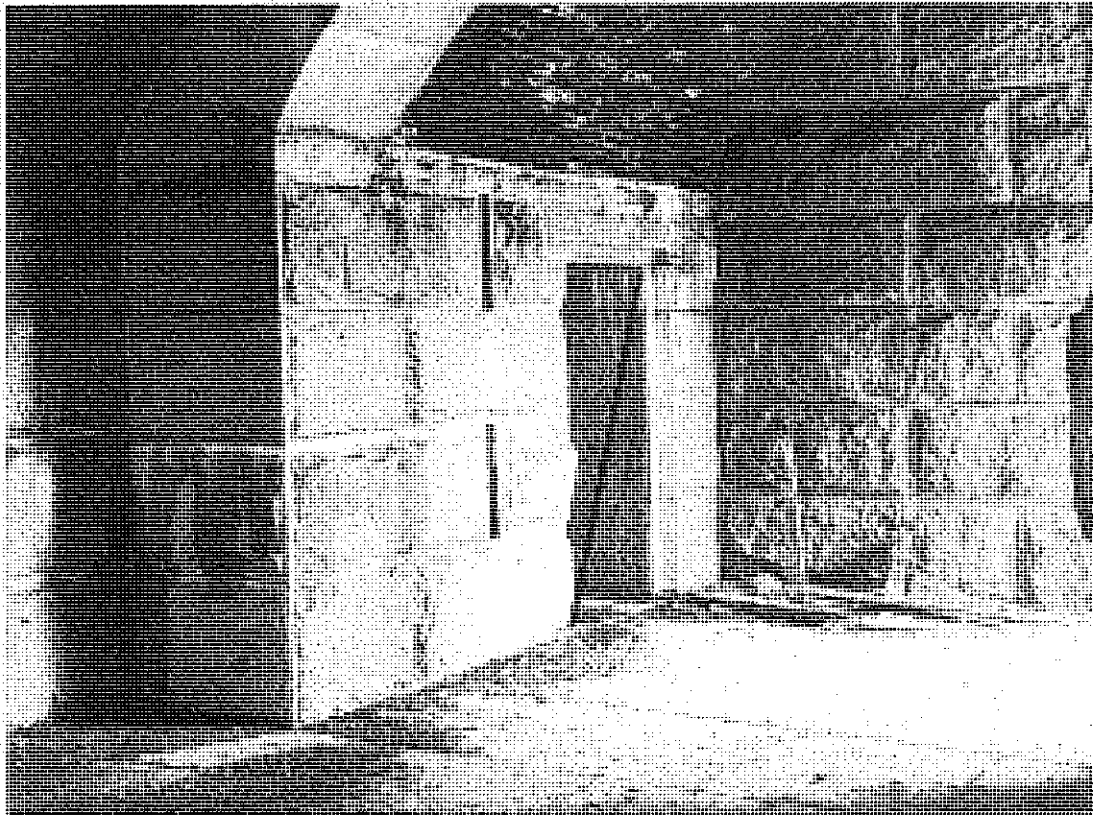
Fort Gorges - Fall Hazard Mitigation



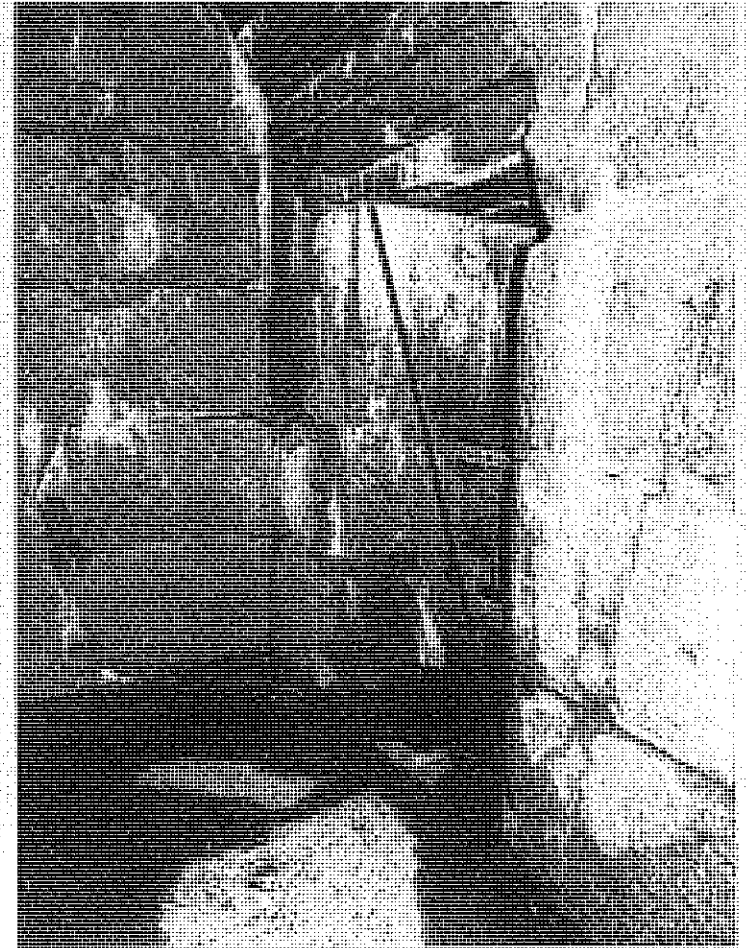
Barricade rail with a lockable gate will restrict access
to 2nd tier casemates beyond this point.

The exterior stairway up to the barbette tier is to the right.

Fort Gorges - Fall Hazard Mitigation

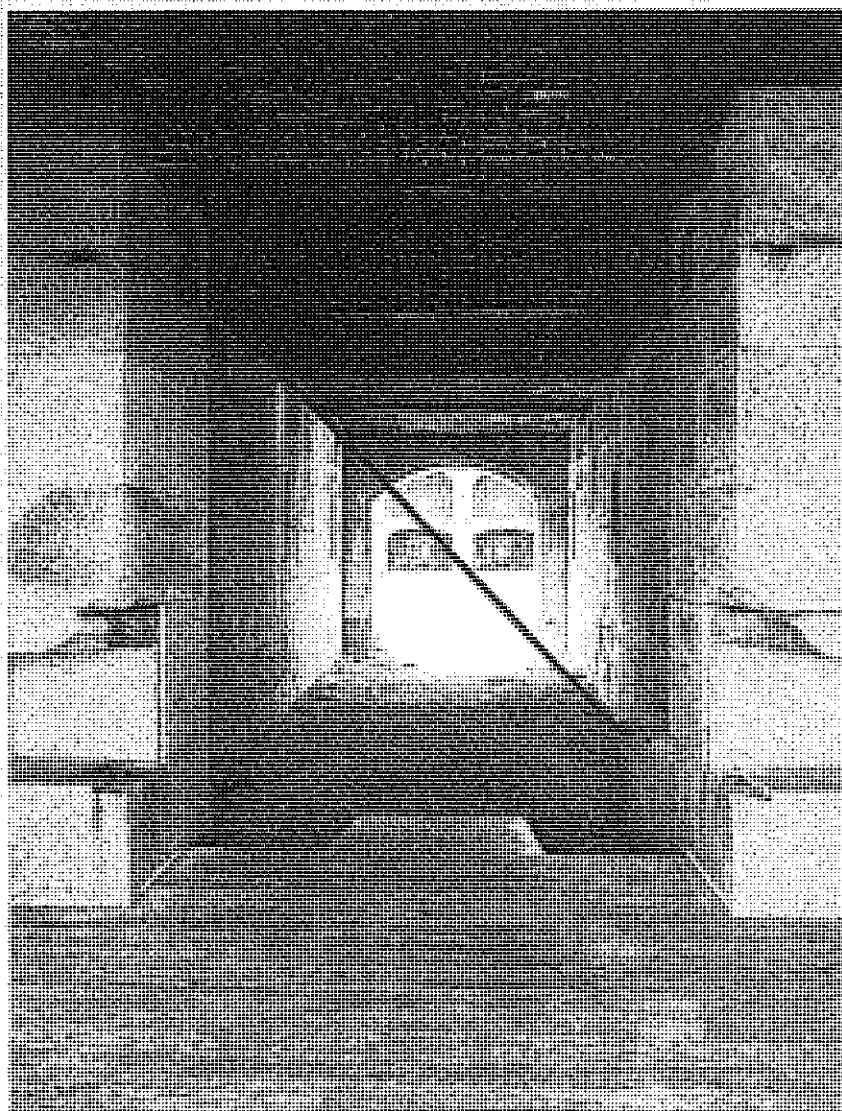


Install gates to close entrances to magazines on the parade level and 2nd level on the west side of the fort.



Install gates to close the entrance to the magazine on the 2nd level on the east side of the fort.

Fort Gorges - Fall Hazard Mitigation



Install gate in the sallyport to control of entry into the Parade Ground and all interior areas of Fort Gorges.

Fort Gorges - Fall Hazard Mitigation

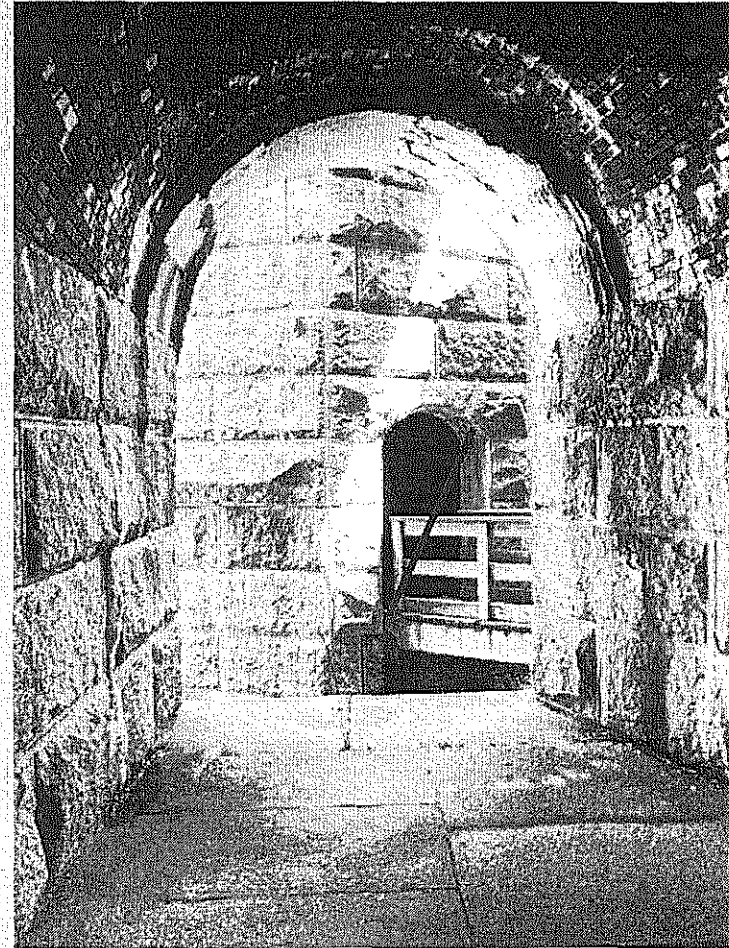


A gate installed at the Parade Level entrance to the stairwell will permit control of access to upper levels.



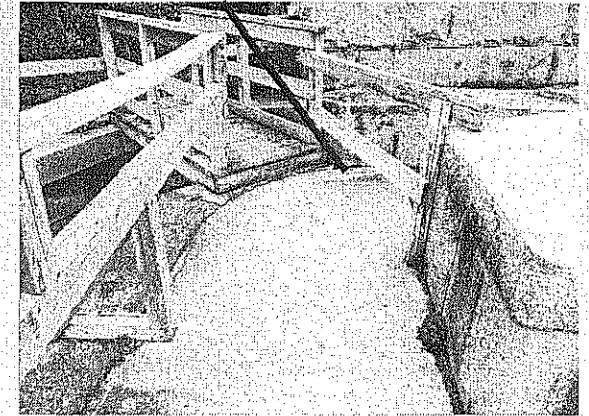
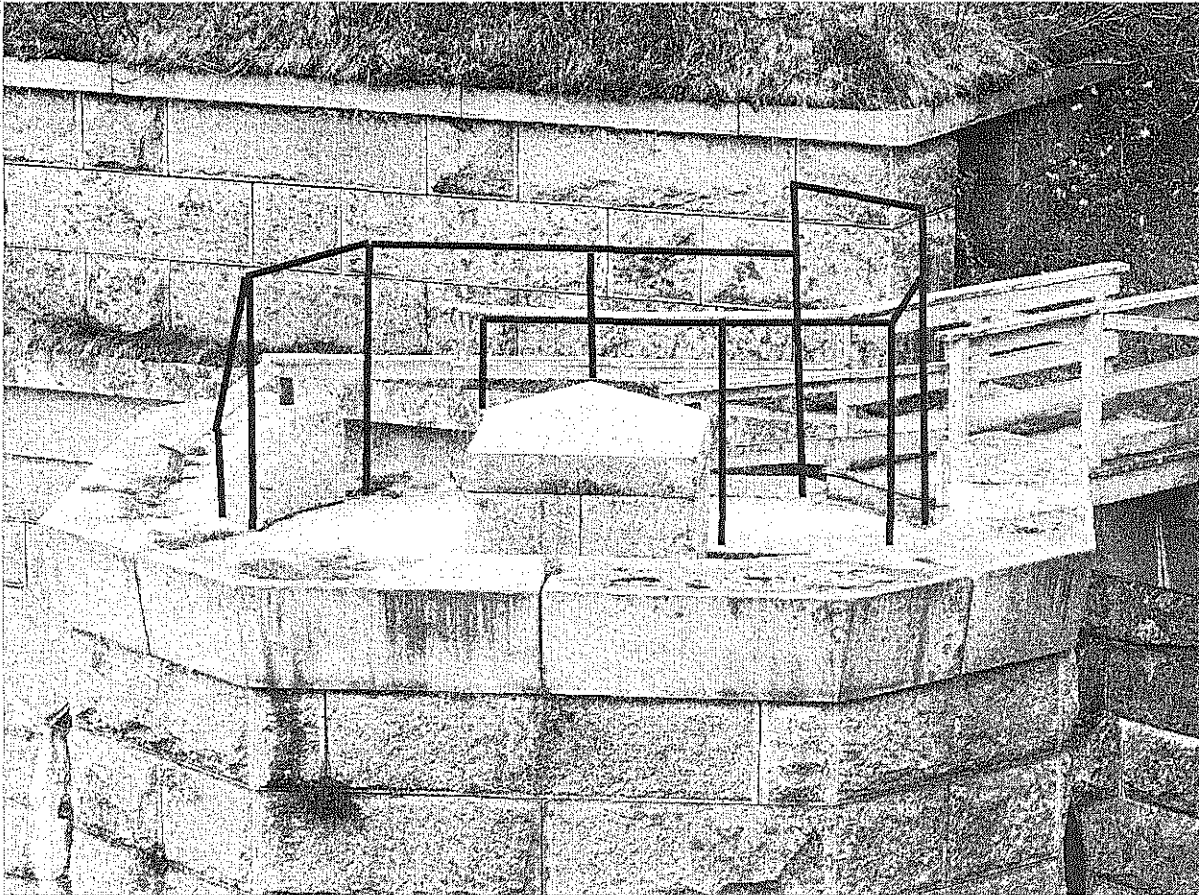
A gate installed at the Parade Level entrance to the stairwell will permit control of access to upper levels.

Fort Gorges - Fall Hazard Mitigation



A gate installed at this 2nd tier stairwell opening will allow control of entry onto wooden bridge at second level.

Fort Gorges - Fall Hazard Mitigation

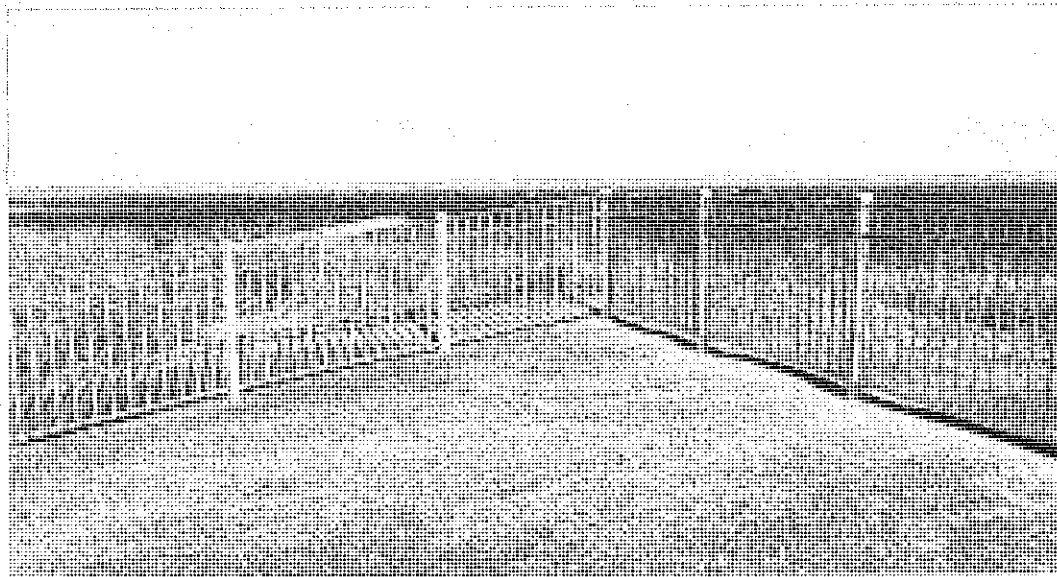


Install rail and gate at the top of the stairwell opening to allow control of entry onto wooden bridge at third level.

Fort Gorges - Fall Hazard Mitigation



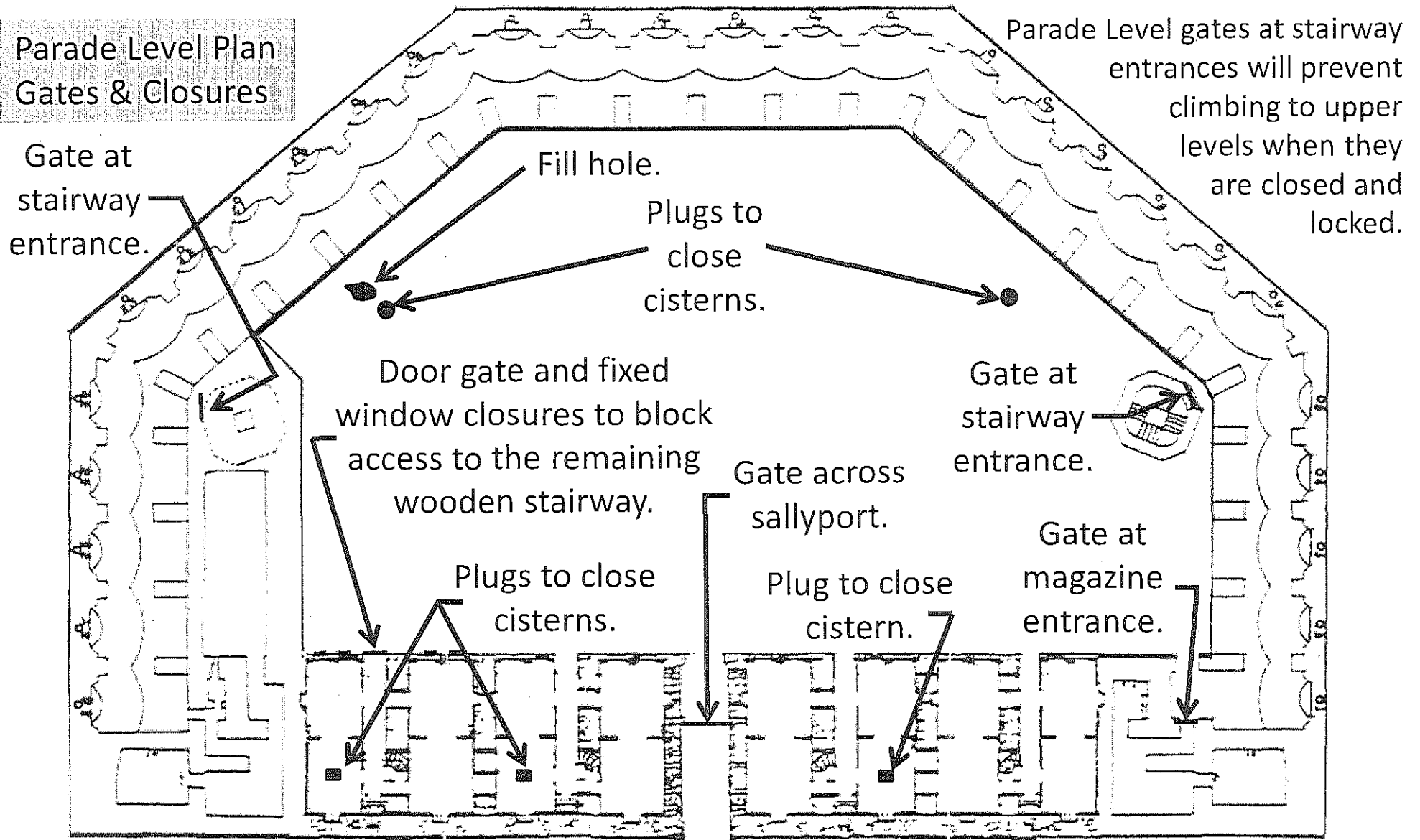
Provide a fenced viewing area at the east side of the fort's barbette tier overlooking the Diamonds, Peaks and Mackworth Is.



Here is an example of a fenced viewing area we have constructed at a similar fort.

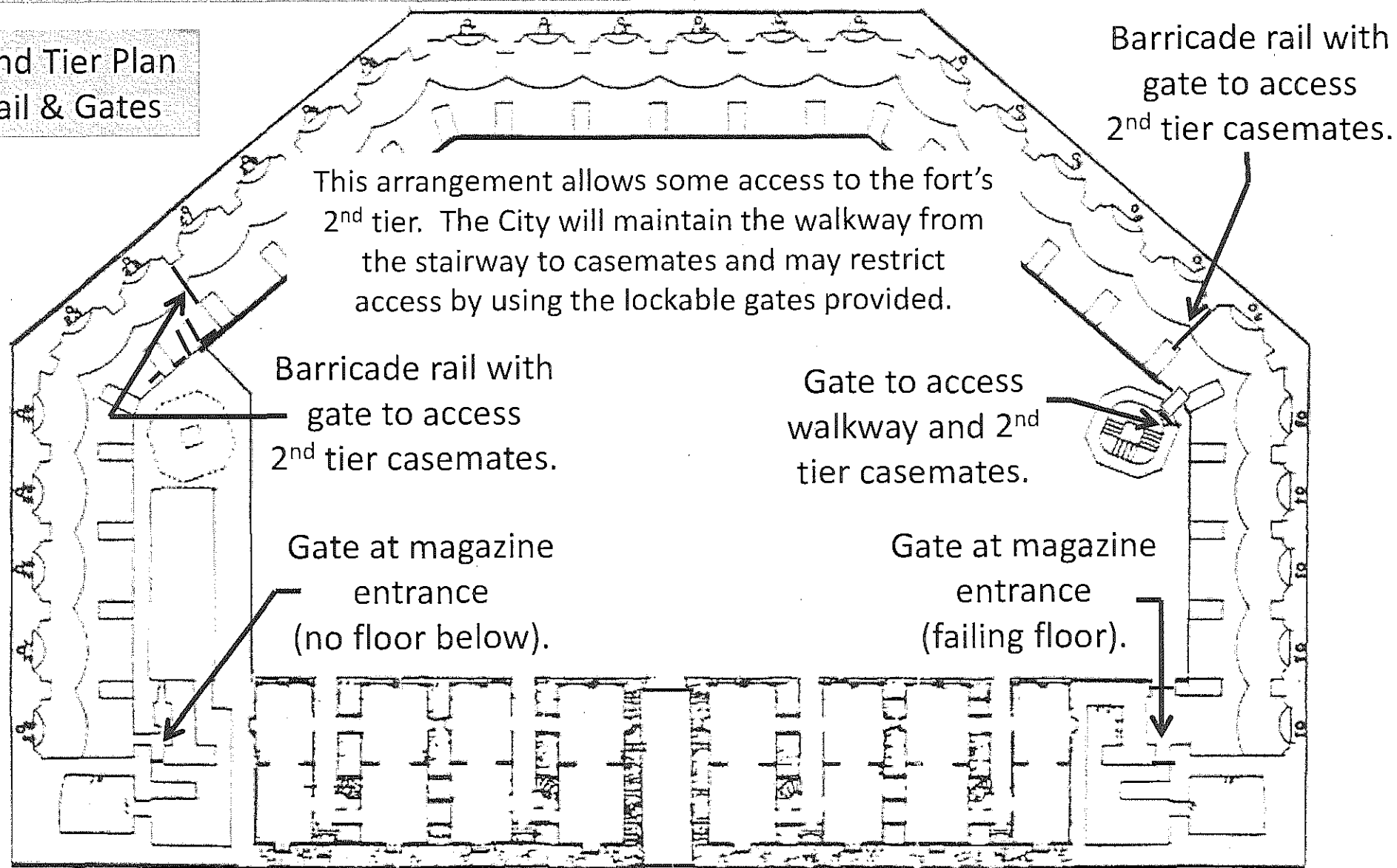
Fort Gorges – Parade Level

Parade Level Plan Gates & Closures



Fort Gorges – 2nd Tier

2nd Tier Plan Rail & Gates



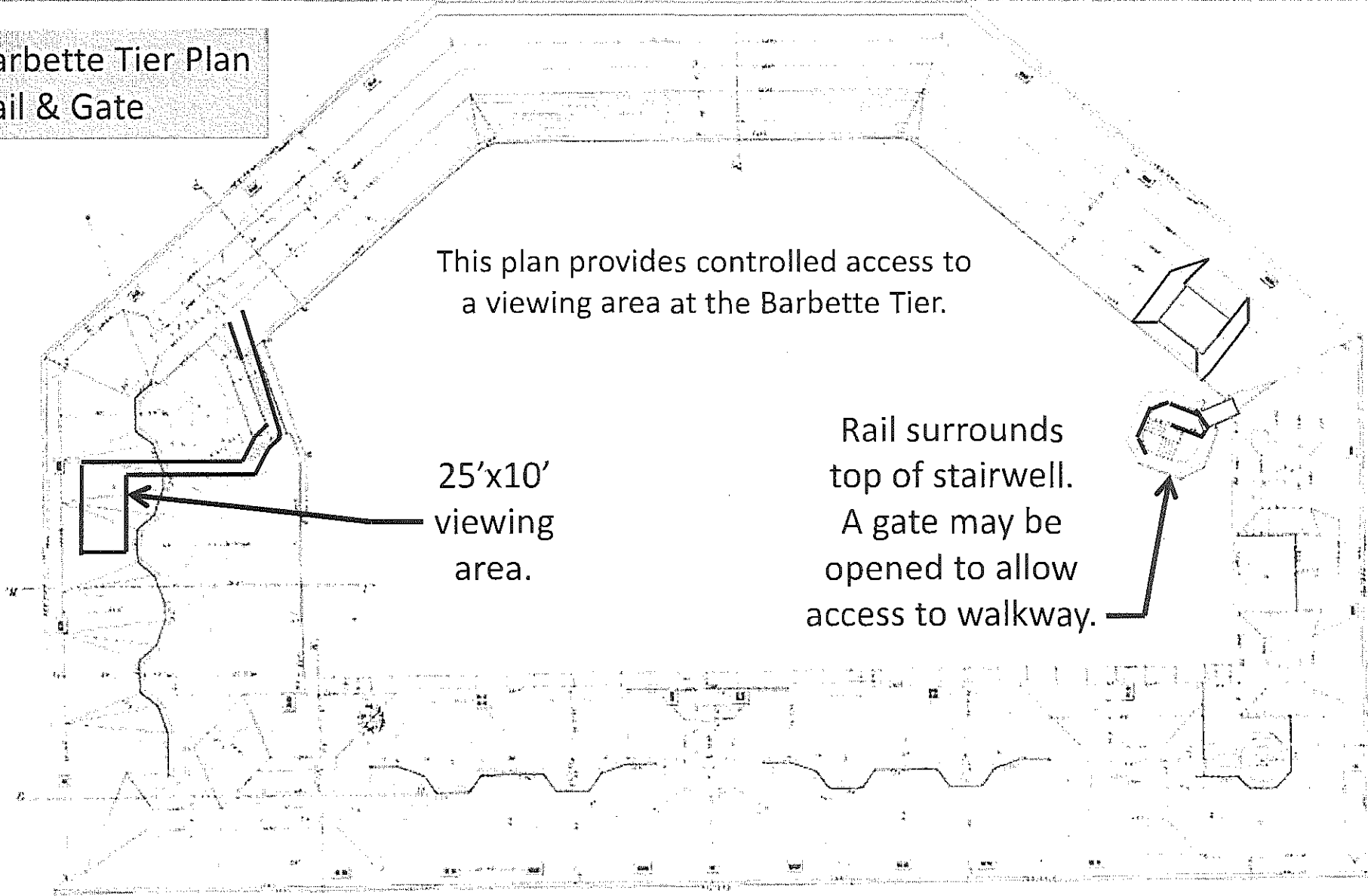
Fort Gorges — Barbette Tier

Barbette Tier Plan Rail & Gate

This plan provides controlled access to a viewing area at the Barbette Tier.

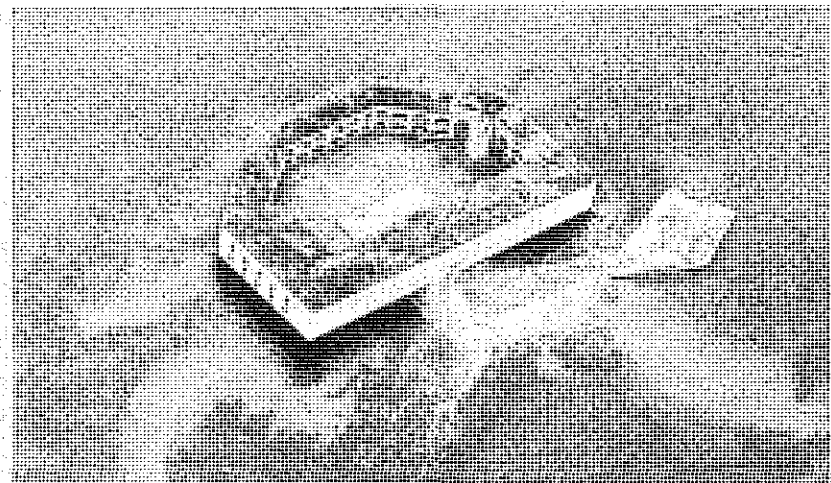
25'x10' viewing area.

Rail surrounds top of stairwell. A gate may be opened to allow access to walkway.



Fort Gorges Summary

- DERP-FUDS BD/DR Project Category – Can mitigate falling hazards of six feet or more.
- Program participation is voluntary.
- The selected rail arrangement reflects anticipated park use and satisfies both public safety and FUDS program considerations.
- Property owner will provide Right-of-Entry. Construction is Federally-funded.



*Order 225-15/16
Tab 34 4-25-16*

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 CHANGE IN SIDEWALK MATERIAL POLICY
FROM BRICK TO CONCRETE FOR
KENNEBEC STREET
FROM FOREST AVENUE TO HANOVER STREET**

ORDERED, that the change in the Sidewalk Material Policy requirement on Kennebec Street from Forest Avenue to Hanover Street from brick to concrete if hereby approved.

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Jeff Levine, Director, Planning and Urban Development Department

DATE: 4/4/16

DISTRIBUTION: Jon Jennings, City Manager; Mayor Ethan Strimling; Anita Lachance, Assistant City Manager; Danielle West-Chuhta, Corporation Counsel; Jennifer Thompson, Associate Corporation Counsel; Sonia Bean, Nancy English and Julie Sullivan

SUBJECT: Change request - Kennebec Street sidewalk material policy, 195 Kennebec Street

SPONSOR: Jeff Levine, Department of Planning and Urban Development

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action** 4/25/16 _____

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

Construction on the 195 Kennebec Street site is nearing completion. Meanwhile, a temporary Certificate of Occupancy has been issued while the question of sidewalk material and design is resolved. The installation of the sidewalk is important in order to allow safe pedestrian access to the site. The Planning Department has given the applicant a May 13, 2016 deadline for completing the Kennebec Street sidewalk.

I. SUMMARY OF ISSUE (Agenda Description)

On April 14, 2015, the Planning Authority approved a Level II site plan for the redevelopment of the Century Tire site at 195 Kennebec Street. The plans included brick sidewalks, in accordance with the city's sidewalk material policy, on both the Marginal Way and Kennebec Street frontages of the site (*Attachment 1*). In the intervening time, the redevelopment project has been largely completed, save for the sidewalk on Kennebec Street. On March 30, the developer requested a change in sidewalk material for this frontage, stating that "the Kennebec side of the site would be better served by a concrete sidewalk [than a brick sidewalk]" (*Attachment 2*).

Although the developer initiated this request, the Council may consider this an opportunity to reflect on the city's sidewalk material policy more broadly, as the use of brick has been a matter of discussion for some time, particularly in areas, like Bayside, which lie outside the city's historic districts and adjacent to existing concrete sidewalk zones. For example, the Council may wish to explore a change in material for the length of Kennebec Street from Forest Avenue east to Pearl Street. Kennebec Street is a secondary street in Bayside where the sidewalks are generally comprised of concrete and asphalt with some remnant cobbles, and the only existing segment of brick sidewalk on Kennebec Street can be found at 195 Kennebec (*Attachment 3*). Alternatively, the council may wish to consider a modification of the material policy for that section of Kennebec from Forest to Elm, where Kennebec's profile changes markedly to become more of a shared street (i.e. there is very little curb reveal on the few sidewalks that do exist, where cobbles and even old rail ties are exposed.) At the very least, should the Council find merit in the deviation from the material policy along the 195 Kennebec frontage, it seems the change should be applied to the whole block of Kennebec between Forest Avenue and Hanover Street. *Figure 1* depicts possible options for changing the sidewalk material policy on Kennebec Street.

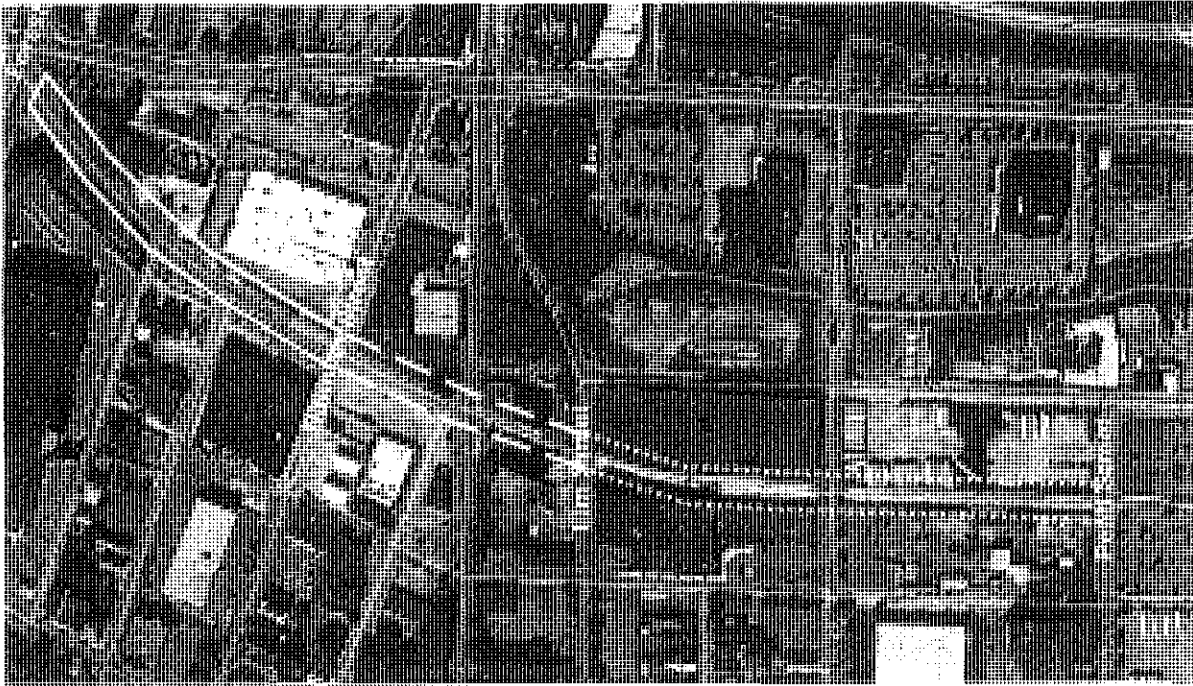


Figure 1: Options for sidewalk material policy change, Kennebec Street

II. REASON FOR SUBMISSION

The developer has stated that “this change in material [from brick to concrete] will result in a public walkway that is safer and more consistent with the adjacent concrete sidewalks on Kennebec Street.” It should be noted that the sidewalks immediately east and west of the site, where they exist, are asphalt.

III. INTENDED RESULT

Concrete is not considered an inferior product to brick, and in fact, it has advantages. In discussion regarding the benefits of concrete sidewalks, as opposed to brick, staff has noted that concrete has lower initial construction costs, is more slip-resistant, and, if installed properly, results in a smoother walking surface as required by the ADA.

IV. COUNCIL GOAL ADDRESSED

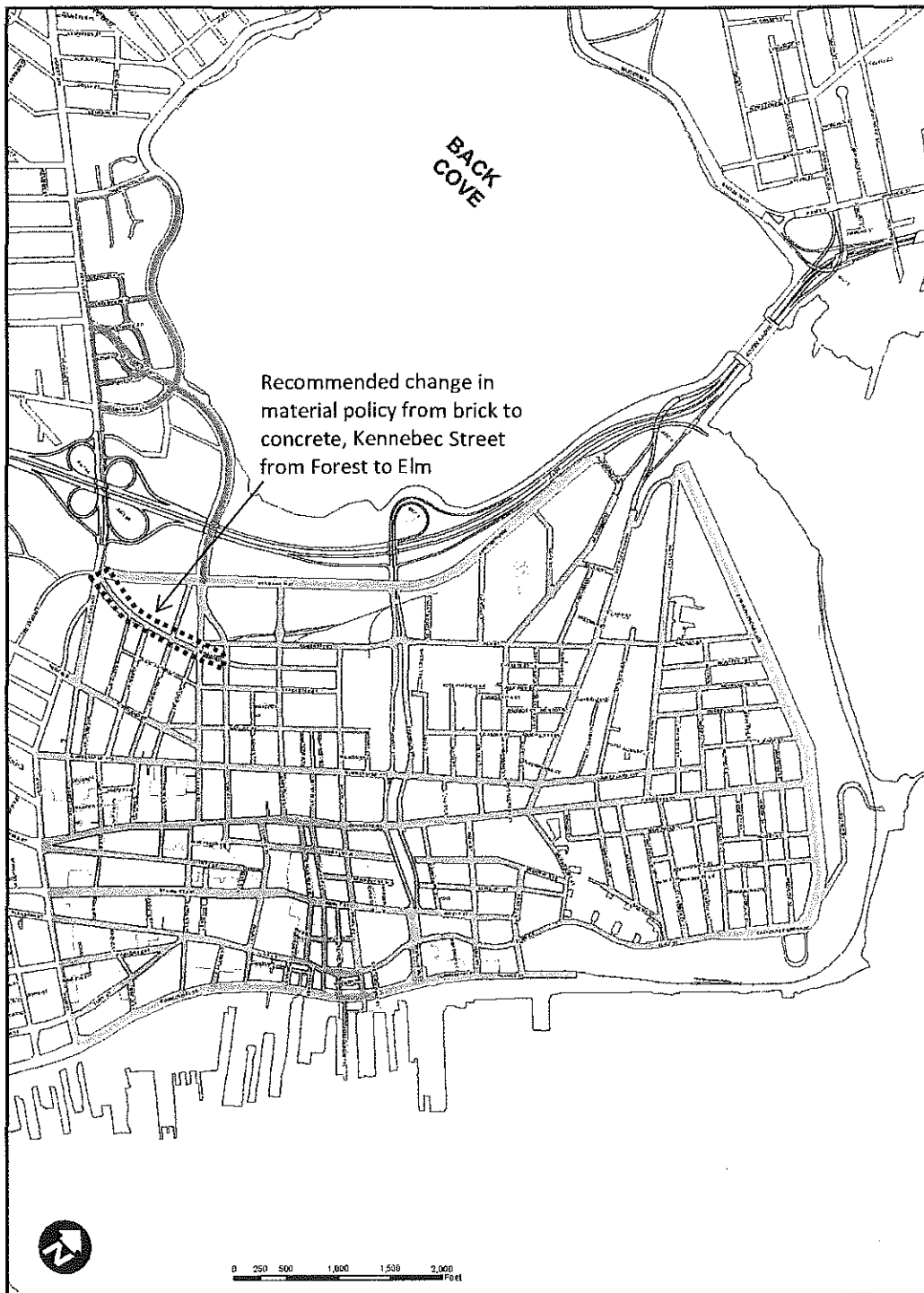
Transportation Initiatives: Develop a transportation system that advances healthy living, minimizes environmental impacts and promotes the local economy by advancing opportunities for mass transit, bicycle use, and walking.

V. FINANCIAL IMPACT

If a change in material policy is adopted for any length of Kennebec Street, there could be construction cost savings for any city sidewalk replacement projects in this area.

VI. STAFF ANALYSIS AND RECOMMENDATION

Staff supports a sidewalk material change from brick to concrete for Kennebec Street from Forest to Elm as shown in *Figure 2*, for the reasons noted above. Staff is in the outreach phase and may come forward with a more comprehensive recommendation regarding a change to the sidewalk policy in Bayside at a future date.



DISTRICT 1
SIDEWALK REPLACEMENT MATERIAL
 PORTLAND, MAINE AUGUST 2010

asphalt CLAY BRICK SIDEWALK with CLAY BRICK APRON asphalt BRICK SIDEWALK with ASPHALT APRON	concrete CONCRETE SIDEWALK asphalt ASPHALT SIDEWALK	HISTORIC DISTRICT
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Map prepared by the City of Portland's Department of Public Services

Figure 2: Staff recommendation

VII. LIST ATTACHMENTS

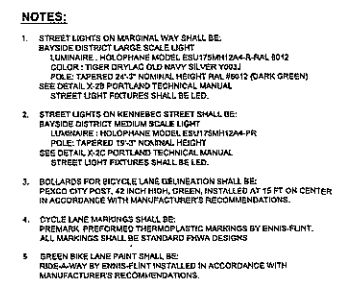
1. 195 Kennebec, approved Level II site plan
2. Sidewalk material change request, letter from Josh Benthien, Vandelay Industries/Northland Enterprises
3. Photos, 195 Kennebec existing conditions
4. City Sidewalk Materials Policy

Prepared by: Nell Donaldson

Date: 4/4/16

Bean/agendarequestmemo/rev 11/2015

LOCATION MAP N.T.S.



SIGN LEGEND

 STOP	 DO NOT ENTER	 AHEAD OF TRAFFIC	 ONE WAY AHEAD	 ONE WAY AHEAD	 ONE WAY AHEAD	 ONE WAY AHEAD	 ONE WAY AHEAD
 STOP	 DO NOT ENTER	 AHEAD OF TRAFFIC	 ONE WAY AHEAD	 ONE WAY AHEAD	 ONE WAY AHEAD	 ONE WAY AHEAD	 ONE WAY AHEAD

STRUCTURE	RIM	IN V IN	DIR	INV OUT	SUMP	SIZE
GREASE TR	10.70	5.43	E	5.10	N/A	150p
SMH 1	10.65	5.08	S	5.00	N/A	4" Ip
		5.05	E			
PIPE FROM	PIPE TO	LENGTH	SLOPE	US INV	DS INV	SIZE
BLOB 8	GREASE 1	18	0.017	5.70	5.43	4"Py
GREASE 1	SMH 1	5	0.01	5.10	5.05	4"Py
BLOB 8	SMH 1	52	0.028	6.00	5.06	6"Py
SMH 1	WYE 1	10	0.01	5.00	4.80	6"Py
BLOB 8	WYE 1	35	0.022	5.70	4.93	6"Py

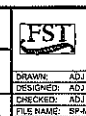
GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft

7	04.01.85	REMOVED FOR FINAL TRAFFIC COMMENTS		
6	03.18.85	REMOVED FOR FINAL CITY COMMENTS		
5	04.02.85	ISSUED FOR CONSTRUCTION		
4	04.16.85	REMOVED PER CITY COMMENTS		
3	04.07.85	REMOVED FOR CITY COMMENTS		
2	03.13.85	ISSUED FOR SIGNING AND STAMPS		
1	03.13.85	ISSUED FOR CITY PERMIT		
0	12.21.84	ISSUED FOR CLIENT REVIEW		
1	11.04.84	RELEASED AGAIN CLIENT REVIEW		
REV	04.05	DESCRIPTION	REVIEWS	P. E. ANDREWS, D. JOHNSON C.E. #9564



PROJECT	CENTURY TIRE PLAZA 195 KENNEBEC STREET, PORTLAND, ME
SHEET TITLE	SITE LAYOUT AND UTILITY PLAN
CLIENT	NORTHLAND ENTERPRISES, LLC



FAY, SPOFFORD & THORNDIKE
ENGINEERS - PLANNERS - SCIENTISTS
776 MAIN ST, SUITE 8, SOUTH PORTLAND, ME 04106

CITY OF PORTLAND
APPROVED SITE
ID. SP-ANT-10

C-3.0 (MIN) 6/8/15



March 30, 2016

Via Email

Helen Donaldson
Planner, City of Portland

RE: Request for a waiver of they City Material Policy

Nell,

As discussed, on behalf of Vandelay Industries, the owner of 195 Kennebec Street, we would like to officially request a place on the April 24th City Council agenda in order to request a waiver to the City Material Policy for the portion of sidewalk we will be completing on the Kennebec Side of our site. We have completed the Marginal Way sidewalk in brick, but feel that the Kennebec side of the site would be better served by a concrete sidewalk. We feel this change in material will result in a public walkway that is safer and more consistent with the adjacent concrete sidewalks on Kennebec Street.

Thank you for your consideration and help in this matter.

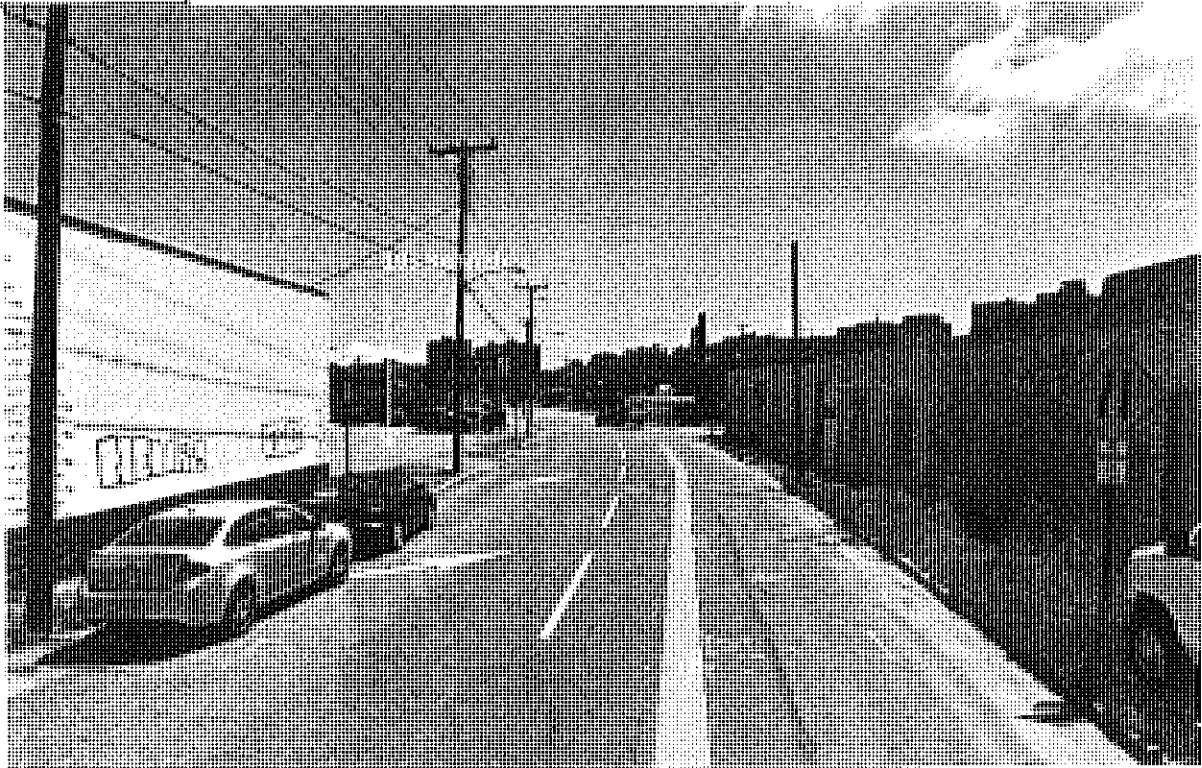
Very sincerely,

A handwritten signature in dark ink, appearing to read "JB", with a long, sweeping horizontal line extending to the right.

Josh Benthien
Partner
Vandelay Industries
Northland Enterprises

17 South Street, 3rd Floor
Portland, Maine, 04101
207-780-0223
www.northlandus.com

Attachment 3



Kennebec Street frontage of 195 Kennebec from the west (above) and east (below)

SIDEWALK MATERIALS POLICY

Revised August 2010

The following policy is intended to be used as a standard when developing improvement projects for sidewalks to be either built or rebuilt utilizing Housing and Community Development, Capital Improvement, State or Federal Financing and General Operating Budget Funding. This policy will also be employed when reviewing private development proposals within the City of Portland. The final approved copy of this policy will include a complete set of street maps for each District. The policy and maps will be incorporated as part of the City's Technical Manual.

Brick Sidewalks:

- Within Portland's designated historic districts
- On the Peninsula from Eastern Promenade to Western Promenade and from Marginal Way to Commercial Street (see the attached maps for District 1 & 2)
- The entire length of Clifton Street, in District 4, has been designated for brick sidewalk replacement
- Woodmont Street, Montrose Street, Colonial Road (*Brighton Avenue to Rockland Avenue*), Belfield Street, and Marlow St. shall be designated for brick sidewalk replacement.
- Whitney Avenue, between Congress Street and Brighton Avenue (both east and west sides of the street) shall be designated for brick sidewalk replacement.
- Forest Avenue between Bedford and Falmouth Streets; southwest side only.
- **Exception to brick sidewalks:** on sidewalks, or sections of sidewalks, where the slope exceeds 10% percent, the Director of Public Services may approve, based upon a recommendation from the City Engineer, the use of alternative material in lieu of brick if he or she finds that such alternative material would provide a more slip resistant surface to improve pedestrian safety. The alternative material includes concrete for sidewalks outside of the designated historic districts, and Pinehall /Pathway Lachance item # 193623 Brick Pavers, for sidewalks within all designated historic districts.

Concrete Sidewalks:

- The areas designated for concrete sidewalk replacement are specified by District as follows:
 1. District 1...All street sections northerly of Marginal Way.
 2. District 2...the lengths of St. John and Valley St. between their southerly intersection and "D" St. to the north; a section of Congress St. from St. John St. westward; a section of Deering Ave from Park Ave northward; a section of Forest Ave. from Marginal Way northward; and all street sections northerly of I-295.
 3. District 3...All streets between Woodford Street and Congress Street;

- All streets between Baxter Boulevard and Stevens Avenue; all streets between Capisic Street and Ludlow Street; all streets westerly of Stevens Avenue to Machigonne Street and Westminster Avenue.
4. District 4...All streets between Stevens Avenue to Baxter Boulevard; all Streets between Woodford Street, Pya Road and Read Street to Morrill's Corner.
 5. District 5...All streets southeasterly of Best Street, northerly of Fuller and Ludlow Streets and westerly of Stevens Avenue.

Asphalt Sidewalks:

- The areas designated for asphalt sidewalk replacement are specified by District as follows:
 1. District 3...All streets between Machigonne Street and the Portland/Westbrook City limits; all streets from Congress Street southerly to the Fore River; all streets westerly of Capisic Street and Stevens Avenue to the Westbrook and South Portland boundaries.
 2. District 4...All streets easterly of Allen Ave. to Casco Bay and northerly of Read Street, Pya Street and Baxter Boulevard to the Falmouth town line.
 3. District 5...All streets shall have asphalt sidewalk replacement designation with the following exceptions: Best, Leonard, Richardson, Brentwood, New, Crosby, Alba, Mabel, and Leland Streets, Concord Street West and Pleasant Avenue. These streets shall be designated for concrete sidewalk replacement.

Driveway Aprons:

- All driveway apron replacement shall utilize asphalt throughout the Peninsula and off-Peninsula streets with the following exceptions:
 1. Those located within Portland's designated historic districts shall utilize brick driveway apron replacement, exclusively.
- Driveway apron material replacement shall not occur if it can be identified that the homeowner has installed the existing apron at their expense and the driveway is in good condition. Otherwise, driveway replacement shall conform to the accepted policy.

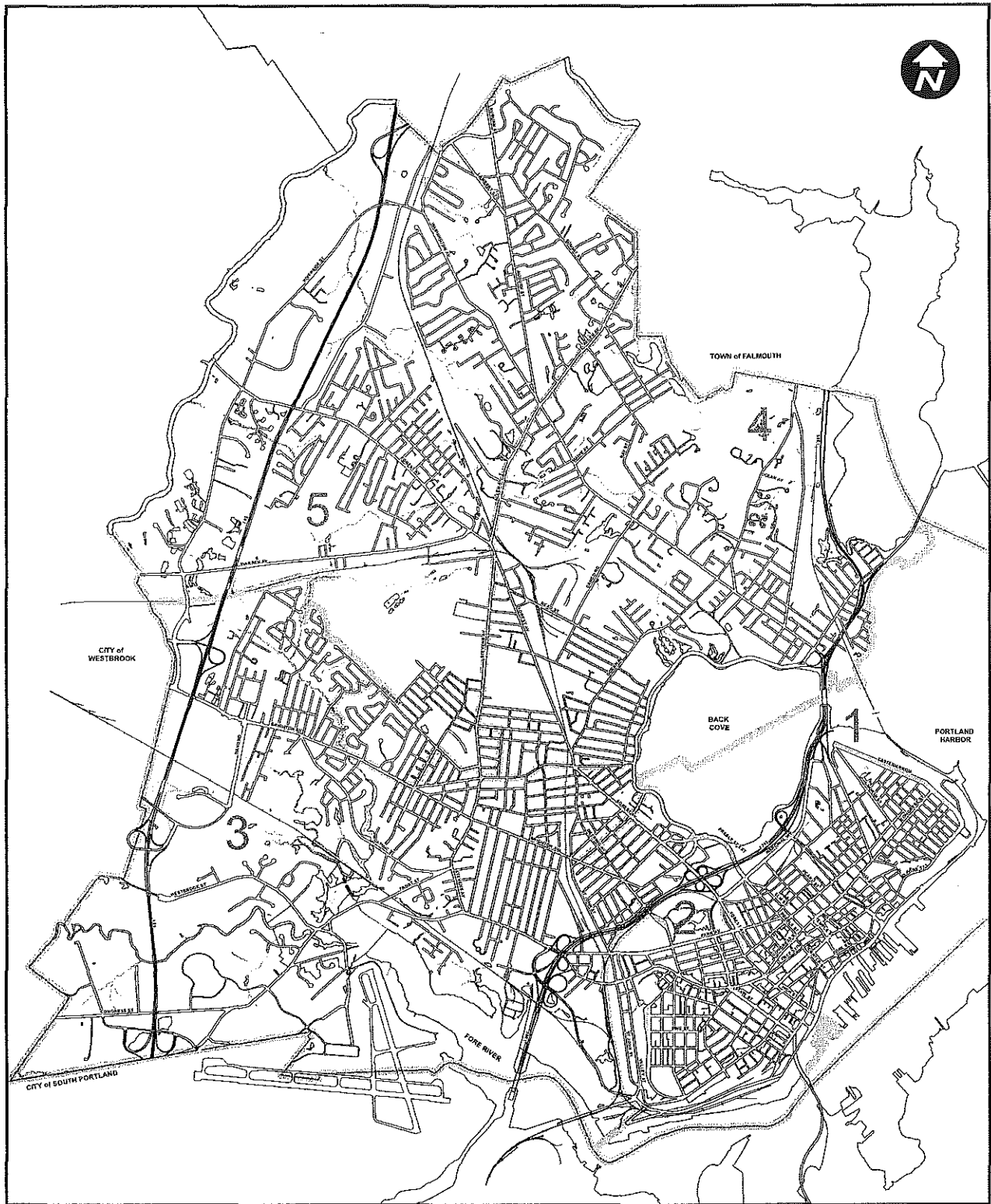
Curbing:

- All curb material shall be granite curb. The recycling of existing curb shall be employed in the Historic District as a priority and in other Districts where appropriate.

ADA. Handicap Accessible Sidewalk Ramps:

- Ramps shall be constructed of the same sidewalk material as designated for that respective District, with the exception of the required detectable surface within the ramp.

Note: Construction details for sidewalk replacement, ADA ramps, driveway aprons and curb are included as part of the City's Technical Manual.



SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE AUGUST 24, 2010

CLAY BRICK SIDEWALK with CLAY BRICK APRON
BRICK SIDEWALK with ASPHALT APRON

CONCRETE SIDEWALK
ASPHALT SIDEWALK

HISTORIC DISTRICT
COUNCIL DISTRICT

0 1,250 2,500 5,000 7,500 10,000 Feet

Map prepared by the City of Portland's Department of Public Services



DISTRICT 1 **SIDEWALK REPLACEMENT MATERIAL**

PORTLAND, MAINE AUGUST 2010

CLAY BRICK SIDEWALK with CLAY BRICK APRON
 BRICK SIDEWALK with ASPHALT APRON

CONCRETE SIDEWALK
 ASPHALT SIDEWALK

HISTORIC DISTRICT



CITY of
WESTBROOK

DISTRICT 3 SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE MAY 2009

CLAY BRICK SIDEWALK with CLAY BRICK APRON
BRICK SIDEWALK with ASPHALT APRON

CONCRETE SIDEWALK
ASPHALT SIDEWALK

HISTORIC DISTRICT

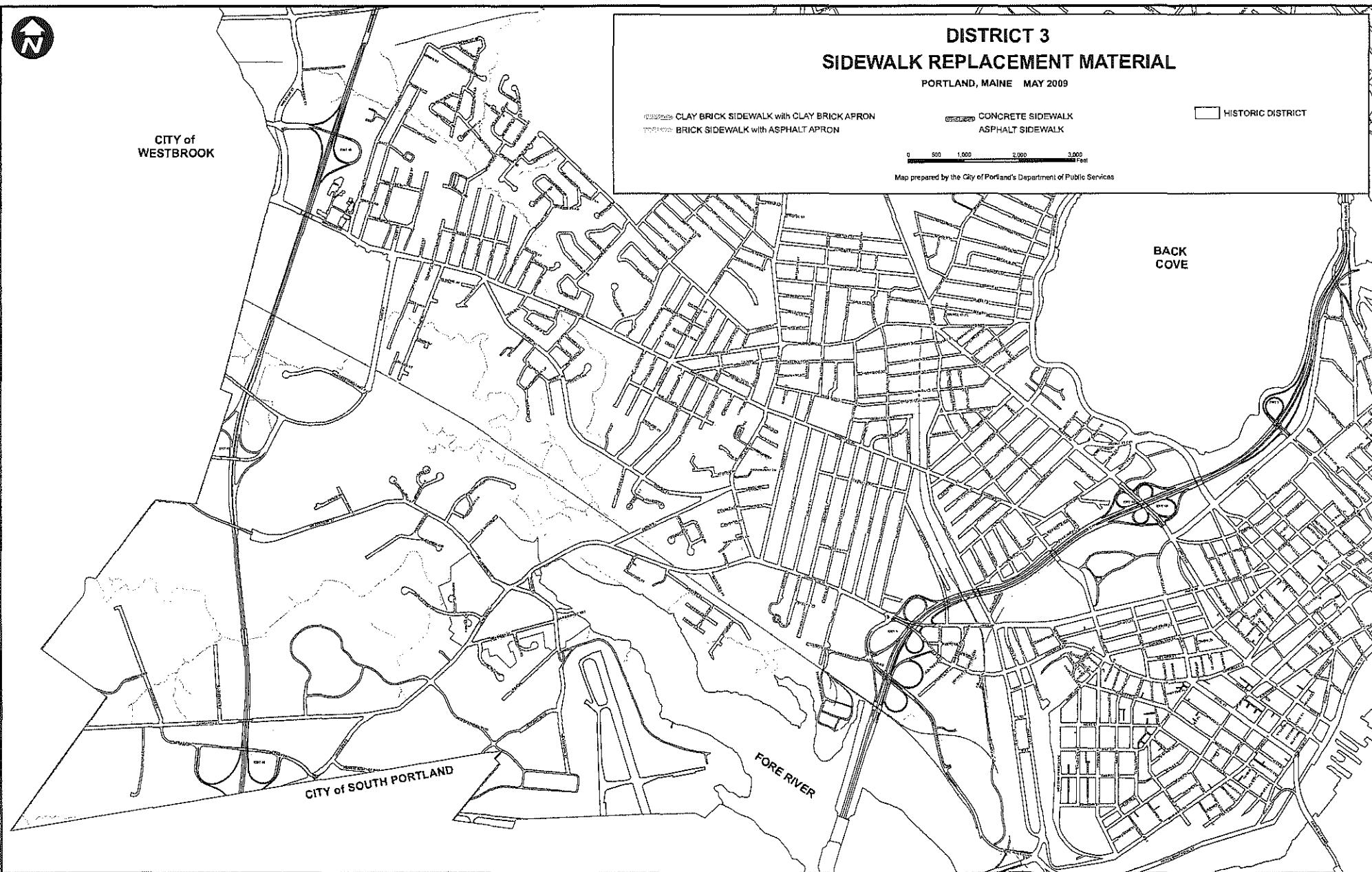
0 500 1,000 2,000 3,000
Feet

Map prepared by the City of Portland's Department of Public Services

BACK
COVE

CITY of SOUTH PORTLAND

FORE RIVER





DISTRICT 4 **SIDEWALK REPLACEMENT MATERIAL**

PORTLAND, MAINE MAY 2009

CLAY BRICK SIDEWALK with CLAY BRICK APRON
 BRICK SIDEWALK with ASPHALT APRON

CONCRETE SIDEWALK
 ASPHALT SIDEWALK

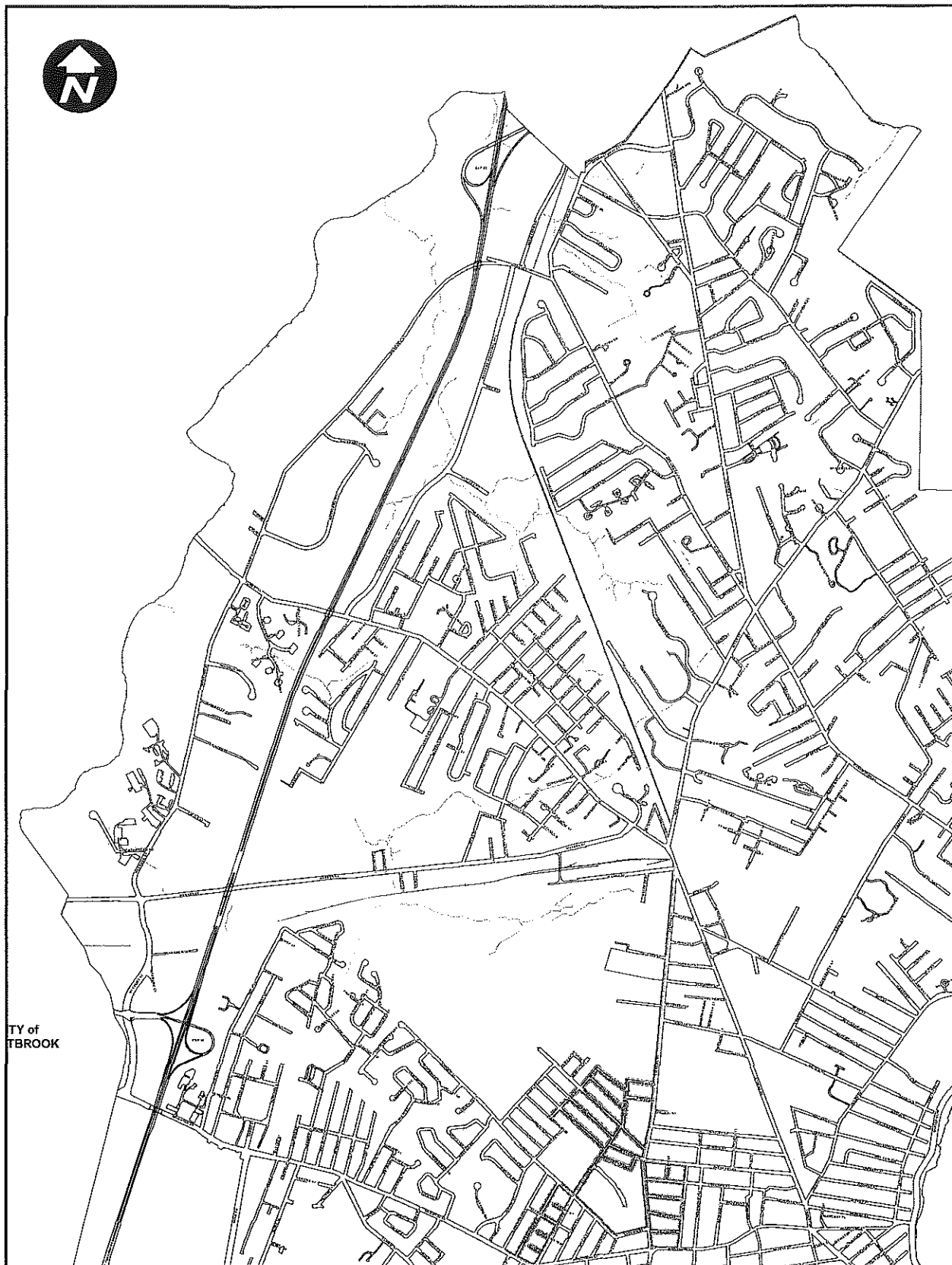
HISTORIC DISTRICT

0 500 1,000 2,000 3,000
 Feet

Map prepared by the City of Portland's Department of Public Services



CITY of
PORTLAND



DISTRICT 5 SIDEWALK REPLACEMENT MATERIAL

PORTLAND, MAINE MAY 2009

 CLAY BRICK SIDEWALK with CLAY BRICK APRON
 BRICK SIDEWALK with ASPHALT APRON

 CONCRETE SIDEWALK
 ASPHALT SIDEWALK

 HISTORIC DISTRICT

0 550 1,100 2,200 3,300
Feet

Map prepared by the City of Portland's Department of Public Services

*Order 226-15/16
Tab 25 4-25/16*

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 GRANTING LICENSES
RE: MIDTOWN DEVELOPMENT**

ORDERED, that license agreements to FEDEQ DV001, LLC to allow the installation and the work of grading, drainage, and utilities at the Midtown development are hereby granted in substantially the forms 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 and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

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 of Planning and Urban Development

DATE: April 6, 2016

SUBJECT: Midtown Request for Easements and Licenses

SPONSOR: Jeff Levine, Director of Planning and Urban Development

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading _____ **Final Action** April 25, 2016

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

City Council action is needed on these items for the Midtown project to proceed.

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

Short presentation by Planning Board Chair. Short presentation by Planning Staff (if necessary).

Short presentation by Midtown representative.

I. ONE SENTENCE SUMMARY

Federated Companies, developer of the Midtown project, has requested City Council approval of various licenses and easements that are necessary for this development to meet certain Planning Board conditions of approval.

II. AGENDA DESCRIPTION

Federated Companies is requesting City Council approval of various licenses and easements for the Midtown project. The Midtown development received Planning Board site plan and subdivisions approval on March 3, 2015. The development was approved subject to a number of conditions including City Council approval of licenses for certain improvements within City rights-of-way and acceptance of various easements on private property. Approval of these licenses and easements is necessary for Midtown to proceed.

Licenses requested by Midtown cover a number of improvements within the public right-of-way:

1. Grading, drainage and utility licenses for Lots 1 and 3
2. Utility license for Lot 3; and,
3. Grading, drainage and utility license for Lots 6 and 7.

Easements on private property include:

1. Limited open space use easement on Lot 7 to the City of Portland;
2. Limited open space use easement for the City of Portland along Somerset at Lot 7; and
3. MEWs access easement to the City of Portland at Lot 7.

III. BACKGROUND

The Midtown development received Planning Board site plan and subdivisions approval on March 3, 2015. The development was approved subject to a number of conditions including City Council approval of licenses for certain improvements within City rights-of-way and acceptance of various easements on private property. Approval of these licenses and easements is necessary for Midtown to proceed.

Licenses requested by Midtown cover a number of improvements within the public right-of-way:

1. Grading, drainage and utility licenses for Lots 1 and 3
2. Utility license for Lot 3; and,
3. Grading, drainage and utility license for Lots 6 and 7.

Easements on private property include:

1. Limited open space use easement on Lot 7 to the City of Portland;
2. Limited open space use easement for the City of Portland along Somerset at Lot 7; and
3. MEWs access easement to the City of Portland at Lot 7.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The request supports the general Council goal to “Promote Housing Availability”.

V. FINANCIAL IMPACT

The granting of easements and licenses supports the redevelopment of the Midtown project which represents a positive impact on property tax revenue. The improvements proposed within the public right-of-way will be maintained by the developer.

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

Planning Staff recommends approval of the requested licenses and easements for the Midtown project. The licenses and easements were a condition of the Planning Board approval and must be approved by the City Council for this project to proceed. The requested licenses and easements are fairly typical for larger size peninsula projects.

VII. RECOMMENDATION

Planning Staff recommends approval of the licenses and easements since they are a critical part of the Midtown Planning Board approval. City Council approval of the licenses and easements is

needed for this project to proceed. The requested licenses and easements are fairly typical for larger size peninsula projects.

VIII. LIST ATTACHMENTS

1. Proposed licenses and easements

Prepared by: Stuart O'Brion

Date: April 6, 2016

REVOCABLE LICENSE FOR INSTALLATION AND MAINTENANCE OF UTILITIES

This Revocable License For Installation And Maintenance Of Utilities (hereinafter "License") is granted by the City of Portland (hereinafter, "City") to FEDEQ DV001, LLC, a Maine limited liability company with a mailing address of PO BOX 370008, Miami, Florida 33137 (hereinafter, "Owner") for the Owner's installation and maintenance of the utilities described herein on certain real property owned by the City located northwesterly of Somerset Street and more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Licensed Area"), which is adjacent to property owned by the Owner and identified as Lots 3 and 7 on a certain "Amended Subdivision Recording Plat for Midtown Development, Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds (the "Plan"). The installation and maintenance of the utilities shall be governed by the terms of this License Agreement.

1. Owner is hereby permitted to bring upon the Licensed Area and areas adjacent thereto workers, materials and machinery necessary to install the utilities in/on the Licensed Area as shown in a set of certain site plans entitled "Site Development Plan For Midtown, Portland, Maine, Final Subdivision And Level III Site Plans with Conditions of Approval" dated February 17, 2016 and prepared for Owner by Fay Spoffard & Thorndike (the "Site Plan"), a copy of which is on file with the City of Portland Planning Department, and which is incorporated herein by reference, and as more particularly described in Exhibit B.
2. Owner is hereby permitted to occupy the Licensed Area only for the installation and maintenance of such utilities in accordance with this License and the Site Plan and shall be responsible for the proper installation and proper maintenance of said utilities. Such utility work shall not substantially interfere with the City's use and maintenance of its pedestrian trail located in the Licensed Area, except as otherwise required by the terms of a construction management plan for the Midtown Development, a copy of which is on file with the City of Portland Planning Department and which is incorporated herein by reference.
3. All work performed upon and use of the Licensed Areas for the purposes set forth herein shall be at Owner's sole cost and expense (unless otherwise agreed in writing), the parties acknowledging that there may be temporary interruptions in enjoyment of the City's property adjacent to the Licensed Areas related to the conduct of any work related to this License. Owner agrees at its sole expense to restore any portion of the Licensed Areas and adjacent City property effected by work conducted by Owner under this License to substantially the same condition that it was in prior to such work or as close to that condition as is reasonably practicable. Owner, its successors and assigns, shall defend, indemnify and hold the City, its officers, agents, and employees harmless from any and all claims, including but not limited to claims for damage to City property and reasonable

attorney's fees, which arise out of Owner's use, or the use of Owner's contractors, of the City's property as described above during the term of the License. The Owner's obligation to defend, indemnify and hold the City harmless shall survive termination or revocation of this License.

4. In the event of damage to any of the aforementioned utilities and/or the Licensed Area, Owner shall promptly repair/restore the same. Prior to such repair/restoration, Owner shall notify the City (in writing and by telephone) at least forty-eight hours before it plans to repair/restore the any of the said utilities and shall work with City staff on the closure, if needed, of any City streets in the vicinity of the Property in order to conduct such repair/restoration.
5. Owner shall procure and maintain throughout the term of this License automobile and comprehensive general liability insurance in the minimum amount of Four Hundred Thousand Dollars (\$400,000) (or the amount stated in the Maine Tort Claims Act, as may be amended from time to time) per occurrence for bodily injury, death, or property damage covering its activities hereunder and naming the City as an additional insured thereon. In addition, Owner shall provide evidence of Workers' Compensation insurance in the statutory amount to the extent it may be required by law. Certificates evidencing such policy shall be delivered to the City and shall provide the City with no less than thirty (30) days prior notice of cancellation or non-renewal.
6. Owner, by execution of this License, hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to Owner's exercise of the rights granted by this License, and does hereby forever waive, release, relinquish, remise, indemnify and discharge the City, its agents, employees, successors and assigns from and against any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this License, arising out of the presence in and use by the Owner of the area covered by this License.
7. This License is assignable to any subsequent owners of the property described as Lots 3 and/or 7 on the Plan, and in the event of such assignment, Owner shall be released from all agreement to indemnify, defend, or hold the City harmless for claims or damage to persons or property arising after the date of such assignment. Owner shall notify the City of such assignment no less than 10 days prior to the effective date of such assignment.
8. This License, and all of the rights and obligations herein, shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.
9. The City may revoke this License six (6) months after receipt by the Owner of written notice that an Event of Revocation (as defined below) has occurred, identifying such Event of Revocation, provided that such Event of Revocation is not cured within six (6)

months after Owner's receipt of such notice, except as set forth in subsection c) below.
"Event of Revocation" shall mean:

- a) the building shown on the Site Plan fails to be constructed substantially in accordance with the Site Plan or any amendments thereto;
- b) the building as shown on the Site Plan is destroyed, removed or otherwise thereafter ceases to exist on Owner's property and construction to rebuild said building has not begun within twelve (12) months of said destruction or removal, or
- c) failure to maintain insurance as required under Section 2 above, and such failure is not remedied within thirty (30) days after written notice thereof.

10. Any notice of an Event of Revocation delivered pursuant to Section 9 of this License must be sent by certified mail, return receipt requested to the Owner at the address first set forth above, or at such other address as the Owner may provide to the City in writing from time to time.

11. Notwithstanding any other provision herein, in the event that a notice of an Event of Revocation is delivered to Owner, any mortgagee of Owner's property shall be entitled to cure the matter set forth in such notice within the time frames set forth in Section 9 hereof, and the City agrees to accept such performance by any such mortgagee of Owner's obligations hereunder.

IN WITNESS WHEREOF, the City of Portland has caused this License to be executed by Jon P. Jennings, its City Manager thereunto duly authorized, and FEDEQ DV001, LLC, has caused this License to be executed by Jonathan Cox, its Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

Witness

By: Jon P. Jennings
Its City Manager

FEDEQ DV001, LLC

Witness

By: Jonathan Cox
Its Manager

STATE OF MAINE
CUMBERLAND, ss.

_____, 2016

Then 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

STATE OF FLORIDA
DADE, ss.

_____, 2016

Then personally appeared the above-named Jonathan Cox, Manager of FEDEQ DV001, LLC, as aforesaid, and acknowledged the foregoing to be his free act and deed in his said capacity, and the free act and deed of said limited liability company.

Before me,

Attorney-at-Law/Notary Public
Commission Expires:
Print Name: Lloyd Cox

EXHIBIT A

A certain lot or parcel of land located along the southwesterly sideline of Chestnut Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the westerly sideline corner of Chestnut Street and Somerset Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 40° 59' 38" W 140.00 feet along the southwesterly line of Chestnut Street to the **POINT OF BEGINNING** at the northerly corner of Lot 3 as shown on said plan;

THENCE S 49° 00' 22" W 91.29 feet along the northwesterly line of said Lot 3 to a point;

THENCE N 40° 59' 48" W 12.00 feet through land now or formerly of the City of Portland as shown as Lot 4 on said plan to a point;

THENCE N 49° 00' 22" E 104.42 feet through said City of Portland land to a point along the southwesterly line of Chestnut Street;

THENCE S 40° 58' 52" E 2.53 feet along the southwesterly line of Chestnut Street to a point;

THENCE along the southwesterly line of Chestnut Street along a curve to the left with a radius of 135.00 feet, an arc distance of 10.70 feet, and a chord bearing and distance of S 13° 13' 43" E 10.70 feet to a point;

THENCE S 49° 00' 22" W 8.14 feet along the southwesterly line of Chestnut Street to the **POINT OF BEGINNING**.

Said lot or parcel of land contains 1229 square feet, more or less; and

A certain lot or parcel of land located northwesterly of, but not adjacent to, Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the westerly sideline corner of Somerset Street and The Possible Extension of Pearl Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 40° 59' 38" W 151.00 feet along the southwesterly line of The Possible Extension of Pearl Street as shown on said plan to the **POINT OF BEGINNING**;

THENCE S 49° 00' 22" W 73.00 feet along Lot 7 as shown on said plan to a point;

THENCE S 40° 59' 38" E 21.00 feet along Lot 7 to a point;

THENCE S 49° 00' 22" W 10.00 feet along Lot 7 to a point;

THENCE N 40° 59' 38" W 20.61 feet through land now or formerly of the City of Portland shown as Lot 9 on said plan to a point;

THENCE S 39° 22' 54" W 10.86 feet through said City of Portland land to a point;

THENCE S 42° 22' 19" W 64.94 feet through said City of Portland land to a point;

THENCE S 41° 00' 32" E 15.29 feet through said City of Portland land to a point;

THENCE S 49° 00' 22" W 72.71 feet along Lot 6 as shown on said plan to a point;

THENCE N 41° 00' 32" W 21.94 feet through said City of Portland land to a point;

THENCE N 42° 22' 19" E 136.00 feet through said City of Portland land to a point;

THENCE N 39° 22' 54" E 72.27 feet through said City of Portland land to a point;

THENCE N 41° 02' 28" W 10.14 feet through said City of Portland land to the easterly property corner of land now or formerly of 161 Marginal Way LLC as shown on said plan;

THENCE N 41° 02' 28" W 43.00 feet along said 161 Marginal Way LLC land to a point;

THENCE N 49° 00' 22" E 20.02 feet through said City of Portland land to a point;

THENCE S 87° 16' 35" E 27.70 feet through said City of Portland land to a point;

THENCE S 40° 59' 38" E 5.00 feet through said City of Portland land to a point;

THENCE N 84° 05' 10" E 20.69 feet through said City of Portland land to a point;

THENCE N 28° 31' 08" E 15.21 feet through said City of Portland land to a point;

THENCE N 59° 22' 54" E 31.41 feet through said City of Portland land to a point;

THENCE S 61° 28' 51" E 5.00 feet through said City of Portland land to a point;

THENCE S 40° 59' 38" E 6.82 feet through said City of Portland land to a point along land now or formerly of E. Perry Iron & Metal Co. as shown on said plan;

THENCE S 49° 00' 22" W 24.24 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 40° 59' 38" E 20.01 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 31° 04' 42" W 28.43 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 50° 13' 09" E 1.25 feet along said E. Perry Iron & Metal Co. land to a point at the northwesterly end of The Possible Extension of Pearl Street;

THENCE S 49° 00' 22" W 28.15 feet along the end of The Possible Extension of Pearl Street to the **POINT OF BEGINNING**.

Said lot or parcel of land contains 9332 square feet, more or less and

A certain lot or parcel of land located along the northwesterly line of Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

BEGINNING at the westerly sideline corner of Somerset Street and The Possible Extension of Pearl Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 40° 59' 38" W 151.00 feet along the southwesterly line of The Possible Extension of Pearl Street to a point;

THENCE N 49° 00' 22" E 28.15 feet along the northwest end of The Possible Extension of Pearl Street to a point along land now or formerly of E. Perry Iron & Metal Co. as shown on said plan;

THENCE S 50° 13' 09" E 26.72 feet along land of E. Perry Iron & Metal Co. to a point;

THENCE N 82° 12' 51" E 8.60 feet along land of E. Perry Iron & Metal Co. to a point;

THENCE S 45° 30' 09" E 120.29 feet along land of E. Perry Iron & Metal Co. to a point along the northwest line of Somerset Street;

THENCE S 49° 00' 22" W 49.09 feet along the northwest line of Somerset Street to the **POINT OF BEGINNING**.

Said lot or parcel of land contains 6288 square feet, more or less, and represents The Possible Extension of Pearl Street as shown on said plan; and

A certain lot or parcel of land located along the northeasterly line of Elm Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

BEGINNING at the northerly sideline corner of Elm Street and Somerset Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE along the northeasterly line of Elm Street along a curve to the left with a radius of 438.26 feet, an arc distance of 176.95 feet, and a chord bearing and distance of N 69° 50' 41" W 175.75 feet to a point;

THENCE N 81° 24' 41" W 4.01 feet along the northeasterly line of Elm Street to a point at the southerly corner of Lot 1 as shown on said plan;

THENCE N 50° 11' 34" E 46.00 feet along said Lot 1 to a point;

THENCE N 05° 59' 38" W 120.02 feet along said Lot 1 to a point;

THENCE N 62° 55' 05" E 10.29 feet through land now or formerly of the City of Portland shown as Lot 4 on said plan to a point;

THENCE S 27° 04' 55" E 15.00 feet through said City of Portland land to a point;

THENCE S 14° 07' 44" E 89.46 feet through said City of Portland land to a point;

THENCE N 86° 31' 38" E 28.74 feet through said City of Portland land to a point at the westerly corner of Lot 3 as shown on said plan;

THENCE S 05° 59' 38" E 62.77 feet along the westerly line of Lot 3 to a point;

THENCE S 63° 10' 10" E 95.66 feet along the southwesterly line of Lot 3 to a point along the northwesterly line of Somerset Street as shown on said plan;

THENCE S 49° 00' 22" W 16.27 feet along the northwesterly line of Somerset Street to the **POINT OF BEGINNING.**

Said lot or parcel of land contains 7887 square feet, more or less, and is located entirely on Lot 4 as shown on said plan.

EXHIBIT B
(Plans)

REVOCABLE LICENSE FOR DRAINAGE AND GRADING

This Revocable License For Drainage And Grading (hereinafter "License") is granted by the City of Portland (hereinafter, "City") to FEDEQ DV001, LLC, a Maine limited liability company with a mailing address of PO BOX 370008, Miami, Florida 33137 (hereinafter, "Owner") for the alteration and grading of certain real property owned by the City located northwesterly of Somerset Street and more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Licensed Area"), which is adjacent to property owned by the Owner and identified as Lots 3 and 7 on a certain "Amended Subdivision Recording Plat for Midtown Development, Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds (the "Plan"). The rights of access to and site alteration of the Licensed Area and adjacent areas shall be governed by the terms of this License.

1. Owner is hereby permitted to bring upon the Licensed Area and areas adjacent thereto workers, materials and machinery necessary to carry out the drainage and grading plan as shown in a set of certain site plans entitled "Site Development Plan For Midtown, Portland, Maine, Final Subdivision And Level III Site Plans with Conditions of Approval" dated February 17, 2016 and prepared for Owner by Fay Spoffard & Thorndike (the "Site Plan"), a copy of which is on file with the City of Portland Planning Department, and which is incorporated herein by reference, and as more particularly described in Exhibit B.
2. Owner is hereby permitted to occupy the Licensed Area only for the purpose of carrying out the grading and drainage work in the Licensed Area pursuant to the terms of this License and in accordance with the Site Plan. Such grading and drainage work shall not substantially interfere with the City's use and maintenance of its pedestrian trail located in the Licensed Area, except as otherwise required by the terms of a construction management plan for the Midtown Development, a copy of which is on file with the City of Portland Planning Department and which is incorporated herein by reference.
3. All work performed upon and use of the Licensed Areas for the purposes set forth herein shall be at Owner's sole cost and expense (unless otherwise agreed in writing), the parties acknowledging that there may be temporary interruptions in enjoyment of the City's property adjacent to the Licensed Areas related to the conduct of any work related to this License. Owner agrees at its sole expense to restore any portion of the Licensed Areas and adjacent City property effected by work conducted by Owner under this License to substantially the same condition that it was in prior to such work or as close to that condition as is reasonably practicable. Owner, its successors and assigns, shall defend, indemnify and hold the City, its officers, agents, and employees harmless from any and all claims, including but not limited to claims for damage to City property and reasonable attorney's fees, which arise out of Owner's use, or the use of Owner's contractors, of the City's property as described above during the term of the License. The Owner's

obligation to defend, indemnify and hold the City harmless shall survive termination or revocation of this License.

4. In the event of damage to any of the grading and drainage work and/or the Licensed Area, Owner shall promptly repair/restore the same. Prior to such repair/restoration, Owner shall notify the City (in writing and by telephone) at least forty-eight hours before it plans to conduct such repair or restoration and shall work with City staff on the closure, if needed, of any City streets in the vicinity of the property in order to conduct such repair/restoration.
5. Owner shall procure and maintain throughout the term of this License automobile and comprehensive general liability insurance in the minimum amount of Four Hundred Thousand Dollars (\$400,000) (or the amount stated in the Maine Tort Claims Act, as may be amended from time to time) per occurrence for bodily injury, death, or property damage covering its activities hereunder and naming the City as an additional insured thereon. In addition, Owner shall provide evidence of Workers' Compensation insurance in the statutory amount to the extent it may be required by law. Certificates evidencing such policy shall be delivered to the City and shall provide the City with no less than thirty (30) days prior notice of cancellation or non-renewal.
6. Owner, by execution of this License, hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to Owner's exercise of the rights granted by this License, and does hereby forever waive, release, relinquish, remise, indemnify and discharge the City, its agents, employees, successors and assigns from and against any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this License, arising out of the presence in and use by the Owner of the area covered by this License.
7. This License is assignable to any subsequent owners of the property described as Lots 3 and/or 7 on the Plan, and in the event of such assignment, Owner shall be released from all agreement to indemnify, defend, or hold the City harmless for claims or damage to persons or property arising after the date of such assignment. Owner shall notify the City of such assignment no less than 10 days prior to the effective date of such assignment.
8. This License, and all of the rights and obligations herein, shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.
9. The City may revoke this License six (6) months after receipt by the Owner of written notice that an Event of Revocation (as defined below) has occurred, identifying such Event of Revocation, provided that such Event of Revocation is not cured within six (6) months after Owner's receipt of such notice, except as set forth in subsection c) below. "Event of Revocation" shall mean:

- a) the building shown on the Site Plan fails to be constructed substantially in accordance with the Site Plan or any amendments thereto;
- b) the building as shown on the Site Plan is destroyed, removed or otherwise thereafter ceases to exist on Owner's property and construction to rebuild said building has not begun within twelve (12) months of said destruction or removal, or
- c) failure to maintain insurance as required under Section 2 above, and such failure is not remedied within thirty (30) days after written notice thereof.

10. Any notice of an Event of Revocation delivered pursuant to Section 9 of this License must be sent by certified mail, return receipt requested to the Owner at the address first set forth above, or at such other address as the Owner may provide to the City in writing from time to time.

11. Notwithstanding any other provision herein, in the event that a notice of an Event of Revocation is delivered to Owner, any mortgagee of Owner's property shall be entitled to cure the matter set forth in such notice within the time frames set forth in Section 9 hereof, and the City agrees to accept such performance by any such mortgagee of Owner's obligations hereunder.

IN WITNESS WHEREOF, the City of Portland has caused this License to be executed by Jon P. Jennings, its City Manager thereunto duly authorized, and FEDEQ DV001, LLC, has caused this License to be executed by Jonathan Cox, its Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

Witness

By: Jon P. Jennings
Its City Manager

FEDEQ DV001, LLC

Witness

By: Jonathan Cox
Its Manager

STATE OF MAINE
CUMBERLAND, ss.

_____, 2016

Then 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

STATE OF FLORIDA
DADE, ss.

_____, 2016

Then personally appeared the above-named Jonathan Cox, Manager of FEDEQ DV001, LLC, as aforesaid, and acknowledged the foregoing to be his free act and deed in his said capacity, and the free act and deed of said limited liability company.

Before me,

Attorney-at-Law/Notary Public
Commission Expires:
Print Name: Lloyd Cox

EXHIBIT A

A certain lot or parcel of land, located northwesterly of, but not adjacent to, Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the northerly sideline corner of Elm Street and Somerset Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 49° 00' 22" E 16.27 feet along the northwesterly line of Somerset Street to a point at the southerly corner of Lot 3 as shown on said plan;

THENCE N 63° 10' 10" W 95.66 feet along the southerly line of said Lot 3 to a point;

THENCE N 05° 59' 38" W 62.77 feet along the westerly line of said Lot 3 to a point;

THENCE N 49° 00' 22" E 76.85 feet along the northwesterly line of said Lot 3 to the **POINT OF BEGINNING**;

THENCE N 58° 28' 00" W 40.26 feet through land now or formerly of the City of Portland as shown as Lot 4 on said plan to a point;

THENCE N 31° 32' 00" E 15.00 feet through said City of Portland Land to a point;

THENCE S 58° 28' 00" E 44.98 feet through said City of Portland Land to a point along the northwesterly line of said Lot 3;

THENCE S 49° 00' 22" W 15.73 feet along the northwesterly line of said Lot 3 to the **POINT OF BEGINNING**.

Said lot or parcel of land contains 639 square feet, more or less; and

A certain lot or parcel of land, located northwesterly of, but not adjacent to, Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the westerly sideline corner of Chestnut Street and Somerset Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 40° 59' 38" W 140.00 feet along the southwesterly line of Chestnut Street to a point at the northerly corner of Lot 3 as shown on said plan;

THENCE S 49° 00' 22" W 84.61 feet along the northwesterly line of said Lot 3 to the **POINT OF BEGINNING**;

THENCE S 49° 00' 22" W 15.02 feet along the northwesterly line of said Lot 3 to a point;

THENCE N 37° 54' 53" W 52.04 feet through land now or formerly of the City of Portland as shown as Lot 4 on said plan to a point;

THENCE N 52° 05' 07" E 15.00 feet through said City of Portland land to a point;

THENCE S 37° 54' 53" E 51.24 feet through said City of Portland land to the **POINT OF BEGINNING**.

Said lot or parcel of land contains 775 square feet, more or less; and

A certain lot or parcel of land located northwesterly of, but not adjacent to, Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the westerly sideline corner of Somerset Street and The Possible Extension of Pearl Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 40° 59' 38" W 151.00 feet along the southwesterly line of The Possible Extension of Pearl Street as shown on said plan to the **POINT OF BEGINNING**;

THENCE S 49° 00' 22" W 73.00 feet along Lot 7 as shown on said plan to a point;

THENCE S 40° 59' 38" E 21.00 feet along Lot 7 to a point;

THENCE S 49° 00' 22" W 10.00 feet along Lot 7 to a point;

THENCE N 40° 59' 38" W 20.61 feet through land now or formerly of the City of Portland shown as Lot 9 on said plan to a point;

THENCE S 39° 22' 54" W 10.86 feet through said City of Portland land to a point;

THENCE S 42° 22' 19" W 64.94 feet through said City of Portland land to a point;

THENCE S 41° 00' 32" E 15.29 feet through said City of Portland land to a point;

THENCE S 49° 00' 22" W 72.71 feet along Lot 6 as shown on said plan to a point;

THENCE N 41° 00' 32" W 21.94 feet through said City of Portland land to a point;

THENCE N 42° 22' 19" E 136.00 feet through said City of Portland land to a point;

THENCE N 39° 22' 54" E 72.27 feet through said City of Portland land to a point;

THENCE N 41° 02' 28" W 10.14 feet through said City of Portland land to the easterly property corner of land now or formerly of 161 Marginal Way LLC as shown on said plan;

THENCE N 41° 02' 28" W 43.00 feet along said 161 Marginal Way LLC land to a point;

THENCE N 49° 00' 22" E 20.02 feet through said City of Portland land to a point;

THENCE S 87° 16' 35" E 27.70 feet through said City of Portland land to a point;

THENCE S 40° 59' 38" E 5.00 feet through said City of Portland land to a point;

THENCE N 84° 05' 10" E 20.69 feet through said City of Portland land to a point;

THENCE N 28° 31' 08" E 15.21 feet through said City of Portland land to a point;

THENCE N 59° 22' 54" E 31.41 feet through said City of Portland land to a point;

THENCE S 61° 28' 51" E 5.00 feet through said City of Portland land to a point;

THENCE S 40° 59' 38" E 6.82 feet through said City of Portland land to a point along land now or formerly of E. Perry Iron & Metal Co. as shown on said plan;

THENCE S 49° 00' 22" W 24.24 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 40° 59' 38" E 20.01 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 31° 04' 42" W 28.43 feet along said E. Perry Iron & Metal Co. land to a point;

THENCE S 50° 13' 09" E 1.25 feet along said E. Perry Iron & Metal Co. land to a point at the northwesterly end of The Possible Extension of Pearl Street;

THENCE S 49° 00' 22" W 28.15 feet along the end of The Possible Extension of Pearl Street to the POINT OF BEGINNING.

Said lot or parcel of land contains 9332 square feet, more or less; and

A certain lot or parcel of land located along the northwesterly line of Somerset Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

BEGINNING at the westerly sideline corner of Somerset Street and The Possible Extension of Pearl Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE N 40° 59' 38" W 151.00 feet along the southwesterly line of The Possible Extension of Pearl Street to a point;

THENCE N 49° 00' 22" E 28.15 feet along the northwest end of The Possible Extension of Pearl Street to a point along land now or formerly of E. Perry Iron & Metal Co. as shown on said plan;

THENCE S 50° 13' 09" E 26.72 feet along land of E. Perry Iron & Metal Co. to a point;

THENCE N 82° 12' 51" E 8.60 feet along land of E. Perry Iron & Metal Co. to a point;

THENCE S 45° 30' 09" E 120.29 feet along land of E. Perry Iron & Metal Co. to a point along the northwest line of Somerset Street;

THENCE S 49° 00' 22" W 49.09 feet along the northwest line of Somerset Street to the **POINT OF BEGINNING**.

Said lot or parcel of land contains 6288 square feet, more or less, and represents The Possible Extension of Pearl Street as shown on said plan; and

A certain lot or parcel of land located along the northeasterly line of Elm Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

BEGINNING at the northerly sideline corner of Elm Street and Somerset Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE along the northeasterly line of Elm Street along a curve to the left with a radius of 438.26 feet, an arc distance of 176.95 feet, and a chord bearing and distance of N 69° 50' 41" W 175.75 feet to a point;

THENCE N 81° 24' 41" W 4.01 feet along the northeasterly line of Elm Street to a point at the southerly corner of Lot 1 as shown on said plan;

THENCE N 50° 11' 34" E 46.00 feet along said Lot 1 to a point;

THENCE N 05° 59' 38" W 120.02 feet along said Lot 1 to a point;

THENCE N 62° 55' 05" E 10.29 feet through land now or formerly of the City of Portland shown as Lot 4 on said plan to a point;

THENCE S 27° 04' 55" E 15.00 feet through said City of Portland land to a point;

THENCE S 14° 07' 44" E 89.46 feet through said City of Portland land to a point;

THENCE N 86° 31' 38" E 28.74 feet through said City of Portland land to a point at the westerly corner of Lot 3 as shown on said plan;

THENCE S 05° 59' 38" E 62.77 feet along the westerly line of Lot 3 to a point;

THENCE S 63° 10' 10" E 95.66 feet along the southwesterly line of Lot 3 to a point along the northwesterly line of Somerset Street as shown on said plan;

THENCE S 49° 00' 22" W 16.27 feet along the northwesterly line of Somerset Street to the **POINT OF BEGINNING.**

Said lot or parcel of land contains 7887 square feet, more or less, and is located entirely on Lot 4 as shown on said plan.

EXHIBIT B
(Plans)

REVOCABLE LICENSE FOR MAINTENANCE OF CANOPY ON CITY STREETS

This Revocable License For Maintenance Of Canopy On City Streets (hereinafter "License") is granted by the City of Portland (hereinafter, "City") to FEDEQ DV001, LLC, a Maine limited liability company with a mailing address of PO BOX 370008, Miami, Florida 33137 (hereinafter, "Owner") for the Owner's installation and maintenance of a canopy over certain real property owned by the City located northwesterly of Somerset Street and more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Licensed Area"), which is adjacent to property owned by the Owner and identified as Lot 1 on a certain "Amended Subdivision Recording Plat for Midtown Development, Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds (the "Plan"). The installation and maintenance of the canopy shall be governed by the terms of this License.

1. Owner is hereby permitted to bring upon the Licensed Area and areas adjacent thereto workers, materials and machinery necessary to install and maintain a canopy over the Licensed Area as shown in a set of certain site plans entitled "Site Development Plan For Midtown, Portland, Maine, Final Subdivision And Level III Site Plans with Conditions of Approval" dated February 17, 2016 and prepared for Owner by Fay Spoffard & Thorndike (the "Site Plan"), a copy of which is on file with the City of Portland Planning Department, and which is incorporated herein by reference, and as more particularly described in Exhibit B.
2. Owner is hereby permitted to occupy the Licensed Area only for the purpose of carrying out the installation and maintenance of the canopy pursuant to the terms of this License and in accordance with the Site Plan. Such work shall not substantially interfere with the City's use and maintenance of the Licensed Area, except as otherwise required by the terms of a construction management plan for the Midtown Development, a copy of which is on file with the City of Portland Planning Department and which is incorporated herein by reference.
3. All work performed upon and use of the Licensed Areas for the purposes set forth herein shall be at Owner's sole cost and expense (unless otherwise agreed in writing), the parties acknowledging that there may be temporary interruptions in enjoyment of the City's property adjacent to the Licensed Areas related to the conduct of any work related to this License. Owner agrees at its sole expense to restore any portion of the Licensed Areas and adjacent City property effected by work conducted by Owner under this License to substantially the same condition that it was in prior to such work or as close to that condition as is reasonably practicable. Owner, its successors and assigns, shall defend, indemnify and hold the City, its officers, agents, and employees harmless from any and all claims, including but not limited to claims for damage to City property and reasonable attorney's fees, which arise out of Owner's use, or the use of Owner's contractors, of the

City's property as described above during the term of the License. The Owner's obligation to defend, indemnify and hold the City harmless shall survive termination or revocation of this License.

4. Owner shall be responsible for the proper maintenance of the canopy. In the event of damage to canopy and/or the Licensed Area, Owner shall promptly repair/restore the same. Prior to such repair/restoration, Owner shall notify the City (in writing and by telephone) at least forty-eight hours before it plans to conduct such repair or restoration and shall work with City staff on the closure, if needed, of any City streets in the vicinity of the property in order to conduct such repair/restoration.
5. Owner shall procure and maintain throughout the term of this License automobile and comprehensive general liability insurance in the minimum amount of Four Hundred Thousand Dollars (\$400,000) (or the amount stated in the Maine Tort Claims Act, as may be amended from time to time) per occurrence for bodily injury, death, or property damage covering its activities hereunder and naming the City as an additional insured thereon. In addition, Owner shall provide evidence of Workers' Compensation insurance in the statutory amount to the extent it may be required by law. Certificates evidencing such policy shall be delivered to the City and shall provide the City with no less than thirty (30) days prior notice of cancellation or non-renewal.
6. Owner, by execution of this License, hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to Owner's exercise of the rights granted by this License, and does hereby forever waive, release, relinquish, remise, indemnify and discharge the City, its agents, employees, successors and assigns from and against any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this License, arising out of the presence in and use by the Owner of the area covered by this License.
7. This License is assignable to any subsequent owners of the property described as Lots 3 and/or 7 on the Plan, and in the event of such assignment, Owner shall be released from all agreement to indemnify, defend, or hold the City harmless for claims or damage to persons or property arising after the date of such assignment. Owner shall notify the City of such assignment no less than 10 days prior to the effective date of such assignment.
8. This License, and all of the rights and obligations herein, shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.
9. The City may revoke this License six (6) months after receipt by the Owner of written notice that an Event of Revocation (as defined below) has occurred, identifying such Event of Revocation, provided that such Event of Revocation is not cured within six (6)

months after Owner's receipt of such notice, except as set forth in subsection c) below.
"Event of Revocation" shall mean:

- a) the building shown on the Site Plan fails to be constructed substantially in accordance with the Site Plan or any amendments thereto;
- b) the building as shown on the Site Plan is destroyed, removed or otherwise thereafter ceases to exist on Owner's property and construction to rebuild said building has not begun within twelve (12) months of said destruction or removal, or
- c) failure to maintain insurance as required under Section 2 above, and such failure is not remedied within thirty (30) days after written notice thereof.

10. Any notice of an Event of Revocation delivered pursuant to Section 9 of this License must be sent by certified mail, return receipt requested to the Owner at the address first set forth above, or at such other address as the Owner may provide to the City in writing from time to time.

11. Notwithstanding any other provision herein, in the event that a notice of an Event of Revocation is delivered to Owner, any mortgagee of Owner's property shall be entitled to cure the matter set forth in such notice within the time frames set forth in Section 9 hereof, and the City agrees to accept such performance by any such mortgagee of Owner's obligations hereunder.

IN WITNESS WHEREOF, the City of Portland has caused this License to be executed by Jon P. Jennings, its City Manager thereunto duly authorized, and FEDEQ DV001, LLC, has caused this License to be executed by Jonathan Cox, its Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

Witness

By: Jon P. Jennings
Its City Manager

FEDEQ DV001, LLC

Witness

By: Jonathan Cox
Its Manager

STATE OF MAINE
CUMBERLAND, ss.

_____, 2016

Then 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

STATE OF FLORIDA
DADE, ss.

_____, 2016

Then personally appeared the above-named Jonathan Cox, Manager of FEDEQ DV001, LLC, as aforesaid, and acknowledged the foregoing to be his free act and deed in his said capacity, and the free act and deed of said limited liability company.

Before me,

Attorney-at-Law/Notary Public
Commission Expires:
Print Name: Lloyd Cox

EXHIBIT A

A certain lot or parcel of land located northerly of, but not adjacent to, the northeasterly line of Elm Street in the City of Portland, Cumberland County, State of Maine, more particularly bounded and described as follows:

COMMENCING at the northerly sideline corner of Elm Street and Somerset Street as shown on a plan titled "Amended Subdivision Recording Plat for Midtown Development Plan Sheet 1 of 2 on Somerset Street, Portland, Maine made for FEDEQ DV001, LLC" dated April 10, 2013 as revised through February 23, 2016 by Owen Haskell, Inc. Falmouth, Maine, to be recorded at the Cumberland County Registry of Deeds;

THENCE along the northeasterly line of Elm Street along a curve to the left with a radius of 438.26 feet, an arc distance of 176.95 feet, and a chord bearing and distance of N 69° 50' 41" W 175.75 feet to a point;

THENCE N 81° 24' 41" W 4.01 feet along the northeasterly line of Elm Street to a point at the southerly corner of Lot 1 as shown on said plan;

THENCE N 50° 11' 34" E 11.40 feet along said Lot 1 to the **POINT OF BEGINNING**;

THENCE N 50° 11' 34" E 26.79 feet along said Lot 1 to a point;

THENCE S 39° 48' 26" E 7.89 feet through land now or formerly the City of Portland as shown on said plan to a point;

THENCE S 50° 11' 34" W 26.79 feet through said City of Portland land to a point;

THENCE N 39° 48' 26" W 7.89 feet through said City of Portland land to the **POINT OF BEGINNING**.

Said lot or parcel of land contains 307 square feet, more or less, and is located entirely on Lot 4 as shown on said plan.

*Order 227-15/16
Tab 26 4-25-16*

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 REFERRING THE ISSUE OF INCREASING THE LEGAL AGE FOR THE
PURCHASE OF TOBACCO PRODUCTS TO THE
HEALTH AND HUMAN SERVICES COMMITTEE**

ORDERED, that the City Council hereby refers the issue of increasing the legal age for the purchase of tobacco products to the Health and Human Services Committee for its review and for consideration of an ordinance; and

BE IT FURTHER ORDERED, that the Health and Human Services Committee provide its final recommendation to the City Council.

MEMORANDUM
City Council Agenda Item

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

FROM: Toho Soma, Public Health Division Director

DATE: April 13, 2016

SUBJECT: Increasing the minimum legal sale age of tobacco products to 21

SPONSOR: Ethan Strimling, Mayor. Ed Suslovic, City Councilor, District 3.

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading 4/25/16 Final Action _____

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

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

I. ONE SENTENCE SUMMARY

The City Council is asked to refer to the Health and Human Services Committee the issue of whether or not an ordinance that would increase the minimum legal sale age for tobacco products in the City of Portland from 18 to 21 years of age should be passed.

II. AGENDA DESCRIPTION

Mayor Strimling and City Councilor Suslovic request that the issue of an increase of the minimum legal sale age for tobacco products in the City of Portland from 18 to 21 years of age be referred to the Health and Human Services Committee, and that an ordinance to raise that age be reviewed.

III. BACKGROUND

The Health and Human Services Committee of the Portland City Council asked the Public Health Division to compile information regarding the health implications of raising the minimum legal sale age (MLSA) for tobacco products to 21. In preparation, staff reviewed the actions of other states, local municipalities, and health organizations.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

The Health and Human Services Committee has a goal in 2016 to provide guidance and policy on substance abuse. This proposed ordinance reflects the City's commitment to combating substance use and substance use disorders in Portland along the spectrum.

V. FINANCIAL IMPACT

There may be a financial impact on retailers in the loss of revenue of cigarettes sold to individuals between the ages of 18 and 21. There is a long-term financial impact in the reduction of health care costs associated with tobacco use.

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

Tobacco use remains the leading cause of preventable disease and death in the United States and in Maine, killing more than 480,000 people each year nationally. Each day in the United States, more than 3,800 youth aged 18 or younger smoke their first cigarette, and an additional 2,100 youth and young adults become daily cigarette smokers.

A March 2015 report released by the Institution of Medicine (IOM) found that increasing the MLSA for tobacco products will likely prevent or delay initiation of tobacco use by adolescents and young adults. The IOM report also found that if the MLSA were raised now, the models project that by the time today's teenagers were adults, there would be a 12% decrease in the prevalence of tobacco use.

Raising the MLSA to 21 would have a substantial positive impact on the public's health. This would put Portland in line with at least 135 localities and the State of Hawaii which have also raised the tobacco MLSA to 21, including Boston, New York City, and Chicago.

VII. RECOMMENDATION

Refer this item to the Health and Human Services Committee.

VIII. LIST ATTACHMENTS

Memorandum from Jennifer L. Thompson, Associate Corporation Counsel.
Memorandum from Public Health Division, Health and Human Services
Department Staff

Prepared by: Kristen Dow, Chronic Disease Prevention Program Manager, Public Health
Date: 4/13/2016

MEMORANDUM

TO: Public Safety, Health and Human Services Committee
FROM: Jennifer L. Thompson, Associate Corporation Counsel
DATE: March 29, 2016
RE: Increasing the minimum legal sale age for tobacco products to 21

I understand that the Public Safety, Health and Human Services Committee will be considering a proposal to increase the minimum legal sale age for tobacco products in the City of Portland from 18 to 21 years of age. I have been asked to outline the legal authority for this departure from State law. I do so briefly, below.

Generally speaking, Maine State statute regulates the sale of tobacco within the State. Under 22 M.R.S. § 1555-B, “[a] person may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to any person under 18 years of age.” *Id.* However, a subsequent section of the statute, section 1556, expressly recognizes the authority of municipalities such as Portland to enact regulations that are more restrictive than those enacted by the State.¹ This expressed authority, together with the usual Home Rule authority conferred on municipalities by the Maine State Constitution, therefore seems to allow the City of Portland to further restrict the sale of tobacco products.

I do note the statutory requirement that 30 days’ notice be provided by mail to “each retail tobacco licensee doing business within the municipal corporate limits. This notice must state the time, place and date of a hearing or proposed enactment and the subject matter of the proposed ordinance, regulation or amendment.” Therefore, if this Committee ultimately recommends the proposed amendment (or another ordinance that is more restrictive than state law) it will be important to provide the appropriate notice prior to consideration by the full Council.

¹ Section 1556 provides, in pertinent part: “Except as otherwise provided in this section, nothing in this chapter affects the authority of municipalities to enact ordinances or regulations that are more restrictive than this chapter.” The full text of section 1556 can be found here:
<http://www.mainelegislature.org/legis/statutes/22/title22sec1556.html>

TO: Public Safety, Health and Human Services Committee

FROM: Public Health Division, Health and Human Services Department Staff

DATE: March 23, 2016

RE: Increasing the minimum legal sale age for tobacco products to 21

The Health and Human Services Committee of the Portland City Council asked the Public Health Division to compile information regarding the health implications of raising the minimum legal sale age (MLSA) for tobacco products to 21. In preparation, staff reviewed the actions of other states, local municipalities, and health organizations.

Rationale for Raising the Minimum Legal Sale Age for Tobacco Products To 21

Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. Each day in the United States, more than 3,800 youth aged 18 or younger smoke their first cigarette, and an additional 2,100 youth and young adults become daily cigarette smokers.

A March 2015 report released by the Institution of Medicine (IOM) found that increasing the MLSA for tobacco products will likely prevent or delay initiation of tobacco use by adolescents and young adults. The IOM report also found that if the MLSA were raised now, the models projected that by the time today's teenagers were adults, there would be a 12 percent decrease in the prevalence of tobacco use. Ultimately, raising the MLSA to 21 would have a substantial positive impact on public health and save lives.

Actions of States and Localities on Raising the Minimum Legal Sale Age for Tobacco Products to 21

On June 19, 2015, Hawaii became the first state to raise the tobacco sale age to 21. At least 135 localities in nine states have also raised the tobacco age to 21, including Boston, New York City and Chicago. If this ordinance change were to be approved, Portland would be the first municipality in Maine to do so.

Order 228-15/16
Tab 27 4.25.16

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 STATE/LOCAL EPS FUNDING ALLOCATION
FOR PUBLIC EDUCATION FROM KINDERGARTEN TO GRADE 12
FOR PORTLAND PUBLIC SCHOOLS FOR FY2017**

ORDERED, that under and pursuant to the City's Fiscal Year 2016-2017 Appropriation Resolve [Order No.] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2016-2017:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of \$79,013,267 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of \$63,109,880 as the City's contribution to the total cost of funding public education from kindergarten to grade 12, both as described in the Essential Programs and Services Funding Act, in accordance with Maine Revised Statutes, Title 20-A, section 15688.

State mandated Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined under state law annually to be the minimum amount that the City must raise in order to receive the full amount of state dollars.

Order 289-15/16
Tab 28 - 4-25-16

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 NON-STATE FUNDED SCHOOL CONSTRUCTION DEBT
SERVICE FOR PORTLAND SCHOOLS FOR FY2017**

ORDERED, that under and pursuant to the City's Fiscal Year 2016-2017 Appropriation Resolve [Order No. _____] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2016-2017.

Appropriation for Non-State Funded Debt Service (20-A M.R.S.A. §15690(2)(A)).

That the City raise and appropriate \$572,216 for the annual payments on debt service previously approved by the legislative body for non-state funded school construction projects and non-state funded portions of school construction projects, in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

State Mandated Explanation: *Non-state funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or the City Council.*

Order 230-15/16
Tab 29 4-25-16

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 RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR
PORTLAND SCHOOLS FOR FY2017**

ORDERED, that under and pursuant to the City's Fiscal Year 2016-2017 Appropriation Resolve [Order No. _____] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2016-2017:

Authorization to Exceed the Portland School Department's Maximum State and Local Spending Target Established Pursuant to Maine Revised Statutes, Title 20-A § 15671-A(4) and Appropriating Additional Local Funds: That the City raises and appropriates \$15,331,171 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$16,331,256 as required to fund the budget recommended by the Portland Board of Public Education.

That amount is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; PATHS costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs as the School Department implements its technology plan; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

State Mandated Explanation: *The additional local funds are those locally raised funds over and above the City's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the City's budget for educational programs.*

[NOTE: City council approval of this order requires 5 affirmative votes, see 20-A M.R.S.A. section 15671-A(5)(B)(2)(requiring for council approval "a majority of the entire membership of the council") and see Article II, section 11 of the City Charter (requiring 5 affirmative votes for final passage).]

Order 231-15/16
Tab 30 4-25-16

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 TOTAL SCHOOL OPERATING BUDGET
FOR PORTLAND SCHOOLS FOR FY2017**

ORDERED, that under and pursuant to the City's Fiscal Year 2016-2017 Appropriation Resolve [Order No.] and applicable state law the City hereby approves the following school budget article for Fiscal Year 2016-2017:

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend \$ 98,155,645 for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Order 232-15/16
Tab 31 4-25-16

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 APPROPRIATING AND RAISING FUNDS
FOR ADULT EDUCATION FOR FY 2017 AS REQUIRED
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S.A. §8603-A(1)**

ORDERED, that the sum of \$1,807,713 is hereby appropriated for Adult Education for Fiscal Year 2016-2017 and that the sum of \$1,149,033 is hereby raised as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

***Explanation:** Under state law the appropriation for adult education falls outside the total annual budget for public schools addressed in the prior order when it passes the Appropriation Resolve.*

Order 233-15/16
Tab 32 4-25-16

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 TO RAISE LOCAL FUNDS
FOR FOOD SERVICE IN THE PORTLAND PUBLIC SCHOOLS for FY2017**

ORDERED, that the sum of \$169,076 is hereby raised for the Food Service Program for Fiscal Year 2016-2017; and that the Portland School Department is authorized to expend any unexpended balances, and additional, incidental, or miscellaneous receipts in the interest and for the well-being of the food service program.

***Explanation:** This order raises local tax revenues for the food service program.*

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**

Order 204-15/16
Tab 13 4-4-16
Tab 33 4-25-16
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING GENERAL OBLIGATION BONDS
TO FINANCE A PORTION OF THE CITY'S 2017 CAPITAL IMPROVEMENT PROGRAM
IN AN AMOUNT NOT TO EXCEED \$26,369,854 AND
REALLOCATING \$778,191 FROM PRIOR CIP BONDS**

FOLLOWING a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 9 of the City Charter, **IT IS HEREBY ORDERED THAT:**

There be and hereby is authorized and approved the incurring of indebtedness by the City of Portland and the issue and sale of general obligation bonds and notes in anticipation thereof in the aggregate principal amount not to exceed Twenty Six Million Three Hundred Sixty-nine Thousand Eight Hundred Fifty-four Dollars (\$26,369,854) to finance the items identified in the City's Fiscal Year (FY) 2017 Capital Improvement Program attached hereto as Exhibit A and all other costs (as defined herein) related and ancillary thereto (the "Projects").

BE IT FURTHER ORDERED:

An amount not to exceed \$704,896 is reallocated from the unallocated balances of prior CIP bonds issued by the City to fund the City's FY05, FY09 and FY16 CIP to finance a portion of the costs of the City's FY17 CIP as follows, and the projects authorized by the orders authorizing said prior CIP bonds are amended and modified to include such Projects approved as part of the City's FY17 CIP:

Amount	From Project Code	From Description	To Description
\$50,885	C05U01	FY05 City Unallotted CIP Bond Proceeds	FY17 City Unallotted CIP
404,011	C09U01	FY09 City Unallotted CIP Bond Proceeds	FY17 City Unallotted CIP
250,000	C16U03	FY16 School Unallotted CIP Bond Proceeds	Reiche Ramp, New Entry, Roof
<u>\$704,896</u>			

BE IT FURTHER ORDERED:

An amount not to exceed \$73,295 is reallocated from the unallocated balance of prior CIP bonds issued by the City to fund the City's FY14 CIP to finance a portion of the costs of the following project authorized as part of the City's FY16 CIP as follows, and

the projects authorized by the orders authorizing said prior CIP bonds are amended and modified to include such Projects approved as part of the City's FY16 CIP (together with the projects described in the preceding paragraph, the "Reallocated Projects"):

Amount	From Project Code	From Description	To Description
\$73,295	C14P08	Fitzpatrick Stadium Turf	Ice Arena Bleachers

BE IT FURTHER ORDERED:

1. That the Director of Finance be and hereby is authorized to prepare, issue, and sell such bonds in the name of and on behalf of the City, in the aggregate amount of \$26,369,854 (the "Bonds") at one time, or from time to time, as one or more separate bond issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions, note inconsistent herewith, including the form and manner of their sale and award as he or she may approve, such approval to be conclusively evidenced by the execution thereof;

2. That the Director of Finance be and hereby is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation of said Bonds ("BANs"), and to determine the date, form, minimum denominations, interest rate, maturities (with the last maturity not to exceed 3 years from its date of issuance) and all other details of each issue of BANs, including the form and manner of their sale and award, subject to the provisions of the law, the City Charter and this Order;

3. That the Director of Finance be and hereby is authorized to provide that any of the Bonds and BANs hereinbefore authorized be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended;

4. That the Bonds and BANs issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof;

5. That the Director of Finance is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City, such contracts, agreements, instruments and other documents and certificates as may be necessary or appropriate, as determined and approved by the Director of Finance, in connection with the financing of the Projects, including a loan agreement in usual and customary form with the Maine Municipal Bond Bank (the "Bond Bank"), to the extent any of the Bonds or BANs authorized herein are issued pursuant to the State of Maine Clean Water Revolving Loan Fund (CWSRF) program established under 30-A M.R.S.A. §6006-A and administered by the Department of Environmental Protection, which contracts, agreements, loan agreements, instruments and other documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance such approval to be conclusively evidenced by his or her execution thereof;

6. That the Director of Finance be and hereby is authorized to select the underwriter for the Bonds or BANs heretofore authorized and the Director of Finance be and hereby is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

7. That the Director of Finance be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds or BANs heretofore authorized, such Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Director of Finance, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds or BANs for sale be and hereby is approved;

8. That the Director of Finance be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds or BANs heretofore authorized and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

9. That the Bonds or BANs heretofore authorized shall be transferable only on the registration books of the City kept by the Transfer Agent, and said principal amount of the bonds of the same maturity (but not of other maturity) in minimum denominations of \$5,000 and any integral multiple in excess thereof upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his or her attorney duly authorized in writing. Upon each exchange or transfer of a bond the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

10. That the Director of Finance be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Bonds or BANs heretofore authorized in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Bonds or BANs, and the Director of Finance be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his or her opinion, appropriate in order to qualify the Bonds or BANs for and participate in the Depository Trust Company Book-Entry Only System;

11. That the Director of Finance and Mayor from time to time shall execute such Bonds or BANs as may be required to provide for exchanges or transfers of Bonds or BANs as heretofore authorized, all such Bonds or BANs to bear the original signature of the Director of Finance and Mayor, and in case any officer of the City whose signature appears on any Bond or BAN shall cease to be such officer before the delivery of said Bond or BAN, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

12. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the Director of Finance be and hereby is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the issue and sale of the Bonds or BANs authorized to be issued

hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds or BANs to be "arbitrage bonds" or "private activity bonds" within the meaning of Sections 148 and 141 of the Internal Revenue Code of 1986, as amended;

13. That if the Bonds or BANs, or any part of them, are issued on a tax-exempt basis, the officers or officials executing the Bonds or BANs be and hereby are individually authorized to covenant and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports and take any other action that may be necessary to insure that interest on the notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds or BANs to be subject to federal income taxation;

14. That the officers executing the Bonds or BANs be and hereby are individually authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of such Bonds or BANs, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15. That any or all of the Bonds or BANs issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent order of the City Council of the City of Portland;

16. That the term "cost" or "costs" as used herein and applied to the Projects, or any portion thereof, includes, but is not limited to: (1) the purchase price or acquisition cost of all or any portion of the Projects; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Projects; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Projects; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Projects; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Projects; (9) the cost of environmental studies and assessments; and (10) financing charges and issuance costs, including premiums for bond insurance, capitalized interest, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction;

17. That if the actual cost of any Project differs from the estimated cost on the attached Exhibit A, or if the actual cost of any Reallocated Project differs from the estimated cost of such Reallocated Project as set forth herein, whether due to completion, delay or abandonment of the Project or Reallocated Project for any other reason, the Director of Finance is authorized, in his or her discretion to reallocate proceeds of the Bonds or to reallocate proceeds already reallocated herein to any other listed Project, to any other Reallocated Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan;

18. That the Director of Finance, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all

such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds or BANs hereinabove authorized;

19. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds or BANs so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or BANs nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or BANs had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or BANs, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or BANs any such person shall not have been such officer or official;

20. That if the Director of Finance, Mayor or Clerk are for any reason unavailable to approve and execute the Bonds or BANs or any other documents necessary or convenient to the issuance, execution and delivery of the Bonds or BANs, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act.

21. That the Bonds or BANs authorized by this Order are in addition to any bonds or notes previously authorized for the same or similar purposes;

22. That to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the Bonds or any BANs issued hereunder shall be included in the tax levy of each year until the debt represented by said Bonds or BANs is extinguished.

23. That the following resolutions required by Section C(4)(e) of the State of Maine Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the "SRF Regulations"), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:

- a. That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established.
- b. That the Project Account shall be maintained in accordance with standards set forth by the Bond Bank and in accordance with generally accepted government account standards.
- c. That a final accounting shall be made to the Bond Bank of the total cost of each Project upon completion of the Project performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Project as built.
- d. That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan.

- e. That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bond Bank's interest for the term of the loan with the Bond Bank named as loss payee.
- f. That the City will comply with any special conditions specified by the Department of Environmental Protection's environmental determination until all financial obligations to the State have been discharged.
- g. That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment.
- h. That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient.
- i. That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Project.
- j. That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine.

24. That during the term any of the Bonds (or bonds issued to refund such Bonds) are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund some or all of the Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

FY17 CIP - General Fund**Transportation***PACTS/Match*

PACTS Regional Transportation Management Systems (RTMS) - Traffic Signals	\$ 222,000
PACTS Danforth St Paving	86,000

Traffic Signals

Traffic Signals at Various Locations	200,000
Traffic Signal Work in Support of Paving Programs	150,000

Streets/Sidewalks

Paving Preservation and Rehabilitation	2,900,000
Railroad Quiet Zone Improvements	800,000
Sidewalk Rehabilitation/Accessibility	500,000
Municipal Partnership Initiative (MPI) Paving Program	465,750
CSO Compliance - SRF Ineligibles	400,000
MaineDOT Arterial Paving Riverside St - utility system costs	102,000
Monument Square ADA Improvements	100,000
Thames Street Extension Engineering	50,000
One City Center - Shared cost sidewalk	28,000

Transportation Total	\$ 6,003,750
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Facilities*Buildings/Garages*

Roof Deck at Spring Street Parking Garage - Phase II	\$ 700,000
Peaks Island Library	250,000
212 Canco Rd Fit-Out	200,000
Elevator Replacement - Police Department	200,000
Structural Repairs/Door Frame replacement - Hadlock	190,000
Public Safety Burner Replacement - Police Department	70,000
Passenger Elevator at City Hall	50,000
Fire Station Exhaust Removal System Upgrade	30,000

Marine

On going pile/pier work	170,000
POT - Pile engineering Survey	112,500
Compass Park Pier Stablization/Maine State Pier	200,000

Schools

Peaks Island - Boiler Replacement/EMS/Masonry	500,000
Lyman Moore - Paving Drainage	400,000
Reiche Ramp Removal + Engineering	800,000
Lincoln School - Masonry	250,000
PATHS Fire Alarm Replacement	200,000
CBHS - Engineering/ Construction for new entrance	50,000

Facilities Total	\$ 4,372,500
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Open Spaces, Parks, Fields, Trails*Open Spaces, Parks, Fields, Trails*

Lincoln Park Walkways Repair	\$ 250,000
Lyman Moore Ballfields - Drainage Phase II	200,000
Amythyst Lot Master Plan	80,000

Golf Course Rehab	50,000
Parks, Fields, Trails Total	\$ 580,000
Equipment and Vehicles	
<i>Equipment</i>	
Parking Meters Replacement	\$ 131,250
Streetlights: LED Conversion	100,000
Virtualization, Storage and Redundancy Upgrade	75,000
Security Management System	35,000
<i>Vehicles</i>	
Food Service Truck - School Department	89,000
Police Cruisers (4) Replacement - Police	152,000
Medcu Ambulance Replacement - Fire	220,500
Used Pickups for Various City Departments	150,000
TA Dump Truck Replacement - Districting 3095	185,000
Arrest Vehicle Replacement - Police	76,500
Sidewalk Tractors Replacement	280,000
Refurbish 4 Plow Truck Bodies	160,000
Wheel Loader Replacement - Winter 5093	210,000
1 Ton Dump Truck Replacement - Districting 3084	60,000
1 Ton Dump Truck Replacement - Districting 3085	60,000
1 Ton Dump Truck Replacement - Barron Center 3914	60,000
1 Ton Truck Replacement - Playgrounds 3091	52,000
3/4 Ton Pickup Replacement - Districting 2184	35,000
Activities League Vehicle Replacement - Police	30,000
Medcu 15 Cliff Island	126,000
3/4 Ton Pickup Replacement - Districting 2185	35,000
TA Dump Truck Replacement - Winter 3094	185,000
3/4 Ton Pickup Replacement - Districting 2183	35,000
Wheel Loader Replacement - Public Services 5099	210,000
Tractor Replacement - Ballfields 7138	55,000
Patrol Supervisor Vehicle Replacement - Police	39,500
Replace box truck 4903 - School Maintenance	50,000
Litter Vac Replacement - PDD	75,000
Medcu 13 Great Diamond Island	126,000
Equipment and Vehicles Total	\$ 3,097,750
Subtotal - FY17 CIP - General Fund (preliminary)	\$ 14,054,000
Less: Bayside TIF Funds	(400,000)
Less: Prior Year Reallocated CIP	(704,896)
Subtotal - FY17 CIP - General Fund (adjusted)	\$ 12,949,104
Public Art Projects (0.50%)	65,000
Land Bank Projects (0.50%)	65,000
Total - FY17 CIP - General Fund	\$ 13,079,104

FY17 CIP - Sewer Fund

Sewer / Stormwater

CSO - Compliance - Madison / Walnut	\$ 1,000,000
CSO - Compliance - Marginal / Forest / State	4,200,000
CSO - Compliance - Deering Oaks	300,000
CSO - Compliance - Woodfords / Hershey	3,600,000
CSO Back Flow Prevention	25,000
CMOM - Sewer System Renewal	1,100,000
CMOM - Pump Station Rehabilitation	1,100,000
CMOM - Inflow and Infiltration Program	750,000
O&M Relocation to Outer Congress Street	230,000
Stormwater Infrastructure Failure Repairs	200,000
Rand Rd Culvert - Emery Waterhouse Driveway	90,000
PACTS Danforth St Paving	14,000
MaineDOT Arterial Paving Riverside St - sewer portion	41,000
Municipal Partnership Initiative (MPI) Paving Program	51,750
Street Sweepers Replacement	195,000
Refurbish Sewer Backhoe 5100	30,000
Catch Basin Cleaning Vehicle Replacement - Sewer 3127	100,000
Right of Way Clearing Machine - Water Resources - New	160,000
Replace Van Water Resources Engineers -0919	26,000
1 Ton Crew Cab Pickup Replacement - Sewer 2511	40,000
3/4 Ton Extended Cab Pickup Replacement - Sewer 2513	38,000
Sewer / Stormwater Total	\$ 13,290,750
Total - FY17 CIP - Sewer Fund	\$ 13,290,750
TOTAL CIP (General Fund & Sewer Fund) FINANCED	\$ 26,369,854

MEMORANDUM
City Council Agenda Item

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

FROM: Finance

DATE: 3/25/16

SUBJECT: Approval of FY17 Capital Improvement Plan

SPONSOR: Nick Mavodones, Finance Committee (Recommended by Finance Committee 3-0 at the 3-24-16 Meeting)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading_____4/4/16_____ Final Action____4/25/16_____

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

Action is required immediately so work can begin on several key FY17 CIP projects

PRESENTATION: None on 4/4 – First read only. Public Hearing on 4/25. Finance Director will be available at all meetings to respond to questions. Select staff will also be in attendance to respond to inquiries about specific projects.

I. ONE SENTENCE SUMMARY

THESE THREE ORDERS ADDRESS THE FY17 CAPITAL IMPROVEMENT PLAN BY APPROPRIATING \$27,484,750 OF BOND PROCEEDS AND TIF FUNDS, REALLOCATING EXCESS PRIOR YEAR CIP FUNDS TO REDUCE FUTURE BORROWINGS, AND ESTABLISHING A CAPITAL RESERVE FOR FUTURE SCHOOL CIP PROJECTS.

II. AGENDA DESCRIPTION

The 2017 Capital Improvement Program has been approved at the Finance Committee level and is now going to City Council for approval. The detailed list of project is included in the agenda backup as an appendix. The first order authorizes bond proceeds in an amount not to exceed \$26,369,854 for the FY17 Capital Improvement Program and reallocates \$778,191 of excess prior year capital improvement funds to FY17 projects to reduce the upcoming borrowing. The second order appropriates an amount not to exceed \$27,548,045 for the city's Capital Improvement Program. The third order establishes a \$2,084,960 capital reserve within unallocated fund balance for future use towards school capital improvements.

III. BACKGROUND

The complete list of FY17 CIP projects is included as an appendix to this request. The overall goal of the general fund portion of the CIP was to ensure no increase to the property tax rate as a result of FY17 borrowing. This is achieved by matching the future debt service payments resulting from the FY17 general fund borrowing to the amount of debt service being retired in FY17 from older bondings. The first CIP related item appropriates bond proceeds for both these general fund items (approximately \$14M, reduced by approximately \$700k of prior year reallocations and \$400k of TIF funds) and also appropriates another approximately \$13M of sewer fund bond proceeds.

The second order formally reallocates the approximately \$700k of prior year bond proceeds to reduce the FY17 borrowing.

The third order establishes a capital reserve for future use towards school capital improvements. This is necessary because in FY16 the Portland Public Schools had a budget surplus in excess of 3%. Per Maine State Law, Title 20-A, MRS section 15689-B (6):

“Notwithstanding any other law, general operating fund balances at the end of a school administrative unit's fiscal year must be carried forward to meet the unit's needs in the next year or over a period not to exceed 3 years. Unallocated balances in excess of 3% of the previous fiscal year's school budget must be used to reduce the state and local share of the total allocation for the purpose of computing state subsidy. School boards may carry forward unallocated balances in excess of 3% of the previous year's school budget and disburse these funds in the next year or over a period not to exceed 3 years. For fiscal years 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 only, the carry-forward of a school administrative unit's unallocated balances is not limited to 3% of the previous fiscal year's school budget.”

The third order directly addresses this requirement and the City's plan to responsibly spend our FY16 surplus on school capital needs.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

A plan for responsible spending on Capital Improvement is essential to City health. The Capital Improvement Plan is a responsibility of the City Manager per the City Charter. The FY17 plan includes significant spending on City and School infrastructure, facilities, open spaces, equipment, vehicles, and sewer/stormwater assets. A detailed list of projects is included as an appendix to the order.

V. FINANCIAL IMPACT

There will be an operating budget impact related to debt service once these bonds are issued. However, the general fund CIP was designed not to increase overall debt service costs related to capital improvement (i.e. debt service from debt being retired will be offset by debt service from new bonds issued). The reallocations of prior year excess CIP funds help achieve this goal. The school capital reserve will also help the City reduce future CIP borrowings and future debt.

service. The sewer / stormwater debt service will be included within the enterprise fund budgets in future fiscal years and will have an impact on the sewer and stormwater rates which are set on an annual basis during the budget process.

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

VII. RECOMMENDATION

The Finance Committee passed unanimously and received positive feedback on the CIP at the Committee level. Staff recommends passage.

VIII. LIST ATTACHMENTS

Attached project list
Attached order

Prepared by: Finance Department
Date: 3/25/16

Bean/agendarequestmemo/rev 11/2015

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**

Order 205 -15/16
Tab 14 - 4-4-16
Tab 34 4-25-16
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING BOND PROCEEDS AND TAX INCREMENT FINANCING
FUNDS IN AN AMOUNT NOT TO EXCEED \$27,548,045 FOR THE
CITY'S FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROGRAM
AND OTHER CIP PROJECTS**

IT IS HEREBY ORDERED THAT:

1. The sum of \$27,548,045 be and hereby is appropriated to finance the projects more particularly described in the project list for the City's 2017 Capital Improvement Program attached hereto as Exhibit A and certain other CIP improvements and projects approved by the City Council (all, collectively, the "2017 CIP Projects"), as follows:

- a. Subject to paragraph 2 and 3 below, an amount not to exceed \$26,369,854 is appropriated from the proceeds of the City's general obligation bonds to be authorized by the City Council and issued to finance a portion of the costs of the 2017 CIP Projects;
- b. An amount not to exceed \$400,000 is appropriated from the City's Bayside Tax Increment Financing (TIF) account to finance a portion of the costs of the 2017 CIP Projects;
- c. An amount not to exceed \$704,896 is appropriated from the unallocated balances of prior CIP bonds issued by the City to fund the City's FY05, FY09 and FY16 CIP to finance a portion of the costs of the City's FY17 CIP as follows:

From Project			
Amount	Code	From Description	To Description
\$50,885	C05U01	FY05 City Unallotted CIP Bond Proceeds	FY17 City Unallotted CIP
404,011	C09U01	FY09 City Unallotted CIP Bond Proceeds	FY17 City Unallotted CIP
250,000	C16U03	FY16 School Unallotted CIP Bond Proceeds	Reiche Ramp, New Entry, Roof
<u>\$704,896</u>			

- d. An amount not to exceed \$73,295 is appropriated from the unallocated balances of prior CIP bonds issued by the City to fund the City's FY14 CIP to finance a portion of the costs of the following project authorized as part of the City's FY16 CIP as follows (together with the projects described in the preceding paragraph (c), the "Reallocated Projects"):

From Project			
Amount	Code	From Description	To Description
\$73,295	C14P08	Fitzpatrick Stadium Turf	Ice Arena Bleachers

2. The appropriation set forth in paragraph 1(a) above is and shall be contingent upon the approval by the City Council of general obligation bonds for such purposes (the amount appropriated to be adjusted to reflect the principal amount of bonds or notes so authorized) and the issuance and delivery of such bonds or notes in anticipation thereof for such purposes. The foregoing

appropriations shall also be applied to issuance costs for such bonds (or notes in anticipation thereof).

3. If the actual cost of any 2017 CIP Project differs from the estimated cost on the attached Exhibit A, or if the actual cost of any Reallocated Project differs from the estimated cost of such Reallocated Project as set forth herein, whether due to completion, delay or abandonment of the Project or Reallocated Project or for any other reason, the Director of Finance is authorized, in his discretion, to reallocate proceeds of the bonds issued therefore to any other project listed on the 2017 CIP Project List, to any other Reallocated Project or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual Capital Improvement Program.

Exhibit A**FY17 CIP - General Fund****Transportation***PACTS/Match*

PACTS Regional Transportation Management Systems (RTMS) - Traffic Signals	\$ 222,000
PACTS Danforth St Paving	86,000

Traffic Signals

Traffic Signals at Various Locations	200,000
Traffic Signal Work in Support of Paving Programs	150,000

Streets/Sidewalks

Paving Preservation and Rehabilitation	2,900,000
Railroad Quiet Zone Improvements	800,000
Sidewalk Rehabilitation/Accessibility	500,000
Municipal Partnership Initiative (MPI) Paving Program	465,750
CSO Compliance - SRF Ineligibles	400,000
MaineDOT Arterial Paving Riverside St - utility system costs	102,000
Monument Square ADA Improvements	100,000
Thames Street Extension Engineering	50,000
One City Center - Shared cost sidewalk	28,000

Transportation Total	\$ 6,003,750
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Facilities*Buildings/Garages*

Roof Deck at Spring Street Parking Garage - Phase II	\$ 700,000
Peaks Island Library	250,000
212 Canco Rd Fit-Out	200,000
Elevator Replacement - Police Department	200,000
Structural Repairs/Door Frame replacement - Hadlock	190,000
Public Safety Burner Replacement - Police Department	70,000
Passenger Elevator at City Hall	50,000
Fire Station Exhaust Removal System Upgrade	30,000

Marine

On going pile/pier work	170,000
POT - Pile engineering Survey	112,500
Compass Park Pier Stablization/Maine State Pier	200,000

Schools

Peaks Island - Boiler Replacement/EMS/Masonry	500,000
Lyman Moore - Paving Drainage	400,000
Reiche Ramp Removal + Engineering	800,000
Lincoln School - Masonry	250,000
PATHS Fire Alarm Replacement	200,000
CBHS - Engineering/ Construction for new entrance	50,000

Facilities Total	\$ 4,372,500
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Open Spaces, Parks, Fields, Trails*Open Spaces, Parks, Fields, Trails*

Lincoln Park Walkways Repair	\$ 250,000
Lyman Moore Ballfields - Drainage Phase II	200,000
Amythyst Lot Master Plan	80,000

Golf Course Rehab	50,000
Parks, Fields, Trails Total	\$ 580,000
Equipment and Vehicles	
<i>Equipment</i>	
Parking Meters Replacement	\$ 131,250
Streetlights: LED Conversion	100,000
Virtualization, Storage and Redundancy Upgrade	75,000
Security Management System	35,000
<i>Vehicles</i>	
Food Service Truck - School Department	89,000
Police Cruisers (4) Replacement - Police	152,000
Medcu Ambulance Replacement - Fire	220,500
Used Pickups for Various City Departments	150,000
TA Dump Truck Replacement - Districting 3095	185,000
Arrest Vehicle Replacement - Police	76,500
Sidewalk Tractors Replacement	280,000
Refurbish 4 Plow Truck Bodies	160,000
Wheel Loader Replacement - Winter 5093	210,000
1 Ton Dump Truck Replacement - Districting 3084	60,000
1 Ton Dump Truck Replacement - Districting 3085	60,000
1 Ton Dump Truck Replacement - Barron Center 3914	60,000
1 Ton Truck Replacement - Playgrounds 3091	52,000
3/4 Ton Pickup Replacement - Districting 2184	35,000
Activities League Vehicle Replacement - Police	30,000
Medcu 15 Cliff Island	126,000
3/4 Ton Pickup Replacement - Districting 2185	35,000
TA Dump Truck Replacement - Winter 3094	185,000
3/4 Ton Pickup Replacement - Districting 2183	35,000
Wheel Loader Replacement - Public Services 5099	210,000
Tractor Replacement - Ballfields 7138	55,000
Patrol Supervisor Vehicle Replacement - Police	39,500
Replace box truck 4903 - School Maintenance	50,000
Litter Vac Replacement - PDD	75,000
Medcu 13 Great Diamond Island	126,000
Equipment and Vehicles Total	\$ 3,097,750
Subtotal - FY17 CIP - General Fund (preliminary)	\$ 14,054,000
Less: Bayside TIF Funds	(400,000)
Less: Prior Year Reallocated CIP	(704,896)
Subtotal - FY17 CIP - General Fund (adjusted)	\$ 12,949,104
Public Art Projects (0.50%)	65,000
Land Bank Projects (0.50%)	65,000
Total - FY17 CIP - General Fund	\$ 13,079,104

FY17 CIP - Sewer Fund

Sewer / Stormwater

CSO - Compliance - Madison / Walnut	\$ 1,000,000
CSO - Compliance - Marginal / Forest / State	4,200,000
CSO - Compliance - Deering Oaks	300,000
CSO - Compliance - Woodfords / Hershey	3,600,000
CSO Back Flow Prevention	25,000
CMOM - Sewer System Renewal	1,100,000
CMOM - Pump Station Rehabilitation	1,100,000
CMOM - Inflow and Infiltration Program	750,000
O&M Relocation to Outer Congress Street	230,000
Stormwater Infrastructure Failure Repairs	200,000
Rand Rd Culvert - Emery Waterhouse Driveway	90,000
PACTS Danforth St Paving	14,000
MaineDOT Arterial Paving Riverside St - sewer portion	41,000
Municipal Partnership Initiative (MPI) Paving Program	51,750
Street Sweepers Replacement	195,000
Refurbish Sewer Backhoe 5100	30,000
Catch Basin Cleaning Vehicle Replacement - Sewer 3127	100,000
Right of Way Clearing Machine - Water Resources - New	160,000
Replace Van Water Resources Engineers -0919	26,000
1 Ton Crew Cab Pickup Replacement - Sewer 2511	40,000
3/4 Ton Extended Cab Pickup Replacement - Sewer 2513	38,000
Sewer / Stormwater Total	\$ 13,290,750
Total - FY17 CIP - Sewer Fund	\$ 13,290,750
TOTAL CIP (General Fund & Sewer Fund) FINANCED	\$ 26,369,854

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**

Order 206-15/16
Tab 15 4/4/16
Tab 35 4-25-16
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER ESTABLISHING \$2,084,960 OF SCHOOL
CAPITAL IMPROVEMENT RESERVE**

WHEREAS, Maine State Law, Title 20-A, MRS section 15689-B (6) states:

"Notwithstanding any other law, general operating fund balances at the end of a school administrative unit's fiscal year must be carried forward to meet the unit's needs in the next year or over a period not to exceed 3 years. Unallocated balances in excess of 3% of the previous fiscal year's school budget must be used to reduce the state and local share of the total allocation for the purpose of computing state subsidy. School boards may carry forward unallocated balances in excess of 3% of the previous year's school budget and disburse these funds in the next year or over a period not to exceed 3 years. For fiscal years 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 only, the carry-forward of a school administrative unit's unallocated balances is not limited to 3% of the previous fiscal year's school budget."

In FY16 the Portland Public Schools had a surplus in excess of 3%. This order establishes a plan to spend these funds over the next three fiscal years via establishment of a capital reserve.

BE IT HEREBY ORDERED BY THE CITY COUNCIL:

1. That the City establishes a capital improvement reserve of \$2,084,960. This amount is already included within unassigned fund balance as of June 30, 2015. It is the intent of the City to responsibly spend this capital reserve over the course of the next three fiscal years to help offset borrowing costs related to Portland Public School projects approved in the annual Capital Improvement Plan process.
2. The capital improvement reserve balance may not be spent without recommendation of the Director of Finance and subsequent City Council approval.
3. The capital improvement reserve balance will continue to be classified as part of unassigned fund balance for financial reporting purposes as the amount remains spendable on any category of item (subject to recommendations and approvals as required in 2 above).

*Order 234-15/16
Tab 36 4-25-16*

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 APPROPRIATING \$500,000 OF SURPLUS SCHOOL CIP FUNDS

IT IS HEREBY ORDERED THAT: the sum of \$500,000 be and hereby is appropriated from the School Unassigned Fund Balance to pay for the following school vehicles and improvements as part of the City's FY17 Capital Improvement Plan (Other Funding Sources):

- Two 14 Passenger Buses - \$87,000
- Replacement School Bus - \$88,000
- Schools Conditional Appraisal / Workplan for Future Repairs - \$325,000

Order 235-15/16
Tab 37 4-25-16

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 ACCEPTING AND APPROPRIATING
\$400,000 FOR THE RENOVATION OF THE PEAKS ISLAND
COMMUNITY CENTER AND BRANCH LIBRARY
AND RENAMING IT THE KENNEDY & CARTER FAMILY COMMUNITY CENTER
AND BRANCH LIBRARY**

WHEREAS, the Kennedy and Carter families have deep roots in the Peaks Island community and have been patrons of the Peaks Island Community Center and Branch Library over the years; and

WHEREAS, Cynthia Kennedy Carter was a driving force behind the introduction of the Portland Recreation Division senior adult program on Peaks Island; and

WHEREAS, Raymond Carter, Cynthia Kennedy Carter's husband, has worked in the Portland Recreation Division for more than 30 years; and

WHEREAS, Kevin Carter, the son of Raymond and Cynthia Carter, has offered the City \$200,000 toward the cost of the renovation of the Peaks Island Community Center and Branch Library, in their honor; and

WHEREAS, \$200,000 in financial pledges have been committed from private citizens to the New Visions Campaign for the Peaks Island Community Center and Branch Library;

NOW, THEREFORE, BE IT ORDERED, that the \$200,000 donation from Kevin Carter and the \$200,000 donated to the New Visions Campaign are hereby accepted and appropriated to assist in the payment of the renovations for the Peaks Island Community Center and Branch Library; and

BE IT FURTHER ORDERED, that the Peaks Island Community Center and Branch Library is hereby renamed the Kennedy & Carter Family Community Center and Branch Library.



To Mayor Ethan Strimling and City Council
City Manager Jon Jennings

From Sarah Campbell, Executive Director of Portland Public Library
Sally De Luca, Director of the City of Portland's Department of Parks, Recreation & Facilities

Date April 11, 2016

Subject Support for (1) the proposed renovation to the Peaks Island Branch Library and Community Center and (2) the formal naming of the renovated facility

It is with great enthusiasm that we register our support for the proposed \$650,000 renovation to the Peaks Island Community Center and Branch Library and for the formal naming of the facility as The Kennedy & Carter Family Community Center and Branch Library.

As you will note in the following timeline, this project has consistently generated broad interest and enthusiastic support from among Peaks Island residents. Throughout the planning stages, attendance at public discussions has been standing room only, and conversation has been positive and collaborative. Financial pledges from private citizens to the New Vision Campaign, which will support project elements related to the Peaks Island Branch Library, topped \$200,000. A private "angel" donor, Kevin Carter, wishes to honor his family's connections to Peaks, to the City's Department of Recreation, and to the Library by matching the commitment of the islanders with a \$200,000 pledge of his own to the project. A CIP allocation from the City of Portland for \$250,000 will ensure that this project can go forward.

We wish also to register our wholehearted support for the proposed formal naming of the facility as The Kennedy & Carter Family Community Center and Branch Library. The Kennedy and Carter families have a long history on Peaks Island. Mr. Carter's parents, Cynthia Kennedy Carter and Raymond Carter, were critical to the start-up and long-term success of the City's recreation senior adult program and regular library use was a hallmark of Mr. Carter's childhood. We believe that naming the facility to acknowledge his family's connections with Peaks is a wholly appropriate way to recognize Mr. Carter's generosity to the project.

We thank you for the opportunity to highlight the broad support on Peaks Island for this proposed renovation and for the naming of the facility. We believe this is an opportunity for true private-public partnership to have a significant and long-lasting impact on life of the community.

Peaks Renovation Project – Timeline of Support

2013	Two community conversations were held on Peaks Island to gather input from residents about the ways in which they would like to be able to use the Community Room and Branch Library. Input was synthesized and then used by an architectural firm to inspire a renovated facility that would meet some of the most pressing community needs. This firm was hired through a generous gift of the Friends of Peaks Island Library.
September 2014	A public forum was held on Peaks Island to discuss the architect's plan for renovating the space, keeping in mind the restrictions of the building's footprint. Seventy-five people attended, and the response was highly enthusiastic. The conversation was animated, with plenty of clarifying questions asked, but no significant concerns were raised.
April 2015	The Library's initial CIP application for \$500,000 for the proposed renovation was rejected due to the pressing need for upgrades to the City's emergency communication systems. A pledge campaign to generate \$150,000 in support for library portion of the proposed renovation on Peaks Island was begun, anticipating that another CIP application would be made in 2016. The New Vision Campaign gift committee comprised 24 individuals from a broad cross-section of the Peaks community.
June 2015	Initial pledge campaign goal of \$150,000 was surpassed, well in advance of the close of the effort.
September 2015	By the close of the New Vision Campaign, more than \$200,000 in gifts and pledges had been received from over 234 households. Preparations for a \$450,000 CIP request to the City began.
October 2015	Recreation Department and Portland Public Library began conversations with an anonymous "angel" donor who was interested in making a significant commitment to the project in honor of his parents.
December 2015	The anonymous donor finalizes a plan to commit \$200,000 to the renovation project, provided that the facility can be named by the donor to honor his parents and their connection to Peaks Island, the Recreation Department programs, and the Library. PPL advises the New Vision Campaign leadership about the donor's commitment but not about any personal or naming details; the leadership is delighted at this show of support for a project that will be so critical to island life. As a result of this pledge, the Recreation Department and Portland Public Library plan to request only \$250,000 in CIP support for the project.
April 2016	Following the early stages of the 2016 CIP process, the leadership of the New Vision Campaign was told the "angel" donor's name and informed of the name proposed for the facility: The Kennedy & Carter Family Community Center and

Branch Library. The committee leadership was also provided with a brief biographical sketch of the donor's parents, who were both deeply involved in the Recreation Department programs and as loyal library patrons. The New Vision Campaign leadership responded enthusiastically to this proposed name, expressing their gratitude that the donor wishes to give back to the island in such a meaningful way and delight that the name would reflect a family history that captures the dedication to community that is a hallmark of life on Peaks.

Additionally, Sally DeLuca, Director of the City's Department of Parks, Recreation & Facilities, spoke with three members of the MacVane family about the building's potential name, as the community room already bears the name of one of their family's members. The family is pleased that the room will retain its name, is gratified to hear of the "angel" donor's significant commitment to the renovation project, and is supportive of the proposed name for the facility.

ISLAND AVENUE

PEAKS ISLAND LIBRARY & COMMUNITY CENTER PROPOSED IMPROVEMENTS

**RED border shows facility to be named
The Kennedy & Carter Family
Community Center and Branch Library.**

Per proposal, no spaces inside the facility will be renamed or have their existing names affected by the facility's proposed new name.

Per proposal, no spaces inside the facility will be renamed or have their existing names affected by the facility's proposed new name.