

Special City Council Meeting
May 1, 2017

1. Agenda Only

Documents:

[AGENDA ONLY 2017-05-01.PDF](#)

2. Agenda And Packet

Documents:

[AGENDA AND PACKET 2017-05-01.PDF](#)

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

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

AGENDA
SPECIAL CITY COUNCIL MEETING
MAY 1, 2017

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:

“Arts in the Chamber”, Spencer Albee

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) April 24, 2017 Special City Council Meeting Minutes

PROCLAMATIONS:

Proc 28-16/17 Proclamation Honoring Officer Brent Abbott as Police Officer of the
(Tab 2) Month for March 2017 – Sponsored by Mayor Ethan K. Strimling.

Proc 29-16/17 Proclamation Honoring Portland High School Boys Basketball Team
(Tab 3) – Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 223-16/17 Order Appointing Wardens and Ward Clerks for the 2017 Election
(Tab 4) Year – Sponsored by Katherine L Jones, City Clerk.

This order appoints the following as Wardens and Ward Clerks for the 2017 election year.

Warden

Denise Shames
Carol Morrisette
Fred O’Keefe
MaryAnn O’Malley

Ward Clerk

Anne Rand
Frank Spring
Reta Morrill
Richard Mercier

Precinct

1-1
1-2
1-3
2-1

Susan Lichtman	Donna Katsifcias	2-2
Elaine Spring	Cynthia Pebineto	3-1
Dale Kinney	Gail Hannon	3-2
Craig Posey	Constance Regan	4-1
Cynthia Frye-Macomber	Robert Hughes	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Edmond Szalajaski	5-2

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

LICENSES:

Order 224-16/17 (Tab 5) Order Granting Municipal Officers' Approval of Restaurante El Corazon dba Restaurante El Corazon. Application for a Class I FSE License with Outdoor Dining on public property at 190 State Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/5/2017. New City and State applications. This location was formerly Ocho.

Five affirmative votes are required for passage after public comment.

Order 225-16/17 (Tab 6) Order Granting Municipal Officers' Approval of Shangri-la Si Chaun Cuisine LLC dba Si Chaun Kitchen. Application for Outdoor Dining on Public Property at 612 Congress Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/10/2017. Applicant currently holds a Class XI FSE Restaurant/Lounge License.

Five affirmative votes are required for passage after public comment.

Order 226-16/17 (Tab 7) Order Granting Municipal Officers' Approval of Miss M dba Aurora Provisions at the Museum. Application for a Class I FSE License at 7 Congress Square – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/10/2017. New City and State Applications. This is a new owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 227-16/17 (Tab 8) Order Granting Municipal Officers' Approval of Miss M dba Aurora Provisions. Application for a Class I FSE License at 64 Pine Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/10/2017. New City and State Applications. This is a new owner of an existing business.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

RESOLUTIONS:

**Resolve 7-16/17
(Tab 9)**

**Resolution Supporting the Goal of 100 Percent Clean Energy for
for the City of Portland in 2040 – Sponsored by the Sustainability and
Transportation Committee, Councilor Spencer Thibodeau, Chair.**

The Sustainability and Transportation Committee met on April 25, 2017 and voted to forward this time to the City Council with a recommendation for passage.

The Sustainable Portland Report, adopted by the City Council in 2011, recognized that the effects of climate change pose a significant threat to the City of Portland and called for the City to mitigate the impacts of climate change by reducing greenhouse gas emissions. This 100% Clean Energy resolution builds on that foundation by establishing a target date by which time municipal operations should be powered using only clean energy such as wind, solar, and other carbon free energy sources. The resolution further calls for the Sustainability and Transportation Committee to establish a plan to achieve the goal and to set incremental milestones to guide progress.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 216-16/17
(Tab 10)**

**Order Appropriating \$125,000 in Urban Development Action Grant
Revenue Re: Surface Parking Lot Bounded by Fore, Cotton, Middle, and
Cross Streets – Sponsored by the Jon P. Jennings, City Manager.**

At the April 5, 2017 City Council meeting, the council approved the sale of a City-owned parking lot on Cotton Street. The parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG). The city received rental income from the parking lot which was utilized by the City as Community Development Block Grant (CDBG) program income and was incorporated into the annual CDBG budget. Over the last five years the CDBG program received an average of \$119,426 annually. The proceeds from the sale of the lot can only be used for CDBG eligible activities. The use of the proceeds must be identified in the City's Housing and Urban Development (HUD) Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

At its March 7, 2017 meeting, the Economic Development Committee voted 2-0-1 (Thibodeau abstained) to recommend to the City Council that \$100,000 of the sales proceeds be used to fund an expansion at the Milestone Foundation, \$25,000 be used to help fund a panhandling pilot program, and a *hybrid approach* be utilized for future use of the remaining proceeds and for ensuring that CDBG program income funding levels are maintained.

The *hybrid approach* would utilize approximately \$120,000 in Downtown Tax Increment Financing (TIF) funds for TIF-eligible projects such as staffing costs and public infrastructure improvements. Approximately \$20,000 per year from the remaining sale proceeds of approximately \$1,050,000 would be used for social service program funding and other TIF-ineligible activities.

The Milestone Foundation improvements and the panhandling pilot program are described below:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of its commitment to address this challenge and to leverage additional public and private funding; and
2. \$25,000 for the Portland Opportunity Crew program which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five similar programs were researched and all have had compelling results.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 217-16/17
(Tab 11)**

Order Approving Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidated Plan and Fiscal Year 2018 Housing and Urban Development Annual Action Plan Re: Use of Proceeds from Sale of City-Owned Surface Parking Lot Bounded by Fore, Cotton, Middle and Cross Streets – Sponsored by Jon P. Jennings, City Manager.

The FY 17/18 HUD Annual Action Plan was approved by the City Council at their April 5th meeting. Subsequent to that approval, the council approved the sale of the city-owned Cotton Street parking lot which will generate proceeds from federal UDAG funding.

The receipt of these proceeds must be included in the City's 2016-2020 HUD Consolidated Plan and the use of \$125,000 from the proceeds must be included in the FY17/18 HUD Annual Action Plan.

The Cotton Street parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG).

The proceeds from the sale of the lot can only be used for CDBG eligible activities. The use of the proceeds must be identified in the City's HUD Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

During FY17/18 the City proposes to use \$125,000 from the sale proceeds to address immediate, urgent needs within our community, which are identified as:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the Portland Opportunity Crew program. which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services and ideally can continue building their work experience. Five similar programs were researched and all have had compelling results.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 218-16/17
(Tab 12)**

Order Appropriating \$3,975,000 for Improvements to the Portland International Jetport Passenger Terminal – Sponsored by Jon P. Jennings, City Manager.

The Portland International Jetport is requesting an appropriation from its unrestricted fund balance to make improvements to the passenger terminal building. The Jetport completed a significant expansion in 2012 that greatly improved the passenger experience, but left the inbound passenger approach to baggage claim and gates 1-6 unimproved. At this time Jetport staff is proposing to make the following improvements:

• New vertical circulation from gate concourse down to baggage claim	\$ 2,325,000
• Restroom renovations in gate concourse and baggage claim	\$ 275,000
• Gate 2 & 3 passenger boarding bridge rehabilitation	\$ 1,050,000
• Flight Information Display System (FIDS) upgrade	<u>\$ 325,000</u>
Total	\$ 3,975,000

These improvements represent a first phase in the Jetport's plan to completely match the older sections of the terminal to the level of amenities and finish of the 2012 terminal expansion.

The Jetport's unrestricted cash fund balance was \$21,446,955 as of June 30, 2016. If approved, the Jetport will use \$3.975 million of its unrestricted cash fund balance to complete these proposed terminal improvements. Airports, like many industries, have substantially increased their liquidity since 2008 in response to the recession. This has resulted in unrestricted cash holdings in excess of 500 days of operating expenses, a level that is high historically.

The Jetport has followed this trend, and as of June 30, 2016 the unrestricted cash fund balance was equal to 505 days of operating expenses on hand. At the last rating review with S&P and Moody's, the Jetport Director outlined the Jetport's capital improvement program and noted it was the Jetport's plan to maintain a more appropriate floor of 365 days of operating cash on hand. If this appropriation is approved, the Jetport will remain well above this floor at 404 days of cash on hand.

The Jetport is an enterprise fund of the City that is fiscally self-sustaining. Federal Aviation Administration (FAA) grant assurances and the covenants for the Jetport's General Airport Revenue Bonds require all revenues generated at the Jetport be pledged to cover only Jetport expenses. The approval of this appropriation has no impact to the City of Portland's general fund or tax rate.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 219-16/17
(Tab 13)**

**Order Amending Order 153-16/17 (FY2018 CIP Projects) - Sponsored
by Councilor Pious Ali and Mayor Ethan K. Strimling.**

On April 5, 2017, the City Council approved Order 153-16/17, the FY18 Capital Improvement Plan. The plan was the result of a lengthy public process which included all City Departments and the School Department submitting and presenting their prioritized capital improvement plan requests in late 2017, the City Manager presenting the Capital Improvement Plan to Finance Committee, and the Finance Committee and City Council both unanimously endorsing that plan as presented. The School Board has subsequently requested a change to the normal process and voted to ask the City Council to consider an amendment removing seven school projects from the FY18 approved CIP (Deering High School Windows, District Phone System, Deering High School Kitchen / Remodel Upgrade, Energy Management Control Upgrades, Engineering for

Roofs, King – Fire Alarm Replacement Engineering, Lyman Moore – Fire Alarm Replacement Engineering) and reallocating that funding to the Casco Bay High School New Entrance and Engineering project.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Seven affirmative votes are required for passage after public comment.

**Order 220-16/17
(Tab 14)**

Order Amending Order 154-16/17 (FY2018 CIP Projects) – Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.

This is a companion order to Order 218-16/17 above.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 221-16/17
(Tab 15)**

Amendment to Portland City Code Chapter 14 Re: Institutional Overlay Zone - Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on March 28, 2017, and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

The new Institutional Overlay Zone (IOZ) ordinance will make available a process for the growth and development of major institutions (initially Maine Medical Center, Mercy, University of New England and University of Southern Maine) in view of their central economic, academic, and health care roles in the city and region.

The process aims to foster transparency; formalize regular public engagement between the institutions and neighborhoods, the city, and third parties (e.g. METRO and utilities); and provide mechanisms that address the implications of institutional growth and development.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 222-16/17
(Tab 16)**

Amendment to Portland City Code Chapter 17. Re: Extension of Moratorium of Retail Marijuana Establishment and Social Clubs – Sponsored by Danielle West-Chuhta, Corporation Counsel.

A 180-day moratorium on licenses for recreational marijuana retail shops and social clubs was approved by the City Council by Order 84-16/17 on November 21, 2016. It applied retroactively to November 8, 2016, and will expire on May 7, 2017. City staff is requesting that the Moratorium now be extended until November 3, 2017, in accordance with 30-A M.R.S. §4356(2), to allow local

licensing, zoning, and other ordinances to be drafted in accordance with state rules, which are still being developed.

On November 8, 2016, Maine voters approved the Marijuana Legalization Act (the “Act”), allowing the consumption, distribution and business development of and for marijuana products. The Act allows municipalities to regulate retail marijuana establishments, including stores, cultivation facilities, retail testing facilities, and also marijuana social clubs.

The extension of the Moratorium on these businesses will allow the City of Portland to ensure that its ordinances are consistent with the State of Maine rules, which have not yet been released. City staff is developing draft ordinances to regulate the sale of recreational marijuana, including licensing requirements, zoning restrictions, and safety rules, among other things.

Staff is requesting emergency enactment in order to make the extended Moratorium effective on May 7, 2017.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Seven affirmative votes are required for emergency enactment after public comment.

ORDERS:

Orders 228-16/17 (Tab 17)

Order Appropriating Additional HOME Investment Partnerships Program Funds in the Amount of \$200,961 for the Motherhouse Project At 605 Stevens Avenue – Sponsored by the Housing Committee, Jill C. Duson, Chair.

The Housing Committee met on March 8, 2017, and voted 3-0 to forward this item to the City Council with a recommendation in favor of providing an additional \$200,961 in funding for the project.

On August 3, 2015 (Order 35-15/16) the City Council approved an allocation of \$426,262 of HOME Program funding to support the redevelopment of the historic Motherhouse building at 605 Stevens Avenue. The project will create 88 units of rental housing for households owned by people 55 years or older. Sixty-six (66) of these units will be affordable to seniors earning 50% - 60% of the area median income. The remaining 22 units will be rented at market rate.

The financing gap was created as a result of national discussions concerning federal tax reform that has the potential to lower corporate tax rates. As a result, corporations and banks are less interested in buying low income housing tax credits which have been the primary financing mechanism for affordable housing development. The tax reform discussion has resulted in a drop in the price per credit from about 98¢ to 87¢, which created a financing gap for the Motherhouse project of over \$600,000.

The developer, city staff and Maine State Housing Authority (MSHA) have worked together to identify the resources needed to move this project forward. MSHA will be contributing an additional \$446,751 to the project. As a financing partner in this project, staff is recommending that the City provide an additional \$200,961 in HOME Program funding. This funding was originally allocated to the Portland Housing Authority project at 58 Boyd Street [Order 36-15/16, August 3, 2015, \$136,961 and Order 65-16/17, October 17, 2016, \$64,000]. The Boyd Street project was unsuccessful in the 2016 and 2017 Low Income Housing Tax Credit QAP and does not have all the necessary financing to proceed. Therefore the project does not meet the HOME Program commitment requirements. If these HOME funds are not committed to another project before July 31, 2017, the funds must be returned to HUD.

Five affirmative votes are required for passage after public comment.

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

FY18 BUDGET ITEMS: PUBLIC HEARING

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL AND MUNICIPAL ORDERS. COUNCIL ACTION ON THE SCHOOL AND MUNICIPAL BUDGETS WILL TAKE PLACE ON MAY 15, 2017, AT 6:00 P.M. THE PUBLIC REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 13, 2017.

**Order 229-16/17
(Tab 18)**

Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Order 229 to Order 237 are orders required by 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 \$81,456,771 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 \$64,261,317 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 \$105,036,238 will be \$82,787,921.

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

**Order 230-16/17
(Tab 19)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2018 – 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 \$496,746 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 \$496,746 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 231-16/17
(Tab 20)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2018– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$16,698,708 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 \$14,915,041 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 232-16/17
(Tab 21)**

Order Approving Total School Operating Budget for Portland Schools for FY2018– 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 \$99,569,444.

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 9, 2018. \$81,456,771 of the \$99,569,444 would come from property taxes, \$14,087,466 would come from state subsidy, and \$3,525,207 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 233-16/17
(Tab 22)**

**Order Appropriating and Raising Funds for Adult Education for
FY 2018 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 \$1,297,914 to support the Adult Education program and appropriates a budget for that program of \$1,919,778. The budgets for the Adult Education Program and for the Food Service Program in the next order are in addition to the \$99,569,444 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 FY2018 school budget programs of \$105,036,238.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 15th.

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

**Order 234-16/17
(Tab 23)**

**Order to Raise Local Funds for Food Service in the Portland Public
Schools for FY 2018 – Sponsored by the Finance Committee, Nicholas M.
Mavodones, Jr., Chair.**

This order raises \$33,236 to support the Food Service Budget. The total proposed Food Service Program is \$3,547,016, 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.

**Order 234A-16/17
(Tab 23)**

**Order Authorizing the Disposition of Any Additional State Subsidy
Received for Portland Schools in Fiscal Year 2018 – Sponsored by the
Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order approves the following school budget article for Fiscal Year 2017-2018:

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

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

**Order 235-16/17
(Tab 24)**

Order Approving Fiscal Year 2018 Administrative Fees in the Department of Public Works Re: Street Openings – Sponsored by Jon P. Jennings, City Manager.

This order authorizes certain administrative charges, specifically a new fee in Public Works: Street Openings Block Permit.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 236-16/17
(Tab 25)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2018 Human Resources and Certain Fringe Benefits Budgets – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2018 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

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

**Order 237-16/17
(Tab 26)**

Order Re: Fiscal Year 2018 Self-Insured Liability Program – Sponsored by Jon P. Jennings, City Manager.

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

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 238-16/17
(Tab 27)**

Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by Jon P. Jennings, City Manager.

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed. This order would authorize the Director or her or his designee to continue to sign such agreements and reaffirm this long- standing practice.

Also, these venues and others, such as the Riverside Golf Course, Riverside Grill and Troubh Ice Arena, are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 239-16/17
(Tab 28)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement Fiscal Year 2018 Health and Human Services Budget – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

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

**Order 240-16/17
(Tab 29)**

Order Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by Jon P. Jennings, City Manager.

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

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 241-16/17
(Tab 30)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by Jon P. Jennings, City Manager.

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

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 242-16/17
(Tab 31)**

Order Authorizing Non-Union Wage Adjustment - Sponsored by Jon Jennings, City Manager.

This Order authorizes the City Manager to make a 2% pay adjustment for all non-union employees effective July 2, 2017.

Each year, budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly and to implement the new pay scale.

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

**Order 243-16/17
(Tab 32)**

Order Designating Fiscal Year 2018 Funds for Specific Island Services - Sponsored by Jon P. Jennings, City Manager.

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY18:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,937
Item B:	College Students	\$330
Item C:	Private School Tickets	\$413
Item D:	Needs-Based Tickets	\$3,834
Item E:	Bicycle Tickets	\$500
Item F:	Loretta Voyer Fund	\$50
Item G:	Cadet Funding	\$2,736
On-Island Transportation		
Item H:	ITS ("The Taxi")	\$18,000
Islanders in Need		
Item I:	PITEA (for PIC, Heating Assistance Only)	\$3,200
Item J:	Food Pantry	\$50
Parks, Recreation, Open Space		
Item J:	Skateboard Park	\$500
Item K:	PEAT Brochure	\$400
Island Services		
Item L:	Signage	\$50
Item M:	Website + App Development	\$1,500
Item N:	Administrative	\$2,500
TOTAL (02/25/17):		\$40,000

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

**Order 244-16/17
(Tab 33)**

Order for Fiscal Year 2018 Appropriating \$185,000 from Excess Fund - Sponsored Jon P. Jennings, City Manager.

Appropriating \$185,000 from the Casco Bay Island Transit District (CBITD) Excess Fund. Pursuant to the lease agreement between the City and CBITD, the Excess Fund, as defined in the agreement, is accumulated and held until such time as the Council may appropriate amounts for purposes outlined in the agreement. CBITD has requested \$185,000, to be used in providing a local match, for Phase 2 of the Casco Bay Island Transit District's (CBITD) ferry terminal renovations. This is permissible under the agreement as CBITD has first priority to request usage of available funds for their capital costs associated with public transportation in the City.

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

RELATED ORDINANCE AMENDMENT:

**Order 245-16/17
(Tab 34)**

Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2018 - Sponsored by Jon P. Jennings, City Manager.

Part 1 amends the following fees in Chapter 14 in §14-530:

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	<i>Development review fees and post approval requirements:</i>		
(a)	<i>Development Review Fees:</i>		
(a) (4)	<i>Site Plan Review Expenses:</i>		
(a) (4) (i)	<i>Fee for Development Review Services</i>		
(a) (4) (i) (i)	Planning fee per hour	\$50	\$52
(a) (4) (l)	<i>Inspection Fees, as required in Section 14-530 (b) (5)</i>		

(a) (4) (l) (i)	Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer (...at \$) an hours with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).	\$50	\$52
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Part 2 amends the Sewer user charge in Chapter 24, in §24-72.

The proposed sewer rate for July 1, 2017 is \$9.65 per hundred cubic feet (hcf), up from the January 1, 2017 rate of \$9.35 hcf.

Part 3 adds the following new fees in Chapter 25, in §25-27.

Chapter 25 RE: §25-27	Description	Current Fee	Proposed Fee
Violations			
	Failure to Obtain a Street Occupancy Permit	NA	\$75/day
	Non-Compliance: Failure to Follow an Approved Management Plan for Vehicle Traffic and / or Pedestrian Detours	NA	\$50/day

Part 4 amends the following fee in Chapter 28, in §28-86:

Chapter 28	Description	Current Fee	Proposed Fee
Sec. 28-86	Parking Meter Rates	\$1.00/ hr	\$1.25/hr

All fee increases are effective July 1, 2017. This item must be read on two separate days. This is its first reading.

APPROPRIATION RESOLVE:

Order 246-16/17 (Tab 35) Fiscal Year 2017-2018 Appropriation Resolve - Sponsored by Jon P. Jennings, City Manager.

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2018 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2018 for general municipal purposes in the amount of \$240,430,005. In addition it contains the Portland Board of Education's recommended budget for FY2018 for school purposes in the amount of \$105,036,238.

The Portland Board of Education's recommended School Budget and the City Manager's budget recommendations for municipal purposes results in a combined tax levy of \$168,956,927 for Fiscal Year 2018. The tax rate based on the combined levies would be \$21.66 per \$1,000 of assessed value, a 2.6% increase.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2017 and sets September 8, 2017, as the tax due date, which may be paid in two installments due on September 8, 2017, and March 9, 2018.

The delinquency rate of interest is set at 7.0% per year, and the abatement rate of interest is set at 3.0% per year.

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

ORDERS:

AMENDMENTS:

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

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

AGENDA
SPECIAL CITY COUNCIL MEETING
MAY 1, 2017

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:

“Arts in the Chamber”, Spencer Albee

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) April 24, 2017 Special City Council Meeting Minutes

PROCLAMATIONS:

Proc 28-16/17 Proclamation Honoring Officer Brent Abbott as Police Officer of the
(Tab 2) Month for March 2017 – Sponsored by Mayor Ethan K. Strimling.

Proc 29-16/17 Proclamation Honoring Portland High School Boys Basketball Team
(Tab 3) – Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 223-16/17 Order Appointing Wardens and Ward Clerks for the 2017 Election
(Tab 4) Year – Sponsored by Katherine L Jones, City Clerk.

This order appoints the following as Wardens and Ward Clerks for the 2017 election year.

Warden

Denise Shames
Carol Morrisette
Fred O’Keefe
MaryAnn O’Malley

Ward Clerk

Anne Rand
Frank Spring
Reta Morrill
Richard Mercier

Precinct

1-1
1-2
1-3
2-1

Susan Lichtman	Donna Katsifacias	2-2
Elaine Spring	Cynthia Pebineto	3-1
Dale Kinney	Gail Hannon	3-2
Craig Posey	Constance Regan	4-1
Cynthia Frye-Macomber	Robert Hughes	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Edmond Szalajaski	5-2

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

LICENSES:

Order 224-16/17 (Tab 5) Order Granting Municipal Officers' Approval of Restaurante El Corazon dba Restaurante El Corazon. Application for a Class I FSE License with Outdoor Dining on public property at 190 State Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/5/2017. New City and State applications. This location was formerly Ocho.

Five affirmative votes are required for passage after public comment.

Order 225-16/17 (Tab 6) Order Granting Municipal Officers' Approval of Shangri-la Si Chaun Cuisine LLC dba Si Chaun Kitchen. Application for Outdoor Dining on Public Property at 612 Congress Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/10/2017. Applicant currently holds a Class XI FSE Restaurant/Lounge License.

Five affirmative votes are required for passage after public comment.

Order 226-16/17 (Tab 7) Order Granting Municipal Officers' Approval of Miss M dba Aurora Provisions at the Museum. Application for a Class I FSE License at 7 Congress Square – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/10/2017. New City and State Applications. This is a new owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 227-16/17 (Tab 8) Order Granting Municipal Officers' Approval of Miss M dba Aurora Provisions. Application for a Class I FSE License at 64 Pine Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 4/10/2017. New City and State Applications. This is a new owner of an existing business.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

RESOLUTIONS:

**Resolve 7-16/17
(Tab 9)**

**Resolution Supporting the Goal of 100 Percent Clean Energy for
for the City of Portland in 2040 – Sponsored by the Sustainability and
Transportation Committee, Councilor Spencer Thibodeau, Chair.**

The Sustainability and Transportation Committee met on April 25, 2017 and voted to forward this time to the City Council with a recommendation for passage.

The Sustainable Portland Report, adopted by the City Council in 2011, recognized that the effects of climate change pose a significant threat to the City of Portland and called for the City to mitigate the impacts of climate change by reducing greenhouse gas emissions. This 100% Clean Energy resolution builds on that foundation by establishing a target date by which time municipal operations should be powered using only clean energy such as wind, solar, and other carbon free energy sources. The resolution further calls for the Sustainability and Transportation Committee to establish a plan to achieve the goal and to set incremental milestones to guide progress.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 216-16/17
(Tab 10)**

**Order Appropriating \$125,000 in Urban Development Action Grant
Revenue Re: Surface Parking Lot Bounded by Fore, Cotton, Middle, and
Cross Streets – Sponsored by the Jon P. Jennings, City Manager.**

At the April 5, 2017 City Council meeting, the council approved the sale of a City-owned parking lot on Cotton Street. The parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG). The city received rental income from the parking lot which was utilized by the City as Community Development Block Grant (CDBG) program income and was incorporated into the annual CDBG budget. Over the last five years the CDBG program received an average of \$119,426 annually. The proceeds from the sale of the lot can only be used for CDBG eligible activities. The use of the proceeds must be identified in the City's Housing and Urban Development (HUD) Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

At its March 7, 2017 meeting, the Economic Development Committee voted 2-0-1 (Thibodeau abstained) to recommend to the City Council that \$100,000 of the sales proceeds be used to fund an expansion at the Milestone Foundation, \$25,000 be used to help fund a panhandling pilot program, and a *hybrid approach* be utilized for future use of the remaining proceeds and for ensuring that CDBG program income funding levels are maintained.

The *hybrid approach* would utilize approximately \$120,000 in Downtown Tax Increment Financing (TIF) funds for TIF-eligible projects such as staffing costs and public infrastructure improvements. Approximately \$20,000 per year from the remaining sale proceeds of approximately \$1,050,000 would be used for social service program funding and other TIF-ineligible activities.

The Milestone Foundation improvements and the panhandling pilot program are described below:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of its commitment to address this challenge and to leverage additional public and private funding; and
2. \$25,000 for the Portland Opportunity Crew program which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five similar programs were researched and all have had compelling results.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 217-16/17
(Tab 11)**

Order Approving Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidated Plan and Fiscal Year 2018 Housing and Urban Development Annual Action Plan Re: Use of Proceeds from Sale of City-Owned Surface Parking Lot Bounded by Fore, Cotton, Middle and Cross Streets – Sponsored by Jon P. Jennings, City Manager.

The FY 17/18 HUD Annual Action Plan was approved by the City Council at their April 5th meeting. Subsequent to that approval, the council approved the sale of the city-owned Cotton Street parking lot which will generate proceeds from federal UDAG funding.

The receipt of these proceeds must be included in the City's 2016-2020 HUD Consolidated Plan and the use of \$125,000 from the proceeds must be included in the FY17/18 HUD Annual Action Plan.

The Cotton Street parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG).

The proceeds from the sale of the lot can only be used for CDBG eligible activities. The use of the proceeds must be identified in the City's HUD Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

During FY17/18 the City proposes to use \$125,000 from the sale proceeds to address immediate, urgent needs within our community, which are identified as:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the Portland Opportunity Crew program. which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services and ideally can continue building their work experience. Five similar programs were researched and all have had compelling results.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 218-16/17
(Tab 12)**

Order Appropriating \$3,975,000 for Improvements to the Portland International Jetport Passenger Terminal – Sponsored by Jon P. Jennings, City Manager.

The Portland International Jetport is requesting an appropriation from its unrestricted fund balance to make improvements to the passenger terminal building. The Jetport completed a significant expansion in 2012 that greatly improved the passenger experience, but left the inbound passenger approach to baggage claim and gates 1-6 unimproved. At this time Jetport staff is proposing to make the following improvements:

• New vertical circulation from gate concourse down to baggage claim	\$ 2,325,000
• Restroom renovations in gate concourse and baggage claim	\$ 275,000
• Gate 2 & 3 passenger boarding bridge rehabilitation	\$ 1,050,000
• Flight Information Display System (FIDS) upgrade	<u>\$ 325,000</u>
Total	\$ 3,975,000

These improvements represent a first phase in the Jetport's plan to completely match the older sections of the terminal to the level of amenities and finish of the 2012 terminal expansion.

The Jetport's unrestricted cash fund balance was \$21,446,955 as of June 30, 2016. If approved, the Jetport will use \$3.975 million of its unrestricted cash fund balance to complete these proposed terminal improvements. Airports, like many industries, have substantially increased their liquidity since 2008 in response to the recession. This has resulted in unrestricted cash holdings in excess of 500 days of operating expenses, a level that is high historically.

The Jetport has followed this trend, and as of June 30, 2016 the unrestricted cash fund balance was equal to 505 days of operating expenses on hand. At the last rating review with S&P and Moody's, the Jetport Director outlined the Jetport's capital improvement program and noted it was the Jetport's plan to maintain a more appropriate floor of 365 days of operating cash on hand. If this appropriation is approved, the Jetport will remain well above this floor at 404 days of cash on hand.

The Jetport is an enterprise fund of the City that is fiscally self-sustaining. Federal Aviation Administration (FAA) grant assurances and the covenants for the Jetport's General Airport Revenue Bonds require all revenues generated at the Jetport be pledged to cover only Jetport expenses. The approval of this appropriation has no impact to the City of Portland's general fund or tax rate.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 219-16/17
(Tab 13)**

**Order Amending Order 153-16/17 (FY2018 CIP Projects) - Sponsored
by Councilor Pious Ali and Mayor Ethan K. Strimling.**

On April 5, 2017, the City Council approved Order 153-16/17, the FY18 Capital Improvement Plan. The plan was the result of a lengthy public process which included all City Departments and the School Department submitting and presenting their prioritized capital improvement plan requests in late 2017, the City Manager presenting the Capital Improvement Plan to Finance Committee, and the Finance Committee and City Council both unanimously endorsing that plan as presented. The School Board has subsequently requested a change to the normal process and voted to ask the City Council to consider an amendment removing seven school projects from the FY18 approved CIP (Deering High School Windows, District Phone System, Deering High School Kitchen / Remodel Upgrade, Energy Management Control Upgrades, Engineering for

Roofs, King – Fire Alarm Replacement Engineering, Lyman Moore – Fire Alarm Replacement Engineering) and reallocating that funding to the Casco Bay High School New Entrance and Engineering project.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Seven affirmative votes are required for passage after public comment.

**Order 220-16/17
(Tab 14)**

Order Amending Order 154-16/17 (FY2018 CIP Projects) – Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.

This is a companion order to Order 218-16/17 above.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 221-16/17
(Tab 15)**

Amendment to Portland City Code Chapter 14 Re: Institutional Overlay Zone - Sponsored by the Planning Board, Elizabeth Boepple, Chair.

The Planning Board met on March 28, 2017, and voted unanimously (7-0) to forward this item to the City Council with a recommendation for passage.

The new Institutional Overlay Zone (IOZ) ordinance will make available a process for the growth and development of major institutions (initially Maine Medical Center, Mercy, University of New England and University of Southern Maine) in view of their central economic, academic, and health care roles in the city and region.

The process aims to foster transparency; formalize regular public engagement between the institutions and neighborhoods, the city, and third parties (e.g. METRO and utilities); and provide mechanisms that address the implications of institutional growth and development.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Five affirmative votes are required for passage after public comment.

**Order 222-16/17
(Tab 16)**

Amendment to Portland City Code Chapter 17. Re: Extension of Moratorium of Retail Marijuana Establishment and Social Clubs – Sponsored by Danielle West-Chuhta, Corporation Counsel.

A 180-day moratorium on licenses for recreational marijuana retail shops and social clubs was approved by the City Council by Order 84-16/17 on November 21, 2016. It applied retroactively to November 8, 2016, and will expire on May 7, 2017. City staff is requesting that the Moratorium now be extended until November 3, 2017, in accordance with 30-A M.R.S. §4356(2), to allow local

licensing, zoning, and other ordinances to be drafted in accordance with state rules, which are still being developed.

On November 8, 2016, Maine voters approved the Marijuana Legalization Act (the “Act”), allowing the consumption, distribution and business development of and for marijuana products. The Act allows municipalities to regulate retail marijuana establishments, including stores, cultivation facilities, retail testing facilities, and also marijuana social clubs.

The extension of the Moratorium on these businesses will allow the City of Portland to ensure that its ordinances are consistent with the State of Maine rules, which have not yet been released. City staff is developing draft ordinances to regulate the sale of recreational marijuana, including licensing requirements, zoning restrictions, and safety rules, among other things.

Staff is requesting emergency enactment in order to make the extended Moratorium effective on May 7, 2017.

This item must be read on two separate days. It was given a first reading on April 24, 2017. Seven affirmative votes are required for emergency enactment after public comment.

ORDERS:

Orders 228-16/17 (Tab 17)

Order Appropriating Additional HOME Investment Partnerships Program Funds in the Amount of \$200,961 for the Motherhouse Project At 605 Stevens Avenue – Sponsored by the Housing Committee, Jill C. Duson, Chair.

The Housing Committee met on March 8, 2017, and voted 3-0 to forward this item to the City Council with a recommendation in favor of providing an additional \$200,961 in funding for the project.

On August 3, 2015 (Order 35-15/16) the City Council approved an allocation of \$426,262 of HOME Program funding to support the redevelopment of the historic Motherhouse building at 605 Stevens Avenue. The project will create 88 units of rental housing for households owned by people 55 years or older. Sixty-six (66) of these units will be affordable to seniors earning 50% - 60% of the area median income. The remaining 22 units will be rented at market rate.

The financing gap was created as a result of national discussions concerning federal tax reform that has the potential to lower corporate tax rates. As a result, corporations and banks are less interested in buying low income housing tax credits which have been the primary financing mechanism for affordable housing development. The tax reform discussion has resulted in a drop in the price per credit from about 98¢ to 87¢, which created a financing gap for the Motherhouse project of over \$600,000.

The developer, city staff and Maine State Housing Authority (MSHA) have worked together to identify the resources needed to move this project forward. MSHA will be contributing an additional \$446,751 to the project. As a financing partner in this project, staff is recommending that the City provide an additional \$200,961 in HOME Program funding. This funding was originally allocated to the Portland Housing Authority project at 58 Boyd Street [Order 36-15/16, August 3, 2015, \$136,961 and Order 65-16/17, October 17, 2016, \$64,000]. The Boyd Street project was unsuccessful in the 2016 and 2017 Low Income Housing Tax Credit QAP and does not have all the necessary financing to proceed. Therefore the project does not meet the HOME Program commitment requirements. If these HOME funds are not committed to another project before July 31, 2017, the funds must be returned to HUD.

Five affirmative votes are required for passage after public comment.

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

FY18 BUDGET ITEMS: PUBLIC HEARING

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL AND MUNICIPAL ORDERS. COUNCIL ACTION ON THE SCHOOL AND MUNICIPAL BUDGETS WILL TAKE PLACE ON MAY 15, 2017, AT 6:00 P.M. THE PUBLIC REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 13, 2017.

**Order 229-16/17
(Tab 18)**

Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Schools for FY2018 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Order 229 to Order 237 are orders required by 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 \$81,456,771 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 \$64,261,317 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 \$105,036,238 will be \$82,787,921.

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

**Order 230-16/17
(Tab 19)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for FY2018 – 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 \$496,746 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 \$496,746 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 231-16/17
(Tab 20)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for FY2018– Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$16,698,708 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 \$14,915,041 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 232-16/17
(Tab 21)**

Order Approving Total School Operating Budget for Portland Schools for FY2018– 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 \$99,569,444.

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 9, 2018. \$81,456,771 of the \$99,569,444 would come from property taxes, \$14,087,466 would come from state subsidy, and \$3,525,207 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 233-16/17
(Tab 22)**

**Order Appropriating and Raising Funds for Adult Education for
FY 2018 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 \$1,297,914 to support the Adult Education program and appropriates a budget for that program of \$1,919,778. The budgets for the Adult Education Program and for the Food Service Program in the next order are in addition to the \$99,569,444 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 FY2018 school budget programs of \$105,036,238.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 15th.

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

**Order 234-16/17
(Tab 23)**

**Order to Raise Local Funds for Food Service in the Portland Public
Schools for FY 2018 – Sponsored by the Finance Committee, Nicholas M.
Mavodones, Jr., Chair.**

This order raises \$33,236 to support the Food Service Budget. The total proposed Food Service Program is \$3,547,016, 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.

**Order 234A-16/17
(Tab 23)**

**Order Authorizing the Disposition of Any Additional State Subsidy
Received for Portland Schools in Fiscal Year 2018 – Sponsored by the
Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.**

This order approves the following school budget article for Fiscal Year 2017-2018:

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

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

**Order 235-16/17
(Tab 24)**

Order Approving Fiscal Year 2018 Administrative Fees in the Department of Public Works Re: Street Openings – Sponsored by Jon P. Jennings, City Manager.

This order authorizes certain administrative charges, specifically a new fee in Public Works: Street Openings Block Permit.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 236-16/17
(Tab 25)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement the Fiscal Year 2018 Human Resources and Certain Fringe Benefits Budgets – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for the fiscal year 2018 in order to implement portions of human resources, medical, workers' compensation, and liability budgets.

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

**Order 237-16/17
(Tab 26)**

Order Re: Fiscal Year 2018 Self-Insured Liability Program – Sponsored by Jon P. Jennings, City Manager.

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

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 238-16/17
(Tab 27)**

Order Authorizing the Director of Parks, Recreation and Facilities to Set Fees and Enter Rental Agreements for City Facilities – Sponsored by Jon P. Jennings, City Manager.

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host 100s of events on an annual basis and while many events are similar in nature, all are also somewhat unique and require different staffing levels and services, and are therefore priced accordingly. The City's legal department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed. This order would authorize the Director or her or his designee to continue to sign such agreements and reaffirm this long- standing practice.

Also, these venues and others, such as the Riverside Golf Course, Riverside Grill and Troubh Ice Arena, are run in a business-like manner and need the flexibility to be able to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 239-16/17
(Tab 28)**

Order Authorizing City Manager to Enter into Certain Agreements to Implement Fiscal Year 2018 Health and Human Services Budget – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

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

**Order 240-16/17
(Tab 29)**

Order Authorizing City Manager to Accept Scholarship Trust Donations and Enter into Trust Agreements - Sponsored by Jon P. Jennings, City Manager.

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

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 241-16/17
(Tab 30)**

Order Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes – Sponsored by Jon P. Jennings, City Manager.

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

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of May 15 to coincide with consideration of the Appropriation Resolve.

**Order 242-16/17
(Tab 31)**

Order Authorizing Non-Union Wage Adjustment - Sponsored by Jon Jennings, City Manager.

This Order authorizes the City Manager to make a 2% pay adjustment for all non-union employees effective July 2, 2017.

Each year, budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly and to implement the new pay scale.

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

**Order 243-16/17
(Tab 32)**

Order Designating Fiscal Year 2018 Funds for Specific Island Services - Sponsored by Jon P. Jennings, City Manager.

The municipal budget includes \$40,000 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY18:

Ferry Tickets, Passes, Vouchers, Loading Control		
Item A:	Middle & High School Passes	\$5,937
Item B:	College Students	\$330
Item C:	Private School Tickets	\$413
Item D:	Needs-Based Tickets	\$3,834
Item E:	Bicycle Tickets	\$500
Item F:	Loretta Voyer Fund	\$50
Item G:	Cadet Funding	\$2,736
On-Island Transportation		
Item H:	ITS ("The Taxi")	\$18,000
Islanders in Need		
Item I:	PITEA (for PIC, Heating Assistance Only)	\$3,200
Item J:	Food Pantry	\$50
Parks, Recreation, Open Space		
Item J:	Skateboard Park	\$500
Item K:	PEAT Brochure	\$400
Island Services		
Item L:	Signage	\$50
Item M:	Website + App Development	\$1,500
Item N:	Administrative	\$2,500
TOTAL (02/25/17):		\$40,000

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

**Order 244-16/17
(Tab 33)**

Order for Fiscal Year 2018 Appropriating \$185,000 from Excess Fund - Sponsored Jon P. Jennings, City Manager.

Appropriating \$185,000 from the Casco Bay Island Transit District (CBITD) Excess Fund. Pursuant to the lease agreement between the City and CBITD, the Excess Fund, as defined in the agreement, is accumulated and held until such time as the Council may appropriate amounts for purposes outlined in the agreement. CBITD has requested \$185,000, to be used in providing a local match, for Phase 2 of the Casco Bay Island Transit District's (CBITD) ferry terminal renovations. This is permissible under the agreement as CBITD has first priority to request usage of available funds for their capital costs associated with public transportation in the City.

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

RELATED ORDINANCE AMENDMENT:

**Order 245-16/17
(Tab 34)**

Amendment to Portland City Code Re: Various Fee Increases for Fiscal Year 2018 - Sponsored by Jon P. Jennings, City Manager.

Part 1 amends the following fees in Chapter 14 in §14-530:

Chapter 14	Description	Current Fee	Proposed Fee
<i>Sec. 14-530</i>	<i>Development review fees and post approval requirements:</i>		
(a)	<i>Development Review Fees:</i>		
(a) (4)	<i>Site Plan Review Expenses:</i>		
(a) (4) (i)	<i>Fee for Development Review Services</i>		
(a) (4) (i) (i)	Planning fee per hour	\$50	\$52
(a) (4) (l)	<i>Inspection Fees, as required in Section 14-530 (b) (5)</i>		

(a) (4) (l) (i)	Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer (...at \$) an hours with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).	\$50	\$52
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Part 2 amends the Sewer user charge in Chapter 24, in §24-72.

The proposed sewer rate for July 1, 2017 is \$9.65 per hundred cubic feet (hcf), up from the January 1, 2017 rate of \$9.35 hcf.

Part 3 adds the following new fees in Chapter 25, in §25-27.

Chapter 25 RE: §25-27	Description	Current Fee	Proposed Fee
Violations			
	Failure to Obtain a Street Occupancy Permit	NA	\$75/day
	Non-Compliance: Failure to Follow an Approved Management Plan for Vehicle Traffic and / or Pedestrian Detours	NA	\$50/day

Part 4 amends the following fee in Chapter 28, in §28-86:

Chapter 28	Description	Current Fee	Proposed Fee
Sec. 28-86	Parking Meter Rates	\$1.00/ hr	\$1.25/hr

All fee increases are effective July 1, 2017. This item must be read on two separate days. This is its first reading.

APPROPRIATION RESOLVE:

Order 246-16/17 (Tab 35) Fiscal Year 2017-2018 Appropriation Resolve - Sponsored by Jon P. Jennings, City Manager.

This item brings forward the Appropriation Resolve for Fiscal Year (FY) 2018 for action by the City Council.

The Resolve contains the City Manager's recommended budget for FY2018 for general municipal purposes in the amount of \$240,430,005. In addition it contains the Portland Board of Education's recommended budget for FY2018 for school purposes in the amount of \$105,036,238.

The Portland Board of Education's recommended School Budget and the City Manager's budget recommendations for municipal purposes results in a combined tax levy of \$168,956,927 for Fiscal Year 2018. The tax rate based on the combined levies would be \$21.66 per \$1,000 of assessed value, a 2.6% increase.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2017 and sets September 8, 2017, as the tax due date, which may be paid in two installments due on September 8, 2017, and March 9, 2018.

The delinquency rate of interest is set at 7.0% per year, and the abatement rate of interest is set at 3.0% per year.

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

ORDERS:

AMENDMENTS:

IN COUNCIL SPECIAL MEETING APRIL 24, 2017 VOL. 133 PAGE 85

ROLL CALL: Mayor Strimling called the meeting to order at 5:02 P.M. (Councilor Dusen arrived during Resolve 6)

ANNOUNCEMENTS:

RECOGNITIONS:

“Arts in the Chamber”, Maine Youth Rock Orchestra (MYRO)

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Motion was made by Councilor Costa and seconded by Councilor Ray to approve the minutes of the April 5, 2017 Special City Council Meeting. Passage 8-0 .

PROCLAMATIONS:

Proc 27-16/17 Proclamation Honoring Thomas Doyle, Health and Human Services Department, Social Services Division, as Employee of the Month for February, 2017 – Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

**Order 199-16/17 Order Appointing Kyle O’Neil as a Constable for 2017
Re: Department of Parks, Recreation & Facilities – Sponsored by Jon P. Jennings, City Manager.**

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

CONSENT ITEMS:

Order 200-16/17 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Luis Garcia – Sponsored by Jon P. Jennings, City Manager.

Order 201-16/17 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Mose Losuk – Sponsored by Jon P. Jennings, City Manager.

Order 202-16/17 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Craig Carrigan – Sponsored by Jon P. Jennings, City Manager.

IN COUNCIL SPECIAL MEETING APRIL 24, 2017 VOL. 133 PAGE 86

- Order 203-16/17 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Erica Burwell – Sponsored by Jon P. Jennings, City Manager.**
- Order 204-16/17 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Innocent Ochan – Sponsored by Jon P. Jennings, City Manager.**
- Order 205-16/17 Order Declaring June 9 to June 17, 2017 Portland Pride! Week and Portland Pride! Celebration and Festival – Sponsored by Jon P. Jennings, City Manager.**
- Order 206-16/17 Order Declaring June 9 to 11, 2017 The Old Port Festival Summer Kick Off Weekend – Sponsored by Jon P. Jennings, City Manager.**
- Order 207-16/17 Order Declaring July 29, 2017, The 15th Annual Greater Portland Festival of Nations – Sponsored by Jon P. Jennings, City Manager.**
- Order 208-16/17 Order Declaring September 28 and 29, 2017 Portland Ovations' BANDALOOOP Festival – Sponsored by Jon P. Jennings, City Manager.**

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage of the consent items. Passage 8-0.

LICENSES:

- Order 209-16/17 Order Granting Municipal Officer's Approval of Eighteen Twenty Wines. Application for a Winery License with Outdoor Dining on Private Property at 219 Anderson Street – Sponsored by Michael Russell, Director of Permitting and Inspections.**

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

BUDGET ITEMS:

Order 210-16/17 Order Receiving and Referring the Portland Board of Public Education's Fiscal Year 2018 Budget Estimate and Setting a Public Hearing Thereon – Sponsored by Jon P. Jennings, City Manager.

The City Council public hearing on the school budget will be held Monday, May 1 at 6:00 p.m. Council action on the school budget will take place Monday, May 15, 2017. The public referendum on the school budget will be held on Tuesday, June 13, 2017.

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

COMMUNICATIONS:

RESOLUTIONS:

Resolve 6-16/17 Resolution Recognizing May 20, 2017 to May 26, 2017 as National Safe Boating Week – Sponsored by Councilor Spencer Thibodeau.

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

UNFINISHED BUSINESS:

Order 192-16/17 Order Approving Collective Bargaining Agreement with Communications Employee Association – Sponsored by Jon P. Jennings, City Manager. This item was given first reading on April 5, 2017.

Motion was made by Councilor Ray and seconded by Councilor Costa for passage. Passage 8-0. (Thibodeau out)

ORDERS:

Order 211-16/17 Order Approving Amended and Restated Lease with Bay Ferries Limited Re: Ocean Gateway Facility – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

Motion was made by Councilor Brenerman and seconded by Councilor Thibodeau for passage. Passage 9-0 .

IN COUNCIL SPECIAL MEETING APRIL 24, 2017 VOL. 133 PAGE 88

Order 212-16/17 Order Approving Purchase and Sale Agreement with AIM Riverside, LLC for Sale of City Property at 636 Riverside Street – Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

Motion was made by Councilor Brenerman and seconded by Councilor Thibodeau for passage. Passage 9-0.

Order 213-16/17 Order Approving and Authorizing the Land Exchange Agreement Between CPB2 Management LLC, Maine Department of Transportation and the City of Portland Re: 58 Fore Street - Sponsored by the Economic Development Committee, Councilor David Brenerman, Chair.

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

Order 214-16/17 Order Placing Ballot Question on the June 13, 2017 School Budget Referendum – Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Dusen and seconded by Councilor Mavodones to postpone vote until later in the meeting of April 24. Passage 9-0.

Motion was made by Councilor Dusen and seconded by Councilor Thibodeau to amended wording of ballot question and add “and/or” to the first bullet. Passage 9-0.

Motion was made by Councilor Batson and seconded by Councilor Thibodeau to pass as amended. Passage 9-0.

Order 215-16/17 Order Adopting the City of Portland Comprehensive Plan – Sponsored by the Planning Board, Elizabeth Boepple, Chair.

This is its first reading. The second reading of this item will be on June 5, 2017.

Order 216-16/17 Order Appropriating \$125,000 in Urban Development Action Grant Revenue Re: Surface Parking Lot Bounded by Fore, Cotton, Middle, and Cross Streets – Sponsored by the Jon P. Jennings, City Manager.

This is its first reading.

IN COUNCIL SPECIAL MEETING APRIL 24, 2017 VOL. 133 PAGE 89

Order 217-16/17 Order Approving Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidated Plan and Fiscal Year 2018 Housing and Urban Development Annual Action Plan Re: Use of Proceeds from Sale of City-Owned Surface Parking Lot Bounded by Fore, Cotton, Middle and Cross Streets – Sponsored by Jon P. Jennings, City Manager.

This is its first reading.

Order 218-16/17 Order Appropriating \$3,975,000 for Improvements to the Portland International Jetport Passenger Terminal – Sponsored by Jon P. Jennings, City Manager.

This is its first reading.

Order 219-16/17 Order Amending Order 153-16/17 (FY2018 CIP Projects) - Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.

This is its first reading.

Order 220-16/17 Order Amending Order 154-16/17 (FY2018 CIP Projects) – Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.

This is its first reading.

AMENDMENTS:

Order 221-16/17 Amendment to Portland City Code Chapter 14 Re: Institutional Overlay Zone - Sponsored by the Planning Board, Elizabeth Boepple, Chair.

This is its first reading.

Order 222-16/17 Amendment to Portland City Code Chapter 17. Re: Extension of Moratorium of Retail Marijuana Establishment and Social Clubs – Sponsored by Danielle West-Chuhta, Corporation Counsel.

This is its first reading

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

IN COUNCIL SPECIAL MEETING APRIL 24, 2017 VOL. 133 PAGE 90

UNFINISHED BUSINESS: continued

Orders and votes taken out of sequence beginning with Order 193 then Order 196 then Order 155 and companion orders.

Order 155-16/17 Order Approving Longfellow, Lyseth, Presumpscot and Reiche Elementary School Renovation Projects with Total Project Costs not to Exceed \$64,260,000 and Authorizing General Obligation Bonds Therefore – Sponsored by the Finance Committee, Nicholas M. Mavodones, Jr., Chair.

A public hearing for this item was held on March 20th. On April 5, 2017 this item was postponed to the April 24th Council meeting.

Motion was made by Councilor Duson and seconded by Councilor Batson for passage. Passage 8-1. (Ray)

Order 156-16/17 Order Appropriating \$64,260,000 of Bond Proceeds – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

A public hearing for this item was held on March 20, 2017. On April 5, 2017 this item was postponed to the April 24th Council meeting.

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

Order 157-16/17 Order Submitting Elementary School Renovation Projects Bond Order to Referendum – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair. This item was given first reading on April 5, 2017

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

Order 193-16/17 Order Approving Lyseth Elementary School Renovation Project (Tab 32) and Other Miscellaneous Improvements at Reiche, Ocean Avenue, Peaks Island and Riverton Elementary Schools, Lyman Moore and King Middle Schools, and Deering High School with Total Project Costs not to Exceed \$24,000,000 and Authorizing General Obligation Bonds Therefore Subject to the Conditions in This Order – Sponsored by Councilor Belinda Ray. This item was given first reading on April 5, 2017

IN COUNCIL SPECIAL MEETING APRIL 24, 2017 VOL. 133 PAGE 91

Motion was made by Councilor Ray and seconded by Councilor Mavodones for passage. Motion Failed 2-7. (Duson, Brenerman, Ali, Costa, Thibodeau, Batson, Strimling)

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

Order 194-16/17 Order Appropriating \$24,000,000 of Bond Proceeds – Sponsored by Councilor Belinda Ray. This item was given first reading on April 5, 2017.

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

Order 195-16/17 Order Submitting Elementary School Renovation Projects Bond Order to Referendum – Sponsored by Councilor Belinda Ray. This item was given first reading on April 5, 2017.

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

Order 196-16/17 Order Approving Lyseth and Presumpscot Elementary School Renovation Projects with Total Project Costs not to Exceed \$31,626,000 and Authorizing General Obligation Bonds Therefore Subject to the Conditions Contained in this Order – Sponsored by Councilors Nicholas M. Mavodones, Jr. and Jill C. Duson. This item was given first reading April 5, 2017.

Motion was made by Councilor Duson and seconded by Councilor Ray for passage. Passage 8-1.(Thibodeau)

Order 197-16/17 Order Appropriating \$31,616,000 of Bond Proceeds – Sponsored by Councilors Nicholas M. Mavodones, Jr. and Jill C. Duson. This item was given first reading on April 5, 2017.

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

IN COUNCIL SPECIAL MEETING APRIL 24, 2017 VOL. 133 PAGE 92

**Order 198-16/17 Order Submitting Elementary School Renovation Projects Bond
Order to Referendum – Sponsored by Nicholas M. Mavodones, Jr.
And Jill C. Duson. This item was given first reading on April 5, 2017.**

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

Motion was made by Councilor Batson and seconded by Councilor Thibodeau
to adjourn. Passage 9-0, 9:30 P.M.

A TRUE COPY.

Carolyn M. Dorr, Deputy City Clerk

*Proc 28-16/17
Tab 2 5-1-17*

PROCLAMATION

HONORING

OFFICER BRENT ABBOTT

WHEREAS, **Officer Abbott** joined the Portland Police Department in December 2011 as a lateral officer from the Florida Fish & Wildlife Conservation. **Officer Abbott** also served in the United States Coast Guard from 2002 to 2007; and

WHEREAS, **Officer Abbott** is a dedicated and dependable police officer. He was recently instrumental in talking a suicidal female into dropping a large knife she was holding and then talked her off the footbridge railing in Deering Oaks Park that she climbed onto and threatened to jump. **Officer Abbott** was extremely patient and professional while engaging this female in conversation; and

WHEREAS, **Officer Abbott** was engaged in a brief foot chase when he apprehended a suspect who had robbed the Nickelodeon Cinema just minutes prior. **Officer Abbott** was able to recover all the stolen money; and

WHEREAS, **Officer Abbott** has been a member of the Special Reactions Team since October of 2012 as well as his primary role in patrol; and

WHEREAS, **Officer Abbott** has set the pace as one of the first police officers to run the Old Port Half Marathon in full uniform. He has participated in this half marathon the last two years while raising money for charity. **Officer Abbott** has reached out to other service members in hopes of having them run alongside him this year; and

WHEREAS, **Officer Abbott** is commended for his exemplary performance and outstanding representation of the Portland Maine Police Department.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Officer Brent Abbott** as **Officer of the Month for March 2017**.

Signed and sealed this 1st day of May 2017



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**

*Proc 29-16/17
Tab 3 5-1-17*

PROCLAMATION

HONORING

PORTLAND HIGH SCHOOL BOYS BASKETBALL TEAM

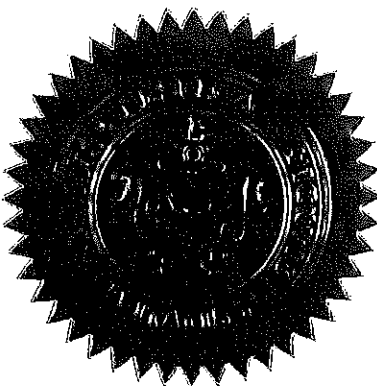
- WHEREAS,** Portland High School has a long standing reputation for athletic and academic excellence and is an integral part of our community, and
- WHEREAS,** The Portland community is proud of Portland High School and its outstanding student athletes, coaches and administrators, and
- WHEREAS,** The 2017 Portland High School Boys Basketball Team is comprised of the following outstanding athletes: Charles Lyall, Clay Hardy, Tom Joyce, John Benton, Ben Fisher, Quinn Clark, Lino Ben, Manny Yugu, Terion Moss, Griffin Foley, Simon Chadbourne, Trey Bellew, Pedro Fonseca and Lewis Gaddas; and
- WHEREAS,** On February 25, 2017 the Portland High School Basketball Team defeated South Portland High School to win the Class AA State Championship Title under the direction and guidance of their coach, Joseph Russo, and assisted by Joseph Giordano, Carmine Rumo, and Jeff Hogan; and
- WHEREAS,** The City of Portland wishes to recognize the impressive achievements of the 2017 Portland High School Boys Basketball Team.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the City Council do hereby congratulate the Portland High School Boys Basketball Team for winning the 2017 Class AA High School Boys Basketball State Championship.

Signed and sealed this 1st day of May, 2017



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



Order 223-16/17
Tab 4 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER APPOINTING WARDENS AND WARD CLERKS
FOR THE 2017 ELECTION YEAR

ORDERED, that the following persons are hereby appointed as Wardens and Ward Clerks for the 2017 calendar year:

<i>Warden</i>	<i>Ward Clerk</i>	<i>Precinct</i>
Denise Shames	Anne Rand	1-1
Carol Morrisette	Frank Spring	1-2
Fred O'Keefe	Reta Morrill	1-3
MaryAnn O'Malley	Richard Mercier	2-1
Susan Lichtman	Donna Katsificias	2-2
Elaine Spring	Cynthia Pebineto	3-1
Dale Kinney	Gail Hannon	3-2
Craig Posey	Constance Regan	4-1
Cynthia Frye-Macomber	Robert Hughes	4-2
Sherwood Merrill	Wealthy Merrill	5-1
George Smythe	Edmond Szalajaski	5-2



Office of the City Clerk
Katherine L. Jones, CCM

MEMORANDUM

TO: Mayor Strimling and Members of the Portland City Council
FROM: Katherine L. Jones, City Clerk
DATE: April 21, 2017
RE: Appointment of Wardens and Ward Clerks

I am recommending the following be appointed for the Election year of 2017.

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

Order 224-16/17
Tab 5 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Restaurante El Corazon dba Restaurante El Corazon. Application for a Class I FSE
License with Outdoor Dining on public property at 190 State Street.**

April 5, 2017

To: Mayor Ethan Strimling and Council members of the City of Portland, Maine

From: Joseph Urtuzuastegui/owner, El Corazon

In 2012, my wife and I moved from Arizona to the great State of Maine aspiring to open an authentic Mexican food restaurant. Shortly after moving here, an ordinance was passed allowing food trucks in Portland. We decided to go that route for the meantime and see how the public would react. We've been very fortunate since day one while still aspiring to have a brick and mortar. Four years later, the opportunity presented itself when Otto's pizza who has leased the restaurant space located on 190 State Street decided they did not want to pursue the Mexican food restaurant business like they had originally intended. After building out the restaurant they approached me with a proposal to take over the restaurant space which we discussed and agreed upon.

We would like for our new restaurant to have a full liquor permit and outdoor seating which is feasible from a space already provided. We intend to use the smaller beer kegs which would be stored in the large walk-in cooler. The liquor bottles not currently used at the bar will be stored in a secured liquor cabinet.

With the above said, I ask that you please consider us in fulfilling our goal of a brick and mortar. We will continue to provide great authentic food to the great people of Portland and those who visit our city. We will continue to make Portland proud in continuing the tradition of Portland as a mecca for culinary cuisine.

Sincerely,

Joseph Urtuzuastegui

El Corazon

Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information			
Business Name (d/b/a):	Restaurante EL Corazon	Phone:	207 702-4801
Location Address:	190 State Street	Zip:	04101
If new, what was formerly at this location:	Ocho		
Mailing Address:	190 State Street	Zip:	04101
Contact Person:	Joseph Urzua Stegui	Phone:	480 232-3570
Contact Person Email:	jruur@aol.com		
Manager of Establishment:	Katya Dolloff	Date of Birth:	7/29/88
Owner of Premises (Landlord):	Will Williams		
Address of Premises Owner:	190 State Street Portland ME	Zip:	04101

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Restaurante EL Corazon		190 State St Zip: 04101	
Contact Person:	Joseph Urzua Stegui	Phone:	480 232-3570
Principal Officers	Title	Date of Birth	Residence Address
Laura Urzua Stegui	Owner	11/14/58	50 South Dyer Rd Cape Elizabeth
Joseph Urzua Stegui	Owner	9/27/62	" "

About Your Establishment

Class of Liquor License:	CLASS A I	
Type of food served:	MEXICAN FOOD	
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:	Tues-Wed-THURSDAY 11AM-9PM, FRIDAY 11AM-10PM, SAT 8AM-10PM, SUN 8AM-3PM	

QUESTIONS

Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?

Y/N
☒ 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
☒ 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
☒ N

Will you permit dancing on the premises?

Y/N
☒ N

Will you permit dancing after 1:00 a.m.?

Y/N
☒ N

Will you have outside dining? (If yes, an Outdoor Dining Application is required)

Y/N
☒ 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)?

☒ NO

If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____

What is your targeted opening date?

5/1/17

Does the issuance of this license directly or indirectly benefit any City employee(s)?

Y/N
☒ N

If Yes, list name(s) of employee(s) and department(s):

Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?

Y/N
☒ N

If Yes, please list business name(s) and location(s):

El Corazon Food truck 1 Spring St

Is any principal officer under the age of 21?

Y/N
☒ N

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?

Y/N
☒ N

If Yes, please explain:

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

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

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

Signature [Signature] Title Owner Date 4/4/17

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

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Outdoor Dining Permit Application

Please circle all that apply:

New Application? ☒ Yes/No
Renewal? ☒ Yes/No → If yes, are there any changes? (Yes/No)
Private Property? ☒ Yes/No
Historic District? ☒ Yes/No
Liquor License Required? ☒ Yes/No
Permitting and Inspections Director Signature _____
OR Pending City Council Date 5/1/17 (D/M/Y)

Location Name: Address: <u>190 State Street</u>	Chart Block Lot#
Owner Name: <u>Joseph & Laura Uruvastequi</u> Phone #: <u>480-232-3570</u> Email: <u>jrurt@aol.com</u>	Total Square Footage of Outdoor Dining Area: ¹ Length: <u>(15 ft)</u> x Width <u>(7 ft)</u> = <u>105 sq. ft.</u>
Applicant must be owner or lessee. Name: <u>Joseph Uruvastequi</u> Address: <u>50 Scott Dyer Rd</u> City: <u>Cape Elizabeth</u> State & Zip: <u>ME 04107</u> E-Mail: <u>jrurt@aol.com</u>	Please pay before the permit can be issued. \$125 (One-time Private Property fee) or \$80 (Annual Public Fee) + Total Sq. Ft.: _____ x (\$2) or (\$6 in public parks) = Total Fee of \$ _____
Current use: <u>Vacant/Restaurant</u> How many chairs? <u>12</u> Please circle one of the following: Alcohol is served = ☒ Yes/No.	Business name: <u>Restaurante El Corazon</u> How many tables? <u>3</u>
Who should we contact? Name: <u>Joseph Uruvastequi</u> Phone: <u>480-232-3570</u> Address: <u>50 Scott Dyer Rd Cape Elizabeth</u> E-Mail: <u>jrurt@aol.com</u>	

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. For further information, please visit www.portlandmaine.gov, email permits@portlandmaine.gov, call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: [Signature]

Date: 4-5-17

¹ The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.



Permitting and Inspections Department
Michael A. Russell, MS, Director

- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

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

Signed and acknowledged:

Date: 4-5-17

Printed name:

Joseph Urtizarte Stegui

Establishment:

El Corazon

Location:

190 State St. Portland, ME 04101

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☒ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class D) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: RESTAURANTE EL CORAZON		Business Name (D/B/A)	
APPLICANT(S) –(Sole Proprietor) DOB: JOSEPH URTUZUASTEGUI 09/27/1962		Physical Location: 190 STATE STREET	
DOB: LAURA URTUZUASTEGUI 11/14/1958		City/Town PORTLAND	State ME
Address 50 SCOTT DYER ROAD		Mailing Address SAME AS ABOVE	
City/Town CAPE ELIZABETH	State ME	Zip Code 04107	
Telephone Number 480-232-3570	Fax Number	Business Telephone Number	Fax Number
Federal I.D. #		Seller Certificate #: or Sales Tax #:	
Email Address: Please Print Restauranteelcorazon@gmail.com		Website:	

If business is NEW or under new ownership, indicate starting date: 05/01/2017

Requested inspection date: 04/28/17 Business hours: TUESDAY-THURSDAY 11am-6PM, FRIDAY 11PM-10PM, SAT 8am

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
- If manager is to be employed, give name: Katya Dolloff
- Business records are located at: 50 SCOTT DYER ROAD, CAPE ELIZABETH ME 04107
- Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
- Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. 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
Laura Urtuzuastegui	11/14/1958	Los Angeles, CA
Joseph Urtuzuastegui	09/27/1962	Yuma, AZ
Katya Dolloff	7/29/1988	Portland, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
50 SCOTT DYER ROAD, CAPE ELIZABETH ME 04107		
33 DEPORT ST, BAR MILLS ME 04004		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

YES ☐ NO ☒ If Yes, give name: _____

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

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

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

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

YES ☒ NO ☐ Applied for: Pending

16. 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? 500 YARDS

Which of the above is nearest? CHURCH

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

If YES, give details: _____

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

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

Dated at: Portland, Maine on 9-5-, 20 17
Town/City, State Date

Joseph Urzuzastegui Please sign in blue ink
Signature of Applicant or Corporate Officer(s)
Joseph Urzuzastegui
Print Name

Laura Urzuzastegui
Signature of Applicant or Corporate Officer(s)
LAURA URZUZASTEGUI
Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I Spirituous, Vinous and Malt \$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) \$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only \$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only \$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only \$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) \$ 495.00
CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge \$2,200.00
CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge \$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

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



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: RESTAURANTE EL CORAZON
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: IN PROCESS State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
LAURA URTUZUASTEGUI	50 SCOTT DYER ROAD	11/14/58	OWNER	50
JOSEPH URTUZUASTEGUI	50 SCOTT DYER ROAD	09/27/62	OWNER	50

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

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

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. 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 ☒

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

Name: _____

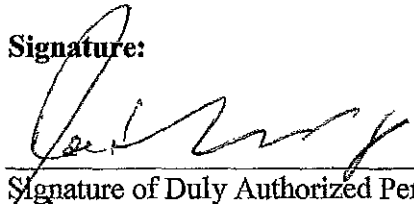
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

 4-5-17

Signature of Duly Authorized Person Date

Joseph Urtezuastegui

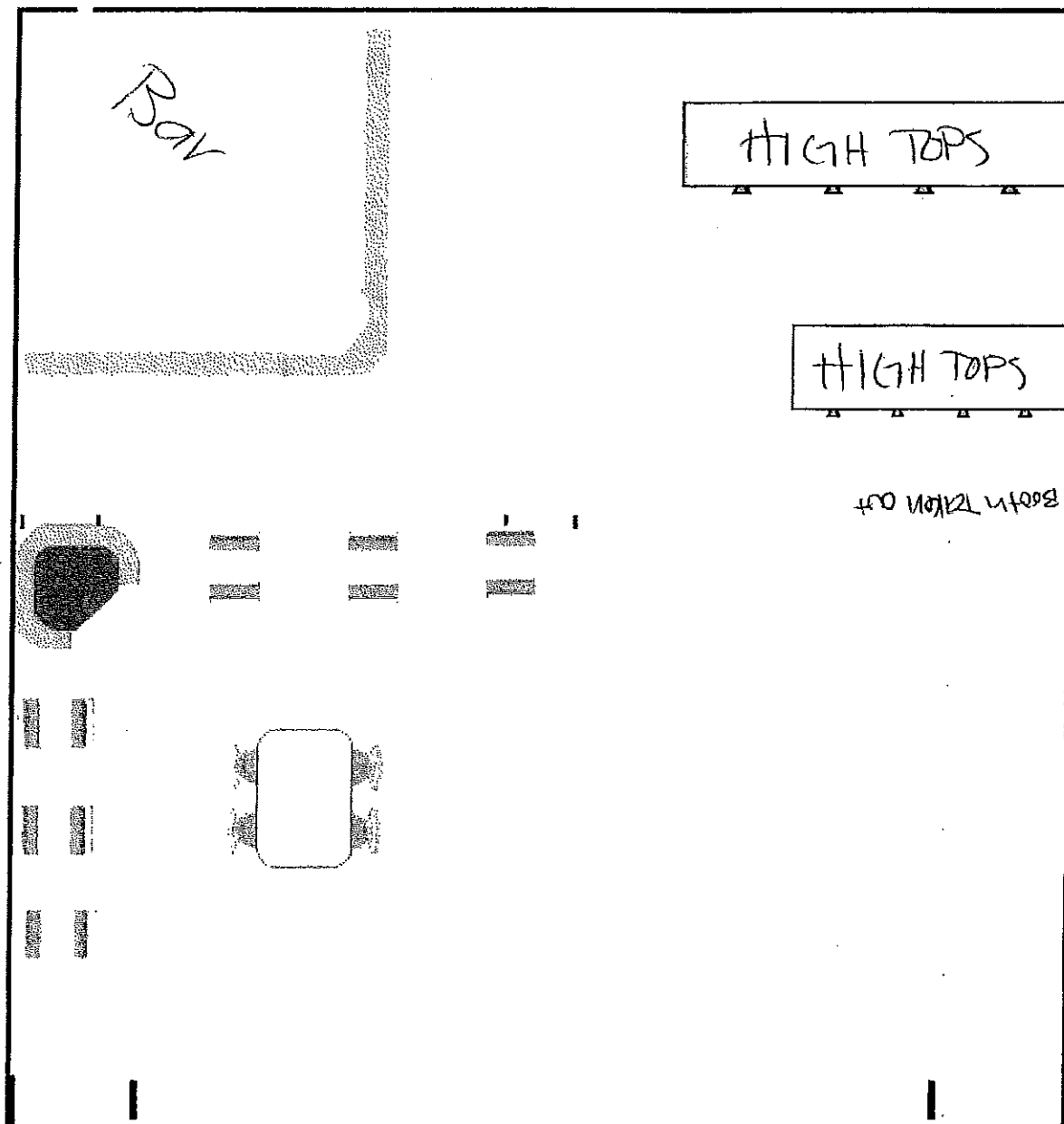
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

0 4 8 12 16 20 24 28 32 36 40 44 48 52 56 60 64 68 72 76

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68
72
76
80
84
88



Window

Congress St

Pine St

Sidewalk

Curbed area

5 ft

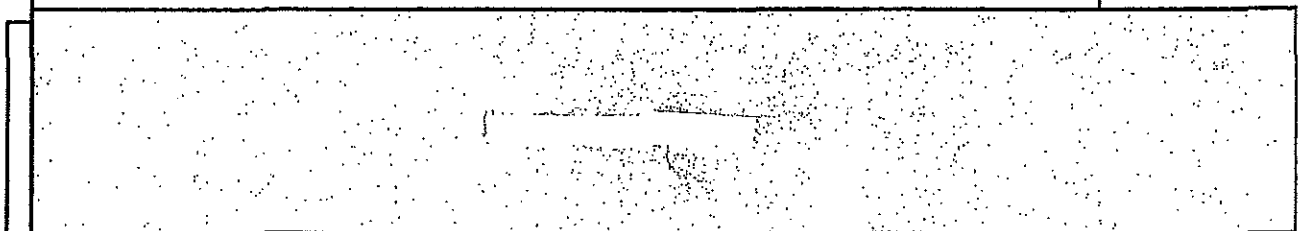
Sidewalk

15 ft

105 sq ft

7 ft

OUTDOOR DINING AREA



RESTAURANTE EL CORAZON

Tacos

All tacos topped with cilantro, cabbage, onion and salsa

Choice of: Carne Asada, Carnitas, Chicken
\$2.75

Baja Fish Taco
Topped with cabbage, chipotle aioli, cilantro and salsa
\$3

Taquitos

Taquitos aka rolled tacos are corn tortillas filled, fried and topped with guacamole and sour cream

Choice of Potato & Cheese, Chicken, Shredded Beef
3 for \$3.75

MENU

Burritos

All burritos are filled with refried beans, rice, cheese, sour cream, guacamole and salsa.

choice of: Chicken, Carne Asada, Carnitas, Vegetarian
\$6

Baja Fish Burrito
\$7

Bean and Cheese
\$5

Sonoran Hot Dog

Our house specialty, Bacon wrapped hot dog topped with pinto beans, pico de gallo, shredded cheese, guacamole, mustard and aioli
3.50

Tamales

A traditional Mexican dish of seasoned meat or vegetables wrapped in masa and steamed in corn husks.

Tamale of the day
\$3.50

Sides

Spanish Rice or Refried Beans
\$1.25
Chips & Guacamole
\$2.50

Refreshments

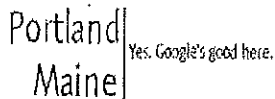
Sodas & Bottled Water
\$1.00
Agua Fresca & Horchata
\$2.50
Jarritos & Mexican Coke
\$2

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

Restaurante El Corazon



Copyright 2011 Esri. All rights reserved. Thu Apr 6 2017 09:21:00 AM.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Restaurante El Corazon

Kevin Cashman <kevindc@portlandmaine.gov>

Sat, Apr 8, 2017 at 3:28 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petrucci <petruccid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Gary Rogers <garyr@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Rachel Smith <rms@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Wed, Apr 5, 2017 at 5:10 PM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Evening

Please see the attached application for Restaurante El Corazon, 190 State Street. Former location of Ocho. They have applied for a Class I FSE with outdoor dining.

Owner Is

Restaurante El Corazon

Joseph Urtuzuastegui 9/27/1962

Laura Urtuzuastegui 11/14/1958

Contact Is

Joseph Urtuzuastegui

jrurt@aol.com

480-232-3570

Information has been added to UI for approvals. Thanks Jessica

Jessica B. Hanscombe

Business License Specialist

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)



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

MELISSA CAIAZZO
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99D194206

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-04-06) :

Inquiries Name(s) JOSEPH URTUZUASTEGUI (1962-09-27)

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)

MELISSA CAIAZZO
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99D194205

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-04-06) :

Inquiries Name(s) LAURA URTUZUASTEGUI (1958-11-14)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

April 6, 2017

Joseph Urtuzuastegui
50 Scott Dyer Road
Cape Elizabeth ME 04107

Re: Restaurante El Corazon dba Restaurante El Corazon. Application for a Class I License with Outdoor Dining on public property at 190 State Street.

Dear Mr. Urtuzuastegui,

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday May 1, 2017 at 5:30 p.m.**, for the review of application for a Class I License with Outdoor Dining on public property at 190 State Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

Sincerely,


Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

**Legal Advertisement
Notice of Public Hearing
City of Portland**

A Public Hearing will be held on May 1st at 5:30 P.M., in City Council Chambers, 389 Congress St., Restaurante El Corazon dba Restaurante El Corazon. Application for a Class I FSE License with Outdoor Dining on public property at 190 State Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 225-16/17
Tab 6 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Shangri-la SiChaun Cuisine LLC dba Si Chaun Kitchen. Application for Outdoor Dining
on Public Property at 612 Congress Street.**

Drear city Portland council,

I am Qi Shen from Sichuan Kitchen located on 612 Congress St. We are looking for expanding our dining area to out door during the spring time to early fall. The out door dining area will be right out of restaurant windows and on the Congress st side walk. Please consider our application.

Sincerely

Qi Shen

Sichuan Kitchen

04/10/2017

Portland, Maine



Yes. Life's good here.

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Sichuan Kitchen Phone: 536-7226
Location Address:	612 Congress St. Zip:
If new, what was formerly at this location:	Furniture Store
Mailing Address:	444 North Rd Yarmouth Zip: 04096
Contact Person:	Qi Shen Phone: 4158713157
Contact Person Email:	sichuankitchenportland@gmail.com
Manager of Establishment:	Qi Shen Date of Birth: 07/06/1977 Phone:
Owner of Premises (Landlord):	Blue Bay LLC
Address of Premises Owner:	Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Shangri-la Sichuan Cuisine LLC		444 North Rd Yarmouth Zip: 04096	
Contact Person:	Qi Shen	Phone:	4158713157
Principal Officers	Title	Date of Birth	Residence Address

About Your Establishment

Class of Liquor License:		
Type of food served:	<u>Sichuan Chinese</u>	
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: <u>10%</u>	Generated from Alcohol: <u>0%</u>
Hours & days of operation:	<u>Sun - Wed 11:30 - 9:00 PM - Sat 11:30 - 10:00</u>	

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

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

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

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

Signature Ri Shen Title Member Date Apr 10/17

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

Portland, Maine



Yes. Life's good here.

 Permitting and Inspections Department
 Michael A. Russell, MS, Director

Outdoor Dining Permit Application

Please circle all that apply:

New Application? (Yes/No) (Yes)
 Renewal? (Yes/No) (No) → If yes, are there any changes? (Yes/No)
 Private Property? (Yes/No) (Yes)
 Historic District? (Yes/No) (Yes)
 Liquor License Required? (Yes/No) (Yes) Permitting and Inspections Director Signature _____
 OR Pending City Council Date _____ (D/M/Y)

 Location Name: Sichuan Kitchen
 Address: 612 Congress St.

Chart Block Lot#

 Owner Name: Qi Shen
 Phone #: 415 871 3157
 Email: sichuankitchenportland@gmail.com
Total Square Footage of Outdoor Dining Area: 1
 Length: (8') x Width (5.8') = 46.4
 Right: 8' x 5.8' = 46.4

Applicant must be owner or lessee.

 Name: Qi Shen
 Address: 612 Congress St - 444 North Rd
 City: Portland
 State & Zip: 04096
 E-Mail: sichuankitchenportland@gmail.com

Please pay before the permit can be issued.

 \$125 (One-time Private Property fee) or
 \$80 (Annual Public Fee) + Total Sq. Ft.: 92.8 x
 (\$2) or (\$6 in public parks) =
Total Fee of \$ 265.6
 Current use: Restaurant Business name: Sichuan Kitchen
 How many chairs? 12 How many tables? 4
 Please circle one of the following: Alcohol is served = (Yes) (No).

Who should we contact?

 Name: Qi Shen
 Phone: 415 871 3157
 Address: 612 Congress St.
E Mail: sichuankitchenportland@gmail.com

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. For further information, please visit www.portlandmaine.gov, email permitting@portlandmaine.gov, call 874-8703 or stop by Room 315, City Hall. Applications and renewals are reviewed annually and must be submitted by June 1.

Signature of Applicant: Qi ShenDate: April 10/17

¹ The total dining area square footage shall equal no more than 10% of park space without Parks, Recreation and Facilities waiver. Contact Sally DeLuca, Director, @ 207-808-5400 for waiver.

 389 Congress Street, Room 315/Portland Maine 04101/www.portlandmaine.gov/tel: 207-874-8703/fax: 207-874-8716



Permitting and Inspections Department
Michael A. Russell, MS, Director

- All outdoor dining components shall be removed before snowfall and while any snow or ice exists within four feet of the outdoor dining area. The City will not be responsible for damage to any property that is not removed prior to sidewalk maintenance.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.
- Adjacent on-street parking requires Parking Office review and Building Authority approval.

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

Signed and acknowledged:

Qi Shen

Date:

April 10 / 17

Printed name:

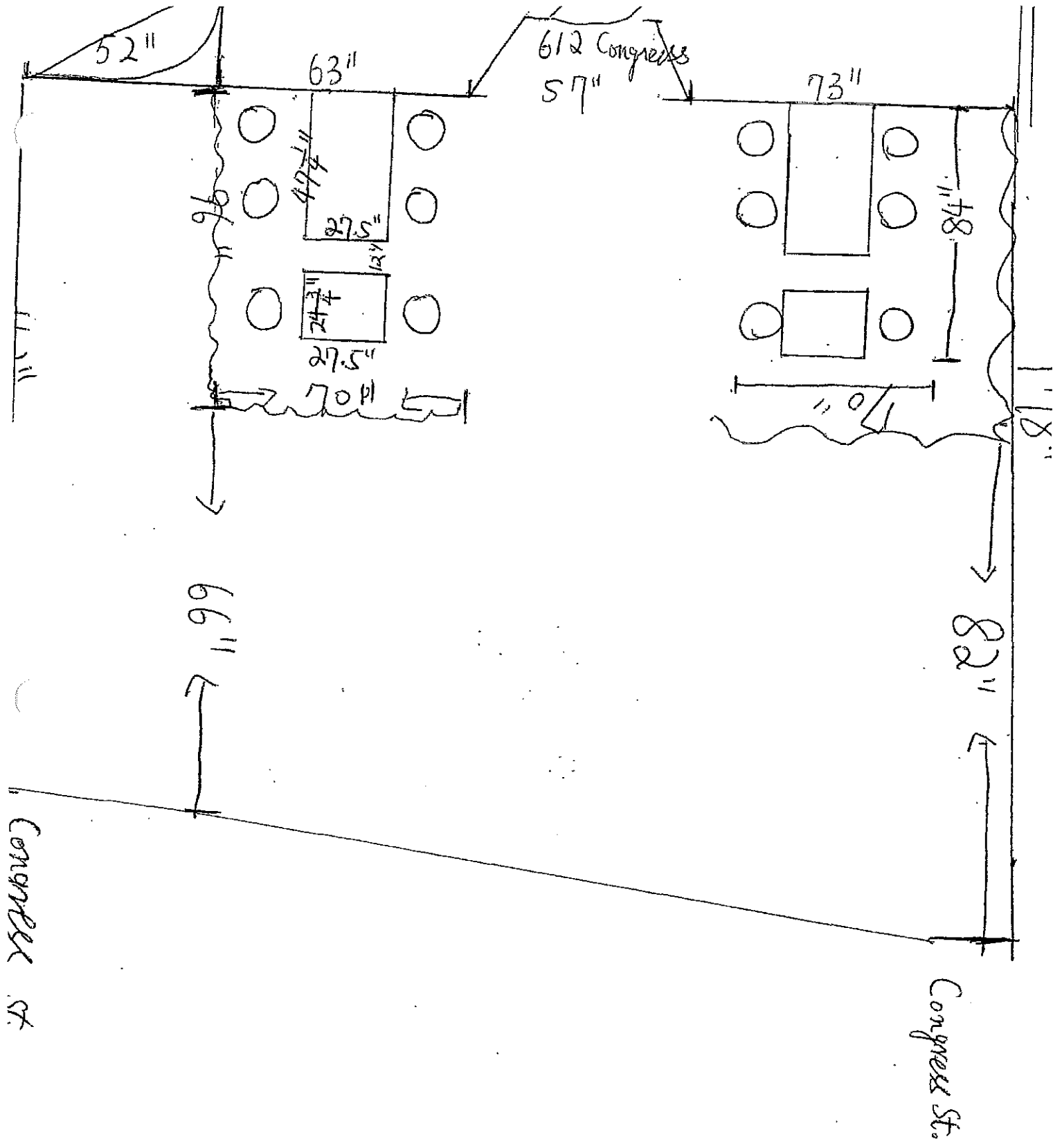
Qi Shen

Establishment:

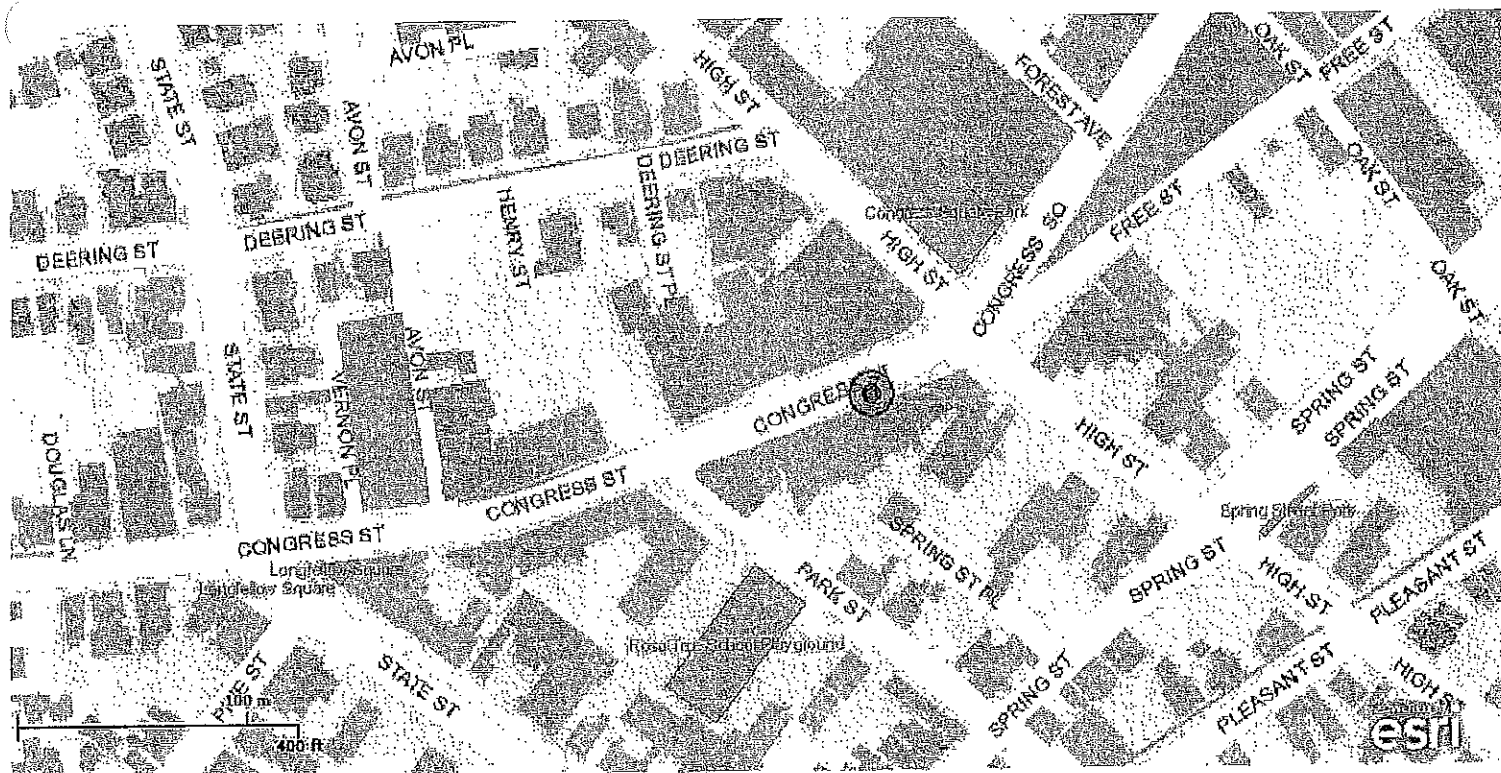
Sichuan Kitchen

Location:

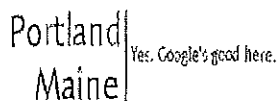
612 Congress St.



Si Chaun Kitchen



Copyright 2011 Esri. All rights reserved. Tue Apr 11 2017 07:30:12 AM.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Si Chaun Kitchen-Outdoor Dining

Kevin Cashman <kevindc@portlandmaine.gov>

Tue, Apr 11, 2017 at 4:20 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Gary Rogers <garyr@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>

PD has no objections.

Kevin C.

On Tue, Apr 11, 2017 at 7:29 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Si Chaun Kitchen, 612 Congress Street for Outdoor Dining. They were just issued a license on 12/23/2016 for a Class XI FSE. This will go before council on 5/1.

Owner and contact is Qi Shen
415-871-3157
sichaunkitchenportland@gmail.com

Please advise via email for approvals. Thanks Jessica

Jessica B. Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--

Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

April 11, 2017

Qi Shen
444 North Road
Yarmouth ME 04096

Re: Shangri-la SiChaun Cuisine LLC dba Si Chaun Kitchen. Application for Outdoor Dining on public Property at 612 Congress Street.

Dear Ms Shen

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday May 1, 2017 at 5:30 p.m.**, for the review of application for Outdoor Dining on public property at 612 Congress Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

Sincerely,

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

**Legal Advertisement
Notice of Public Hearing
City of Portland**

A Public Hearing will be held on May 1st at 5:30 P.M., in City Council Chambers, 389 Congress St., Shangri-la SiChaun Cuisine LLC dba Si Chaun Kitchen. Application for Outdoor Dining on public Property at 612 Congress Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 226-16/17
Tab 7 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Miss M dba Aurora Provisions at the Museum. Application for a Class I FSE License at 7
Congress Square.**

April 10, 2017

Mayor Ethan Strimling & City Council of Portland
315 City Hall
Portland, Maine 04101

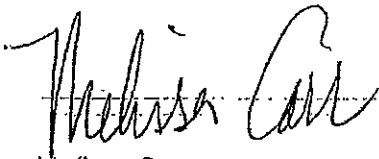
Dear Mayor Strimling and Esteemed Council Members,

Please accept this letter of intent for the following liquor licenses:

~~Retail Beer & Wine License at 64 Pine Street (Aurora Provisions)~~
~~Class I License at 64 Pine Street (Aurora Provisions)~~
Class I License at 7 Congress Square (Portland Museum of Art)

On May 2nd, I will assume ownership of the building and business at 64 Pine Street and the contract for food & beverage service at The Portland Museum of Art. Both of these locations are presently licensed with the city and the state. I currently hold a Class VI & VII at my store in Lincolnville Maine. I am looking forward to doing business in this great city and appreciate your time and consideration.

Respectfully Submitted,



Melissa Carr
Proprietor Dots/Aurora Provisions

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department

Michael A. Russell, MS, Director

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

www.portlandmaine.gov

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Aurora Provisions at the Museum Phone: 207 871.9000
Location Address:	Portland Museum of Art 7 Congress Square Zip: 04101
If new, what was formerly at this location:	Portland, Maine 04101
Mailing Address:	64 Pine Street, Portland, ME Zip: 04102
Contact Person:	Melissa Carr Phone: 207 239.5355
Contact Person Email:	cbtsmaine@gmail.com
Manager of Establishment:	TBD Date of Birth: Phone:
Owner of Premises (Landlord):	Melissa Carr
Address of Premises Owner:	2457 Atlantic Hwy Lincolnville, ME Zip: 04849

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	
Miss M		2457 Atlantic Hwy Lincolnville, ME Zip: 04849	
Contact Person:	Melissa Carr	Phone:	207 239.5355
Principal Officers	Title	Date of Birth	Residence Address
Melissa Carr	owner	4.30.71	see above

About Your Establishment

Class of Liquor License:		
Type of food served:	<u>Lunch & entrees</u>	
Please circle all that will be served:	<u>Beer</u> <u>Wine</u> <u>Liquor</u>	
Projected percentage of sales:	Generated from Food: <u>85%</u>	Generated from Alcohol: <u>15%</u>
Hours & days of operation:	<u>Sa - Wed. 10-6 pm. Thur/Fri 10-8 pm</u>	

QUESTIONS	Y/N
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	<u>Y</u>
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	<u>Y</u>
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	<u>Y</u>
Will you permit dancing on the premises?	<u>Y</u>
Will you permit dancing after 1:00 a.m.?	<u>Y</u>
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	<u>Y</u>
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).	
Will you have any amusement devices (pinball, video games, juke box)?	<u>Y</u>
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____	
What is your targeted opening date?	<u>5/2/17</u>
Does the issuance of this license directly or indirectly benefit any City employee(s)?	<u>Y</u>
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	<u>Y</u>
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	<u>Y</u>
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	<u>Y</u>
If Yes, please explain:	

I, Melissa Carr 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 Melissa Carr Title President Date 4.9.17

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

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|---|--|
| ☒ RESTAURANT (Class I,II,III,IV) | ☐ RESTAURANT/LOUNGE (Class XI) | ☐ CLASS A LOUNGE (Class X) |
| ☐ HOTEL (Class I,II,III,IV) | ☐ HOTEL, FOOD OPTIONAL (Class I-A) | ☐ BED & BREAKFAST (Class V) |
| ☐ CLUB w/o Catering (Class V) | ☐ CLUB with CATERING (Class I) | ☐ GOLF COURSE (Class I,II,III,IV) |
| ☐ TAVERN (Class IV) | ☐ QUALIFIED CATERING | ☐ OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Miss M. Inc</u>		Business Name (D/B/A) <u>Aurora at the Museum</u>	
APPLICANT(S) -(Sole Proprietor) <u>Melissa Carr</u>		DOB: <u>4.30.71</u>	
Address <u>2457 Atlantic Hwy</u>		Physical Location: <u>Portland Museum Art</u>	
City/Town <u>Lincolnville</u>		State <u>ME</u>	
Zip Code <u>04849</u>		City/Town <u>Portland</u>	
Telephone Number <u>207.239.5355</u>		Fax Number <u>N/A</u>	
Federal I.D. # <u>82-0988927</u>		Seller Certificate #: or Sales Tax #:	
Email Address: Please Print <u>dotsmaine@gmail.com</u>		Website: <u>www.auroraprovisions.com</u>	

If business is NEW or under new ownership, indicate starting date: 5/2/17
 Requested inspection date: 5/2/17 Business hours: 5:30-6:30

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
- State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
- If manager is to be employed, give name: TBD
- Business records are located at: 64 Pine Street Portland, ME. 04102
- Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
- Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. 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
Melissa Carr	4.30.71	Waterville, ME

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

~~Melissa~~ 2457 Atlantic Hwy, Lincolnville, ME. 04849

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

Portland Museum of Art

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

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

YES ☐ NO ☐ Applied for: 4/10/17

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5 mile

Which of the above is nearest? Church

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

If YES, give details: _____

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

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

Dated at: Portland, Me. on 4/10, 20 17
Town/City, State Date

Please sign in blue ink

Melissa Carr
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Melissa Carr

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)\$ 10.00

Class I Spirituous, Vinous and Malt\$ 900.00

CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)\$1,100.00

CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only\$ 550.00

CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only\$ 220.00

CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only\$ 220.00

CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)\$ 495.00

CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt -- Class A Lounge\$2,200.00

CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt -- Restaurant Lounge\$1,500.00

CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

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

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

ON PREMISE DIAGRAM

DIVISION USE ONLY
☐ Approved
☐ Not Approved
BY:

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

See attached



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

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

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Miss M Inc
- Doing Business As, if any: Aurora at the Museum
- Date of filing with Secretary of State: 2/27/17 State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

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

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Melissa Carr	2457 Atlantic Hwy Lincolnville, ME.	4/30/17	President	100%

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

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

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. 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 ☒

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

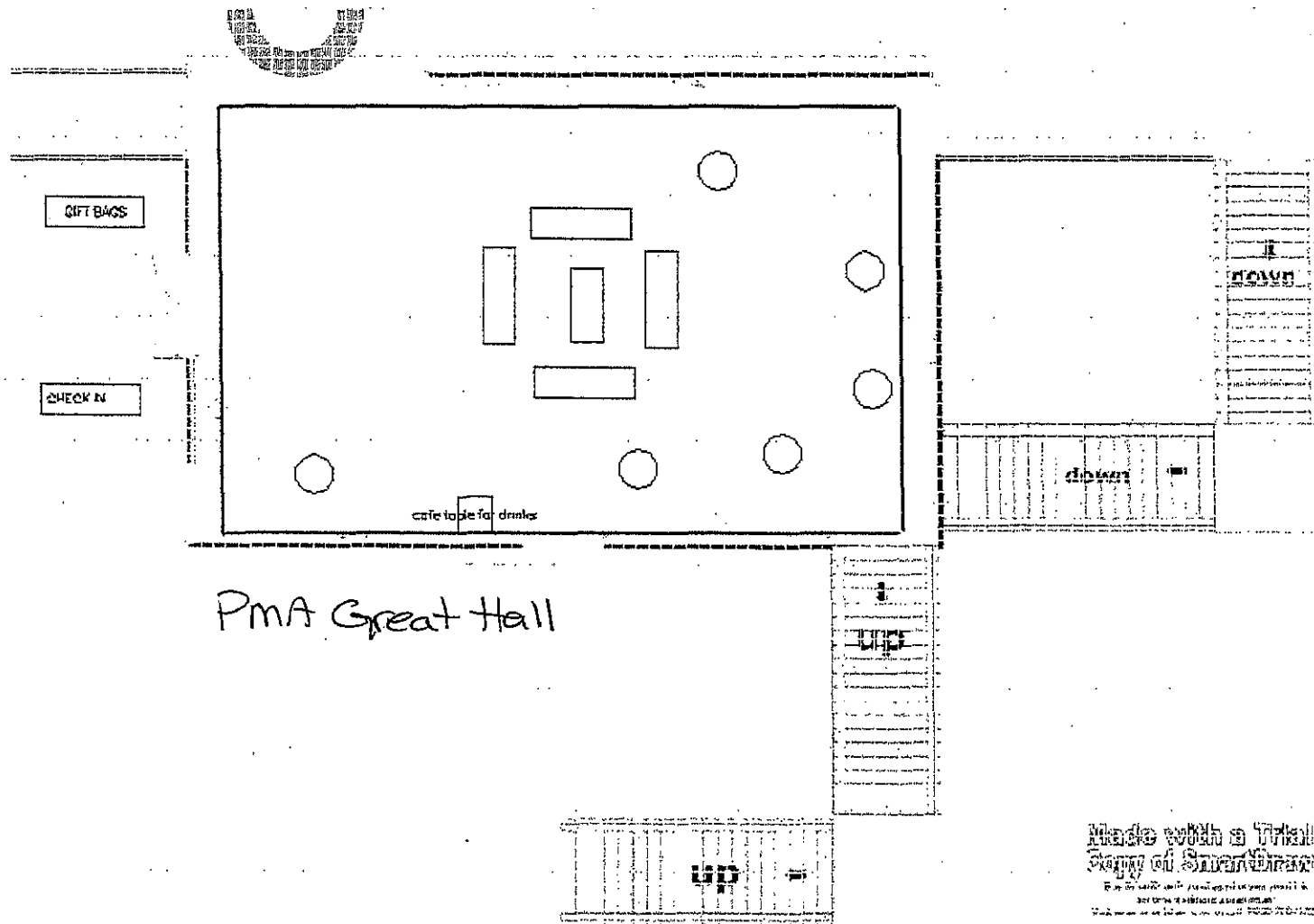
Signature:

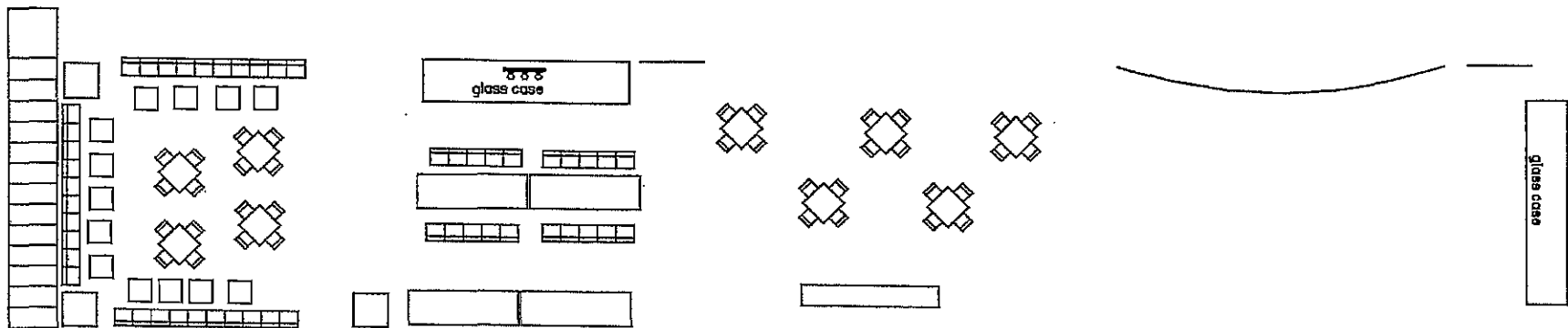
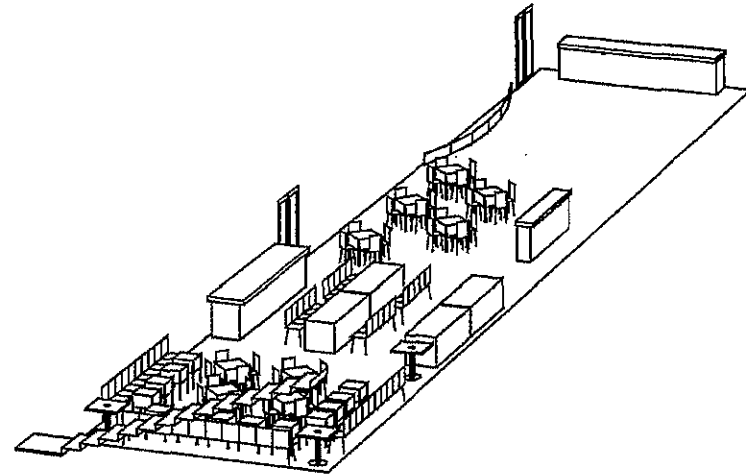
Melissa Carr 4.9.17
Signature of Duly Authorized Person Date

Melissa Carr
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov





Date:05.07.13
Project:AIA LGF SETUP

PMA Café

by aurora provisions

{ Portland Museum of

Seven Congress Square
207.775.6148 ext. 3203

salads

winter mixed green salad

field greens, romaine & baby spinach,
pickled red onion, toasted cashews, cucumber,
sautéed mushrooms & curry vinaigrette \$9.95
with goat cheese \$10.95

liv's caesar salad

rosemary & olive oil croutons,
asiago cheese & white anchovies \$9.95

greek salad

crisp romaine, pickled carrots & red onions,
grape tomatoes, olives, pepperoncini,
cucumber & feta with oregano vinaigrette \$10.95

either salad with grilled chicken \$13.95

plates

macaroni and cheese

served with a demi salad \$9.95

tart du jour

served with a demi field green salad
(see our du jour menu for today's selection) \$11.95

studio lunch

a cup of soup (see options on our du jour menu),
a selection of cheeses, demi salad & local breads
\$12.95

***Be sure to check our du jour menu
(posted daily at the café)
for our current options and specials.***

PMA Café

by aurora provisions

{ Portland Museum of Art

Seven Congress Square
207.775.6148 ext. 3203

sandwiches and wraps

\$10.95 *served with cape cod potato chips
substitute with a demi salad for an additional \$3.95
sandwiches can be served on your choice
of focaccia, baguette, levain, wrap, or as a salad*

parisienne sandwich

smoked ham, ripe brie, dijon mustard,
cornichons & field greens on baguette

famous mozzarella sandwich

with basil aioli, cucumber & fresh
tomato on focaccia

chicken salad wrap

with fresh field greens & tomato
(ask about today's chicken salad)

roast turkey sandwich

with cranberry mayo, cheddar cheese,
& fresh romaine on focaccia

meatloaf sandwich

andalusian meatloaf, romaine, cheddar,
mayo & tomato chutney on levain

hummus wrap

field greens, pickled carrots & red onions, olives,
Pepperoncini, tomatoes, cukes & feta
in a red pepper wrap
(ask about today's hummus)

chicken caesar wrap

grilled chicken breast, romaine lettuce, asiago
cheese & liv's caesar dressing
in a wrap

roasted vegetable

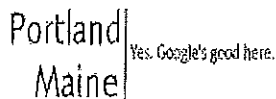
grilled, marinated portobello, red onion,
zucchini, red pepper and herbed goat cheese
spread on focaccia

*** gluten free bread available for an additional \$2.00

Aurora Provisions



Copyright 2011 Esri. All rights reserved. Tue Apr 11 2017 07:30:50 AM.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Aurora Provisions at the Museum

Kevin Cashman <kevindc@portlandmaine.gov>

Tue, Apr 11, 2017 at 4:20 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Gary Rogers <garyr@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Melissa Calazzo <mcalazzo@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Tue, Apr 11, 2017 at 7:50 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Aurora Provisions at the Museum, 7 Congress Square. This is for a Class I FSE which will go before Council on 5/1. This is just a new owner of an existing business.

Owner is
Miss M

Contact is
Melissa Carr
207-239-5355
dotsmaine@gmail.com

The information has been added to UI for approvals. Thanks Jessica

Jessica B. Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov
Hours - Saturday thru Tuesday (4pm-2am)



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

MELISSA CAIAZZO
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99D198233

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-04-11) :

Inquiries Name(s) MELISSA CARR (1971-04-30)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

April 11, 2017

Aurora Provisions
64 Pine Street
Portland ME 04101

Re: Miss M dba Aurora Provisions at the Museum. Application for a Class I FSE License at 7 Congress Square.

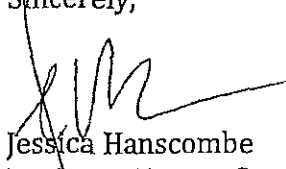
Dear Ms Carr

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday May 1, 2017 at 5:30 p.m.**, for the review of an application for a Class I FSE License at 7 Congress Square. 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, jhanscombe@portlandmaine.gov

Sincerely,


Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

**Legal Advertisement
Notice of Public Hearing
City of Portland**

A Public Hearing will be held on May 1st at 5:30 P.M., in City Council Chambers, 389 Congress St., Miss M dba Aurora Provisions at the Museum. Application for a Class I FSE License at 7 Congress Square. Sponsored by Michael Russell, Director of Permitting and Inspections.

Order 227 16/17
Tab 8 5-1-14

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

Miss M dba Aurora Provisions. Application for a Class I FSE License at 64 Pine Street.

April 10, 2017

Mayor Ethan Strimling & City Council of Portland
315 City Hall
Portland, Maine 04101

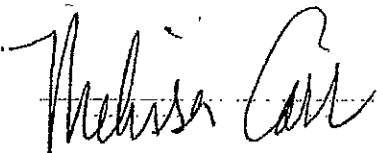
Dear Mayor Strimling and Esteemed Council Members,

Please accept this letter of intent for the following liquor licenses:

~~Retail Beer & Wine License at 64 Pine Street (Aurora Provisions)~~
Class I License at 64 Pine Street (Aurora Provisions)
~~Glass I License at 7 Congress Square (Portland Museum of Art)~~

On May 2nd, I will assume ownership of the building and business at 64 Pine Street and the contract for food & beverage service at The Portland Museum of Art. Both of these locations are presently licensed with the city and the state. I currently hold a Class VI & VII at my store in Lincolnville Maine. I am looking forward to doing business in this great city and appreciate your time and consideration.

Respectfully Submitted,



Melissa Carr
Proprietor Dots/Aurora Provisions

Portland, Maine



Yes. Life's good here.

APclassI

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

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Aurora Provisions Phone: 207 871.9060
Location Address:	64 Pine Street, Portland, ME. 04102 Zip:
If new, what was formerly at this location:	
Mailing Address:	64 Pine Street, Portland, ME. 04102 Zip:
Contact Person:	Melissa Carr Phone: 207 239.5355
Contact Person Email:	dotsmaine@gmail.com
Manager of Establishment:	TBD. Date of Birth: Phone:
Owner of Premises (Landlord):	Melissa Carr
Address of Premises Owner:	2457 Atlantic Highway Lincolnville, ME. 04849 Zip:

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

Name of Owner(s)	Date of Birth	Residence Address

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

Corporate Name		Corporate Mailing Address	
Miss M		2457 Atlantic Hwy Lincolnville, ME. 04849 Zip:	
Contact Person:	Melissa Carr	Phone:	207 239.5355
Principal Officers	Title	Date of Birth	Residence Address
Melissa Carr	owner	4.30.71	see above

About Your Establishment

Class of Liquor License:	I, WINE WINE	
Type of food served:	break-fast, lunch & dinner entrees	
Please circle all that will be served:	Beer ☒ Wine ☒ Liquor ☒	
Projected percentage of sales:	Generated from Food: 85%	Generated from Alcohol: 15%
Hours & days of operation:	M-Sa. 7:30-6:30 Sun. 8:00-2:00	

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
If No, please explain:	
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☒ Y
If yes, give the distance:	
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	☒ N
Will you permit dancing on the premises?	☒ N
Will you permit dancing after 1:00 a.m.?	☒ N
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒ 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?	5/2/17
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☒ N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒ N
If Yes, please list business name(s) and location(s):	
Is any principal officer under the age of 21?	☒ N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒ N
If Yes, please explain:	

I, Melissa Carr 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 Melissa Carr Title President Date 4.9.17

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

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Miss M.</u>		Business Name (D/B/A): <u>Aurora Provisions</u>	
APPLICANT(S) --(Sole Proprietor) <u>Melissa Carr</u>		Physical Location: <u>64 Pine Street</u>	
DOB: <u>4.30.71</u>		City/Town State Zip Code <u>Portland, ME. 04102</u>	
Address <u>2457 Atlantic Hwy</u>		Mailing Address <u>Same</u>	
City/Town State Zip Code <u>207.239.5355</u>		City/Town State Zip Code	
Telephone Number Fax Number <u>82-0988927</u>		Business Telephone Number Fax Number <u>207.871.9060</u> <u>N/A</u>	
Federal I.D. #		Seller Certificate #: or Sales Tax #:	
Email Address: Please Print <u>cbts maine@gmail.com</u>		Website: <u>www.auroraprovisions.com</u>	

If business is NEW or under new ownership, indicate starting date: 5/2/17

Requested inspection date: 5/2/17 Business hours: 7:30 - 6:30

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
5. If manager is to be employed, give name: TBD
6. Business records are located at: 64 Pine Street, Portland, ME. 04101
7. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
8. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

9. 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
Melissa Carr	4/30/71	Waterville, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
2457 Atlantic Hwy Lincolnville, ME 04849		

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

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

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

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

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

YES ☐ NO ☐ Applied for: 4/10/17

16. 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? 200 Yards

Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: Portland, ME. on 4/10, 20 17
Town/City, State Date

Please sign in blue ink

Nichisa Carr
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Melissa Carr

Print Name

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)\$ 10.00

Class I Spirituous, Vinous and Malt\$ 900.00

CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)\$1,100.00

CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only\$ 550.00

CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only\$ 220.00

CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only\$ 220.00

CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)\$ 495.00

CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt - Class A Lounge\$2,200.00

CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt - Restaurant Lounge\$1,500.00

CLASS XI: Restaurant/Lounge; and OTB.

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

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

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

DIVISION USE ONLY	
☐	Approved
☐	Not Approved
BY:	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

See attached



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

Corporate Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name: Miss M Inc
2. Doing Business As, if any: Auroa Provisions
3. Date of filing with Secretary of State: 2/27/17 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Melissa Carr	2457 Atlantic Hwy Lincolnville, ME	4/30/17	President	100%

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

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

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

Yes ☐ No ☒ If Yes, Name: _____ Agency: _____

8. 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 ☒

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Melissa Carr
Signature of Duly Authorized Person

4.9.17
Date

Melissa Carr
Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

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

DIVISION USE ONLY

☐ Approved

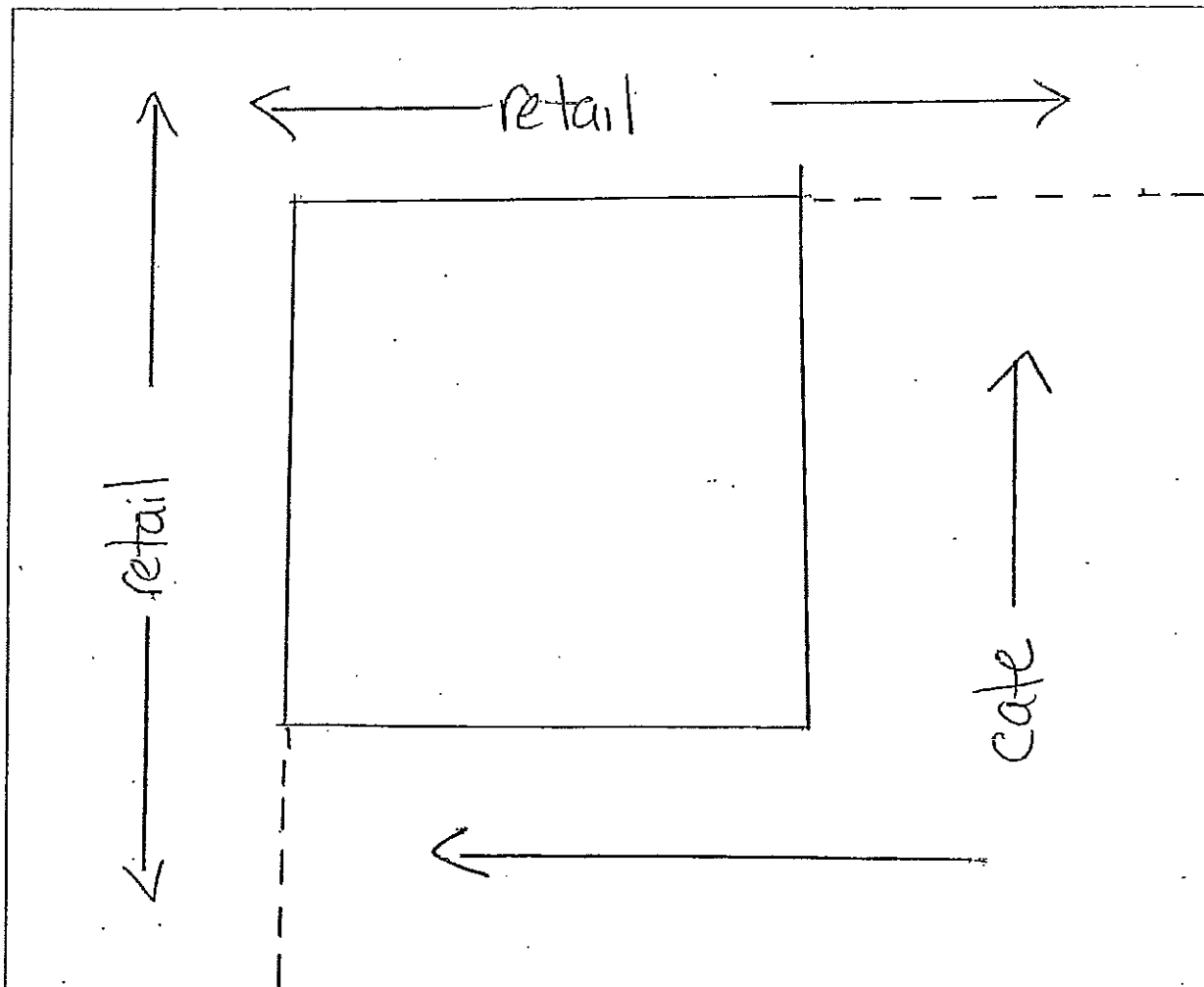
☐ Not Approved

BY:

ON PREMISE DIAGRAM

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aurora provisions

64 pine st. portland, me 04102 monday — saturday 8:00 - 6:30 (207) 871-9060

fax: (207) 871-9061 www.auroraprovisions.com info@auroraprovisions.com

hot hors d'oeuvres

spanikopita..... \$26/dz
assorted mini quiches.....
gougères (gruyère cheese puffs).....
chicken skewers with thai peanut sauce.....
curried potato samosas with chutney.....
savory brioche french toast with smoked ham &
sour cherry chutney.....
beef satay with thai peanut sauce.....
cornflake crusted chicken pops with dipping
sauce.....
lime tequila marinated chicken tenders.....

andalusian meatballs braised in sherry..... \$32/dz
apple, caramelized onion & goat cheese tarts...
squash tarts.....
golden corn fritters with chipotle crème fraîche
& jalapeño chutney.....
sweet potato latkes with crème fraîche & apple
chutney.....
coconut chicken with citrus dipping sauce.....
lime & tequila marinated shrimp skewers.....
goat cheese filled risotto cakes with tapenade...
buckwheat blini with smoked salmon & scallion
crème fraîche.....
korean bbq shrimp.....
salmon cakes with wasabi sauce.....
new england fish cakes with lime tartar sauce...

maine crab cakes with lemon caper sauce..... \$36/dz

cold hors d'oeuvres

cilantro grilled shrimp..... \$26/dz
spring rolls with ponzu dipping sauce.....
toasted walnuts & sun-dried tomatoes.....
cucumber cups with pickled ginger cream
cheese & tobiko caviar.....

deviled eggs..... \$32/dz
fig & gorgonzola bruschetta with balsamic drizzle
mini marinated fresh mozzarella with fresh basil
wrapped with prosciutto.....
vegetable nori rolls.....
shrimp & mango salad wonton cups.....
smoked salmon nori rolls with wasabi sauce.....

beef tea sandwich on raisin walnut bread with
stilton walnut pâté..... \$36/dz
marinated seared beef tenderloin on baguette
rounds with horseradish crème fraîche and
caramelized red onion relish.....
buckwheat blini with caviar, lemon crème
fraîche, minced red onions & diced egg garnish

platters

charcuterie — a selection of house made pâtés accompanied by
imported olives, cornichon, specialty mustards, chutneys and
assorted breads. (serves 20-25). \$175

salumi & cheese platter — assorted salumi, cheeses, cornichon, whole
grain mustard, whole roasted garlic and baguette (serves 20-25).
\$175

cheese & fruit platter — a selection of domestic and imported artisan
cheeses with fresh fruit, crackers and rustic breads. (serves 8-12 or
20-25). \$95/\$150

dessert cheese & fruit platter — a selection of creamy and hard
cheeses with ripe fruit, assorted breads and ginger wafers. (serves
8-12 or 20-25). \$95/\$150

vegetable crudite — an artful array filled with whole seasonal
vegetables like baby carrots, tiny zucchini, grape, red and yellow
tomatoes etc., served with a homemade dipping sauce. 48 hours
notice required. (serves 8-12 or 20-25). \$60/\$125

dipping platter — a global tasting platter of roasted red pepper
hummus, cucumber raita, indian dahl and other tasty dips served with
pita chips, assorted flat breads and vegetable spears. (serves 20-25).
\$85

southwest platter — layered refried black beans, guacamole, sharp
cheddar cheese, sour cream and guzman's peach salsa. served with
tortilla chips. (serves 20-25). \$55

petite sandwich platter — salmon gravlax with toasted nori and
pickled ginger cream cheese, cucumber and watercress with chive
butter, smoked ham with honey mustard and chutney on homemade
mini biscuits and finally, chicken, red grape and blue cheese salad and
delicious homemade white bread. (serves 20-25). \$175

sandwich platter — an assortment of aurora's lunch sandwiches, cut
in half and plattered. (10 sandwiches per platter). \$120

mediterranean antipasto — a colorful assortment of homemade
stuffed grape leaves, roasted red sweet peppers, marinated olives,
cippolini onions, herbed baby mozzarella, salami and assorted breads.
(serves 20-25). \$175

smoked seafood platter — aurora's house cured salmon gravlax, an
assortment of our own smoked seafood as well as locally smoked
fish garnished with red onion, capers and served with our delicious
mustard dill sauce and bread. (serves 8-12 or 20-25). \$175

shrimp cocktail — large shrimp served with our own cocktail sauce
and lemon wedges. (serves 12-15). \$95

breakfast pastry tray — homemade scones, muffins, coffee cake and
biscuits served with jam and butter. (serves 10-12). \$45

dinner entrées

organic whole poached salmon fillet — dressed with our mustard dill sauce & decorated with cucumber "scales". \$mkt

wild salmon — a variety of preparations available. \$mkt

salmon cakes — our cakes are mixed with potatoes & special seasonings, served with a spicy shallot mayonnaise. \$4.50/ea

maine crab cakes — we use fresh maine crab meat & serve our cakes with a lemon caper sauce. \$4.95/ea

aurora fish cakes — a blend of haddock or cod, potatoes & fresh herbs served with key lime tartar sauce. \$4.50/ea

french fisherman's bourride — a classic provençal dish of haddock or cod, shrimp & scallops, cooked in a seafood tomato broth resonant with saffron, served with french bread croutons & aioli. add lobster. \$mkt

lemon marinated roast turkey breast — fresh off the bone turkey breast marinated in olive oil & lemon juice with green olives & capers. great served cold or at room temperature. \$14.99/lb

lemon parmesan chicken — one of our most popular chicken dishes. lemon marinated chicken breasts coated in parmesan cheese & bread crumbs, sautéed until golden brown. \$14.95/lb

chicken marbella — marinated chicken breasts braised in wine, prunes, apricots & olives. on incredible taste. \$14.99/lb

chicken pot pie — the last word in comfort food. fresh vegetables & lots of chicken in homemade gravy topped with our flaky pastry. (serves 4 or 8-10). \$14.95/\$65

french farmhouse chicken — fresh chicken baked in wine and cream with grapes & fresh tarragon. \$14.99/lb

raspberry grilled chicken — marinated chicken breasts, grilled & served with a fresh raspberry dressing over steamed spinach. \$15.99/lb

asian caramelized tofu with vegetable threads — full of flavor! our most popular vegetarian dish. \$10.95/lb

black bean burrito — traditional south american style refried black beans rolled in a tortilla with peach salsa & sharp cheddar cheese. served with sour cream and shredded lettuce. \$6.99/ea

quiche — real men do eat quichel a number of possibilities available. 10" (serves 6-8) \$19.99 or 12" (serves 10-12) \$25

andalusian meatloaf — with pork and beef, topped with a hot tomato chutney. \$10.95/lb

peppercorn seared beef tenderloin — roasted medium rare. served with horseradish crème fraîche. \$mkt

pork loin — seared and roasted with a lime chipotle glaze. \$16.95/lb

fruit glazed pork tenderloin — seared and roasted with fresh herbs, finished with a black currant and mustard reduction sauce. \$17.95/lb

seared lamb top — served with a sun-dried cherry glaze. \$mkt

vegetarian lasagna - layers of roasted vegetables, spinach, ricotta, basil & our own marinara sauce. (serves 4 or 8-10) \$14.99/\$60

spinach lasagna - steamed spinach layered with tomato-pesto sauce & select cheeses. (serves 4 or 8-10) \$14.99/\$65

meat lasagna - ground beef & sweet italian sausage. (serves 4 or 8-10) \$18.99/\$65

seafood lasagna - shrimp, scallops, crab & haddock in a rich tomato-pesto sauce layered with spinach, pasta & select cheeses. (serves 8-10) \$mkt

macaroni & cheese - we pride ourselves on this one. a creamy homemade white sauce & plenty of aged canadian cheddar. \$9.99/lb

vegetables

just a few of our many selections. subject to availability.

seasonal steamed vegetable medley — with lemon or orange zest tossed with extra virgin olive oil or flavored butter. \$8.95/lb

roasted vegetable medley - roasted red, yellow & green peppers, red onion, wild & domestic mushrooms, tomatoes, zucchini, yellow squash, carrots & a host of available seasonal vegetables. \$9.95/lb

hericot vert. \$12.95/lb

green beans & orange zest with toasted almonds. \$8.95/lb

dill & honey glazed carrots. \$8.95/lb

roasted root vegetables. \$8.95/lb

sweet potato latke - served with sour cream. \$2.95/ea

potato latke - served with apple sauce & sour cream. \$2.95/ea

two potato gratin. \$7.99/lb

double stuffed baked potatoes - with sweet & mashed potato stuffing. \$7.99/lb

butter milk mashed potatoes. \$7.99/lb

sweet chili & cumin rubbed baked potato (or sweet potato) wedges. \$7.99/lb

herb roasted red bliss potatoes. \$7.99/lb

salads & sides

chorred chicken salad - with avocado lime dressing. \$12.95/lb

bbq chicken salad. \$12.95/lb

chicken, blue cheese & grape salad. \$12.95/lb

shrimp & mango salad. \$17.99/lb

relish tuna salad. \$7.99/lb

lobster salad. \$mkt

orange couscous - with apricots & toasted almonds. \$8.95/lb

israeli couscous salad. \$8.95/lb

asian sesame pasta salad. \$8.95/lb

orzo, lemon, olive & feta cheese salad. \$8.95/lb

coponata. \$9.95/lb

rosemary red lentil salad. \$8.95/lb

soba noodle salad. \$8.95/lb

old fashioned potato salad. \$7.95/lb

aurora cole slaw. \$8.95/lb

southwestern black bean & corn salad. \$8.95/lb

wild rice salad with sun-dried cranberries & toasted walnuts. \$9.95/lb

the best tabbouleh salad. \$8.95/lb

asparagus with lemon zest, extra virgin olive oil & toasted

pistachios. \$12.95/lb

grilled vegetable stacks. \$6.95/ea

cucumber dill salad. \$9.95/lb

green beans, asparagus, fire roasted tomatoes & pickled

shallots. \$10.95/lb

AURORA PROVISIONS 64 Pine Street Portland, ME 04102 207.871.9060 x.404

Soups - Homemade Daily

Simmered from the freshest seasonal ingredients...Inquire daily! *cup \$3.95 bowl \$4.95*

Garden Salad - Homemade Daily

Local & organic greens mixed with the chef's whim of seasonings...Inquire daily!
demi \$3.50 small \$6.95 large \$8.95

Fresh Mozzarella Sandwich

Tomato, cucumber, fresh mozzarella and our housemade basil mayo on rosemary focaccia.
\$8.95

Roasted Vegetable Sandwich

Balsamic-roasted zucchini, red pepper, portobella mushroom and red onion with fresh spinach and our housemade garlic & herb goat cheese spread on rosemary focaccia.
\$8.95

Avocado Wrap

Fresh avocado, cilantro, cabbage, romaine, sharp cheddar and our housemade chipotle mayo in a spinach wrap. *\$7.95*

Old Fashioned Tuna Salad Sandwich

Classic recipe with pickle relish and red onion, served with lettuce & tomato on semolina white or wheat bread.
\$7.95

Chicken Salad Sandwich

Chef's choice recipe changes daily. Served with romaine on your choice of semolina white or wheat bread or a wrap. *\$8.95*

Chicken Caesar Wrap

Marinated, oven-roasted chicken breast, housemade caesar dressing, romaine and shredded asiago in a soft wrap. *\$8.95*

Turkey & Cranberry Sandwich

House-roasted turkey breast with our own cranberry-port relish, fresh romaine and mayo on rustic levain.
\$8.95

Southwest Turkey Sandwich

House-roasted turkey breast, sharp cheddar, tomato, cilantro, romaine and our own chipotle mayo on rustic levain. *\$8.95*

Parisienne Street Sandwich

Smoked ham, brie, cornichon, Dijon mustard and field greens on French baguette.
\$8.95

Asian Marinated Beef

Ginger-soy marinated flank steak, cabbage, pickled red onion & carrot, cilantro and our housemade peanut sauce on white wrap
\$8.95

Panini-of-the-Day

Hearty grilled sandwiches dreamed up daily by our talented chefs. *Please allow 10 minutes for preparation.*
Priced Daily

Hot Entree

Check the Daily Specials board for today's offering!
Priced Daily

aurora provisions

bakery

64 pine st. portland, me 04102 monday - friday 7:30 - 6:30 saturday 8:00 - 6:30 (207) 871-9060

fax: (207) 871-9061 www.auroraprovisions.com info@auroraprovisions.com

cakes

cake flavors: chocolate, vanilla, lemon orange, red velvet, chocolate zucchini, carrot, or your heart's delight!

buttercream: chocolate, vanilla, lemon, orange, raspberry, mocha, caramel, coconut, rum, chocolate rum, peanut butter

cake fillings: buttercream, ganache, lemon curd, raspberry jam, apricot jam

additional icings: chocolate ganache glaze, cream cheese frosting, seven minute icing \$8, personalized message \$8

layer cakes — 10" \$45 / 8" \$28 / 6" \$15. your choice of cake flavor and buttercream.

sheet cakes — starting at \$95. your choice of cake flavor and buttercream.

specialty layer cakes: 10" \$45 / 8" \$28 / 6" \$15

west end cake: a neighborhood favorite - moist chocolate cake layered with mocha buttercream and garnished with chocolate coated coffee beans.

all-american chocolate layer cake: your choice of vanilla or chocolate buttercream.

devil's food cake: with chocolate and sour cream icing.

chocolate-zucchini cake: with dulce de leche buttercream.

coconut cake: an old fashioned favorite from Mississippi - with coconut buttercream, pastry cream filling and topped with coconut.

carrot cake: a moist layer cake studded with raisins and walnuts with cream cheese icing.

savannah cake — airy angelfood cake folded into a sherry cream custard, finished with whipped cream. 10" round \$45

lemon sponge cake — a great, light dessert. 10" tube cake \$21.95

angelfood cake — lemon, vanilla, chocolate, or lemon herb. 10" tube cake \$21.95

new york style cheesecake — almost any flavor. 10" round from \$38.95 / 8" from \$26.95 / 4" from \$9.95

chocolate souffle cake — a rich fallen chocolate cake sprinkled with confectioner's sugar. 10" round \$38.95 / 6" \$14

chocolate mousse cake — a rich chocolate marquisse mousse between two thick layers of chocolate cake, glazed with chocolate ganache and topped with shaved chocolate. 10" round \$48.95 / 8" \$32.95

austrian walnut, almond or hazelnut torte — a european classic - this light moist nut cake can be layered with your choice of buttercream; chocolate, chocolate-rum, mocha, coffee, lemon or vanilla. 10" round \$48 / 8" \$35.95

flourless chocolate truffle torte — a rich, dense, gluten-free torte glazed with chocolate ganache. 10" round \$45

lemon meringue cake — genoise cake with lemon curd filling & torched meringue finish. 4" \$10.95 / 6" \$16.95 / 8" \$35.95 / 10" \$48.95

coconut strawberry cake — coconut cake layers with coconut pastry cream, fresh strawberries and coconut buttercream with toasted coconut garnish. 4" \$10.95 / 6" \$16.95 / 8" \$35.95 / 10" \$48.95

cupcakes — \$2.50 - \$4.95 minimum order of 6 required.

tarts

glazed fresh fruit tart — a sweet tart shell filled with custard, topped with fresh fruit and brushed with a light apricot glaze. 9" \$32 / 4" \$8.95

lemon curd tart — a perfect combination of tart and sweet. 9" \$32 (with fresh fruit \$38) / 4" \$8.95

lemon meringue tart — 9" \$32.95 / 4" \$8.95

normandy tart — thinly sliced apples baked in a sweet tart crust and glazed with apricot jam. 9" \$32 / 4" \$7.95

glazed fresh fruit tart — a sweet tart shell filled with custard, topped with fresh fruit and brushed with a light apricot glaze. 9" \$35.95 / 4" \$8.95

aurora provisions

bakery

64 pine st. portland, me 04102 monday — friday 7:30 - 6:30 saturday 8:00 - 6:30 (207) 871-9060

fax: (207) 871-9061 www.auroraprovisions.com info@auroraprovisions.com

lemon curd tart — a perfect combination of tart and sweet.
9" \$32 (with fresh fruit \$38) / 4" \$8.95

normandy tart — thinly sliced apples baked in a sweet tart
crust and glazed with apricot jam. 9" \$35.95 / 4" \$8.95

tiramisu — ladyfingers soaked in espresso, layered with a
rum-spiked marscapone custard and topped with shaved
belgian chocolate. 7" x 4 1/2" (3-4 servings) \$14 / 8" x 10"
(8-10 servings) \$45

bread pudding — vanilla-caramel & seasonal selections.
7" x 4 1/2" (3-4 servings) \$14 / 8" x 10" (8-10 servings) \$45

cookies & bars

russian tea cakes, chocolate espresso and assorted
shortbread. \$.95

chocolate chip, peanut butter chocolate chip, oatmeal raisin,
white chocolate chunk with sun-dried cherries, raspberry
thumbprints, summer berry and white chocolate, polenta sea
salt, lemon, lime & thyme, apricot rugelach. \$1.95

french roast chocolate chunk, pumpkin butterscotch, flourless
peanut butter truffle, lemon pistachio, orange white chocolate,
dark chocolate white chocolate chunk, ginger orange
molasses, cowboy. \$2.25

biscotti — pistachio apricot or dipped chocolate. \$1.75 / \$2.50

brownies & squares — lemon square, raspberry linzer bar,
coconut fudge & pecan square, rice krispie & ganache square,
almond bar, cardamom bar, red velvet cake bar, fudge walnut
brownie, mexican chocolate brownie, nut free brownie,
raspberry fudge bar, hazelnut espresso brownie, peanut butter
brownie, milk chocolate orange brownie, fudge truffle bar,
milk chocolate hazelnut brownie, magic bars. \$2.50

assorted cookie platter —

large: five dozen assorted, bite-sized cookies and bars.
\$60 / with locally handmade truffles: \$75

small: two and 1/2 dozen assorted, bite-sized cookies and
bars. \$35 / with locally handmade truffles: \$54

pies

walnut — \$20.95	cherry — \$19.95
pecan — \$20.95	blueberry — \$19.95
key lime — \$20.95	tri-berry — \$19.95
bourbon — \$22.95	apple — \$19.95
lemon meringue — \$22.95	dutch apple — \$19.95
chocolate cream — \$22.95	

seasonal fruit galettes — 4" \$8.95 / 8" \$22.95 / 10" \$32.95

breakfast & pastries

tea breads — lemon, lemon-blueberry, cranberry-nut,
zucchini-walnut, pumpkin chocolate chip, pumpkin-blueberry,
sweet sage, cornmeal blueberry, banana walnut, chocolate
coffee bean, lemon olive oil, pear hazelnut. extra large loaf
\$20.95 / small loaf \$8.95

coffee cake — \$21.95 for round / \$14.95 for half round.

breakfast pastry tray — homemade scones, muffins, coffee
cake and biscuits served with butter and jam. \$45

popovers — \$2.95

gruyere, thyme & pepper gougere — \$3.25

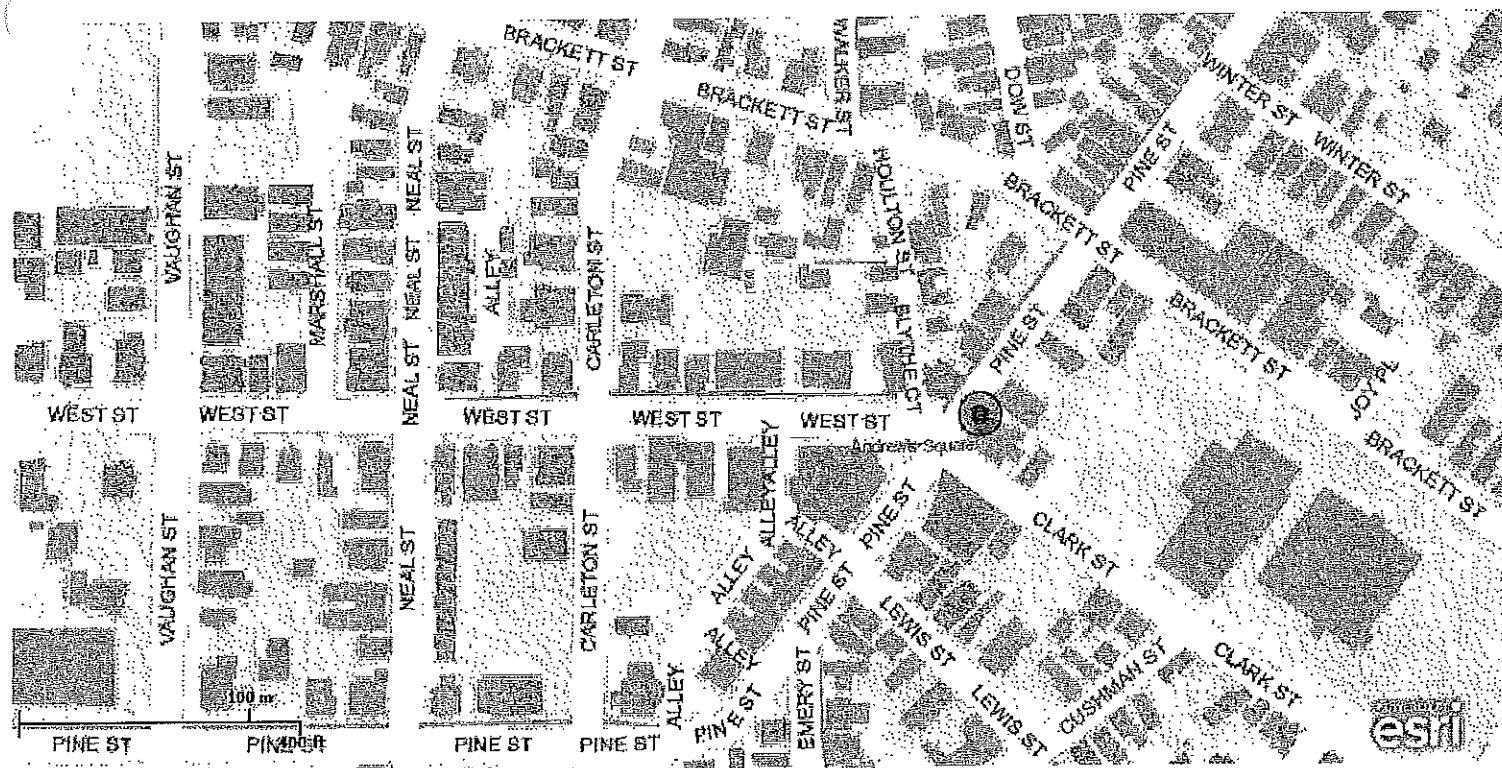
breakfast bars — \$2.95

french pastries

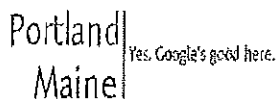
eclair — \$3.95	madeleine — \$1.25
cream puff — \$3.95	financier — \$1.25
pithivier — \$4.50	napoleon — \$4.50
buchon — \$3.95	paris brest — \$10.95
macaron — \$1.50	

gluten-free and vegan items available upon request, ask for our current
selections. 72 hours required for all special orders. due to the availability
of product, prices are subject to change without notice. prices are for store
pick up only. *please be advised in busy summer and holiday months, entire
weeks can be shut down from further orders once we meet our quota.

Aurora Provisions



Copyright 2011 Esri. All rights reserved. Tue Apr 11 2017 07:31:15 AM.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Aurora Provisions

Kevin Cashman <kevindc@portlandmaine.gov>

Tue, Apr 11, 2017 at 4:19 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Cc: David Petruccelli <petruccellid@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, Gary Rogers <garyr@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>, Keith Gautreau <kng@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Melissa Caiazzo <mcaiazzo@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Vernon Malloch <vwm@portlandmaine.gov>

PD has no objections.

Kevin C.

On Tue, Apr 11, 2017 at 8:15 AM, Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for Aurora Provisions, 64 Pine Street. This is for a Class I FSE which will go before Council on 5/1. This is just a new owner of an existing business.

Owner is
Miss MContact is
Melissa Carr
207-239-5355
dotsmaine@gmail.comThe information has been added to UI for approvals. Thanks Jessica
Jessica B. Hanscombe
Business License Specialist
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov—
Lt. Kevin Cashman
Portland Police Department
Patrol Division
109 Middle St
Portland, Maine 04101
(O) 207-756-8294
kevindc@portlandmaine.gov.
Hours - Saturday thru Tuesday (4pm-2am)



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

MELISSA CAIAZZO
389 CONGRESS ST
PORTLAND, ME 04101

Transaction Response #: MIQ99D198233

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2017-04-11) :

Inquiries Name(s) MELISSA CARR (1971-04-30)

NO MATCH WAS FOUND FOR YOUR REQUEST.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

April 11, 2017

Aurora Provisions
64 Pine Street
Portland ME 04101

Re: Miss M dba Aurora Provisions. Application for a Class I FSE License at 64 Pine Street.

Dear Ms Carr

This letter shall serve as a reminder of the Public Hearing before the Portland City Council on **Monday May 1, 2017 at 5:30 p.m.**, for the review of an application for a Class I FSE License at 64 Pine Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

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

Sincerely,

Jessica Hanscombe
Business License Specialist
207-874-8783
jhanscombe@portlandmaine.gov

**Legal Advertisement
Notice of Public Hearing
City of Portland**

A Public Hearing will be held on May 1st at 5:30 P.M., in City Council Chambers, 389 Congress St., Miss M dba Aurora Provisions. Application for a Class I FSE License at 64 Pine Street. Sponsored by Michael Russell, Director of Permitting and Inspections.

Resolve 4-16/17
Tab 9 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**RESOLUTION SUPPORTING THE GOAL OF
100 PERCENT CLEAN ENERGY FOR THE CITY OF PORTLAND IN 2040**

WHEREAS, the City of Portland's municipal government desires to promote the public health and safety of its residents, including their access to clean air, clean water, and a livable environment; and

WHEREAS, energy resources we utilize as a municipal government and community significantly affect public health and safety, and can enhance or degrade the economic and social well-being of current and future residents; and

WHEREAS, there is scientific consensus regarding the reality of climate change and the connection between human activity, especially the combustion of fossil fuels that create greenhouse gases, and the warming of the planet making, in one nearby example, the Gulf of Maine one of the world's fastest warming bodies of water; and

WHEREAS, Portlanders are already feeling the effects of climate change locally through increased temperatures, changes in water systems, extreme weather events like drought and flooding, sea level rise, threatened fisheries, and other disruptions that threaten our economy, our residents, and our overall quality of life; and

WHEREAS, emissions from electricity generation and transportation are the largest component of community carbon inventories for Portland; and

WHEREAS, the transition to a low-carbon community reliant on the efficient use of clean energy resources and electrified transportation will provide a range of benefits including renewed air quality, enhanced public health, increased national and energy security, local green jobs, reduced reliance on finite resources, and myriad other positive outcomes; and

WHEREAS, Portland is committed to helping facilitate this transition alongside other national and international communities that have prioritized addressing climate change by investing in clean energy to enhance the well-being of current and future generations; and

WHEREAS, the Portland City Council Sustainability and Transportation Committee desires to amend and revamp the 2008 Municipal Climate Action Plan for the City of

Portland, and to prepare a plan to get Portland to 100 percent clean energy by 2040;

NOW, THEREFORE, BE IT RESOLVED by the Portland City Council and Mayor, that the City will set the goal of transitioning to 100 percent clean energy for municipal operations by 2040; and

BE IT FURTHER RESOLVED, that the Sustainability and Transportation Committee, as part of its work to amend and revamp the Municipal Climate Action Plan, will create a plan to achieve the 2040 goal with specific annual milestones to be presented to the City Council by their final meeting in November, 2017.

Order 216 -16/17
~~Tab 22, 4-24-17~~
Tab 10 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROPRIATING \$125,000 IN
URBAN DEVELOPMENT ACTION GRANT REVENUE
RE: SURFACE PARKING LOT BOUNDED BY FORE, COTTON, MIDDLE AND
CROSS STREETS**

ORDERED, that the amount of \$100,000 in Urban Development Action Grant Revenue from the sale of a surface parking lot bounded by Fore, Cotton, Middle and Cross streets is hereby appropriated for the expansion of treatment services for the addiction program at the Milestone Foundation; and

BE IT FURTHER ORDERED, that \$25,000 in Urban Development Action Grant Revenue, the remainder of the proceeds from the sale of a surface parking lot bounded by Fore, Cotton, Middle and Cross streets, be appropriated to fund a pilot panhandling program.

MEMORANDUM
City Council Agenda Item

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

FROM: Planning & Urban Development Department

DATE: April 10, 2017

SUBJECT: Order Appropriating \$125,000 of UDAG Revenues

SPONSOR: Jon P. Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading April 24th Final Action May 1st

Can action be taken at a later date: ____ Yes ☒ No (If no why not?) Public notice of the meeting has been published

PRESENTATION: Planning Department staff will be available for questions

I. ONE SENTENCE SUMMARY

Allocation of \$125,000 from the proceeds of the sale of the Cotton Street lot to be used to address immediate, urgent needs within our community and adoption of a hybrid approach for the future use of the remaining sale proceeds.

II. AGENDA DESCRIPTION

At the April 5, 2017 City Council meeting, the council approved the sale of a City-owned parking lot on Cotton Street. The parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG). The city received rental income from the parking lot which was utilized by the City as CDBG program income and was incorporated into the annual CDBG budget. Over the last five years the CDBG program received an average of \$119,426 annually. The proceeds from the sale of the lot can only be used for CDBG eligible activities. The use of the proceeds must be identified in the City's HUD Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

At their March 7, 2017 meeting, the Economic Development Committee voted 2-0-1 (Thibodeau abstained) to recommend to the City Council that \$100,000 of the sales proceed be used to fund an expansion at the Milestone Foundation, \$25,000 be used to be used to help fund a panhandling pilot program, and a *hybrid approach* be utilized for

future use of the remaining proceeds and for ensuring that CDBG program income funding levels are maintained.

The *hybrid approach* would utilize approximately \$120,000 in Downtown TIF funds for TIF-eligible projects such as staffing costs and public infrastructure improvements. Approximately \$20,000 per year from the remaining sale proceeds (\$1,050,000) would be used for social service program funding and other TIF-ineligible activities.

The Milestone Foundation improvements and the panhandling pilot program are described below:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the Portland Opportunity Crew program which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five programs were researched and all have had compelling results.

III. BACKGROUND

1. Milestone Foundation Facility Improvements. As part of the Greater Portland Addiction Collaborative, Milestone looks to enhance its services. The proposed allocation would help to provide funding for improvements that will expand the capacity of services for the Milestone Foundation detox program. The improvement plan will allow Milestone to add an electronic medical records system to improve the efficiency of their programs. In addition, the proposed allocation will allow a physical reconfiguration of the detox which will increase the efficiency and capacity of the program.
2. Portland Opportunity Crew. The Portland Opportunity Crew is a pilot program building on the successes several other cities have had (There's a Better Way - Albuquerque, Downtown Streets Team - San Jose, A Day for Change - Chicago, and others) offering the opportunity to earn money to clean up public areas and linking them with needed services, especially job training and support. Program participants will be paid minimum wage at the end of the shift. The program will be offered through a partnership between the Social Services Parks Divisions. A light breakfast, water and lunch will be prepared by the Barron Center. The Portland Opportunity

Crew will operate two days a week from April through November (approximately 36 weeks) in City parks and public spaces, picking up trash, and planting where needed. The City will partner with local landscaping companies to offer successful program participants an interview and possible employment. The City may also employ them.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Council Goals addressed: Health & Human Services: “3. *Continue to provide guidance and policy suggestions around substance use, particularly with regard to: a. the opioid crisis in Portland; b. treatment facilities, including the number of detox beds in city (possibly through increased support for Milestone Foundation).....*; 5. *Continue to seek regional solutions to homelessness, substance use disorder, etc.*”

V. FINANCIAL IMPACT

The appropriation of these funds will not impact to General Fund. The sale of the Cotton Street lot is expected to generate \$1,175,000 in net proceeds to the City of which \$125,000 will be allocated to the Milestone Foundation and the Portland Opportunity Crew programs. In future years, a portion of the sales proceeds and a portion of Downtown TIF revenue would be included in the CDBG allocation process. This *hybrid approach* would utilize approximately \$120,000 in Downtown TIF funds for TIF-eligible projects such as staffing costs and public infrastructure improvements. Approximately \$20,000 per year from the remaining sale proceeds (\$1,050,000) would be used for social service program funding and other TIF-ineligible activities.

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

As noted above, any revenue received from the sale of the Cotton Street lot must be used for CDBG eligible activities which include administrative costs, social service activities or development activities. The funding for the Milestone Foundation facility is an eligible CDBG development activity. The funding for the Portland Opportunity Crew is an eligible CDBG social service activity and will supplement a \$17,038 CDBG grant approved by this Council at its April 5th meeting. In order to include this additional funding in the FY 2107-2018 Annual Action Plan, the City published a notice of public hearings and 30-day public comment period in the Portland Press Herald. It is anticipated that the FY 2017-2018 Annual Action Plan will be submitted to HUD on May 15th.

VII. RECOMMENDATION

HCD Staff recommends approval of this request. The appropriation of these funds will allow the City to address urgent needs within our community.

VIII. LIST ATTACHMENTS

March 3, 2017 Memo from Jon Jennings to the Economic Development Committee
December 28, 2016 Memo from Jeff Levine and Mary Davis to the Economic
Development Committee

Prepared by: Mary Davis, HCD Division Director

Date: April 10, 2017

Bean/agendarequestmemo/rev 1/23/2017



Executive Department
Jon P. Jennings, City Manager

MEMORANDUM

TO: Chair and Members of the Economic Development Committee

FROM: Jon P. Jennings, City Manager

DATE: March 3, 2017

SUBJECT: Possible Uses for Cotton St. Lot Proceeds

As the Cotton Street lot was developed using Community Development Block Grants (CDBG) funds, the proceeds must be used in accordance with CDBG guidance on such funds. The sale is expected to yield about \$1.175 million to the City. The U.S. Department of Housing and Urban Development (HUD), which administers the CDBG program, defines the sale proceeds as "miscellaneous revenues" and thus may be used for any eligible CDBG activity.

The accompanying memo from Jeff Levine details HUD requirements, as well as the City Planning and Urban Development Department's use of annual revenue from the Cotton Street parking lot.

To this end, I suggest the following considerations for the sale proceeds:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given the rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the panhandling pilot set to begin this Spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five programs were researched and all have had compelling results.

future use of the remaining proceeds and for ensuring that CDBG program income funding levels are maintained.

The *hybrid approach* would utilize approximately \$120,000 in Downtown TIF funds for TIF-eligible projects such as staffing costs and public infrastructure improvements. Approximately \$20,000 per year from the remaining sale proceeds (\$1,050,000) would be used for social service program funding and other TIF-ineligible activities.

The Milestone Foundation improvements and the panhandling pilot program are described below:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the Portland Opportunity Crew program which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five programs were researched and all have had compelling results.

III. BACKGROUND

1. Milestone Foundation Facility Improvements. As part of the Greater Portland Addiction Collaborative, Milestone looks to enhance its services. The proposed allocation would help to provide funding for improvements that will expand the capacity of services for the Milestone Foundation detox program. The improvement plan will allow Milestone to add an electronic medical records system to improve the efficiency of their programs. In addition, the proposed allocation will allow a physical reconfiguration of the detox which will increase the efficiency and capacity of the program.
2. Portland Opportunity Crew. The Portland Opportunity Crew is a pilot program building on the successes several other cities have had (There's a Better Way - Albuquerque, Downtown Streets Team - San Jose, A Day for Change - Chicago, and others) offering the opportunity to earn money to clean up public areas and linking them with needed services, especially job training and support. Program participants will be paid minimum wage at the end of the shift. The program will be offered through a partnership between the Social Services Parks Divisions. A light breakfast, water and lunch will be prepared by the Barron Center. The Portland Opportunity

Crew will operate two days a week from April through November (approximately 36 weeks) in City parks and public spaces, picking up trash, and planting where needed. The City will partner with local landscaping companies to offer successful program participants an interview and possible employment. The City may also employ them.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Council Goals addressed: Health & Human Services: "3. *Continue to provide guidance and policy suggestions around substance use, particularly with regard to: a. the opioid crisis in Portland; b. treatment facilities, including the number of detox beds in city (possibly through increased support for Milestone Foundation).....*; 5. *Continue to seek regional solutions to homelessness, substance use disorder, etc.*"

V. FINANCIAL IMPACT

The appropriation of these funds will not impact to General Fund. The sale of the Cotton Street lot is expected to generate \$1,175,000 in net proceeds to the City of which \$125,000 will be allocated to the Milestone Foundation and the Portland Opportunity Crew programs. In future years, a portion of the sales proceeds and a portion of Downtown TIF revenue would be included in the CDBG allocation process. This *hybrid approach* would utilize approximately \$120,000 in Downtown TIF funds for TIF-eligible projects such as staffing costs and public infrastructure improvements. Approximately \$20,000 per year from the remaining sale proceeds (\$1,050,000) would be used for social service program funding and other TIF-ineligible activities.

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

As noted above, any revenue received from the sale of the Cotton Street lot must be used for CDBG eligible activities which include administrative costs, social service activities or development activities. The funding for the Milestone Foundation facility is an eligible CDBG development activity. The funding for the Portland Opportunity Crew is an eligible CDBG social service activity and will supplement a \$17,038 CDBG grant approved by this Council at its April 5th meeting. In order to include this additional funding in the FY 2107-2018 Annual Action Plan, the City published a notice of public hearings and 30-day public comment period in the Portland Press Herald. It is anticipated that the FY 2017-2018 Annual Action Plan will be submitted to HUD on May 15th.

VII. RECOMMENDATION

HCD Staff recommends approval of this request. The appropriation of these funds will allow the City to address urgent needs within our community.

VIII. LIST ATTACHMENTS

March 3, 2017 Memo from Jon Jennings to the Economic Development Committee

December 28, 2016 Memo from Jeff Levine and Mary Davis to the Economic
Development Committee

Prepared by: Mary Davis, HCD Division Director

Date: April 10, 2017

Bean/agendarequestmemo/rev 1/23/2017



Executive Department
Jon P. Jennings, City Manager

MEMORANDUM

TO: Chair and Members of the Economic Development Committee

FROM: Jon P. Jennings, City Manager

DATE: March 3, 2017

SUBJECT: Possible Uses for Cotton St. Lot Proceeds

As the Cotton Street lot was developed using Community Development Block Grants (CDBG) funds, the proceeds must be used in accordance with CDBG guidance on such funds. The sale is expected to yield about \$1.175 million to the City. The U.S. Department of Housing and Urban Development (HUD), which administers the CDBG program, defines the sale proceeds as "miscellaneous revenues" and thus may be used for any eligible CDBG activity.

The accompanying memo from Jeff Levine details HUD requirements, as well as the City Planning and Urban Development Department's use of annual revenue from the Cotton Street parking lot.

To this end, I suggest the following considerations for the sale proceeds:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given the rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the panhandling pilot set to begin this Spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five programs were researched and all have had compelling results.

To: Economic Development Committee

From: Jeff Levine, Planning & Urban Development Director
Mary Davis, Division Director, Housing and Community Development

Date: December 28, 2016

Re: Cotton Street Parking Lot – CDBG Program Income

The Cotton Street parking lot is a City-owned parcel established many years ago, through the urban renewal program. The rental income from the lot is received by the City as CDBG program income and is incorporated into the annual CDBG budget.

Revenue History

Since Fiscal Year 2007, the CDBG Program has received \$1,061,069 in program income from this parking lot revenue. A review of the last five years is included in the table below.

Fiscal Year	Annual Program Income Received	Administration Adjustment	Social Service Allowance	Development Activity Adjustment
2011-2012	\$129,239.02	\$25,847.80	\$19,385.85	\$103,391.22
2012-2013	\$114,821.21	\$22,964.24	\$17,223.18	\$91,856.97
2013-2014	\$110,159.21	\$22,031.84	\$16,523.88	\$88,127.37
2014-2015	\$110,393.94	\$22,078.79	\$16,559.09	\$88,315.15
2015-2016	\$132,527.59	\$26,505.52	\$19,879.14	\$106,022.07

Use of Parking Lot Rental Revenue

We use this revenue to supplement our CDBG allocation to provide additional grants, social service programs, and to fund some staff to help run the program. Our annual CDBG allocation is about \$1,800,000, so this additional funding allows us to increase our CDBG program funding by about 7.0% annually. Those funds go towards physical improvements, like public works projects in eligible locations, as well as towards social service programs such as homeless services and community policing.

The long-term trend in CDBG funding has been downward, particularly when accounting for inflation. The City's CDBG allocation in FY10 at \$2,300,000, so the decline since that time has been about 22%.

All of the salaries and expenses of the Housing & Community Development division are funded through federal sources and revenue from federal investments, including

a portion of this parking lot revenue. In addition, a portion of other staff in the Planning & Urban Development Department is funded through CDBG funding. In FY2017, \$405,000 is allocated from CDBG sources for these City expenses. Of that \$405,000, around \$25,000 (6.25%) is coming from parking lot revenue from the Cotton Street lot.

Use of Sales Proceeds

We are permitted to sell the parking lot, but have been given the guidance that any revenue received from the sale of the parking lot must be used for CDBG eligible activities. These include administrative costs, social service activities or development activities. HUD has confirmed that the use of a portion of the sale proceeds to purchase a site for the City's sand and salt shed is an eligible use of the funds. The use of this revenue must be identified in our HUD 5-Year Consolidated Plan and a separate accounting of these funds must be maintained.

A portion of the sales proceeds from the Cotton Street lot could continue to be used for eligible City operating expenses. However, unlike the annual rental revenue, this funding would not be recurring and would have to be programmed judiciously.

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~~Tab 23~~ 4-24-17
Tab 11 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING SUBSTANTIAL AMENDMENT TO THE 2016-2020
HOUSING AND URBAN DEVELOPMENT CONSOLIDATED PLAN AND
FISCAL YEAR 2018 HOUSING AND URBAN DEVELOPMENT
ANNUAL ACTION PLAN
RE: USE OF PROCEEDS FROM SALE OF
CITY-OWNED SURFACE PARKING LOT BOUNDED BY FORE, COTTON, MIDDLE
AND CROSS STREETS**

ORDERED, that \$125,000 from the sale of the city-owned cotton Street parking lot be included in the 2016-2020 Housing And Urban Development Consolidated Plan; and

BE IT FURTHER ORDERED, that the amount of \$100,000 in Urban Development Action Grant Revenue from the sale of a surface parking lot bounded by Fore, Cotton, Middle and Cross streets shall be used for the expansion of treatment services for the addiction program at the Milestone Foundation in the Fiscal Year 2018 Housing and Urban Development Annual Action Plan; And

BE IT FURTHER ORDERED, that \$25,000 in Urban Development Action Grant Revenue, the remainder of the proceeds from the sale of a surface parking lot bounded by Fore, Cotton, Middle and Cross streets, shall be used to fund a pilot panhandling program in the Fiscal Year 2018 Housing and Urban Development Annual Action Plan.

MEMORANDUM
City Council Agenda Item

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

FROM: Planning and Urban Development Department

DATE: April 7, 2017

SUBJECT: Order Approving Substantial Amendment to the 2016-2020 HUD Consolidated Plan and the FY 17/18 HUD Annual Action Plan RE: the use of proceeds from the Sale of the City-owned Cotton Street parking lot

SPONSOR: Jon P. Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading April 24th Final Action May 1st

Can action be taken at a later date: Yes X No (If no why not?) A public notice regarding the council meeting and opportunity was published in the Portland Press Herald.

PRESENTATION: (Staff will be available for questions)

I. ONE SENTENCE SUMMARY

Inclusion of the receipt of proceeds from the sale of the City-Owned Cotton Street parking lot in the 2016-2020 HUD Consolidated Plan and the inclusion of the use of \$125,000 in the FY17/18 HUD Annual Action Plan.

II. AGENDA DESCRIPTION

The FY 17/18 HUD Annual Action Plan was approved by the City Council at their April 5th meeting. Subsequent to that approval, the council approved the sale of the City-owned Cotton Street parking lot which will generate proceeds from federal UDAG funding. The receipt of these proceeds must be included in the City's 2016-2020 HUD Consolidated Plan and the use of \$125,000 from the proceeds must be included in the FY17/18 HUD Annual Action Plan.

The Cotton street parcel was established as a parking lot many years ago through a federal program entitled Urban Development Action Grant (UDAG). The proceeds from the sale of the lot can only be used for CDBG eligible activities. The use of the proceeds must be identified in the City's HUD Consolidated Plan and Annual Action Plan and a separate accounting of the funds must be maintained.

During FY17/18 the City proposes to use \$125,000 from the sale proceeds to address immediate, urgent needs within our community, which are identified as:

1. \$100,000 to seed the improvements required to expand capacity at the Milestone Foundation facility. The need for substance abuse addiction treatment is at a crisis level, given rampant overdoses from opiates and the lack of facilities for treatment. The Greater Portland Addiction Collaborative, of which the City is a part, is also seeking federal funding, as there is significant renovation to complete to expand and strengthen Milestone's treatment services. The City can use this money as part of our commitment to address this challenge and to leverage additional public and private funding.
2. \$25,000 for the Portland Opportunity Crew program which is a pilot program set to begin this spring. This initiative builds on successful models in other cities in which day labor at minimum wage, plus breakfast and lunch, are offered to panhandlers. They are then connected with needed services, and ideally can continue building their work experience. Five programs were researched and all have had compelling results.

III. BACKGROUND

The FY 17/18 HUD Annual Action Plan was approved by the City Council at their April 5th meeting. Subsequent to that approval, the council approved the sale of the City-owned Cotton Street parking lot which will generate proceeds from federal UDAG funding. The receipt of these proceeds must be included in the City's 2016-2020 HUD Consolidated Plan and the use of \$125,000 from the proceeds must be included in the FY17/18 HUD Annual Action Plan.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Council Goals addressed:

Health & Human Services: "3. *Continue to provide guidance and policy suggestions around substance use, particularly with regard to: a. the opioid crisis in Portland; b. treatment facilities, including the number of detox beds in city (possibly through increased support for Milestone Foundation).....*; 5. *Continue to seek regional solutions to homelessness, substance use disorder, etc.*"

V. FINANCIAL IMPACT

The appropriation of these funds will not impact to General Fund. During FY17/18 \$125,000 in proceeds from the sale of the Cotton Street parking City will be allocated to the Milestone Foundation and the Portland Opportunity Crew programs.

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

As noted above, any revenue received from the sale of the Cotton Street lot must be used for CDBG eligible activities which include administrative costs, social service activities or development activities. Funding for the Milestone Foundation facility is an eligible CDBG development activity. Funding for the Portland Opportunity Crew is an eligible CDBG social service activity and will supplement a \$17,038 CDBG grant approved by this Council at its April 5th meeting.

VII. RECOMMENDATION

HCD Staff recommends approval of this request. The appropriation of these funds will allow the City to address urgent needs within our community.

VIII. LIST ATTACHMENTS

Prepared by: Mary Davis, HCD Division Director
Date: April 7, 2017

Order 218-16/17
~~Tab 24 4-24-17~~
Tab 12 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROPRIATING \$3,975,000 FOR IMPROVEMENTS TO THE
PORTLAND INTERNATIONAL JETPORT PASSENGER TERMINAL**

ORDERED, that \$3,975,000 from the Portland International Jetport (Jetport) unrestricted fund balance is hereby appropriated for improvements at the Jetport passenger facility, as follows:

- New vertical circulation from gate concourse down to baggage claim \$ 2,325,000
- Restroom renovations in gate concourse and baggage claim \$ 275,000
- Gate 2 & 3 passenger boarding bridge rehabilitation \$ 1,050,000
- Flight Information Display System (FIDS) upgrade \$ 325,000
- Total \$ 3,975,000

MEMORANDUM
City Council Agenda Item

TO: Mayor and City Council

FROM: Paul Bradbury, Airport Director

DATE: April 4, 2017

DISTRIBUTION: Jon Jennings, City Manager; Mayor Strimling; Danielle West-Chuhta, Corporation Counsel; Sonia Bean; Nancy English; Julie Sullivan

SUBJECT: Request for appropriation from the Portland International Jetport's unrestricted fund balance for improvements to the passenger terminal totaling \$3.975 million.

SPONSOR: Jon Jennings, City Manager

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading: April 24, 2017 **Final Action:** May 1, 2017

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

I. SUMMARY OF ISSUE (Agenda Description)

The Portland International Jetport is requesting an appropriation from its unrestricted fund balance to make improvements to the passenger terminal building. The Jetport completed a significant expansion in 2012 which greatly improved the passenger experience, but left the inbound passenger approach to baggage claim and gates 1-6 unimproved. At this time Jetport staff is proposing to make the following improvements.

• New vertical circulation from gate concourse down to baggage claim	\$ 2,325,000
• Restroom renovations in gate concourse and baggage claim	\$ 275,000
• Gate 2 & 3 passenger boarding bridge rehabilitation	\$ 1,050,000
• Flight Information Display System (FIDS) upgrade	<u>\$ 325,000</u>
Total	\$ 3,975,000

These improvements represent a first phase in the Jetport's plan to completely match the older sections of the terminal to the level of amenities and finish of the 2012 terminal expansion.

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

The Jetport expansion completed in 2012 provided new airline ticketing, a new security screening checkpoint, new concessions, an outbound baggage system, and four new gates; but left the access from the gate concourse to baggage claim and gates 1-6 unchanged. The passenger terminal improvements being proposed under this appropriation will be the first phase

toward upgrading these areas to match the terminal expansion. This phase will provide new vertical circulation from the second level concourse down to the lower level baggage claim with the installation of two new elevators and a new escalator. This project will also provide for the renovation of four restrooms, two in the gate concourse and two in baggage claim that haven't been renovated in twenty years.

Additionally this appropriation provides for the replacement of the Jetport's two oldest passenger boarding bridges purchased in 1995 with fully refurbished models. It also provides a new flight information display system that is fully integrated with and expands our existing common use airline passenger processing systems.

These terminal improvements are scheduled within the short term capital program developed as part of the Jetport's Sustainable Airport Master Plan that was accepted by the City Council in November 2016.

III. INTENDED RESULT

The approval of this appropriation will allow the Portland International Jetport to make the following investments in the passenger terminal facility.

1. Replace and reconfigure the vertical circulation from the gate concourse to baggage claim. This project will provide two new elevators (insuring redundant availability) and a new escalator from the upper level gate concourse down to baggage claim and ground transportation. It will also renovate the upper and lower elevator/escalator landings with new finishes. The location of this vertical circulation will be shifted west to better align with ground access to the rental car concessions and the parking garage. The current elevator and escalator were installed in 1980, and have reached their useful life. Additionally, the elevator is located outside the normal path of traffic making it difficult to find, and does not service the baggage claim level directly; instead it goes to the lowest level and requires users to take a ramp up to the baggage claim level.
2. The proposed restroom renovations include the two baggage claim restrooms, and two gate concourse restrooms that have not been renovated since 1996. This project will update and match these restrooms to the finish and design of those in the terminal expansion.
3. The two oldest passenger boarding bridges at the Jetport originally purchased in 1995 will be replaced with fully refurbished units. These will be installed at the east end of the terminal in gate positions 2 and 3. The alignment of these bridges will be altered in conjunction with a new gate striping plan that allows all gates to accommodate the larger aircraft sizes now being used by our airline partners.
4. The Flight Information Display System (FIDS) upgrade will fully integrate the existing common use airline passenger processing stations at ticketing and the gates with the FIDS system to seamlessly manage and update data between systems. It will also allow for the reporting and analysis of gate use. Additionally, it will provide for real time gate management during irregular operations.

Construction on these projects will commence in the fall to limit passenger impacts during the busy summer travel period. All improvements will be complete by May 31, 2018 and ready to serve our peak summer travel volumes in 2018.

IV. COUNCIL GOAL ADDRESSED

The Portland International Jetport provides a robust connection for the region to the national air transportation system and in doing so plays an important role in supporting the City Council's economic development goals. Approval of this project allows the Portland Jetport to make needed investment in the terminal building infrastructure to better serve the nearly 1.8 million passengers using it annually.

V. FINANCIAL IMPACT

The Jetport's unrestricted cash fund balance was \$21,446,955 as of June 30, 2016. If approved, the Jetport will use \$3.975 million of its unrestricted cash fund balance to complete these proposed terminal improvements. Airports, like many industries, have substantially increased their liquidity since 2008 in response to the recession. This has resulted in unrestricted cash holdings in excess of 500 days of operating expenses, a level that is high historically. The Jetport has followed this trend, as of June 30, 2016 the unrestricted cash fund balance was equal to 505 days of operating expenses on hand. At the last rating review with S&P and Moody's I outlined the Jetport's capital improvement program and noted it was our plan to maintain a more appropriate floor of 365 days of operating cash on hand. If this appropriation is approved the Jetport will remain well above this floor at 404 days of cash on hand.

The Jetport is an enterprise fund of the City that is fiscally self-sustaining. FAA grant assurances and the covenants for the Jetport's General Airport Revenue Bonds (GARBs) require all revenues generated at the Jetport be pledged to cover only Jetport expenses. The approval of this appropriation has no impact to the City of Portland's general fund or tax rate.

VI. STAFF ANALYSIS

Approval of this appropriation will provide for needed infrastructure investment in the Jetport's passenger terminal consistent with the Jetport's Sustainable Airport Master Plan. Staff recognizes our passengers have a choice on which airport to use. The Jetport's ability to compete for passengers is directly tied to the convenience and service it provides. The terminal must provide a modern, efficient, convenient, and safe connection from ground to air transportation. Staff ranked the poor circulation and lack of elevator redundancy to baggage claim as the highest priority issue for correction within the passenger terminal. This was closely followed by the recommendation to renovate the aforementioned restrooms along the arriving passenger route to baggage claim. These improvements will significantly improve the passenger experience, especially for the arriving (inbound) passenger.

VII. RECOMMENDATION

Jetport staff recommends the City Council approve this request to appropriate \$3.975 million from Jetport unrestricted cash fund balance to proceed with these terminal improvements.

VIII. LIST ATTACHMENTS

Terminal Improvement Plans

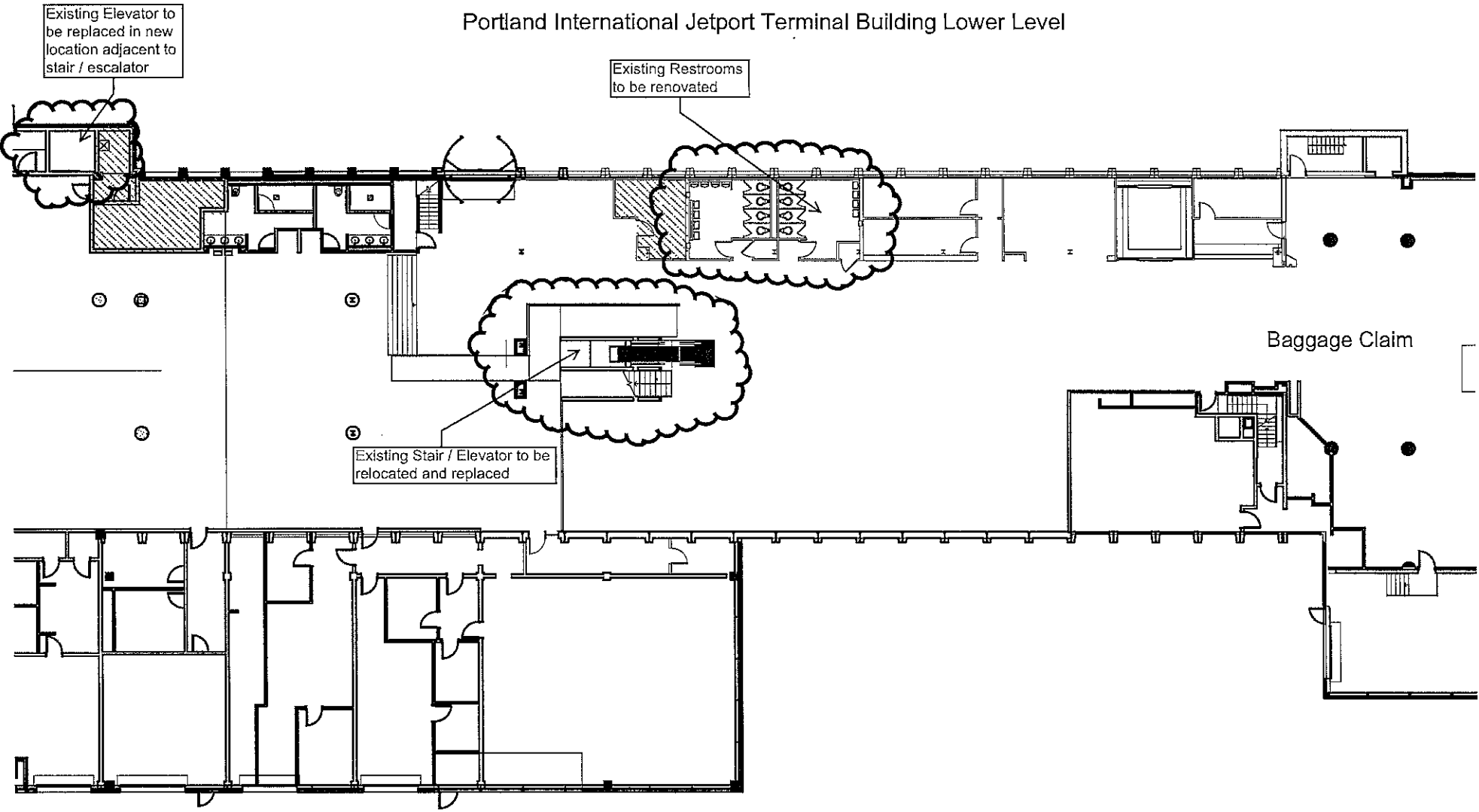
A handwritten signature in black ink, appearing to be "David B. Smith", written over a horizontal line.

Signature

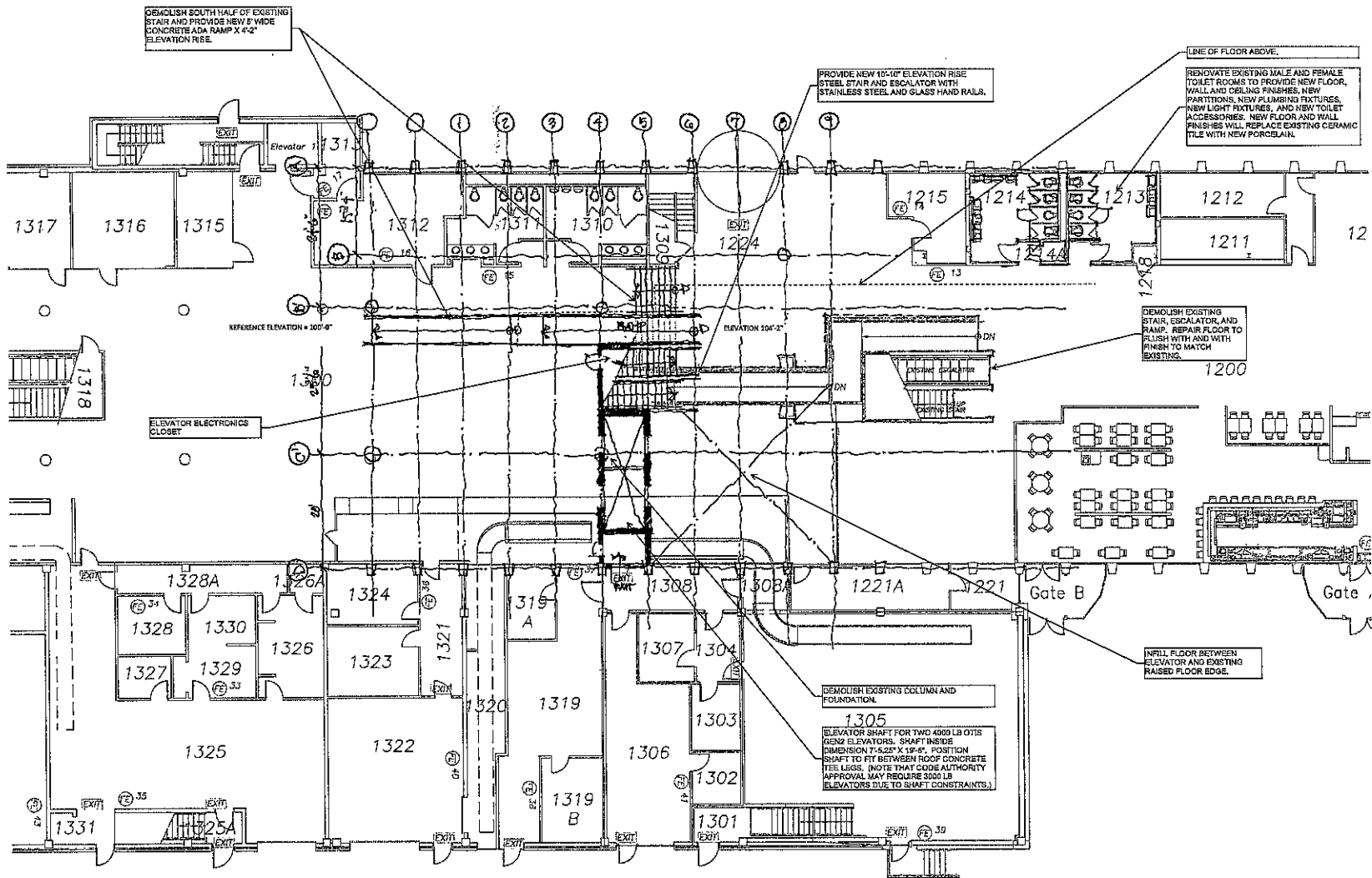
April 4, 2017

Date

Portland International Jetport Terminal Building Lower Level

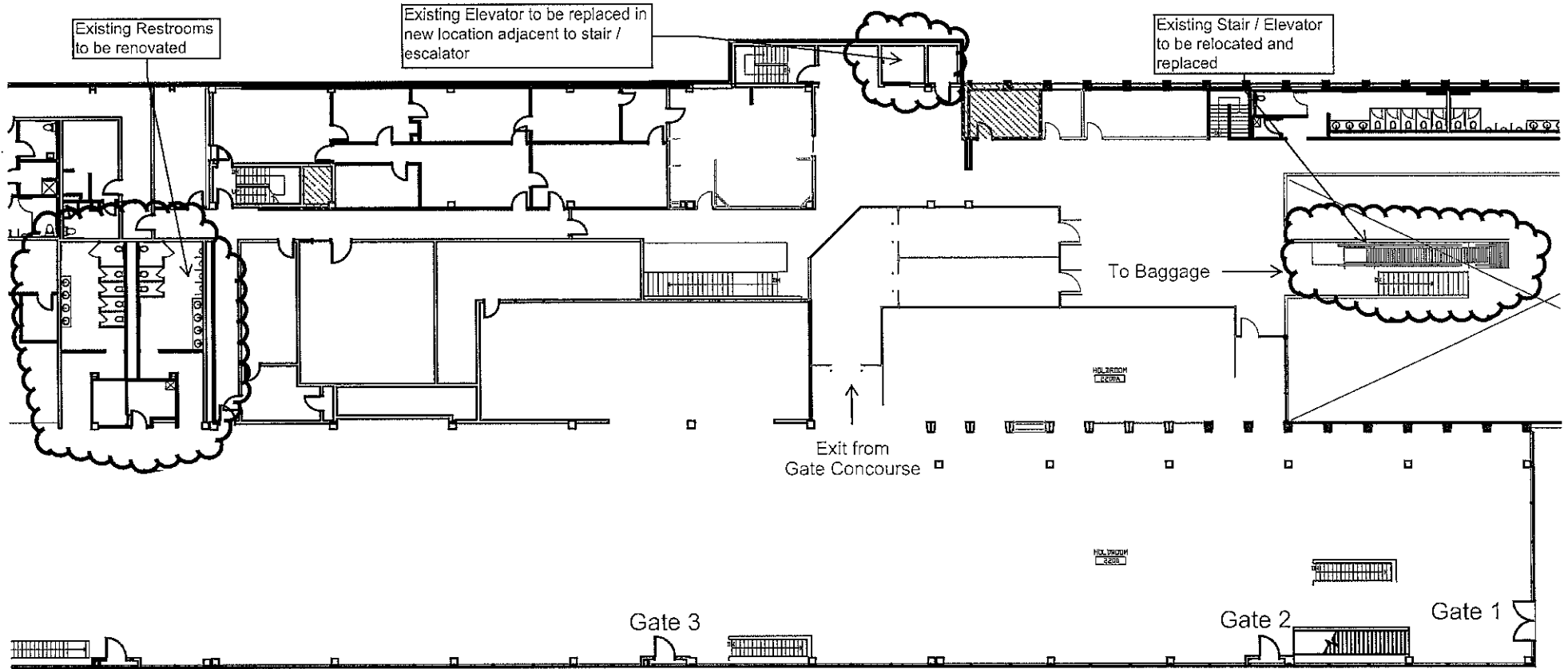




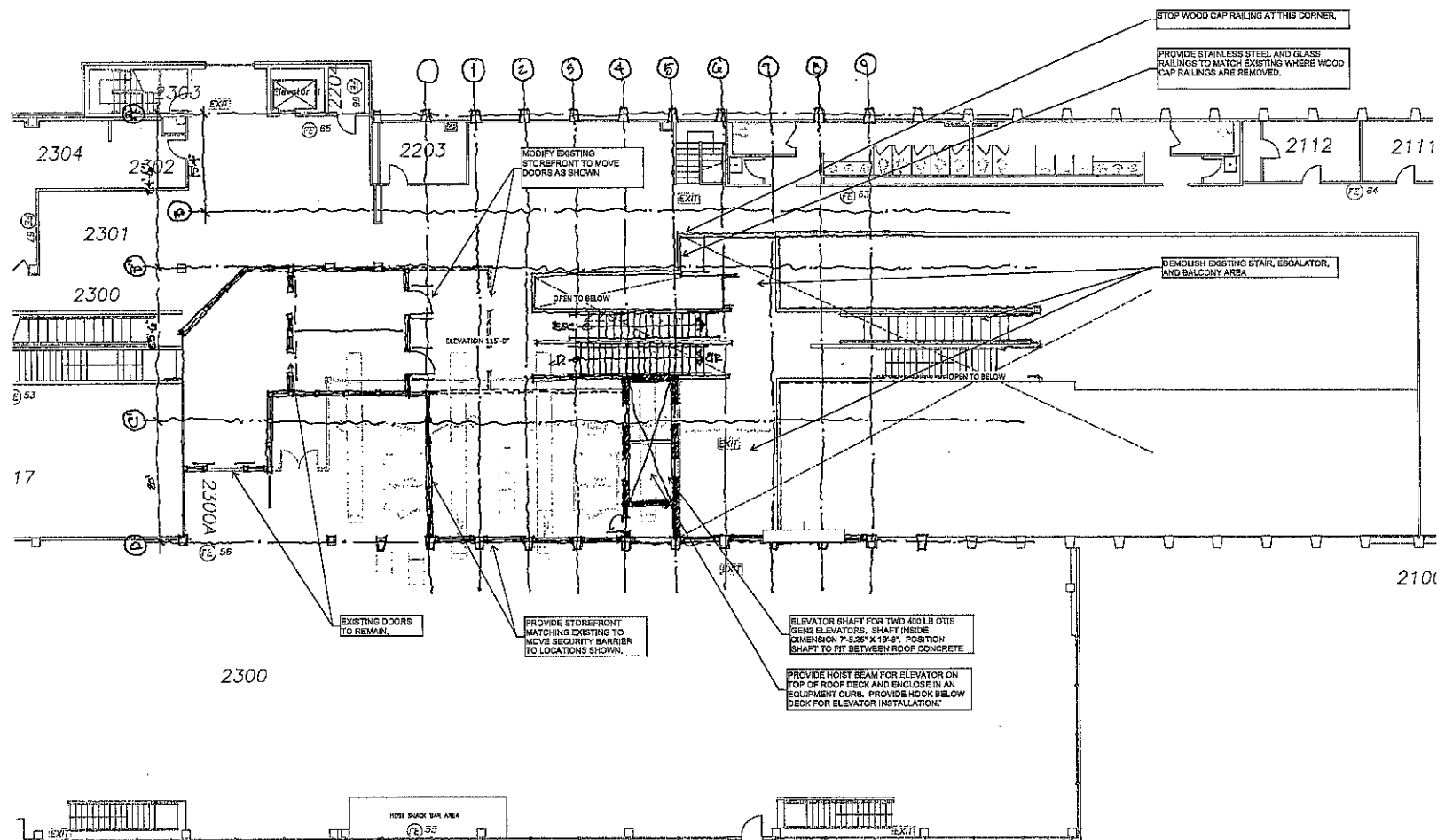


1

Portland International Jetport Terminal Building Upper Level







ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 219-16/17
Tab 25 4-24-17
Tab 13 5-1-17
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AMENDING ORDER 153-16/17
(FY2018 CIP PROJECTS)**

WHEREAS, the Portland City Council adopted Order No. 153-16/17 on April 5, 2017, authorizing the issuance of general obligation bonds of the City of Portland in the amount of \$24,340,500 to finance a portion of the City's FY2018 Capital Improvement Program (collectively as the "Prior Bond Order" and the "FY2018 CIP Projects"); and

WHEREAS, the City Council desires to amend the Prior Bond Order as set forth below;

NOW, THEREFORE, by the City Council of the City of Portland, be and it hereby is:

ORDERED THAT the description of the FY2018 CIP Projects attached as Exhibit A to the Prior Bond Order is hereby replaced in full with Exhibit A (Replacement) attached hereto.

BE IT FURTHER ORDERED THAT, in all other respects, the Prior Bond Order is hereby ratified and confirmed as if more fully set forth herein.

FY18 CIP - General Fund

Exhibit A (Replacement)

	<u>Bonded Amount</u>	<u>Other Funding</u>	
Transportation			
<i>PACTS/Match/Other Leveraged Funds</i>			
PACTS TIP Intersection Project - Brighton-Deering-Falmouth (USM Roundabout)	\$ 767,200		
PACTS RTMS (Regional Transportation Management Systems) - Traffic Signals	260,000		
PACTS TIP Congress Street Signals	110,313		
MPI PACTS paving - Allen Avenue	130,500		
PACTS Collector paving: Veranda Street	85,000		
<i>Traffic Signals / Lights</i>			
Traffic Signals at Various Locations	600,000		
Streetlights: Implement LED Conversion	500,000		
Traffic Signal Work in Support of Paving Programs	210,000		
<i>Streets/Sidewalks</i>			
Pavement Preservation Program	2,700,000	200,000	
Thames Street Extension Engineering and Construction	1,400,000	-	
Sidewalk Rehabilitation/Accessibility	500,000	100,000	
CSO Compliance - SRF Ineligibles	600,000	-	
Washington Ave Rehabilitation (Cumberland to E. Prom)	250,000	-	
Somerset Street Project Phase 1B	-	240,000	
Street Rehabilitation Program	200,000	-	
Railroad Quiet Zone Improvements	25,000	-	
Transportation Total	\$ 8,338,013	\$ 540,000	
Facilities			
<i>Buildings/Garages</i>			
Waterproof Decking & Conditional Appraisal Repairs at Spring Street Garage	\$ 350,000		
Dectron Air Handling Replacement for Riverton Pool	300,000		
Three Air Handling Units at Public Safety	300,000		
Temple St Parking Garage Cond. Appraisal Repairs	240,000		
Masonry, Windows, remodel at Munjoy Public Safety building	200,000		
Homeless Shelter Planning	125,000		
Fire Station Paving Projects	50,000		
<i>Marine</i>			
Waterfront Fender Systems	1,000,000		
Floats at Cushing Island, Maine State Pier, East End Beach, Peaks	100,000		
Compass Park - Ongoing pile/pier work	100,000		
<i>School Facilities</i>			
<u>CBHS Great Room & Live Safety Improvements</u>	<u>225,000</u>	<u>930,000</u>	Added
Deering High School Windows		750,000	Removed
PATHS/CBHS, Presumpscot, Longfellow, DHS & King Campus Paving		500,000	
Lyman Moore - Boiler Replacement		300,000	
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Deering High School Functional Life Safety Space	66,040	84,960	
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Lyman Moore - Fire Alarm Replacement Engineering		20,000	Removed
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Facilities Total	\$ 3,056,040	\$ 2,084,960	
Parks, Fields, Trails			
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Lyman Moore Field Upgrades and Drainage	\$ 450,000		
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Parks, Fields, Trails Total	\$ 1,460,200		
Equipment and Vehicles			
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District Phone System	225,000		Removed
Chiller Replacement	225,000		

Phone System Upgrade	200,000
Replace Patient Call System	116,000
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FY18 CIP - Sewer Fund

Sewer / Stormwater

CMOM - Inflow and Infiltration Program	\$ 260,000
CMOM - Sewer System Renewal	1,100,000
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TOTAL CIP (General Fund & Sewer Fund)	\$ 24,340,500	\$ 2,624,960
COMBINED TOTAL CIP (General Fund & Sewer Fund)	\$ 26,965,460	

MEMORANDUM - City Council Agenda Item

TO: Mayor and City Council

FROM: Brendan T O'Connell – Finance Director (submitting on behalf of School Board)

DATE: 4/14/17

DISTRIBUTION: City Manager, Mayor, Anita LaChance, Sonia Bean, Danielle West-Chuhta

SUBJECT: ORDERS AMENDING ORDER 153-16/17 (FY2018 CIP PROJECTS)

SPONSOR: Mayor Strimling

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading 4/24/17 Final Action 5/1/17

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

PRESENTATION: None

I. SUMMARY OF ISSUE (Agenda Description)

On April 5, 2017 the City Council approved Order 153-16/17, the FY18 Capital Improvement Plan. The plan was the result of a lengthy public process which included all City Departments and the School Department submitting and presenting their prioritized capital improvement plan requests in late 2017, the City Manager presenting the Capital Improvement Plan to Finance Committee, and the Finance Committee and City Council both unanimously endorsing that plan as presented. The School Board has subsequently requested a change to the normal process and voted to ask the City Council consider an amendment, removing seven school projects from the FY18 approved CIP (Deering High School Windows, District Phone System, Deering High School Kitchen / Remodel Upgrade, Energy Management Control Upgrades, Engineering for Roofs, King – Fire Alarm Replacement Engineering, Lyman Moore – Fire Alarm Replacement Engineering) and reallocating that funding to the Casco Bay High School New Entrance and Engineering project.

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

In April 2017 the School Board changed their project prioritization and has requested a re-allocation of their FY18 CIP funding. They would like to remove the \$1,155,000 in funding for the following projects:

Deering High School Windows	\$750,000
District Phone System	225,000
Deering High School Kitchen / Remodel Upgrade	50,000
Energy Management Control Upgrades	50,000
Engineering for Roofs	40,000
King – Fire Alarm Replacement Engineering	20,000
Lyman Moore – Fire Alarm Replacement Engineering	<u>20,000</u>
Total	\$1,155,000

The funding the above seven projects would then be reallocated to a newly authorized Casco Bay High School New Entrance and Engineering project. Additional detail from the School Department is attached.

III. INTENDED RESULT

Closure on FY18 CIP process, so work can begin on the FY18 school CIP projects.

IV. COUNCIL GOAL ADDRESSED

As noted previously, the CIP is a requirement of the City Charter and a duty of the City Manager. These actions will trigger compliance with the City Charter requirements.

V. FINANCIAL IMPACT

Although this particular amendment has no immediate net financial impact, it removes 7 projects from the FY18 CIP which were previously requested by the Department, recommended by the City Manager, and approved by the Finance Committee. It replaces those 7 projects with one which was not recommended for funding by the City Manager or Finance Committee, for a building which may be significantly renovated in the coming years.

VI. STAFF ANALYSIS

Staff and the City Manager chose not to recommend the CBHS entrance project for funding as part of the FY18 process. During a meeting between City and School staff on 12/20/16, the School Department had listed the Casco Bay High School New Entrance and Engineering project as Priority 5 ("Other Projects"), which was significantly lower than any of the other projects recommended by the School Board. The PPS projects recommended for funding by the City Manager were all listed as either a priority 1 ("Health, safety and compliance issues including roof structural upgrades; improvements to indoor air quality; compliance with the Americans with Disabilities Act; hazardous material abatement or removal; and other health, safety and compliance issues") or Priority 2 ("Repairs and improvements not related to health, safety and compliance limited to repairs and improvements to school building structures, windows, doors and water supply or waste disposal systems"). Furthermore, the engineering work recommended for the King and Lyman Moore Fire Alarm Replacements and also the PHS Roof Replacement was included in part to help boost the district's chances at School Revolving Renovation Funding in the FY18 application cycle.

VII. RECOMMENDATION

Staff and City Manager's recommendation is already reflected in the CIP which was approved on April 5, 2017.

VIII. LIST ATTACHMENTS

Additional detail from the School Department on the Casco Bay High School New Entrance and Engineering project and their request is attached.



Portland Public Schools

LEARNING TO SUCCEED

Executive Summary

Portland Board of Public Education Business Meeting Agenda Item

TOPIC: Reallocation of City Manager's CIP Funds

DATE: April 11, 2017

PREPARED BY: Xavier Botana, Superintendent

Recommended Action:

- ☐ Action Item – Consent
- ☐ Action Item – First Read
- ☒ Action Item – Vote
- ☐ Discussion Item
- ☐ Information Item

Agenda Reference:

VIII.c.
School Year Item: A-89-16/17

Recommendation(s):

Approve revisions to the City Finance Committee's approved CIP

Purpose:

To allow the building of the Casco Bay High School Great Room and accompanying Life Safety improvements

Connection to Comprehensive Plan:

The work of the Portland Board of Public Education ("Board"), as facilitated by the Chair, supports all goals and objectives of the Comprehensive Plan. This proposed action addresses the following two goals:

Goal 2 – WHOLE STUDENT: All Portland Public School students will develop the skills, habits and mindsets they need to engage in and contribute to our diverse and ever-changing world.

Goal 4 – PEOPLE: Portland Public Schools attracts, supports and retains talented and diverse people who use their strengths to achieve our shared goals.

Background:

When CBHS was asked to expand from 280 to 400 students, a master building plan was developed that would bring the school to the level of educational programming to meet the needs of the expanding student population and the school's unique curriculum. The building study, conducted by PDT Architects estimated \$34 million in programmatic and capital improvements (see memorandum from Principal Derek Pierce) attached. To date, very few of those improvements have been made.

One key aspect of the Casco Bay experience is the School Meeting. As evidenced by the pictures attached with this memorandum, the Great Room space where this meeting takes place is inadequate. Students are packed in and some students emotionally cannot handle being in such tight quarters.

In December, the Board submitted a Capital Improvement Plan to the City. The request was for over \$5 million in 2018 CIP (see attached). The Manager's recommendation, which was adopted by the City Finance Committee and is working its way through the Council was for \$2.5 million.

During the hearing process, advocates for Casco Bay High School turned out to advocate for reinstatement of the \$1.15 million. Finance Committee members encouraged the district to evaluate the proposed approved projects, and if they wished to do so, remove \$1.15 million in projects and prioritize the Casco Bay project.

Staff have reviewed the approved projects and is recommending 1.15 million in projects that could be postponed without significant impact on the district's upkeep and maintenance. The DHS windows, while needed, were not included in the district's request to the City. They were located in the 2019 proposed CIP, where they will return. We believe that several engineering reports that were approved by the Council can be also postponed to the 2019 CIP request.

Finally, we have proposed to remove the upgrade to the district's phone system. The IT department is considering other cheaper, short term solutions that will allow us to upgrade the phone servers to become serviceable again. They believe this can be achieved within their current operational budget (~\$60,000).

The proposed replacements are attached as Summary of 2018 CIP Evolution.

I have discussed this plan with City Manager Jon Jennings who understands the rationale behind this request.

If approved by the Board, the City Council does not need to change its CIP advertisement as the bottom line amount remains as advertised.

It is important to remember that the board previously approved the Casco Bay project but not many of the projects that would be postponed to 2019 CIP.

Fiscal Impact:

Removes \$1.15 million in projects from the current approved CIP and replaces it with the same cost Casco Bay project.

Attachment(s):

Memorandum from Principal Derek Pierce
Powerpoint "The Need for Greater Great Space"
CBHS Stair 3 Schematics
Original Board CIP Request
Summary of 2018 CIP Evolution



Derek Pierce
Principal
piercd@portlandschools.org

Casco Bay High School
For Expeditionary Learning

196 Allen Avenue
Portland, Maine 04103
PH(207) 874-8160 • Fax (207) 797-5437
<http://CBHS.portlandschools.org>



Portland Public Schools

March 28, 2018

Dear Superintendent Botana:

At the request of Laurie Davis of the School Board Operations Committee, I write to provide some background and rationale behind the request for the "Greater Great Space" in next year's CIP. I urge the School Board to support including the project in its recent allotment for CIP school projects from the City Council.

Support for this million dollar project will fulfill the city's pledge to our school and community when we agreed to expand about this time five years ago.

In the spring of 2012, Mayor Brennan asked that we expand Casco Bay High School to better meet community demand, and we did so. We've grown since then from 280 to about 400 students. Part of the city's pledge was to expand our facility commensurately. That pledge has been only partially fulfilled. In the fall of 2013, when PDT architects met with students, staff and parents to develop the Casco Bay High School "Master Plan," the top priority for facility upgrades was "a Greater Great Space." This was not surprising. The "Great Space" is the only large, open space in our facility. We gather the whole community there weekly for school meeting. School Meeting teems with student performances, recognitions and rituals (eg: Movin' On Up) that both demonstrate and perpetuate our core school values. The space is also used incessantly from before school until the last student leaves in early evening: for class meetings, for culminations, for hanging out at lunch and before school, for guest speakers, for small group work outside the classroom, for teacher collaboration.... Any visitor to our school knows it is the hub and cultivator of our community.

In February 2014, the Master Plan was released and imagined three phases of renovations. So far about 10% of the work (and the estimated costs) – have been completed. The addition of two science labs and two classrooms was prioritized for the initial work for two reasons:

- 1) We were expanding from 280 to about 400 students over 3 years, and we needed the new classroom space urgently.
- 2) PDT realized that the state safety rules required that if the Great Space was expanded at all in size that a 3rd form of egress would be required from the space. This required 3rd form of egress has evolved to also be framed as our new entrance – which has significant benefits and is required by law – but the largest good for the school community will be the Greater Great Space.

In the current CIP process, this "CBHS Entrance" project was not rated highly by Dave Onos and Kathy Alves, but it was highly rated and fully recommended by the Board of Education. It is distinct from the other "bricks and mortar" issues on the CIP list; it is not about something falling apart. It is about addressing a crucial need that has never been appropriately addressed, for 12 years. This project was valued by the School Board as something equally necessary because of all the projects on the list, it most impacts school culture and student learning.

I have shared some photos with the finance committee of what it looks like currently during our school meeting; they are attached here. It is an obvious safety issue. School meeting felt crowded in this space even before we expanded; that is why the Greater Great Space was the top priority. Now, we have a



Portland Public Schools
Assuring that all students are learning for their future

cohort of students who are too anxious to be a part of the claustrophobic din at school meeting. This is not acceptable.

The preliminary drawings by PDT architects completed last November for this project are also attached; they include creating a "Greater Great Space," a new, distinct entrance for CBHS, a new main office proximate to the Greater Great Space and three new classrooms within our existing footprint to replace the classrooms that would be eliminated to make room for the Greater Great Space.

This spring, the district is also submitting an application to the State Board of Education in support of a new building or massive renovation for PATHS and CBHS. This is one of six applications the district will likely submit, and one of about one hundred that can be expected state-wide. We will not know where we stand in the state's funding process until some time in the spring of 2018. As veterans of the Major Capital School Construction Process know, applications for state funding are always a long-shot in terms of both odds and duration. Even if a PATHS-CBHS building became a high priority in the next round of state funding, it might be a decade before any "ribbon-cutting." The fifteen hundred families or so we will be serving over the next decade deserve a complete school.

In our first dozen years, Casco Bay High School has become one of the highest achieving high schools in the state, consistently out-performing demographic expectations. 98% of our graduates have been accepted to college. More importantly, our students graduate capable of producing high quality work that matters, to themselves and our world. Our educational program has become a reason that families move to Portland - and stay. The same can not be said of our inadequate facility. We are comfortable that our school has been retrofitted into the district's existing facilities. We are proud that there is probably no non-charter public high school in Maine that has had less spent on its facility. We know there is not another non-charter public high school in Maine that does not have a cafeteria, gym or theater. And we are not asking for any of that. We are asking for just over 1 million dollars of the remaining \$36 million dollars that PDT recommended in our Master Plan. We just want a single space where our entire community can comfortably gather and learn from one another and build community, together. Wait till you see what we can do then.

Thanks, as always, for your service to Portland.

Sincerely,

Derek Pierce

Derek Pierce
Principal



Portland Public Schools
Assuring that all students are learning for their future

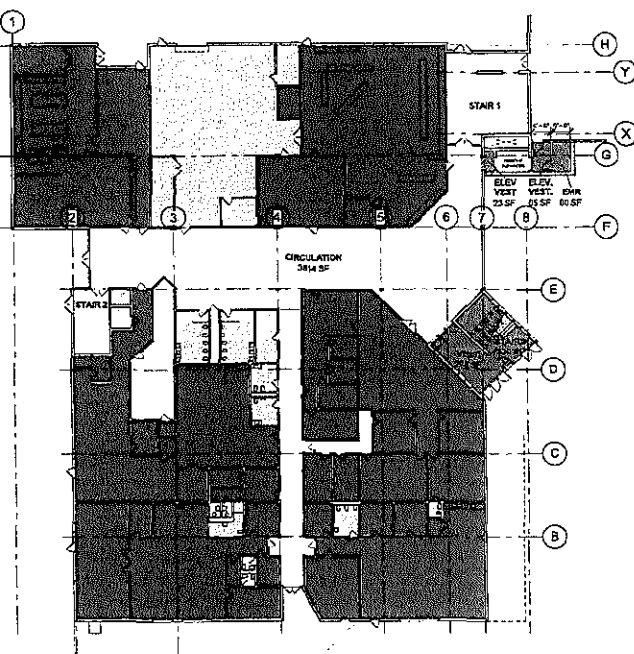
Powerpoint “The Need for Greater Great Space”

The Need for a Greater Great Space

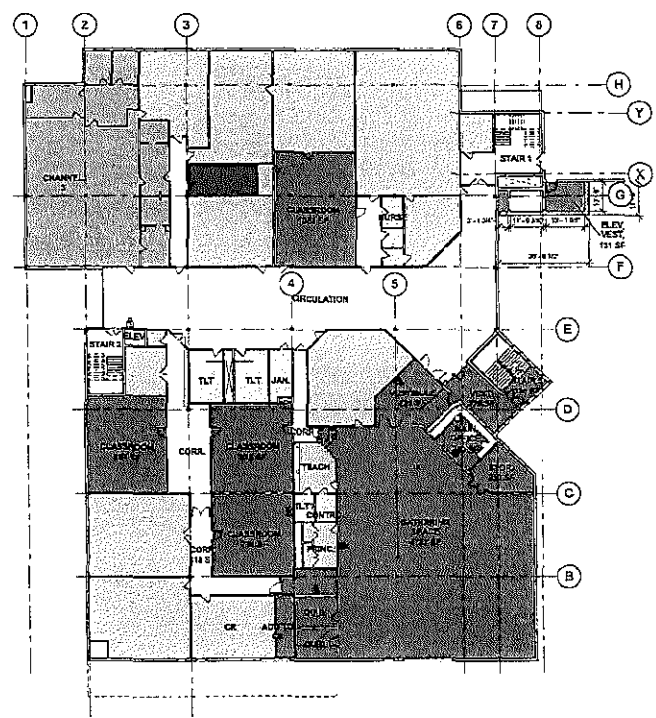




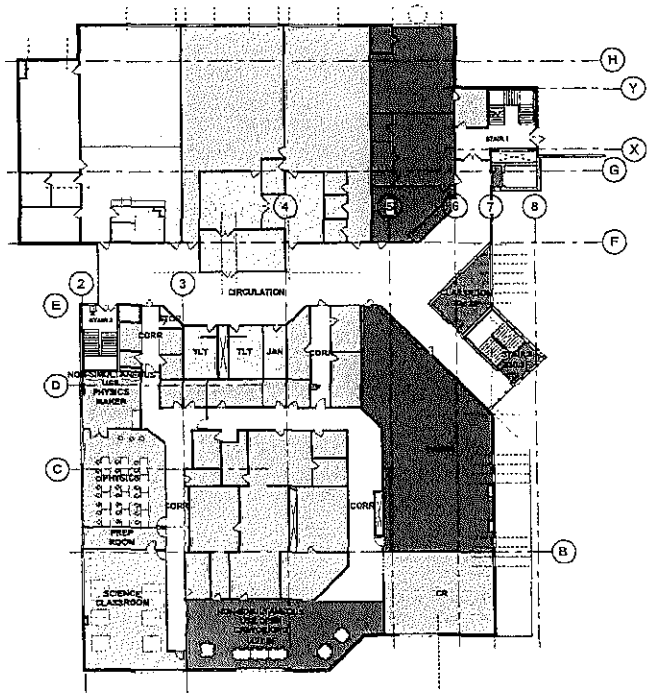
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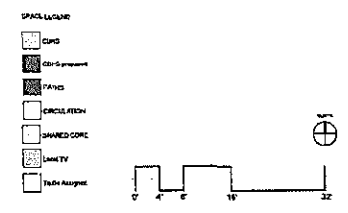
FIRST FLOOR



SECOND FLOOR



THIRD FLOOR



Casco Bay High School - PATHS

STAIR #3 - Option 1 Schematic Plans

November 1, 2016

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 220-16/17
~~Tab 26~~ 4-24-17
Tab 14 5-1-17
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AMENDING ORDER 154-16/17
(FY2018 CIP PROJECTS)**

WHEREAS, the Portland City Council adopted Order No. 154-16/17 on April 5, 2017, appropriating the proceeds of the City's general obligation bonds in the amount of \$24,340,500 and appropriating certain other City funds in the amount of \$2,624,960 to finance a portion of the City's FY2018 Capital Improvement Program (referred to collectively as the "Prior Appropriation Order" and the "FY2018 CIP Projects"), as more particularly described in said Prior Appropriation Order; and

WHEREAS, the City Council desires to amend the Prior Appropriation Order as set forth below;

NOW, THEREFORE, by the City Council of the City of Portland, be and it hereby is:

ORDERED, THAT the description of the FY2018 CIP Projects attached as Exhibit A to the Prior Appropriation Order is hereby replaced in full with Exhibit A (Replacement) attached hereto.

BE IT FURTHER ORDERED THAT, in all other respects, the Prior Appropriation Order is hereby ratified and confirmed as if more fully set forth herein.

FY18 CIP - General Fund

Exhibit A (Replacement)

	Bonded Amount	Other Funding	
Transportation			
<i>PACTS/Match/Other Leveraged Funds</i>			
PACTS TIP Intersection Project - Brighton-Deering-Falmouth (USM Roundabout)	\$ 767,200		
PACTS RTMS (Regional Transportation Management Systems) - Traffic Signals	260,000		
PACTS TIP Congress Street Signals	110,313		
MPI PACTS paving - Allen Avenue	130,500		
PACTS Collector paving: Veranda Street	85,000		
<i>Traffic Signals / Lights</i>			
Traffic Signals at Various Locations	600,000		
Streetlights: Implement LED Conversion	500,000		
Traffic Signal Work in Support of Paving Programs	210,000		
<i>Streets/Sidewalks</i>			
Pavement Preservation Program	2,700,000	200,000	
Thames Street Extension Engineering and Construction	1,400,000	-	
Sidewalk Rehabilitation/Accessibility	500,000	100,000	
CSO Compliance - SRF Ineligibles	600,000	-	
Washington Ave Rehabilitation (Cumberland to E. Prom)	250,000	-	
Somerset Street Project Phase 1B	-	240,000	
Street Rehabilitation Program	200,000	-	
Railroad Quiet Zone Improvements	25,000	-	
Transportation Total	\$ 8,338,013	\$ 540,000	
Facilities			
<i>Buildings/Garages</i>			
Waterproof Decking & Conditional Appraisal Repairs at Spring Street Garage	\$ 350,000		
Deetron Air Handling Replacement for Riverton Pool	300,000		
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SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 221-16/17
Tab 27-4-27-17
Tab 15 5-1-17
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14
Re: INSTITUTIONAL OVERLAY ZONE**

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

*That Chapter 14, Sections 14-277 to 14-282 of the Portland
City Code are hereby amended as follows:*

Art. I. In General, § 14-1--14-15
Art. II. Planning Board, § 14-16--14-45
Art. III. Zoning, § 14-46--14-490

...

Div. 16. Waynflete School Overlay Zone, § 14-276--14-
276.10
Div. 16.1. Institutional Overlay Zone (IOZ), § 14-277--14-
293
Div. 17. B-7 Mixed Development District Zone, § 14-
294-14-304

...

DIVISION 16.1. INSTITUTIONAL OVERLAY ZONE (IOZ)

14-277.—Reserved. Purpose of the Institutional Overlay Zone

The Institutional Overlay Zone (IOZ) designation provides a
regulatory mechanism available to the city's four major medical and
higher education campuses where an improved regulatory structure is
needed to facilitate a consistent, predictable, and clear growth
management process. The purposes of the Institutional Overlay Zone
are to:

(a) Acknowledge that the city's major academic and medical
institutions play a prominent role in the health and well-being of
the local and regional community, and in order to sustain that role,
these institutions need flexibility to change and grow;

(b) Encourage proactive planning for institutional change and
growth which identifies and addresses likely long-term institutional

needs and cumulative impacts while leveraging potential benefits at the neighborhood, city, and regional level;

(c) Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions;

(d) Support the formation and continuation of mutually beneficial public-private cooperation;

(e) Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods;

(f) Reflect Comprehensive Plan and other policy objectives;
and

(g) Provide a consistent regulatory approach to all major institutions which allows unique regulatory requirements that balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

14-278.—Reserved. Location and Applicability

The city's four primary medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. The Eligible Institutions are the two major hospital institutions of Maine Medical Center and Mercy Hospital and the two major academic institutions of University of Southern Maine and University of New England, their successors and assigns. Designation as an IOZ is the preferred mechanism where the Eligible Institution's proposed development is inconsistent with the existing zoning.

14-279.—Reserved. Establishment of an Institutional Overlay Zone

(a) Application for an Institutional Overlay Zone. Where the Eligible Institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:

1. An Institutional Development Plan (IDP) (see Section 14-280).
2. A Regulatory Framework (see Section 14-281) that would, when and if adopted, be the text and map amendment to the City's Land Use Code and Zoning Map.

(b) Required Public Involvement. At least two neighborhood meetings shall be required. The first shall be held prior to the formal submission of a zone change application for an Institutional Overlay Zone and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and inform the development of the Institutional Development Plan (IDP) and Regulatory Framework. Meetings shall be held in a convenient location proximate to the institution. The

applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates and maintain written records of the meetings.

(c) Required Scoping Meeting. The Eligible Institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and Regulatory Framework, including associated study areas that may be outside of the proposed IOZ boundary. The IDP and Regulatory Framework will vary in detail and focus depending on the Eligible Institution and its particular context. The content requirements in Sections 14-280 and 14-281 and the comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the Eligible Institution (see Section 14-280(c)).

(d) Reviewing Authority.

1. The Planning Board shall review the zone change application, including the IDP and Regulatory Framework. At least one public workshop and a public hearing before the Planning Board are required.
2. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the Institutional Overlay Zone and the accompanying Regulatory Framework as an amendment to the city's code of ordinances.

(e) Future Institutional Development.

1. All new development by the Eligible Institution within the boundary of the IOZ shall be compliant with the IOZ and accompanying Regulatory Framework, consistent with the IDP, consistent with the Comprehensive Plan, and meet applicable site plan standards, unless such standards are superseded by the Regulatory Framework.
2. Any use/development proposed by the Eligible Institution outside the IOZ boundary that complies with the zoning for permitted uses in that location shall be reviewed under the standards of that zone. Any use/development proposed by an Eligible Institution outside of the IOZ boundary that is proposed in a residential zone and is functionally related to the operations within the IOZ shall be addressed by the IDP and require an amendment to the IDP.

14-280.—~~Reserved.~~ Institutional Development Plan (IDP)

(a) Purpose. Any use conducted by an Eligible Institution and any construction by an Eligible Institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this ordinance. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services and measure, analyze, and address the anticipated or potential impacts of planned institutional growth and change. The IDP shall serve as a background document that supports the proposed Regulatory Framework and frames subsequent site plan review(s).

(b) Planning Horizon. An IDP shall provide the city and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the Eligible Institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years or more); however, the specific planning horizons for each institution will be determined as part of the IDP approval process.

(c) Content. The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required Scoping Meeting:

1. Context Information

- a. The institution's adopted mission, vision, or purpose statement
- b. A summary of relevant baseline data on the institution, including:
 - i. A neighborhood context plan;
 - ii. An inventory of current programs and services;
 - iii. A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time;
 - iv. An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking);

- v. An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities.
 - c. A summary of the baseline characteristics of the existing campus and context of the institution, based on identified study areas, including:
 - i. A summary of existing resources, such as historic, open space, and natural resources;
 - ii. A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization;
 - iii. A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues;
 - iv. Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth.
 - d. A summary of public involvement in the development of the IDP, including major areas of public concern.
 - 2. Assessment of Future Institutional Growth and Change
 - a. A description of institutional needs and areas of future institutional growth and change, including:
 - i. Projected census of users (e.g., enrollment /employment/patient/visitor figures and anticipated variations over time);
 - ii. Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus; and
 - iii. A Development Plan addressing anticipated or potential institutional needs and physical improvements, including the proposed boundary of the IOZ and any phasing of the development.

b. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the Regulatory Framework:

i. Transportation and access

- a. An analysis of the projected changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan;
- b. An analysis of the projected changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety;
- c. A transportation, access, and circulation plan, representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required.

ii. Environment

- a. An analysis of potential cumulative impacts on natural resources and open spaces;
- b. An analysis of projected energy consumption, hazardous materials generation, noise generation, and similar issues as relevant;
- c. An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation, enhancement, conservation, and/or mitigation.

iii. Infrastructure

- a. An analysis of projected public utility demand and the capacity of associated infrastructure;
- b. An analysis of projected public safety needs and projected impacts to the capacity of these services;
- c. An infrastructure plan, representing the synthesis of the analysis and including a proposed program or set of guidelines to support sustainable growth.

iv. Design

- a. An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to historic resources;
- b. An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context;
- c. An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the proposed campus development;
- d. A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions.

v. Neighborhood Engagement

- a. A plan for ongoing community engagement that represents best practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood

feedback and institutional accountability;

- b. A property management framework that identifies the institution's process for handling operational property issues with neighbors;
- c. Strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods;
- d. A set of construction management principles, to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear communication strategy is in place in advance of construction.

(d) Standards of Review. The IDP shall:

- 1. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board;
- 2. Reflect the issues/topics identified in the required public process;
- 3. Demonstrate consistency with the city's Comprehensive Plan and the purpose of this ordinance;
- 4. Demonstrate how the property ownership, proposed growth, and requested Regulatory Framework relate to the institution's mission;
- 5. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands;
- 6. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.
- 7. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated;
- 8. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated;
- 9. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric;

10. Promote compatibility with existing or future uses in adjacent neighborhoods, maintain housing, and support local amenities;
11. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure;
12. Conform with Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts, or historic landscapes, the IDP shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity; and
13. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.

(e) Approval. Upon finding that an Eligible Institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.

(f) Monitoring. The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments;

(g) Amendments. An approved IDP shall guide campus development unless and until amended. If at any time the Eligible Institutions request minor amendments to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a substantial alteration of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the baseline data in the IDP shall be updated as appropriate.

14-281. Regulatory Framework

(a) Purpose. The Regulatory Framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the text and map amendments to the City's Land Use Code and Zoning Map. The zoning requirements are anticipated to include parameters that guide the growth and change of the institution as

well as broad strategies to address potential impacts, with plans and details to be developed under site plan review.

(b) Applicability. The Regulatory Framework shall apply only to properties that are within the IOZ boundary and to which the Eligible Institution holds right, title, or interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the Regulatory Framework and the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the Eligible Institution shall continue to be governed by the regulations of the underlying zoning designation.

(c) Uses. Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.

(d) Content. The Regulatory Framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the particular issues associated with the institution and its neighborhoods. The Regulatory Framework should be succinct and use tables and graphics as possible to address the following, if applicable:

1. Zoning boundary of the IOZ: The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City's Zoning Map);
2. Phasing and schedules: Requirements that relate to particular proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan);
3. Uses: Clarification, as necessary, on permitted uses.
4. Dimensional Requirements: Graphics, sketches, or standards, including details for transition zones within the IOZ boundary;
5. Transportation: Elements such as TDM trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios and management strategies; thresholds for access improvements;
6. Environment: The approach to the inclusion of open space and preservation of environmentally-sensitive areas;

7. Mitigation measures: The broad approach to identified mitigation measures, which would be addressed in greater detail in the site plan review process; thresholds for addressing deficiencies; goals for preservation/protection;
8. Design: Graphics and standards to clarify building placement and envelope (height and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity; and
9. Neighborhood Integration: Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns.
10. Monitoring: A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.

(e) Standards of Review: The Regulatory Framework shall:

1. Be consistent with the Comprehensive Plan and the Institutional Development Plan;
2. Provide a clear zoning framework, using graphics and tables as appropriate, to apply to future site plan reviews;
3. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement; and
4. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.

(f) Approval/Adoption. The Planning Board shall review the proposed Regulatory Framework against the standards of review and make a recommendation on the institution's IOZ designation and Regulatory Framework to the City Council for adoption as part of this zoning ordinance.

(g) Amendments. A Regulatory Framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a Regulatory Framework and/or IOZ boundary may be brought forth by the city or Eligible Institution. Amendments brought forth by the city will require a supermajority of the City Council to take effect. Proposed amendments to the IOZ boundary or Regulatory Framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

14-282. Reserved.

* Editor's note. Order No. -16/17, adopted May , 2017, provided that the Regulatory Frameworks, as they are adopted by the City Council for each Eligible Institution, shall be codified within this section.

MEMORANDUM
City Council Agenda Item

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

FROM: Jeff Levine, Director, Planning and Urban Development

DATE: April 3, 2017

SUBJECT: Institutional Overlay Zone (IOZ) Text Amendment

SPONSOR: Elizabeth Boepple, Chair, Planning Board

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st reading April 24, 2017 Final Action May 1, 2017

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

Maine Medical Center (MMC) is currently pursuing an Institutional Overlay Zone designation under the new ordinance, and the IOZ framework needs to be in place to allow early adoption of the MMC IOZ and subsequent construction this year.

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

Elizabeth Boepple, Chair - 1 minute introduction

Stuart O'Brien, Planning Director, 3 minute overview of key policy elements

I. ONE SENTENCE SUMMARY

The Planning Board is forwarding a recommendation to the City Council to adopt a text amendment to the land use code to create a process for institutional zoning in the city in the form of an Institutional Overlay Zone (IOZ).

II. AGENDA DESCRIPTION

On March 28, 2017, the Planning Board voted 7-0 to recommend a new Institutional Overlay Zone (IOZ) ordinance to make available a process for the growth and development of major institutions (initially MMC, Mercy, UNE and USM) in view of their central economic, academic, and health care roles in the city and region. The process aims to foster transparency; formalize regular public engagement between the institutions and neighborhoods, the city, and third parties (e.g. METRO and utilities); and provide mechanisms that address the implications of institutional growth and development.

III. BACKGROUND

At least three of these four major institutions are considering major changes to their core campuses, and, for some, the existing zoning context presents challenges. For example, MMC's contract zone, developed in 2005, does not support their long-term vision, and UNE's existing zoning, consisting of five disparate zones, presents challenges for their future planning as well.

The concept of an Institutional Overlay Zone (IOZ) has been adopted in many municipalities as it introduces a longer-range institutional planning process that allows the city to better anticipate municipal needs, and fosters healthy ongoing relationships with surrounding neighbors.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

Staff has drafted the Institutional Overlay Zone (IOZ) to achieve a number of goals, among them to create more consistent and predictable regulation for the city's major institutions which allows them to change, grow and contribute to the city's (and region's) economy, cultural life, and health in a sustainable way.

V. FINANCIAL IMPACT

There are no known municipal financial impacts associated with the zoning amendments, although there are broad economic implications of institutional growth for the city, region and state..

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

The ordinance sets out an IOZ mechanism that allows a major institution to seek designation as an IOZ, which would comprise a zoning framework unique to the institution that replaces the underlying zone for institution properties. As part of the process the institution would prepare an Institutional Development Plan (IDP) which sets out the current land use and proposed development. The IDP feeds into a Regulatory Framework and IOZ boundary which form the 'zoning' for the institution and would be incorporated into the land use code following Planning Board and City Council review and approval.

Staff of the Planning and Urban Development Department, in consultation with Corporation Counsel, developed this text over the course of five meetings with the Planning Board and with the input of numerous stakeholders including the major institutions, neighborhood groups and members of the public.

VII. RECOMMENDATION

On March 28, 2017, the Planning Board voted 7-0 to recommend a new Institutional Overlay Zone (IOZ) ordinance. The recommendation was:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on March 28, 2017, and on the basis of the testimony presented at the public hearing, the Planning Board found that the proposed Institutional Overlay Zone text amendment **is** consistent with Portland's Comprehensive Plan and therefore recommends adoption of the amendments to the City Council.

VIII. LIST ATTACHMENTS

1. IOZ Process Graphic
2. Planning Board Report to Council (Includes text amendments)

Prepared by: Stuart O'Brien, Planning Director

Date: April 3, 2017



PLANNING BOARD REPORT to the CITY COUNCIL PORTLAND, MAINE

Proposed Text Amendment
Institutional Overlay Zone (IOZ)
City of Portland, Applicant

Submitted to: Portland City Council
First Reading: April 24, 2017
Second Reading: May 1, 2017

Prepared by: Jean Fraser and Nell Donaldson, Planning Division
Report Prepared: April 3, 2017

I. INTRODUCTION

On March 28, 2017, the Planning Board voted 7-0 to recommend to the City Council a text amendment to the land use code to create a process for institutional zoning in the city in the form of an Institutional Overlay Zone (IOZ). Staff of the Planning and Urban Development Department, in consultation with Corporation Counsel, developed this text over the course of five meetings with the Planning Board and with the input of numerous stakeholders. The purpose of this report is to present this text to the City Council. The report presents background on the evolution of the IOZ text, a compendium of comments received over the course of the review, a comprehensive plan analysis, and finally, a summary of Planning Board deliberations.

II. BACKGROUND

The Planning and Urban Development Department's work to develop an Institutional Overlay Zone began in 2016 with preliminary discussions with each of the city's four major institutions: Maine Medical Center (MMC), Mercy Hospital, University of Southern Maine (USM), and the University of New England (UNE). At least three of these institutions were considering major changes to their core campuses, and, for some, the existing zoning context presented challenges. For example, MMC's contract zone, developed in 2005, did not support their long-term vision, and UNE's existing zoning, consisting of five disparate zones, presented challenges for their future planning as well (*Table 1*).

Table 1: Major Institutions, Existing Zoning Context

Institution	Current zoning	Surrounding zones
Maine Medical Center (MMC)	Contract Zone (2005)	Mostly R6 plus B2, RP, ROS, R4
Mercy Hospital	Contract Zone (2001)	State St. - R6 Fore River Parkway - IL, IMb, IH
USM	USM Overlay Zone (2006)	R5, B2
UNE	R5, R3, IM, IH, B2	R5, ROS, B2

The Department recognizes that the growth and change contemplated by each of these institutions is integral to their long-term health, and, given their central economic, academic, and health care roles, also critically important to the health of the city, region, and state. However, staff also recognizes that institutional growth and change can place pressure on surrounding neighborhoods and the city more broadly, and that the changes anticipated by these institutions need to be addressed as part of a broader long-term plan for each institution. Such long-range planning would allow the city to better anticipate municipal needs and would foster healthy relationships with surrounding neighbors. In this context, staff developed the concept of the Institutional Overlay Zone.

III. DEVELOPMENT OF THE INSTITUTIONAL OVERLAY ZONE ORDINANCE TEXT

The development of the concept and detailed language for the Institutional Overlay Zone involved concurrent research and outreach with stakeholders and the public, including:

A. Research

Numerous examples of institutional zoning from around the country provided guidance in developing the Institutional Overlay Zone. The Planning Board reviewed examples from other municipalities and the text amendments were informed by provisions from other ordinances. The City's land use code already includes institutional overlay zones for USM and Waynflete, and these also informed the final IOZ ordinance. The new IOZ ordinance would provide a consistent approach for future institutional overlay zones.

In addition, elements of the city's existing land use code, including the code provisions for master development plans (under the site plan ordinance), and the India Street Form-Based Code Zone, helped guide the IOZ text. These provisions informed various elements of the IOZ draft, including the text on amendments, historic preservation, and the Institutional Development Plan.

B. Outreach

Institutions: The Planning and Urban Development Department met with each of the four main institutions and/or their representatives and held follow up discussion throughout the development of the IOZ text. Institutions were invited to comment on draft language presented in Planning Board memos and on interim drafts. Their most recent comments are attached (*Attachment 1*). As feasible, comments from institutions were integrated into the text.

Interested parties: The Planning and Urban Development Department also conducted outreach with interested parties both through informal references, for example as part of the Comprehensive Plan discussions, and through noticing via the city's website and "notify me"/e-mail group noticing lists. Additional noticing to MMC neighbors was undertaken in relation to MMC's intention to follow the new IOZ process and prepare an Institutional Development Plan. Approximately 22 parties either submitted written comments or spoke at Planning Board workshops. The comments are included in *Attachment 2* and considered below in Section VII.

City staff: Last, the Planning and Urban Development Department worked with other city departments to develop the ordinance, and the final text reflects input from Corporation Counsel, the Department of Public Works, the Fire Prevention Bureau, and other departments.

C. Planning Board Workshops

The Planning Board held four public workshops prior to the public hearing on the Institutional Overlay Zone, beginning in November of 2016. These workshops allowed the Board to weigh in on the nascent concept of the IOZ, modify the text as it developed, and provide guidance on core issues. A note summarizing Board discussions is included at *Attachment 3*.

IV. BASIC CONCEPTS OF THE INSTITUTIONAL OVERLAY ZONE ORDINANCE

The proposed Institutional Overlay Zone (IOZ) ordinance establishes a consistent process for subsequent development for each major institution by creating a framework under which each institution would pursue its own, institution-specific IOZ, with accompanying map and text changes to the zoning map and land use code. A flow chart depicting this process appears in *Attachment 4* and is summarized below:

A. Eligible Institution's IOZ Review

In the final draft of the Institutional Overlay Zone ordinance, each of the city's four major institutions are defined as eligible for designation as an IOZ. In order for the designation to be applied, these basic submittals are required:

- *Institutional Development Plan (IDP):* The IDP is a longer term development or master plan, to be developed by the eligible institutions, which would guide each institution's development over the life of the plan. The IDP is envisioned as the basic building block of the Institutional Overlay Zone. The IDP is intended as a stand-alone document. This would be approved by the Planning Board.

- *Regulatory Framework:* The Regulatory Framework is essentially the 'zoning' for each institution, and is meant to evolve from the IDP. The Regulatory Framework would establish the parameters to allow each institution to grow as envisioned in the IDP, yet also formalize requirements, guidelines, and performance measures that address the major ramifications of institutional growth and change. The Regulatory Framework would be adopted into the land use code by the City Council.
- *IOZ Boundaries:* The boundaries of each institution's IOZ would be defined as a geographic element represented as an amendment to the city's zoning map. This would be adopted by the City Council.

The final ordinance requires a public meeting prior to an institution's submission of a draft IDP, Regulatory Framework, and IOZ boundaries. The ordinance also requires a scoping meeting with city staff, where the basic content of the IDP would be established. An additional public meeting would be required following submission of each institution's IDP, Regulatory Framework, and IOZ boundaries.

Pursuant to staff and Planning Board review, an IDP would be voted on and either approved or denied by the Planning Board, and the Regulatory Framework and boundaries, as the 'zoning' for the institution, would either be recommended or not to the City Council. The Council would subsequently conduct their review, and following adoption of the Regulatory Framework, it would be incorporated into the land use code. At the same time, the zoning map would be amended to show the institution's Institutional Overlay Zone.

B. Eligible Institution's Site Plan Review

Following creation of the institution-specific IOZ, site plan-level projects initiated by an institution would be reviewed by the Planning Board for consistency with the IDP, the Regulatory Framework, as well as the site plan standards of the land use code.

V. PROPOSED INSTITUTIONAL OVERLAY ZONE TEXT AMENDMENT

INSTITUTIONAL OVERLAY ZONE (IOZ)

I. Purpose of the Institutional Overlay Zone

The Institutional Overlay Zone (IOZ) designation provides a regulatory mechanism available to the city's four major medical and higher education campuses where an improved regulatory structure is needed to facilitate a consistent, predictable, and clear growth management process. The purposes of the Institutional Overlay Zone are to:

- a. Acknowledge that the city's major academic and medical institutions play a prominent role in the health and well-being of the local and regional community, and in order to sustain that role, these institutions need flexibility to change and grow;
- b. Encourage proactive planning for institutional change and growth which identifies and addresses likely long-term institutional needs and cumulative impacts while leveraging potential benefits at the neighborhood, city, and regional level;
- c. Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions;
- d. Support the formation and continuation of mutually beneficial public-private cooperation;
- e. Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods;
- f. Reflect Comprehensive Plan and other policy objectives; and
- g. Provide a consistent regulatory approach to all major institutions which allows unique regulatory requirements that balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

II. Location and Applicability

The city's four primary medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. The Eligible Institutions are the two major hospital institutions of Maine Medical Center and Mercy Hospital and the two major academic institutions of University of Southern Maine and University of New England, their successors and assigns. Designation as an IOZ is the preferred mechanism where the Eligible Institution's proposed development is inconsistent with the existing zoning.

III. Establishment of an Institutional Overlay Zone

- a. *Application for an Institutional Overlay Zone.* Where the Eligible Institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:
 - i. An Institutional Development Plan (IDP) (see Section IV).
 - ii. A Regulatory Framework (see Section V) that would, when and if adopted, be the text and map amendment to the City's Land Use Code and Zoning Map.
- b. *Required Public Involvement.* At least two neighborhood meetings shall be required. The first shall be held prior to the formal submission of a zone change application for an Institutional Overlay Zone and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and inform the development of the Institutional Development Plan (IDP) and Regulatory Framework. Meetings shall be held in a convenient location proximate to the institution. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates and maintain written records of the meetings.
- c. *Required Scoping Meeting.* The Eligible Institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and Regulatory Framework, including associated study areas that may be outside of the proposed IOZ boundary. The IDP and Regulatory Framework will vary in detail and focus depending on the Eligible Institution and its particular context. The content requirements in Sections IV and V and the comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the Eligible Institution (see Section IV.c).
- d. *Reviewing Authority.*
 - i. The Planning Board shall review the zone change application, including the IDP and Regulatory Framework. At least one public workshop and a public hearing before the Planning Board are required.
 - ii. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the Institutional Overlay Zone and the accompanying Regulatory Framework as an amendment to the city's code of ordinances.
- e. *Future Institutional Development.*
 - i. All new development by the Eligible Institution within the boundary of the IOZ shall be compliant with the IOZ and accompanying Regulatory Framework, consistent with the IDP, consistent with the Comprehensive Plan, and meet applicable site plan standards, unless such standards are superseded by the Regulatory Framework.

- ii. Any use/development proposed by the Eligible Institution outside the IOZ boundary that complies with the zoning for permitted uses in that location shall be reviewed under the standards of that zone. Any use/development proposed by an Eligible Institution outside of the IOZ boundary that is proposed in a residential zone and is functionally related to the operations within the IOZ shall be addressed by the IDP and require an amendment to the IDP.

IV. Institutional Development Plan (IDP)

- a. *Purpose.* Any use conducted by an Eligible Institution and any construction by an Eligible Institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this ordinance. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services and measure, analyze, and address the anticipated or potential impacts of planned institutional growth and change. The IDP shall serve as a background document that supports the proposed Regulatory Framework and frames subsequent site plan review(s).
- b. *Planning Horizon.* An IDP shall provide the city and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the Eligible Institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years or more); however, the specific planning horizons for each institution will be determined as part of the IDP approval process.
- c. *Content.* The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required Scoping Meeting:
 - i. Context Information
 - 1. The institution's adopted mission, vision, or purpose statement
 - 2. A summary of relevant baseline data on the institution, including:
 - a) A neighborhood context plan;
 - b) An inventory of current programs and services;
 - c) A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time;
 - d) An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking);
 - e) An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities.
 - 3. A summary of the baseline characteristics of the existing campus and context of the institution, based on identified study areas, including:
 - a) A summary of existing resources, such as historic, open space, and natural resources;
 - b) A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization;

- c) A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues;
 - d) Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth.
 - 4. A summary of public involvement in the development of the IDP, including major areas of public concern.
- ii. Assessment of Future Institutional Growth and Change
 - 1. A description of institutional needs and areas of future institutional growth and change, including:
 - a) Projected census of users (e.g., enrollment /employment/patient/visitor figures and anticipated variations over time);
 - b) Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus;
 - c) A Development Plan addressing anticipated or potential institutional needs and physical improvements, including the proposed boundary of the IOZ and any phasing of the development.
 - 2. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the Regulatory Framework:
 - a) Transportation and access
 - 1) An analysis of the projected changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan;
 - 2) An analysis of the projected changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety;
 - 3) A transportation, access, and circulation plan, representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required.
 - b) Environment
 - 1) An analysis of potential cumulative impacts on natural resources and open spaces;
 - 2) An analysis of projected energy consumption, hazardous materials generation, noise generation, and similar issues as relevant;
 - 3) An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation, enhancement, conservation, and/or mitigation.

c) Infrastructure

- 1) An analysis of projected public utility demand and the capacity of associated infrastructure;
- 2) An analysis of projected public safety needs and projected impacts to the capacity of these services;
- 3) An infrastructure plan, representing the synthesis of the analysis and including a proposed program or set of guidelines to support sustainable growth.

d) Design

- 1) An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to historic resources;
- 2) An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context;
- 3) An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the proposed campus development;
- 4) A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions.

e) Neighborhood Engagement

- 1) A plan for ongoing community engagement that represents best practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood feedback and institutional accountability;
- 2) A property management framework that identifies the institution's process for handling operational property issues with neighbors;
- 3) Strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods;
- 4) A set of construction management principles, to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear communication strategy is in place in advance of construction.

d. Standards of Review. The IDP shall:

- i. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board;
- ii. Reflect the issues/topics identified in the required public process;

- iii. Demonstrate consistency with the city's Comprehensive Plan and the purpose of this ordinance;
 - iv. Demonstrate how the property ownership, proposed growth, and requested Regulatory Framework relate to the institution's mission;
 - v. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands;
 - vi. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.
 - vii. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated;
 - viii. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated;
 - ix. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric;
 - x. Promote compatibility with existing or future uses in adjacent neighborhoods, maintain housing, and support local amenities;
 - xi. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure;
 - xii. Conform with Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts, or historic landscapes, the IDP shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity; and
 - xiii. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.
- e. *Approval.* Upon finding that an Eligible Institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.
 - f. *Monitoring.* The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments;
 - g. *Amendments.* An approved IDP shall guide campus development unless and until amended. If at any time the Eligible Institutions request minor amendments to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a substantial alteration of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the baseline data in the IDP shall be updated as appropriate.

V. Regulatory Framework

- a. *Purpose.* The Regulatory Framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the

text and map amendments to the City's Land Use Code and Zoning Map. The zoning requirements are anticipated to include parameters that guide the growth and change of the institution as well as broad strategies to address potential impacts, with plans and details to be developed under site plan review.

- b. *Applicability.* The Regulatory Framework shall apply only to properties that are within the IOZ boundary and to which the Eligible Institution holds right, title, or interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the Regulatory Framework and the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the Eligible Institution shall continue to be governed by the regulations of the underlying zoning designation.
- c. *Uses.* Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.
- d. *Content.* The Regulatory Framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the particular issues associated with the institution and its neighborhoods. The Regulatory Framework should be succinct and use tables and graphics as possible to address the following, if applicable:
 - i. *Zoning boundary of the IOZ:* The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City's Zoning Map);
 - ii. *Phasing and schedules:* Requirements that relate to particular proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan);
 - iii. *Uses:* Clarification, as necessary, on permitted uses.
 - iv. *Dimensional Requirements:* Graphics, sketches, or standards, including details for transition zones within the IOZ boundary;
 - v. *Transportation:* Elements such as TDM trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios and management strategies; thresholds for access improvements;
 - vi. *Environment:* The approach to the inclusion of open space and preservation of environmentally-sensitive areas;
 - vii. *Mitigation measures:* The broad approach to identified mitigation measures, which would be addressed in greater detail in the site plan review process; thresholds for addressing deficiencies; goals for preservation/protection;
 - viii. *Design:* Graphics and standards to clarify building placement and envelope (height and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity; and
 - ix. *Neighborhood Integration:* Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns.
 - x. *Monitoring:* A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.

- e. *Standards of Review:* The Regulatory Framework shall:
 - i. Be consistent with the Comprehensive Plan and the Institutional Development Plan;
 - ii. Provide a clear zoning framework, using graphics and tables as appropriate, to apply to future site plan reviews;
 - iii. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement; and
 - iv. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.
- f. *Approval/Adoption.* The Planning Board shall review the proposed Regulatory Framework against the standards of review and make a recommendation on the institution's IOZ designation and Regulatory Framework to the City Council for adoption as part of this zoning ordinance.
- g. *Amendments.* A Regulatory Framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a Regulatory Framework and/or IOZ boundary may be brought forth by the city or Eligible Institution. Amendments brought forth by the city will require a supermajority of the City Council to take effect. Proposed amendments to the IOZ boundary or Regulatory Framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

VI. Regulatory Frameworks of Eligible Institutions (The regulatory frameworks adopted by the Council for each Eligible Institution will be codified within this section.)

VI. COMPREHENSIVE PLAN ANALYSIS

The city's draft comprehensive plan, currently under review, contemplates institutional development in several capacities. Supporting "sustainable growth in our educational and medical institutions" appears as an explicit economic goal of the plan, and promoting "the orderly expansion of institutional uses, such as educational and hospital campuses, which are central to workforce development, employment, and the health of the local and regional economies" is defined as one of many economic strategies for the future. Last, the main campuses of the four Eligible Institutions are identified on the Priority Nodes and Corridors map as areas for further study and investment.

The city's adopted comprehensive plan also contains goals and policy supporting a framework for long-range institutional planning, as is presented in the IOZ. The comprehensive plan community vision supports the city as "the economic service center for the region" and a place of "diverse job opportunities, quality employment, and a stable economy." The 1994 *Industry and Commerce Plan* highlights the need to "[e]nhance higher education and research and development opportunities."

VII. INSTITUTION COMMENTS and PUBLIC COMMENTS

A. Institution Comments

All four of the institutions to which the proposed IOZ applies have taken time to provide feedback on one or more versions of the draft IOZ text since mid-January, and are aware of the City Council timetable for review. The letters in *Attachment 1* represent only the most recent comments (on the late February draft) and these comments have largely been addressed.

Many of the suggested revisions were helpful "wordsmithing" to avoid unintended interpretations and to improve clarity. There were several more substantive concerns that staff suggest have been addressed, although not necessarily in the way suggested. These include:

Table 2: Summary of Institution Comments and associated IOZ revisions (since January 2017)

Issue/Concern	How IOZ revised to address
Preferences were expressed as to the use of the terms “proposed” / “potential” / “projected” in relation to needs, growth, data or impacts associated with an institutions’ plans	The IOZ language has been carefully reviewed to consider the meaning of these terms in the context of the clause and its intent. The wording has been modified to reflect the need for the IDP to provide information that allows other parties (e.g. the neighborhood, utilities, and the city) to understand broad future implications of the proposals, and that supports and links with the Regulatory Framework.
Concern that some of the information required in the IDP is sensitive in that it affects business decisions and ability to negotiate	The text has been modified to address this point. Where an institution has applied for an IOZ and is concerned about these requirements, the mechanism of the scoping meeting and associated modifications to content requirements would allow further consideration.
Some of the Regulatory Framework requirements are typically left to site plan review stage	The ordinance anticipates that there may be situations where the Regulatory Framework includes different standards than currently in the site plan ordinance and these would need to be articulated. In other cases, the Regulatory Framework would identify the broad approach expected in future site plan submissions in order to be consistent with new IOZ zone.
Would like to see clarification/examples of best practice e.g. construction management and ongoing neighborhood engagement	Staff suggest that these subjects would suitable for a Technical Standard that provides more space for details and can be updated to reflect the latest “best practice” in these areas.
Would like to see definitions e.g. minor and major amendments; functional land use link (of properties outside IOZ boundary), neighborhood context, and sustainable.	It is suggested that where the definition is important to the institution that it be discussed and agreed at the scoping meeting and/or defined in the IDP/Regulatory Framework. Staff have reviewed the IOZ language from other municipalities and in general find there is less definition and greater discretion for interpretation in most of the relevant examples as compared to the proposed IOZ ordinance for Portland.
Concern regarding permitted uses	Unlike many IOZ ordinances, the final draft text does not include an explicit list of permitted uses. The Regulatory Framework language provides the opportunity for each institution to be more explicit regarding permitted uses within their institution-specific IOZ.
Concern regarding level of certainty in regulation provided by IOZ and IDP process (i.e. “pending proceeding status”)	Staff does not feel that the pending proceeding designation is applicable, since an IDP is not a project entitlement application but a planning and regulatory process. However, staff does strongly agree that some sort of certainty should result from the significant effort needed to properly complete an IDP. Staff has added language stating that, for regulatory changes to an IOZ brought forth independently by the city, a supermajority of the council be required.
Concern regarding treatment of property outside the proposed IOZ boundary	In the final draft text, staff has clarified language requiring that uses proposed by Eligible Institutions in residential zones be addressed by the IDP. Staff has also clarified language requiring the IDP to include “ <i>strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods.</i> ” The intent is to preserve some degree of discretion around real estate transactions by the institutions, but encourage a process whereby plans for expansion or disposition, particularly as they may relate to residential neighborhoods, are made reasonably transparent.

B. Public Comments

The proposed text amendments have been advertised and noticed to interested citizens in accordance with the ordinance requirements. In addition, neighbors of MMC were noticed in view of MMC’s intention (confirmed during the development of the IOZ ordinance) that MMC would be pursuing IOZ status.

All of the public comments that have been received to date are included in *Attachment 2*. The most frequent comments have been collated and listed below along with an explanation of how the current IOZ text addresses the comment. The text aims to strike a balance between being too detailed at this zoning level, but also ensuring that the IDP and Regulatory Framework provide adequate information and regulations to anticipate the implications of an institution's growth plans and ensure these are adequately addressed in future site plan applications.

Table 3: Summary of Public Comments and associated IOZ revisions (December 2016-February, 2017)

Issue/Concern (in frequency order, highest to lowest)	How IOZ revised to address
Justification for the proposed parking provision and importance of TDM	The IOZ language has been strengthened to specifically include (in the IDP standards of review, IVdv) <i>"Demonstrate that....the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands"</i> . The Regulatory Framework contents refers to trip reduction targets and TDM measures.
Height and design of new buildings and associated impacts e.g. shadows, edge massing and transitions	The IOZ language has introduced more detailed requirements for the IDP, including extensive information and analysis of the proposals, their impacts, and a proposed outline of measures /improvements/plans to address these. The IDP/Regulatory Framework review standards and Regulatory Framework contents include specific review criteria.
Construction impacts e.g. noise, vibration, nuisance, construction parking	
Traffic impacts e.g. in neighborhood and on surrounding highways, including re pedestrian access	
Environmental impacts e.g. re drainage, loss of pervious surfaces, and noise	
Local impacts such as parking, lighting, and loss of open spaces	The IOZ provides an overall framework, and these issues (as well as other impacts noted below) would be considered in greater detail when specific development proposals are considered during the site plan review.
Need for constructive public engagement	Clearer references to "open space" have been added to the IOZ text re submission content and standards of review. A standard of review for the Regulatory Framework is to <i>"Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement"</i> - and this would address local issues as raised.
Need for constructive public engagement	The IDP content requirements includes a detailed section on "neighborhood engagement" that highlights the need for ongoing engagement that reflects "best practices" for communication and dialogue, and ensures that construction impacts and ongoing property management issues (eg employee smoking) are anticipated and addressed.
Encroachment into residential areas/divestment of properties in residential areas	The IDP content requires an inventory of all of the institution's property within the City of Portland, an indication of the functional land use links between off-campus properties and the main campus, and a statement of objectives for the properties as related to the mission of the institution. Where the use/proposal would be in a residential zone outside of the IOZ, it would need to be addressed in the IDP.
Need for long range planning and clearer timeframes	The IOZ text clarifies that the time horizon for the IDP would focus on the anticipated or potential growth and changes for the short to medium term, and include a conceptual vision for the long term (10+ years). The precise timeframes would be identified by the institution to reflect their mission and business plan.
Economic impacts	An institutional expansion or zoning change could have potential broad economic impacts such as on property values and tax revenues, but such impacts are very difficult to anticipate, quantify and evaluate as part of the IOZ process. More specific identifiable impacts would be addressed by the IDP and Regulatory Framework (and Site Plan re details).
Inclusion of other institutions	The focus for the initial IOZ is on the larger institutions that may require special zoning if their future development is not consistent with existing zoning. It is anticipated that the IOZ process would be extended once it has been fine-tuned.

X. BOARD DELIBERATION AND RECOMMENDATION

As noted above, the Planning Board spent considerable time between November of 2016 and late March of 2017 reviewing iterations of the Institutional Overlay Zone text. Institutions, neighbors, and other stakeholders were involved at each Planning Board workshop and in the time between. Over the course of the review, the Planning Board deliberated on questions of how to manage institutional expansion, how to provide regulatory certainty to the institutions, how to improve public engagement and community relations through this process, and how to dovetail the IOZ with site plan regulations.

Ultimately, the Board found that the proposed text strikes a balance between requiring long-range planning and allowing institutional flexibility; fostering transparency around institutional growth plans and preserving a degree of confidentiality; and encouraging creative zoning approaches but maintaining regulatory control. Fundamentally, the Board agreed that the text presented here encourages better institutional planning, better city planning, and better relationships between institutions and their neighbors. In the long term, the text should also support the ability of institutions to grow and change, and in that, their health and the health of the city more broadly.

On March 28, 2017 the Planning Board voted 7-0 as follows:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on March 28, 2017, and on the basis of the testimony presented at the public hearing, the Planning Board finds that the proposed Institutional Overlay Zone text amendment is consistent with Portland's Comprehensive Plan and therefore **recommends** adoption of the amendments to the City Council.

ATTACHMENTS

1. Institution comments
 1. Letter from USM (Berstein Shur) 3.8.17
 2. Letter from Mercy 7.8.17
 3. Letter from UNE 3.6.17
 4. E-mail from MMC 3.2.17
2. Public Comments
 - PC-1. Barowitz correspondence 12.6.16
 - PC-2. Snyder correspondence 12.7.16
 - PC-3. St. John Valley Neighborhood Association correspondence 12-16
 - PC-4. Martin correspondence 12.13.16
 - PC-5. McKenzie Bowcott correspondence 12.11.16
 - PC-6. Bowcott correspondence 1.10.17
 - PC-7. Vilani correspondence 1.9.17
 - PC-8. McNamara correspondence 1.10.17
 - PC-9. Sabina correspondence 1.10.17
 - PC-10. Fuller correspondence 1.10.17
 - PC-11. Western Promenade Neighborhood Association (Pringle) correspondence 1.10.17
 - PC-12. Alexander correspondence 1.16.17
 - PC-13. Snyder correspondence 1.26.17
 - PC-14. Fuller correspondence 2.6.17
 - PC-15. Knoll correspondence 2.7.17
 - PC-16. Donnelly correspondence 2.10.17
 - PC-17. Barowitz correspondence 2.12.17
 - PC-18. Wells correspondence 2.13.17
 - PC-19. Fuller correspondence 2.19.17
 - PC-20. Pringle correspondence 3.7.17
 - PC-21. McNamara correspondence 3.27.17
 - PC-22. Sabina correspondence 3.28.17
3. Summary of the four IOZ PB Workshop discussions December 2016 - February 2017
4. Figure showing IOZ Process

**BERN
STEIN
SHUR**

**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774-1200
F (207) 774-1127

Mary E. Costigan
(207) 228-7147 direct
mcostigan@bernsteinshur.com

March 8, 2017

Portland Planning Board
389 Congress Street
Portland, ME 04101

RE: Draft IOZ Ordinance

Dear Chair Boepple and Planning Board Members:

I am writing on behalf of the University of Southern Maine regarding the latest draft text for the proposed IOZ Ordinance. Many of our comments have been addressed and we appreciate the staff's time and attention to our concerns. We would like to provide the following input on the few remaining areas left for discussion.

First, we support the current draft which leaves participation in the IOZ voluntary. If the Board were compelled to create a trigger for mandatory participation, it would seem that one based upon a request to amend the existing zoning would be appropriate. As you are aware, USM currently has an overlay zone, so triggers for mandatory participation based upon project size or a particular timeframe would be unduly burdensome to USM.

In regard to the question of regulatory certainty, while we appreciate the concept of requiring a supermajority to amend an IOZ when initiated by someone other than the institution, we believe it does not go far enough. This ordinance is requiring a lot of effort and expense on behalf of the institutions. In return, they should be provided the certainty that they can move forward with their development plans without the risk of the zoning changing in a way that would prevent them from doing so. Similar to a Master Development Plan, an Institutional Development Plan is a "cohesive and integral development program consisting of multiple buildings and associated site improvements built in phases over an extended timeframe." As such, IDPs should be afforded the same regulatory certainty as Master Development Plans. We suggest the following language: "Approval of the IDP shall confer pending proceeding status upon development within the IOZ with the effect of maintaining the applicability of regulations in effect at the time of approval for as long as the IDP remains valid."

March 8, 2017

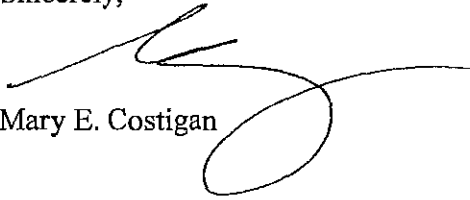
Page 2

Finally, with regard to the new language regarding the planning horizon, we would request that the long-term "growth plan" be characterized as a long-term "vision." The term provides more flexibility for deviations from that vision, as opposed to a plan.

Thank you for your review and consideration.

Sincerely,

Mary E. Costigan

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.



Mercy
— EMHS MEMBER

144 State Street
Portland, ME 04101
(207) 879-3000
www.mercyhospital.org

March 8, 2017

Stuart O'Brien, Planning Director
City of Portland Planning Authority
389 Congress Street, 4th Floor
Portland, Maine 04101

RE: Institutional Overlay Zone, 2-28-17 Revised Draft IOZ
Mercy Hospital Commentary

Dear Mr. O'Brien,

Thank you again for meeting with the Mercy team on 3/6/17.

Maintaining a regular dialogue on the proposed Institutional Overlay Zone (IOZ) has been informative. Based on our discussions, a zoning change is not required and thus Mercy will not have to apply for an IOZ. Mercy can proceed with development of the Fore River campus, in accordance with the current Contract Zone Agreement. Mercy's next step will be to submit a Level Three Site Plan application for review.

Mercy Hospital appreciates and supports the concept of the IOZ and how it facilitates an institution's need for flexibility to change and grow within a framework that reflects the City's needs and comprehensive planning objectives. At some point in the future Mercy Hospital may find it beneficial to apply for an IOZ. We want to take an active role in the development of the pending IOZ requirements. As you have requested, Mercy representatives have reviewed the draft IOZ materials. The following are our comments on the Revised Draft IOZ dated 2/28/17:

Section 1.c Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions.

Comment: Adjacent neighborhoods are easily identifiable. Surrounding neighborhoods is more subjective. How and by who are surrounding neighborhoods identified? Further, what measures if any, within an IOZ, will help address potential future zoning of the surrounding neighborhood i.e. how does the institution possibly protect itself through an IOZ, from zoning changes sought by its neighbors, for example?

1.e Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods.

Comment: What does "ongoing public engagement" mean?



144 State Street
Portland, ME 04101
(207) 879-3000
www.mercyhospital.org

II. Location and Applicability:

Comment: We interpret this paragraph to mean that an institutions application for an IOZ is strictly voluntary. We fully support this. Further, we believe that Mercy's Phase 2 plans are entirely consistent with the existing Contract Zone Agreement, thus, Mercy does not see a need for the IOZ at the Fore River Campus at the current time.

IV. c.i.2. a) A neighborhood context plan.

Comment: Is there a definition of this?

IV.c.i.2. c) A current census of the number of people using the institution.....

Comment: Will an institution be allowed to limit the amount of data it is required to submit given the potential for proprietary information and census data that relate to its competitive position in the market?

IV. c.i.2. d & e) An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking):

Comment: There can be a significant difference in cost between an inventory and developing a plan. Who determines which is required? When declaring existing holdings, is this owned property only or does it include rental properties? There should be a definition of functional land use links as well as functional connections.

IV.c.ii.1. a) Projected census of users...

Comment: Will an institution be allowed to limit the amount of data it is required to submit given the potential for proprietary information and census data that relate to its competitive position in the market?

IV. c. ii. 1. b) Institutional objectives for property both within and outside the IOZ (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus.

Comment: There is a concern that identifying future property acquisitions outside the zone could significantly impact future negotiations and property cost.

IV. d. x. Promote compatibility with surrounding uses in adjacent neighborhoods, maintain housing, and support local amenities.

Comment: What are the specific requirements to maintain housing? Does this mean that housing properties cannot be repurposed or the land repurposed? Would lost housing units need to be replaced?

IV. d. xi. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure.



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(207) 879-3000
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Comment: This should have more definition to it. 'Future off-site improvements' is very broad and could potentially be very expensive.

V. b. Applicability

Comment: Should read 'Eligible Institution holds the right, title *or* interest.'

V.c. Uses

Comment: The terms "functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use..." seem potentially restrictive, particularly in light of the Mercy Contract Zone Agreement schedule of allowed uses. Will Mercy be allowed to address uses within the Regulatory Framework? Even as an institutional use, Mercy seeks to maintain flexibility for future land use activity on the campus.

Our team plans to attend the upcoming Planning Board meeting on 03/14/17.

Thank you for your time and effort with this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Connolly", written over the printed name and title.

Michael Connolly
Senior Director of Support Services
Mercy Hospital
144 State Street
Portland, ME 04101
(p) 207-879-3574
(e) connollym@emhs.org



UNIVERSITY OF
NEW ENGLAND

Biddeford Campus
11 Hills Beach Road
Biddeford, ME 04005
(207) 283-0171 T

Portland Campus
716 Stevens Avenue
Portland, ME 04103
(207) 797-7261 T

By Email

March 6, 2017

Stuart O'Brien,
Planning Director
City of Portland
389 Congress Street
Portland, ME 04101

Barbara Barhydt, Development
Review Mgr.
City of Portland
389 Congress Street
Portland, ME 04101

Helen Donaldson, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Re: Institutional Overlay Zone Draft/Workshop

Dear Tuck, Barbara, Nell and Jean:

Nell has sent us the latest (2-28-2017) draft of the Institutional Overlay Zone (IOZ) language for our review and comment by the close of business today.

While the University of New England (UNE) continues to be encouraged by the Planning Staff's revisions to the draft IOZ language, a few issues in the language remain that concern UNE:

- The New Draft IDP "Assessment of Future Institutional Growth and Change" in IV.c.ii.2. continues to refer to "proposed" changes rather than "potential" changes as we had requested. We understood that what will be shown on an IDP is intended to be less detailed and more conceptual than what is shown on a site plan application. Similarly, the use of "would" rather than "could" in IV.c.ii.2.d)3) implies a more definitive level of design than what UNE can provide at the conceptual level that the IDP represents.
- It appears that the terms "major" and "minor," as these terms are used in IV.g. regarding amendments to an approved IDP, still need to be defined.
- We appreciate that it would take a supermajority of City Council votes to amend an approved IOZ where the institution is not the party requesting the change. However, this does not protect the IOZ Regulatory Framework against citizen initiatives and referenda.



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- Further, this draft still does not treat IOZ development as the current Ordinance treats master plan development, as it does not give projects included in the IDP "pending proceeding" status.

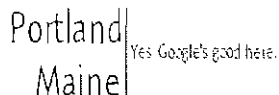
Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Alan Thibeault".

Alan Thibeault,
Assistant Vice-President for Planning
UNE

cc: William Bola, Vice-President for Operations, UNE
James N. Katsiaficas, Esq.



Helen Donaldson <hcd@portlandmaine.gov>

final text for IOZ

Penelope E. St Louis <STLOUP@mmc.org>

Thu, Mar 2, 2017 at 12:18 PM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: "Alexander M. Green" <AGreen@mmc.org>, "Alkan, Basak (Basak.Alkan@perkinswill.com)" <Basak.Alkan@perkinswill.com>, Mark Harris <HARRIM6@mainehealth.org>, "O'Brien, Stuart" <sgo@portlandmaine.gov>, "Barhydt, Barbara" <bab@portlandmaine.gov>, "Donaldson, Helen" <hcd@portlandmaine.gov>

Jean: Thank you. I am drafting this s I sit at Logan Airport. I read the text of the IOZ on the bus on the way down here and have been unable to confer with eh senior leaders at MMC regarding the staff changes.

Please excuse the typos etc.

I am most concerned about the following language:

III.e Future Inst Devel. The second sentence is problematic. If a property is purchased by an institution 3 years after the IDP is approved, and meets all of the requirements of the underlying zone, even if a conditional use, and it not functionally related to the operations of the main institutional campus, why would it need to be included in the IDP? I would understand if the use is functionally related to the IOZ campus. However, the current language states "any use/development," and I think that may create issues and unintended consequences.

IV. C. II 2 e 3. This requirement appears far reaching and is unfair to institutions who are entitled to negotiate for land purchases without having to disclose in advance such a thought or potential transaction. Such an obligation by an institution to disclose, in advance, would result in inflated prices for property purchased by non-profits. Folks cannot forget that non-profits must be good stewards of the finances entrusted to them to carry out their mission. I question if the City's economic development department or the City Manager would advocate for this obligation to attach to any business in the city including private or public. If what you intend in the language is communication following acquisition or disposition that may be more reasonable. The language should be amended to reflect that.

IV.C. II 2 d ix. I would ask this to be modified to add the terms "existing or future uses." The reason for this is that a transformation of a particular area in the City may be ripe for a different character. To be forced to design a project that is compatible with Morrill's Comer, for instance, when Morrill's Comer could be so much more than it is today with some short term planning, do you really want UNE to design to be compatible with that character??? Whereas, if you insert these additional words, you allow the institution to promote compatibility with the character that is to be achieved through redevelopment.

V. Regulatory Framework

a. Knowing that this is the zoning piece of the IOZ concept, it seems misplaced to insert "as well as clarify how potential impacts will be addressed" in the Purpose statement. If the Purpose statement has no legal effect because it is a mere introduction, that would need to be clarified. However, as written, you are asking for more of a site plan submission at the IDP level and, as I understand it, that is not the intent of the IOZ/IDP concept. I might suggest the removal of that text.

d. VII. Again the request for mitigation would be more appropriately addressed during site plan and is not zoning.

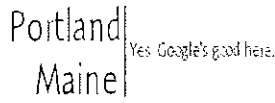
VIII. I think Basak needs to comment of the Design text

IX. Screening and buffering requirements are premature at the IDP level and buildings will not be designed at this stage in the process. Site plan thoroughly addresses screening and buffering.

G. Finally, I am very concerned about the "Amendment" section as drafted. I suggest that to rezone from an IOZ/IDP, one must have right, title and interest in the property. The way this section is drafted it would appear anyone could request a rezoning of institutional property already approved under an IOZ/IDP. If this is the intent, it is in direct opposition to the issue Mary Costigan raised on behalf of USM and I discussed with Tuck O'Brien. There needs to be an element of security for an institution who has expended effort, time and money, that it will not be subject to rezoning requests by one or more dissatisfied individuals. I would suggest this section be altered or eliminated.

This is not complete and I. Would like to opportunity to discuss with you and others at the City to vet this issues rather than addressing them with the Planning Board on March 14. Thank you.

Sent from my iPad



Helen Donaldson <hcd@portlandmaine.gov>

Fwd: MMC Expansion notes for the Planning Board meeting Tuesday night

Jean Fraser <jf@portlandmaine.gov>

Tue, Dec 6, 2016 at 12:45 PM

To: "Donaldson, Helen" <hcd@portlandmaine.gov>

for inclusion in the PB Memo on IOZ

----- Forwarded message -----

From: **Zack Barowitz** <zbarowitz@gmail.com>

Date: Mon, Dec 5, 2016 at 7:01 AM

Subject: MMC Expansion notes for the Planning Board meeting Tuesday night

To: jf@portlandmaine.gov

Cc: Tuck O'Brien <tuckobrien@me.com>, Damon Yakovleff <Damon.yakovleff@gmail.com>, Nikki Anderson

<n.annetteanderson@gmail.com>, Norman Maze <nmaze@shalomhouseinc.org>, Emma Holder

<pna@parksideneighborhood.org>, Anne Pringle <oldmayor@maine.rr.com>, Ian Jacob <iancasperjacob@gmail.com>

Jean,

Please review the following points for the Planning Board to consider in conjunction with the proposal to expand Maine Medical Center:

1. Implementation of the Libbytown traffic study, particularly the **restoration of two-way traffic on Congress Street between 295 and St. John Street**. Currently, the one-way streets are serving to divert through traffic *into* downtown. The current traffic alignment simply would not work. What's more, ambulances get stuck waiting for trains (this is a common enough occurrence that I was able to snap a picture--see attached). Thus, MMC needs to get on board with the traffic study recommendations for the expansion plan to work.

2. I wrote a column for the *Phoenix* outlining how the current agglomeration of **Maine Medical is blighting the surrounding streets and neighborhoods**. Were expansion to continue in the same manner the blight would undoubtedly spread and any economic development would have to be counter-balanced by decrease in value of abutting areas (e.g; tax revenue). You can find the article below or link to it here. My suggestions:

- Improve the streetscape for pedestrians and develop vibrant commercial spaces (24-hour cafe, pharmacy, restaurant, beauty salon) on Congress Street around the new entrance.
- Set backs to create a human-scale feel
- Buildings overhanging sidewalks (like in the wild west, to provide protection from weather)
- Heated sidewalks (currently they salt the heck out of the area with is costly and environmentally destructive)

3. Convert the surface parking lot on Brackett/Vaughn be turned into **housing**.

I have copied members of adjacent neighborhood association on this message.

Thanks,
Zack

Sick Building: The Maine Medical Center's \$512,000,000 Expansion

Maine Medical Center dug through its couch cushions and came up with \$512 million to spend on an expansion of its Portland campus. Although the plan doesn't add any new beds, it does call for 128 new rooms — which the hospital must have in order to meet new demands of patient care and stay competitive in a growing industry.

In addition to being a renowned hospital, Maine Medical Center is one of the largest employers in the state. So when it says it wants to build, it's fairly easy for officials to respond "how high?"

MMC's proposed expansion will create hundreds of jobs in the health care, construction and IT sectors. But those jobs come at a cost, and those that pay are unlikely to reap many benefits; a large hospital's effect on a neighborhood can be akin to having a cement block dropped on a flower pot.

So why is this?

Hospitals are notoriously among the most difficult types of buildings to design. The sheer volume of people, technology and movement, coupled with the turnover of all of the above, make their containment nearly impossible. Throw in the challenge of creating a building that is both sterile and uplifting, and it's enough to drive the most talented designer to review RFPs for wastewater treatment plants.

Given the difficulties and contingencies of designing a hospital, it's little wonder that their exteriors often appear an afterthought. Situated high upon the Western Promenade, Maine Med's current configuration is an undistinguished agglomeration of stark Modernist edifices and brutalist parking structures crowded around a (somewhat gloomy) original 1874 structure. Fortress-like

facades have rendered blight beyond the castle walls to the boundary streets below. Gilman, Congress, Crescent, Wescott, Bramhall and Forest streets are all fairly run-down and have been for decades despite their proximity to some of the most valuable real estate in Maine.

Portland-area residents have every reason to be concerned with the planned Maine Med expansion; the shadows will loom longer, the winds will whip colder, parking garages will become larger, and the traffic will grow denser — adding to the spread of decay.

Ironically, the westward roll of commercial and residential development along Congress Street from Longfellow Square to Thompson's Point is hot, with hundreds of proposed housing units, restaurants and (of course) breweries. The break in the path is smack in the area designated for the bulk of the expansion. The quarter-mile stretch of Congress Street from Salvage BBQ to Bramhall Square has just two commercial spaces (La Bodega Latina and Portland Glass), not including the permanently "unfinished" storefronts in the MMC parking garage. The blight is attributable to a monotonous pedestrian experience: a steep hill, fast traffic and bleak streetscape of retaining walls and parking garages. It should come as little consolation that a recent beautification effort included hanging banners declaring competency in "Urology," "Gynecology" and "Cancer."

Were this projected expansion slated for an isolated green expanse (such as the MMC Scarborough campus), the peripheral pedestrian experience would be of little consequence. But in a dense urban environment, great care must be taken to scale and form but also to use.

Far from being a monument that sucks in automobiles, the hospital necessarily should learn how to interact with the street, starting with an improved pedestrian experience that heals the neighborhoods on its borders. Street-level commercial development — visitors' cafe, gift shop, pharmacy, restaurant and even a bookstore — will not only better serve hospital customers but make for a healthy bottom line, both for the institution and the city as a whole.

—
207-838-6120
917-696-5649
ZacharyBarowitz.com

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12/8/2016

City of Portland Mail - Fwd: MMC Expansion notes for the Planning Board meeting Tuesday night

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—
Jean Fraser, Planner
City of Portland
874 8728



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409K

Jean Fraser <jf@portlandmaine.gov>

Notice From City of Portland Regarding - Vicinity of Maine Medical Center Questions

1 message

Karen Snyder <karsny@yahoo.com>

Wed, Dec 7, 2016 at 2:39 PM

Reply-To: Karen Snyder <karsny@yahoo.com>

To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>

Jean,

I have yet again got another notice of more development that affects me in the City of Portland.

This unnecessary yet huge Maine Medical Center project, what streets will this proposed development actually be on and how far and up does it go?

What exactly is an IOZ ordinance and does it actually protect local residents or yet once again allow developers to trample on the quality of life of residents?

Regards,

Property Owner on Gilman St.
K. Snyder

the Saint John Valley Neighborhood Association

Concerns regarding MMC proposed expansion

Project announcement

- Lack of transparency
- MMC is in breach of the current contract zone agreement (CRA) by failing to apprise members of the MMC Neighborhood Council of hospital development plans as mandated by the contract.
- How do we enforce the rules going forward?

Project design

- What will the new structures look like?
- At what point and in what forum will neighborhood input be considered relative to design, location, size and scope of the project?
- Neighborhood integration is important especially height
- How will traffic be affected?
- What will happen to current green space?
- Are there plans for streetscapes?

Proposed 13 story parking structure

- It's too big
- It doesn't compliment the existing buildings in the neighborhood
- Increase in traffic (How will this be managed?)
- Increased pollution
- Increased noise levels
- Reduced property values
- Contrary to neighborhood goals of enhanced livability and walkability
- Negative effect on sunlight and wind patterns
- Why haven't alternatives to this plan been proposed?
- Lack of security in current parking structures which leads to...
- Prostitution
- Drug use and public drinking
- Graffiti
- Suicide attempts
- Littering

Construction management

- How will the demolition of current structures be performed?
- How will demolition effect local residencies and businesses?
- What are the phases of construction? and How long will each phase of construction last?
- How will construction effect local residencies and businesses?
- How will any damage to local residencies and businesses be handled? (Remember the crane that toppled in 2006 crushing a house whilst the new MMC maternity wing was being built?)

- Baseline reads on our properties?
- Where will construction materials be stored?
- How will construction impact street parking?
- Where will construction workers park?
- What are the guidelines for acceptable noise levels during construction?
- Are there any provisions for loss of income to local businesses? and loss of rent due to tenants moving on?

Future planning

- What is MMC's master plan?
- They have already told us that they will need more parking and more beds in the future. What is their plan to accomplish this?

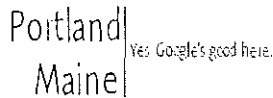
moses sabina <mosessabina@yahoo.com>

Nov 22 (7 days ago)

to Garry, Tuck, stjohnvalleyne., Helen, me

Please add impact to resident parking to that list. As of now, parking is at a premium, and next to impossible to find a spot when there is no parking on one side of the street. Happy Thanksgiving! -Moses

[12.13.16- St John Valley Neighborhood Association confirmed as public comment for 12.13.2016 PB Workshop]



Jean Fraser <jf@portlandmaine.gov>

Hello Jean, If possible pls incude my memo in tonight's Planning Board workshop. Thank you . Sarah Martin

Sarah Martin <BOCCafe@hotmail.com>

Tue, Dec 13, 2016 at 2:30 PM

To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>

Memorandum

To: City of Portland Planning Board

From: Sarah Martin Valley Street, Portland Maine

Re: MMC Expansion

Date December 13, 2016

As an owner and occupant of a two family 1880's era home, I have great concern over the size, the scope and the likely negative impacts of Maine Medical's proposed expansion.

During one of the recent construction projects the constant driving of pilings, disturbed not only our tenants quiet enjoyment but the actual plaster in our home. Additional negative experiences included the use of surface lots in our neighborhood as trash covered construction dumps wrapped in broken and bent chain link often with torn, flapping, often vandalized green mesh. The precious few parking spots available to residents in the neighborhood were diminished by contracted workers and we all had the overall feeling that we were living on a construction job site for many months at a time.

While I agree that there may be some added value to the neighborhood by relocating the main entrance to Congress Street, the mere consideration of a thirteen story parking structure abutting our R6 neighborhood seems completely out of touch with the hospital's spoken commitment to being "good neighbors".

Thirteen stories? I'm sure that the planning board is aware of this but consider for a moment a comparison in size.

The Holiday Inn on Spring Street-Eleven stories.

Peoples United Bank next to the library-Eleven stories.

Deering Pavillion-Eleven stories.

Portland House Condominiums -Eleven stories.

The Westin Portland Harborview(the old Eastland)-Thirteen stories

One City Center-Thirteen stories.

In fact there would only be three buildings in the entire city taller than this proposed structure, Franklin Towers, The Time and Temp building and Back Bay Towers.

I completely understand that the useful life of the existing employee garage is at its end. However, to expect to move 1,280 parking spots across Gilman street into a thirteen story parking structure higher than the treetops and towering over our buildings on Valley, Gilman and A Streets is just too much.

If we estimate a hundred cars per level, then why not dilute the impact a tower would have by relocating spots to other locations? The South lot on Bracket and Vaughn currently holds 400 cars. If the hospital were to go up one deck high in that lot, we have just reduced the tower to nine stories. Two levels brings the Gilman block proposal down to five!

I think the hospital owns the lot known as the Classic Eye lot on the one way section of Congress across from the jail entrance...about a hundred cars. How about developing a couple of stories of parking there? Two levels and we are down to seven stories on the Gilman lot. Another thought would be to lift the constraints of the current Contract zone and allow the hospital to purchase the properties on either side of their 887 Congress Street property to develop office/retail and parking in a structure similar in design to their surrounding buildings. This too would make more sense than pushing the development directly into the shadow of the residential piece(peace) of our neighborhood.

December 11, 2016

To the Portland Planning Board:

We are property owners of 8 A Street and co-owners of two businesses in the area effected by MMC's proposed expansion. We are writing about the impact of Maine Medical Center's construction plans within our neighborhood. We ask for your serious consideration to the many concerns we have about this project.

Parking Garage -

We oppose any changes to the MMC's zoning that would allow building heights to increase, especially as it pertains to the proposed parking garage on the Gilman Street lot. Our home, which we bought in 2006 and have spent considerable time and money renovating, is directly across the street from this lot. The proposed height of this garage would dwarf the residential buildings adjacent to it, encourage more traffic, and detract from the livability of the neighborhood. We feel certain that it will reduce our property values, increase pollution from car exhaust, become a hot spot for criminal activity and encourage further economic decline within the neighborhood.

One of the recommendations from the 2008 Peninsula Traffic Study was to enact parking policies that will decrease traffic volumes and "construct and promote remote parking, connected to downtown by frequent, reliable transit". Where is MMC's progressive initiative to encourage remote parking and ride-sharing for it's employees? Rather than working with the city to reduce traffic congestion, MMC plans to build a larger garage which will only guarantee an increase in congestion on Portland's roadways. The more parking is made available for MMC's employees, the more its employees will drive into our neighborhood every day. We as residents would like to encourage a new plan that would make use of MMC's Scarborough campus or another remote commuter lot to reduce the congestion we witness every day in this neighborhood. At the very least, we ask that MMC build a replacement garage on the current location, set into the hillside, or increase the size of the existing garage on Forest Street. There are multiple options available that will avoid placing a giant parking garage the center of the neighborhood.

MMC Main Entrance -

We have been working with our neighbors for the last several years to make the neighborhood more livable. We have a vision which includes walkability, traffic calming, residential development, green spaces, and crime reduction. We see the neighborhood as being a distinct area of Portland with it's own appealing character and attractions, including the Inn at St. John, Sea Dogs, Salvage BBQ, and Pizza Villa. Having the main entrance to MMC located here could introduce many new challenges which would run contrary to our vision. There are many questions that will need to be answered before we can support the proposed location for the main entrance. For example, what will the hospital do about visitors and employees on the public streets smoking, littering and using parking spots that would ordinarily be available to residents without driveways? What will the structure look like and will it be in keeping with the scale of surrounding buildings? What will the hospital do to ensure minimal disruption to residents and business owners during the construction phase? How will green spaces be integrated into the design? Whatever plan comes to pass, we encourage MMC to be as transparent as possible and consider the goals of the neighbors who live and work in this neighborhood.

Sincerely,

Jenny MacKenzie and Garry Bowcott
8 A Street

1/10/2017

To the Planning Board,

After reviewing the Institutional development plan presented on 1/10/17, we have noticed some areas of concern regarding the proposed parking structure on the Gilman street block.

- A 13 story parking structure will stand out like a sore thumb in a residential neighborhood where the tallest building is 4 stories.
- There is no proposal for a setback to integrate the parking structure with the surrounding businesses and residencies.
- If fig 4.2 on page 41 is correct and the trend of employees utilizing alternative forms of transport continues then MMC will see a reduction in parking needs moving forward. Will we end up with a parking structure that is obsolete and cannot be used for any other purpose? Why are they proposing a larger parking structure if the demand for parking is decreasing over time?
- MMC has not offered any other solutions to their parking needs. There are numerous options available to them such as construction on the Vaughn Street surface lot, additional levels on the Forest Street lot and footprint expansion. All of these options are supported by the Saint John Valley Neighborhood Association but for some reason MMC refuses to acknowledge them as options.
- As the city is obviously in a state of rapid development, we need to start making wise decisions regarding parking and it's integration with neighborhoods. If we allow MMC to construct this parking behemoth we are destroying the livability of a neighborhood via pollution, traffic congestion, crime, decreased sunlight and street level interaction.

Please take these concerns into account as you consider MMC's institutional development plan.

Sincerely,

Garry Bowcott
8 A Street
Portland, ME
04102

1.9.2017

To whom it may concern,

I am writing to you about the proposed MMC construction project. As a business owner at 919 Congress St, Salvage BBQ I have concerns regarding how this will impact my business. Right now we have tremendous sunlight that illuminates the restaurant from the South and west. Increasing building heights in the neighborhood will block this light and impact our business negatively. We have worked hard to make our business a success in a neighborhood that was neglected and not seen as a viable business center. There was a similar attitude in Longfellow square when we opened Local 188 in 1999 and now Longfellow Square is a bustling mecca of restaurants and bars. I would like to see the same trend continue down Congress Street but the proliferation of institutional buildings impedes the type of pedestrian activity necessary to create such an environment.

I am also concerned about my business being disrupted during a lengthy construction phase. What are the plans for demolition of the existing buildings? How will traffic be impacted? How will pedestrian access be impacted? How will noise levels be managed?

Jay Villani
Salvage BBQ
919 Congress St.

My name is Tim McNamara and I live at 251 Valley Street.

I've read through the draft IDP submitted by Maine Med and have several questions relative to the rhetoric and the data offered in Chapter Four-Parking and Transportation.

My understanding is that the hospital needs to substantiate their request for change of zoning by proving need. I believe that the Chapter Four is an attempt to show that the hospital is doing all they can to reduce the number of vehicles on campus yet prove they still have the need to park 1,100 employees on Gilman Street. I write to challenge the positions taken by the hospital in Chapter Four.

At a December 6th meeting of neighbors, senior hospital management and City staff, we discussed ideas of alternatives or incentives offered by the hospital to employees to reduce the number of single passenger trips to and from campus. Our thought was ...fewer single passenger trips-fewer spots required in the new garage. Minutes from that meeting, recorded by hospital staff, reflect that Maine Med President Rich Peterson "*acknowledged that thought will be given to trying to provide additional incentives to Maine Med employees to car pool, bike or use other means of alternative transportation*". ...it was even discussed as to whether we are asking the hospital to alter societal norms embedded around car ownership and use or to attempt to change our behaviors.

At that meeting, senior hospital management made no reference to any Alternative Transportation Plan in place and certainly no mention of the "Get on Board" program. "Get on Board" is the program that Chapter Four hails as a "*focus of institutional policy*." and "*an integral part of the fabric and culture of MMC*" (See pages 39/41 of Draft IDP)

In the 2005 CRA between Maine Med and the City, Chapter 18 requires that "*an analysis of effectiveness and functioning of the Alternative Transportation Plan shall be provided (by the hospital) to the City Council's Transportation Committee on an annual basis*." I've reviewed agendas and minutes from that committee dating back to 2013.

Nowhere can I find a reference to a hospital report on the functioning or effectiveness of any ATP.

As residents who will be directly impacted by a 13 story garage plopped down in the middle of our neighborhood, we have asked the right questions and made the right suggestions relative to reducing single passenger trips without hearing from the hospital of any plan in place to achieve such. Then out of nowhere, Chapter Four of the IDP asks us to believe that in 2015 the hospital has "incentivized" 35 % of their employees, up from 14% in 2008, to commute to work by means of something other than a single occupancy vehicle trip?

From 14% to 35% in seven years? Pretty spectacular. Where did these numbers come from? If we are to believe these numbers, then can we anticipate that in five years that number will be 50%? then 65% ten years from today?

The problem is we can't believe these numbers.

In 2015 they claim that 1,571 employees participated in the program. They claim that that amounted to 35% of their employees. That would be true if the hospital employed 4,488 people. The Maine Med Website claims that they employ more than 6,000 people. So the real number is closer to 25% participation in the program. The percentages are off from the first year of their reporting. (2008, 648 participants reflected as 14% of all employees. More like 10%)

The number of employees they claim to be riding their bikes to work in 2015 is 229. Yet they only have the capacity to store 184 bikes.

The number of employees using "ride share" in 2015 is 1, 021. Let's say every one of those ride-share participants carpooled to work with two other people, (unlikely as that may be) that would mean according to Chapter Four, that 340 cars would *"be given access to preferred parking in a gated, ID card access only area of the Employee garage that connects directly to the main lobby on the ground floor of the hospital."* 340 Cars? That's well more than a quarter of the total spots available in the current garage and would be physically impossible to accomplish.

The bottom line on Chapter Four is that the numbers and the stories just don't add up. I would encourage the Planning Board to kick the entire Chapter back to the hospital for a complete overhaul and to demand validation of their data so an accurate and legitimate parking and transportation baseline can be established .

Thank you.

Re: PB Workshop 1-10-2017 Institutional Overlay Zone (IOZ)/MMC Institutional Development Plan

1 message

moses sabina <mosessabina@yahoo.com>

Tue, Jan 10, 2017 at 12:04 PM

Reply-To: moses sabina <mosessabina@yahoo.com>

To: Jean Fraser <jf@portlandmaine.gov>

To the Portland Planning Board:

My name is Moses Sabina, I am an owner/resident at 4 Gilman Street. I have attended MMC Neighborhood Council meetings quarterly since the inception of the council. The purpose of that council is to keep the neighbors of MMC apprised of any and all MMC developments.

In the case of these development plans, the council members were made aware of the plans three days before they were printed in the Press Herald. Neighbors were given no opportunity to be involved in a constructive dialogue to help MMC develop their needs with minimal impact, or even some improvement to the surrounding neighborhoods. Unfortunately, this selfish "close to vest" behaviour is exactly why the neighborhood council was created in the first place, and why it is all the more mockery now that MMC has dismissed including neighborhood representatives in an important discussion which should have included all the options for addressing their parking needs.

I ask you to consider their blatant disregard for their neighbors when you review their plans for the thirteen story dark tower they want us to live next to. I ask that you not give any variance over the height restriction in the current zoning until all other options for parking have been thoroughly vetted, regardless of the cost to MMC to divide the parking between more than one location. Otherwise, it will be the neighbors suffering the the long term price of this development plan.

Respectfully,
Moses Sabina

From: Jean Fraser <jf@portlandmaine.gov>

To: "Fraser, Jean" <jf@portlandmaine.gov>

Sent: Friday, January 6, 2017 5:42 PM

Subject: PB Workshop 1-10-2017 Institutional Overlay Zone (IOZ)/MMC Institutional Development Plan

Hello

I am sending this e-mail to those who sent me written comments on the proposed IOZ zone and/or on the MMC plans for expansion back in December, or who have contacted me about the proposed IOZ ordinance.

MMC have requested a zone change in order to expand/modernize - and the new IOZ ordinance is the City's proposed process - with an aim to provide a clear, predictable growth management structure for institutions that would allow flexibility but also require proactive planning and a more transparent and defined mechanism for understanding and addressing community concerns. As currently drafted, only the main campuses of

Re: UNE

My name is Robert P. Fuller, a resident, taxpayer and owner of #37 College Street. With the possible exception of parking and traffic, it is doubtful that anything planned in the immediate vicinity of College Street would be an issue except to its property owners. But a concern of one should have the same weight as an issue for many.

Back in December 2011 one of the Vice Presidents said that UNE wanted to become more responsible. Hopefully that translated into going to be more responsible and that means to all of us. In theory and in practice leaders of organizations are supposed to reach out into the community and not allow any one subordinate to create an adversarial role with the neighbors. Does anybody want a repeat of the hoo-rah on the Biddeford campus about 15 years ago?

In a 2011 magazine interview, the president of UNE said that they were just about where they wanted to be in terms of size. A year later, as part of an application submission, UNE said that they had been unsuccessful in being able to squeeze any more parking on the main campus.

Based on those two statements, there should be no changes from my bound toward Ginn and McDougall Halls on the west or for at least 25 feet out from the #33-37 College Street north line. Finally, the north side of College Street itself and sidewalk would remain where they are now. This is the way it should be. Remember, the greatest material investment for most of us is our real property. This is true for myself and my sister at #33-35 College Street.

When you review for the overlay and master plan for UNE, do not forget US residents. When you review according to a set of standards, do the parts add up to a whole? Does it look sensible? How does it fit with the human condition? There is no good reason, with proper planning, that UNE and all its neighbors cannot peacefully coexist in the same surroundings.

Robert P. Fuller
January 5, 2017

**Western Promenade Neighborhood Association
Comment to Planning Board re IOZ**

1/10/17

Members of the Board, my name is Anne Pringle and I am commenting on the proposed IOZ framework on behalf of WPNA.

To echo David Eaton, I want to publicly thank MMC for agreeing to be the guinea pig for this new zoning concept and process. As some of you may know, there was a very contentious process when the Conditional Zone was approved. To date, this process and the dialogue has been much more open and we appreciate the early engagement.

Rather than comment on the specifics of the MMC IDP proposal, which will get a lot more scrutiny later and which I do think reflects the IDP framework, I want to comment on a few elements of the proposed IOZ framework:

First **institutional encroachment** has been a big issue in our neighborhood with two major institutions, MMC and Waynflete. The existing zoning protections, I think staff would agree, is inadequate as it gauges the impact of encroachment on a building-by-building basis, rather than on cumulative impact. The Waynflete IOZ recognizes this and precludes, I believe, school uses in buildings outside the zone boundary. So, the school cannot purchase or have donated a building outside the zone. To avoid institutional encroachment, WPNA believes the new IOZ should preclude institutions from purchase or acceptance of donations of properties outside the proscribed zone, except for the sale of properties to free up funds for institutional uses within the IOZ.

If an institution already owns property outside the IDP boundary, those properties should be identified and a plan, even a long-term plan, identified to relocate the institutional uses in those buildings to the IDZ area or a location outside a residential zone.

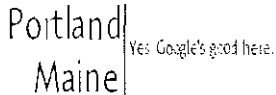
Second, it is recognized that these institutions have a major traffic and parking component. Since they each exist in already developed contexts, to a large extent

residential, significant and creative efforts should be made to reduce dangerous traffic impacts parking demand and assure that parking does not dominate the area and utilize land that might later be needed for institutional growth, leading to a subsequent request to expand the IDP boundaries.

Third, it has been suggested that MECA be included among institutions subject to the IOZ framework. With more residential housing downtown, the impact of MECA on its context should also be subject to the scrutiny that the proposed IOZ framework sets forth. Similarly, Waynflete should also be subject to the IOZ framework and process, should it at some point wish to revise its Overlay Zone.

Fourth, I have come to understand, through litigation, that purpose statement, no matter how helpful in understanding the basis for legislative action, have no legal import. In the proposed purpose statement I see some very good language that I believe should be pulled forward into the text to provide more explicit definition in the IOZ framework requirement, for example the reference to “carefully planned transitions”

Finally, there is no question that each of these institutions, including the two suggested to be added, are very valuable elements so our community. What the Board is seeking is to establish balance and predictability for both the institution and its neighborhood contact.



Jean Fraser <jf@portlandmaine.gov>

Public Comments on MMC Institutional Development Plan

1 message

toddmalexander@gmail.com

Mon, Jan 16, 2017 at 6:54

<toddmalexander@gmail.com>

PM

To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>

Cc: "basak.alkan@perkinswill.com" <basak.alkan@perkinswill.com>, "Western Prom Neighborhood Association <oldmayor@maine.rr.com>" <oldmayor@maine.rr.com>

Jean: Comments on MMC's draft IDP;

Generally, I am supportive of the long-term plan to;

- i) create an IOZ to govern future campus development
- ii) shift development activity to the Congress Street corridor
- iii) allow for greater density and/or building heights along the Congress Street corridor to accommodate the plan

Either as a condition of an IOZ and/or included as a provision within the IOZ, the city should consider requirements for MMC to address the following;

- i) Real estate holdings in abutting residential districts that may not be located in the areas covered by the IOZ. More specifically, the city could require MMC to develop and implement a divestment plan for those non-core properties that most directly impact predominantly residential neighborhoods. Properties that could be addressed in that plan; 19 West Street, 112 West Street, 94 and 98 Chadwick, and 227 and 231 Western Promenade.
- ii) Hospital vehicle traffic in the Western Prom neighborhood generated from users of the South Parking Lot. One possible solution is to create an exit-only ramp/lane from the South Lot onto Vaughn street (far southeast corner of

lot). This will eliminate a high volume of hospital vehicle traffic on Chadwick and West Streets.

iii) Inclusion of residential uses in any future redevelopment plans for the South Lot. This parcel serves as the natural transition from institutional/commercial uses located to the north and west to residential uses to the south and east. Any future development in this location should further reinforce and compliment this transition. The size of the lot allows for an orderly change in property types from commercial/institutional...to mixed use...to residential. The residential development requirement could be structured to directly complement MMC's operations; housing for residents and staff, extended stay housing for visitors, etc.... One way to regulate a requirement for residential uses for the South Lot is through trigger/performance mechanisms, such as; for every X thousands of SF of non-residential space proposed for this lot, MMC is required to create X units of housing.

Respectfully,

Todd M. Alexander

3 Carroll Street

Sent from Mail for Windows 10

CORRECTION - MMC Neighborhood Meeting Held on January 18, 2017

1 message

Karen Snyder <karsny@yahoo.com>

Thu, Jan 26, 2017 at 5:01 PM

Reply-To: Karen Snyder <karsny@yahoo.com>

To: "Deborah S. Boroyan" <BOROYD@mmc.org>, Jean Fraser <jf@portlandmaine.gov>

Cc: Saint John Valley Neighborhood Association <sjvna1@gmail.com>

There is a correction in point 2 (two) below. I added a sentence to the end of the point. "These window replacements should be paid for by MMC."

Karen

From: Karen Snyder <karsny@yahoo.com>

To: Deborah S. Boroyan <BOROYD@mmc.org>; Jean Fraser <jf@portlandmaine.gov>

Cc: Saint John Valley Neighborhood Association <sjvna1@gmail.com>

Sent: Thursday, January 26, 2017 3:02 PM

Subject: Re: MMC Neighborhood Meeting Held on January 18, 2017

Hi Deborah and Jean,

During this MMC neighborhood meeting, it was said that the construction would span a 5 year time frame. This is not sustainable for the health of property owners and tenants to live through 5 years of construction on Gilman St and Valley St.

As a property owner on Gilman street, the proposed MMC's development proposal is causing quite a lot of stress and concerns amongst the local residents.

Depending on what the final agreed proposal and what is acceptable to property owners, the below needs to be considered for this development proposal to ease the stress, health concerns, and quality of life impact of any construction around Gilman and Valley St.

1) Construction noise should only allowed from Monday to Friday between 9am and 5pm. There should be NO construction on weekends. Residents need the weekend to decompress and destress. If not, the health and quality of life of residents will be compromised.

2) Prior to construction, all houses on Gilman and Valley street, the windows are to be replaced with soundproof windows. If the parking garage is made up of concrete, this means alot of noise and debris will be generated in the air. The properties around this area must not be comprised by hazardous abatement and noise. These window replacements should be paid for by MMC.

3) Because MMC employees use the Gilman street sidewalk constantly, for safety concerns, MMC needs to provide sidewalk lighting on this street.

4) The construction vehicles should be prohibited from parking on Gilman or Valley Street. Construction workers should be required to park in an off site parking lot and bused in just like MMC employees. The parking of construction vehicles is a nuisance for property owners because I have all ready had to experience this for the last 2 years on the East End.

5) There are concerns as to how are the property owners suppose to advertise for future tenants knowing that MMC is proposing a 5 year construction time frame? How are the property owners suppose to retain tenants if tenants don't want to put up with the constant noise and debris that will be generated? When someone buys or rents a property, there is an expectation to be considered and that is the law of NUISANCE "If a nuisance interferes with another persons quiet or peaceful or pleasant use of his/her property" It maybe the basis for a law suit ordering the person or entity causing the nuisance to desist (stop) or limit the activity. This is a huge concern as a property owner renting to tenants. MMC needs to address these concerns.

As indicated above, no matter what the final decision is on this proposal, the above issues must be addressed by MMC with solutions which have to be agreed upon by the neighborhood residents.

Regards,
K. Snyder
24 Gilman

From: Deborah S. Boroyan <BOROYD@mmc.org>
To: "karsny@yahoo.com" <karsny@yahoo.com>
Sent: Wednesday, January 18, 2017 12:18 PM
Subject: MMC Neighborhood Meeting

****This e-mail is being sent on behalf of Rich Petersen.****

Dear Neighbor,

Thank you for attending the Maine Medical Center Neighborhood Meeting on January 12, 2017. We hope that you found the meeting informative and we are looking forward to continuing our dialogue about this important project.

The input you provided before the Neighborhood Meeting, relating to traffic patterns, pedestrian and bicycle routes, and the amenities you most value in your neighborhoods, is being reviewed by Basak Alkan, the Urban Planner who is assisting with the development of MMC's project and advising on how that project can best interact with our neighborhood.

MMC is committed to transparency and being a thoughtful neighbor while planning for these important enhancements to our facilities and ability to meet the health care needs of our community.

Please go to <http://www.mmc.org/modernization> for more information and updates about this project, including additional Neighborhood Meetings.

Regards,

Rich Petersen

Deborah S. Boroyan
Executive Assistant to the President
Maine Medical Center
(207) 662-2491
boroyd@mmc.org

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37 College Street
Portland, ME 04103-2617
January 23, 2017

Nell Donaldson, Senior Planner
City of Portland
Planning Division
389 Congress Street
Portland, ME 04101

Dear Nell Donaldson:

This is my reply to the proposed Text of the Institutional Overlay Zone (IOZ). This was part of a memorandum dated January 6, 2016 (2017).

P.2 Institutional overlay zone text

In the first place, all four institutions concerned, in the spirit of "Total Transparency", should, if not already done so, furnish available as public record all applicable copies of their Charter, articles of incorporation, bylaws, etc., including those still in force from predecessor organizations. In this way the public will know what activities the institutions may or may not do.

P.2 IV 1c purpose - Insert the words "abutting or" before the word "surrounding." In this manner the heading will be - "... integrates abutting or surrounding neighborhoods".

The insert is necessary to protect the integrity of the privately owned parcels of #33-37 College Street. These properties are probably in a unique situation where they surround nothing. For the last two years it is UNE that surrounds these parcels of land, unaltered, a minor technicality such as this, could lead to those parcels of land not being recognized as a neighborhood at all and shut out of the planning process. Therefore, a neighborhood is one or more privately owned parcels of land to include those abutting or surrounding an Institutional overlay zone.

The remainder of my comments are more general in nature for the time being. It is assumed that you are looking for more headings or amplify existing ones in the Proposed Text.

P.3 Permitted use - this must mean consistent with their articles, charter, etc.

P.5 IDP - Is this the same as the term "Master Plan", which has not appeared in the Proposed Text?

P.5 IV 5d (ii) 3a - What is "TDM"?

IV 5d (ii) 3b - Does this include adding, deleting or altering parking designations on a public street?

IV 5d (ii) 4b - Does this also embrace water draining into naturally occurring soil that is present?

IV 5d (iii) 4f - Assume that this also includes offensive soundwaves along with convergence of soundwaves both as the result of one or more appurtenances such as grates, fans, generators, compressors, circulators emitting

January 23, 2017

a sound that can be detected only in a narrow area, not always at ground level.

IV 5d (ii) 5d - What is "CPTED"?

IV 5d (ii) 5f - Presume any problems to be addressed in Section IV 5e 5 and 9

P. 6 IV 5d (ii) 6c - Construction Management - Does this include liabilities resulting in damage to private property due to construction, demolition, altering, filling, contour changes - Should private property owners pay for institutional damages upon them by the above activities not covered by their insurance? If the expansion of an institution upon a private property owner causes repeated damage claims and the insurance company raises the premium as higher risk, should the institution pay the difference between the rates since it is they who have "thrust" themselves upon the private property owner?

Likewise, where would there be an institutional maintenance clause that would totally protect private property owners against neglect (institutional owned tree falls upon private property house causing damages)?

IV 5e 5 Mitigation - assume this covers changes to appurtenances and appliances already in place such as troublesome lighting, noises, soundwaves.

IV 5e 9 - Neighborhood Integration - would this be the heading under which a list of problems would be made item by item to include 5e 5 preceeding - all leading to a resolution?

That is all for now. Hope to receive your reply very soon.

Yours in sensible planning,

Robert P. Fuller

Robert P. Fuller

Fwd: Maine Med IOZ - South Lot Concerns

1 message

Melissa Knoll <melissa.knoll@gmail.com>

Tue, Feb 7, 2017 at 10:24 PM

To: jf@portlandmaine.gov

----- Forwarded message -----

From: **Melissa Knoll** <melissa.knoll@gmail.com>

Date: Tue, Feb 7, 2017 at 10:18 PM

Subject: Maine Med IOZ - South Lot Concerns

To: planningboard@portlandmaine.gov, "Ozgur Basak Alkan, AICP, LEED AP"
<Basak.Alkan@perkinswill.com>, jf@portlandmaine.gov

Cc: Anne Pringle <oldmayor@maine.rr.com>, Scott Knoll <scott.knoll@gmail.com>

Dear Jean & Basak,

Thank you for taking neighborhood comment while planning the next Maine Med expansion. We live at the corner of West and Vaughan Street, so are in very close proximity. The move to make the entrance closer to Congress St sounds like a good one. We would like to see the high volume of Maine Med traffic reduced in the west end neighborhood.

We, as well as our neighbors, have two requests as you consider zoning change:

1. Move the exit of the surface lot on Brackett/Chadwick so traffic is directed away from the West End neighborhood. It is a huge safety and traffic congestion concern. I wrote a detailed e-mail regarding our concerns on Jan. 4th which I'll forward to Jean. There is broad west end neighborhood support for such a change.

2. It appears Maine Med is asking for long term approval to put a large 75 foot tall building on this same South Lot surface parking lot (see page 35 of the Maine Med Institutional Development Plan). The height and setback of a potential building on that lot should be kept the same as the surrounding R4 and R6 neighbors. A 75 foot building with a 5 foot setback as proposed on their plan would be enormous. Please keep the maximum height at the same level as the current R-6 & R-4 zone.

We could put together a neighborhood petition if this helps our case. Let us know if you think this would be valuable.

Thank you,
Melissa & Scott Knoll

Fwd: Maine Med Traffic Volume & Safety Concerns from Chadwick Parking Lot

1 message

Melissa Knoll <melissa.knoll@gmail.com>

Tue, Feb 7, 2017 at 10:23 PM

To: jf@portlandmaine.gov

Here is the e-mail detailing the traffic problems caused by the South Lot exit. Frequent high rates of speed can be added to this list.

Thank you,
Melissa

----- Forwarded message -----

From: **Melissa Knoll** <melissa.knoll@gmail.com>

Date: Wed, Jan 4, 2017 at 2:14 PM

Subject: Maine Med Traffic Volume & Safety Concerns from Chadwick Parking Lot

To: Basak.Alkan@perkinswill.com

Cc: Anne Pringle <oldmayor@maine.rr.com>

Hello,

Thank you for taking the neighborhood concerns into consideration in designing Maine Med's next expansion. We have three small children and live on the corner of West & Vaughan Street in Portland, Maine. We and many of our neighbors have expressed concern about the erratic driving and large volume of traffic from the surface lot on Chadwick/Brackett West Street. All of the exiting traffic is directed toward our neighborhood from the one way exit on Chadwick, and 90% turns left down West, and then left on Vaughan.

Major problems include ~

- High traffic volume, especially at busy times of day
- Drivers are unfamiliar with the area, there is no signage back to the highways
- Drivers are distracted - many are on phones, in a hurry, have health problems, or are lost
- Cars frequently drive on West Street as if it is a one way street (like Chadwick) and drive on the left side of the road
- Cars do not come to full stops at Chadwick/West stop sign & West/Vaughan stop sign

- Most drivers have been at the hospital and are not paying full attention to driving safely or the children in the neighborhood
- Both Chadwick & the West Prom are one way streets heading away from the hospital making it difficult to access the hospital entrance, which adds to traffic congestion

Our neighborhood is young and vibrant with 10+ small children that live directly on this block. There have been several close calls already with traffic. It seems like there could be a reasonable solution to direct this unnecessary traffic away from the West Prom neighborhood. I look forward to speaking to you more about this. Please feel free to contact me and I can describe or show you the problem in more detail.

Thank you!

Best,
Melissa & Scott Knoll
83 West St
Portland, ME 04102

Google Groups

Comment on MMC overlay zone

Sara Anne Donnelly <sara@saraannedonnelly.com>

Feb 10, 2017 9:18 AM

Posted in group: **Planning Board**

To the Planning Board:

This letter is in regards to the proposed overlay zone that would allow Maine Medical Center to expand. I do not oppose the zone or the expansion, but as an abutting neighbor I do think it's important to call attention to trouble that we have had in convincing Maine Medical Center to be respectful of our space. I do this in hopes that perhaps provisions could be written into the overlay zone that protect the neighborhood from harm caused by the hospital and its expansion.

I live at 19 Ellsworth Street, which I have owned or managed since 2012. My two-unit home is two doors down from the current main entrance to the hospital on Bramhall Street. Soon after I bought the property, MMC banned smoking on its grounds. Since then, the neighborhood has struggled with patient and employee smokers that have effectively been pushed onto our sidewalks. There are dozens of them, particularly on warm days, smoking throughout the day at a near constant.

The hospital has met with neighborhood reps as far as I know (I was only invited to one meeting) and has reluctantly steered smokers away from some parts of the abutting neighborhood. They refuse, however, to re-establish a smoking space on their grounds, ignoring the reality that unlike other no-smoking hospitals their campus is in the middle of a densely populated area. This leaves us with a policy that is like a balloon pushed on one end that juts out on the other. The smokers that are deterred from one part of our neighborhood only migrate to another.

That's where my house comes in. Across the street, at Hill and Ellsworth, is a popular corner for employees of the hospital to smoke. This is no accident. The hospital about a year ago installed "Buttler" cigarette butt collectors at this corner, which it pays to maintain. These Buttlers are in front of private property. They effectively validate and even encourage smokers from the hospital to come to our neighborhood in front of private property and smoke. Which they do, by the dozens daily on warm days. Sitting on stoops and lounging on the sidewalk in their MMC uniforms.

The Buttlers were pitched by MMC to the neighbors (including me) as a way to collect the smokers away from the windows of those with concerns, and to gather the butts that were so many the rumor was they clogged up the sewer underneath the sidewalk. We were told that the Buttlers would be moved if there was a problem. But this is not the case.

I have spoken with six property owners or tenants around these Buttlers who have serious concerns about the effect of the smokers on our health, our quality of life, and our property value. I relayed this concerns to the hospital. To date, the hospital has done nothing to divert its employee smokers away from our sidewalks. I have particular concerns about the smoke as I work from home, my tenant is also home and is undergoing chemotherapy, and my infant daughter is cared for at home. Next door, my neighbors have a one-year old son who is also home most of the day. The smoke from the MMC employees comes into our windows almost constantly during warmer months. Over a year ago, the young mother next door and I joined a neighborhood meeting with MMC to talk about the smokers. We were listened to but nothing of substance was ultimately done. We were even told by MMC counsel to ask the smokers to move ourselves.

Next week, the owner of the property on the corner and I will finally meet with MMC to discuss the employee smokers at the corner of Hill and Ellsworth. But even if we are successful at resolving our issue, other property owners will suffer as the smokers will only migrate. The only effective way to respect the neighborhood would be to alter this flawed no-smoking policy and return a space for smokers to hospital grounds. But the hospital will not consider this. They seem to hope that we will just go away. This meeting alone is a perfect example -- it was first promised to us in October. It is only now happening, after repeated follow-ups from the neighborhood.

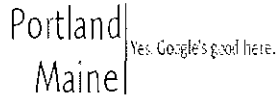
I recognize that the overlay zone and the expansion are a separate issue, but I am concerned that the expansion will bring more smokers to our neighborhood and that the hospital will not be held accountable for its promises to respect our health and our quality of life. I have attended a couple of the neighborhood meetings about the expansion held by MMC, and the rhetoric about respect and concern for the neighborhood is heartwarming. But if the ongoing and very real damage to the neighborhood caused by another of MMC's sweeping changes is any indication, the needs of the neighbors may ultimately be ignored.

I write this letter in hopes that perhaps there is some way the zone can be written to better protect us neighbors.

Thank you for reading, and I'm happy to answer any questions you may have.

Best,
Sara

Sara Anne Donnelly
Writer o Writing Coach
M 207.632.1042 O 207.274.6848
www.saraannedonnelly.com
@SaraADonnelly



Helen Donaldson <hcd@portlandmaine.gov>

Submission of Comment Planning Board re: MMC IOZ

Zack Barowitz <zbarowitz@gmail.com>

Sun, Feb 12, 2017 at 2:57 PM

To: Helen Donaldson <hcd@portlandmaine.gov>, Jean Fraser <JF@portlandmaine.gov>

Cc: Tuck O'Brien <tuckobrien@me.com>, Jeff Levine <JLEVINE@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>

Submission of Comment to IOZ

In reviewing the memo to the Portland Planning Board Nell Donaldson regarding the Draft Institutional Overlay Zone (IOZ), several items came up as matters of concern.

Section 1c clearly and rightly states that the purpose of the IOZ is to "Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions"

However, several elements of the plan run counter to this condition.

Foremost among them is the amount of surface parking, particularly the proposed 13 story lot slated for the Corner of Gilman and Congress Streets. Aside from the fact that parking structures are not typically built to such heights because they can cause dizziness; the placement of an inordinately tall structure will indubitably have a detrimental effect on adjacent properties.

A simple survey of existing garages on Congress, Crescent, and Forest Streets would show adjacent properties adversely affected. So much so, that were it be the cynical policy to erect garages to devalue adjacent properties; it would allow for more cost effective future expansion. In any case; the proposal is in direct conflict with this portion of the IOZ.

Secondly; part and parcel of IOZ for an institution of the type, size, and location of Maine Medical Center is a Traffic Demand Management program (TDM). The memo states that Meghan Houdlette, PE of the firm VHB has been brought on to assist in the fulfillment of this portion of the IOZ. It is however, of some concern that in a private meeting with Penny St. Louis of MMC and Basak Alkan; Ms. Alkan told me that the hospital have "no position" on the recommendations put forth in the Libbytown Traffic Circulation & Streetscape Study. This is concerning for several reasons:

- The hospital will only benefit from the implementation of the recommendations of the study
- MMC had previously endorsed the findings of the study, why the change of position?
- The adoption of the recommendations represents the bare minimum of what a 21st century TDM of a project of this scope should entail. The team should consider a

regional approach to transportation that encompasses all existing and future modes and systems including intercity park and rides, driverless cars, as well as bicycle and pedestrian infrastructure.

Finally, a graphic taken from the Public Meeting/Open House from January 12, 2017 shows a circular "1/4-mile walk radius" from surrounding areas to the MMC campus. However, the perimeter seems to reference an arbitrary center point within the MMC campus. To wit, the distance from a perimeter point on Grant Street to the nearest edge of the campus is twice that of one taken on Saint John Street. As such, the map is not terribly accurate and not as useful a tool as it could be.

Thank you for your kind attention to these matters.

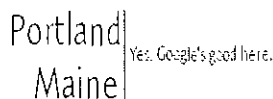
Zack Barowitz,
Huntress Street

--

207-838-6120
917-696-5649
ZacharyBarowitz.com

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Jean Fraser <jf@portlandmaine.gov>

Re: Institutional Overlay Zone (IOZ) PB memo for 2.14.2016

1 message

Timothy wells <welmaurya@gmail.com>

Mon, Feb 13, 2017 at 9:44 PM

To: Jean Fraser <jf@portlandmaine.gov>

Jean,

A couple of comments about the Institutional Overlay Zone draft.

1. I think the city should be more specific about the planning period. I noticed that several cities, including SF, Oakland, Berkley require hospitals and universities to submit 20 year plans every 5 years. I think Portland should adopt the same policy. 20 years actually isn't that long when you are planning large construction projects and forces some rigor and long term thinking about the smartest, most effective way to grow.

2. I think the city should require the institutions to answer the questions:

- a) How will expansion impact economic growth for the city, county and state?
- b) What will be the positive and negative effects on the immediate surrounding neighborhoods? How will the plans impact property prices?
- c) What is the impact on city property taxes?

Thank you for including these for the meeting on Tuesday.

Best regards,

Tim

Tim Wells
207-807-3876 MOB

On Feb 10, 2017, at 5:35 PM, Jean Fraser wrote:

Hello all

Please find attached the staff cover Memo for the Planning Board at next Tuesdays meeting, along with the final agenda for the meeting. The Memo contains the "final draft" of the IOZ ordinance text.

My name is Robert P. Fuller, owning and residing at #37 College Street. My sister owns #33-35 College Street. Together our properties comprise a neighborhood, though small in size. For the last two years, save for a public College Street, we are completely surrounded by the UNE campus. This is probably a unique situation, considering the four institutions cited for an overlay zone.

Four generations have lived in the home at #37 College Street, built by my grandfather about 110 years ago. Within our surroundings we are afforded a good view on all four sides, especially out our front window at a historic district. It is relatively safe and peaceful here on a predominately graduate campus. Traffic is usually manageable, except with special events.

Communication between the institutions and the neighborhoods need improvement. Hopefully the overlay zone process will send communications and resultant outcomes to a high level of order that the public should expect and get from an institution.

As part of the total transparency process, it should not be unreasonable to obtain from each institution information about each building and structure as to function, hours of operation, and who uses it. City oversight must insure that any activities of the institution are in keeping with its charter, articles, and by-laws.

In terms of overlay zone and institutional development process, the more details on a plan, the better for the neighborhoods. Without a detail requirement, there is always the temptation for an institution to produce vague plans. Who can say what the impact will be upon a neighborhood with changes in lighting, trees, traffic, impervious surfaces, parking, drainage, surface elevations, air circulators, vents, generators, compressors, construction or maintenance work, kinds of machinery employed, added doorways, trash removal, deliveries, pick-ups, hours of operation, converging soundwaves/noises and so forth?

Setbacks, transitions and buffers are of paramount importance to all neighborhoods, no matter the size. Dimensional figures applied to bordering or abutting neighborhoods cannot be uniformly implemented with a fixed set of standards. One size does not fit all. Instead, each jog of the bounds that abut or adjoin an institution must be treated on a case by case basis.

The outcome of the overlay zone process should leave each neighborhood as good or better in terms of protection. Our neighborhood quality of life is at stake and so are our real property values.

February 19, 2017

Jean Fraser <jf@portlandmaine.gov>

IOZ

2 messages

Anne Pringle <oldmayor@maine.rr.com>

Tue, Mar 7, 2017 at 6:05 PM

To: "Fraser, Jean" <jf@portlandmaine.gov>

Cc: "Watson, Trevor" <trevorewatson@gmail.com>, "O'Brien, Tuck"

<sgo@portlandmaine.gov>, "Sanders, Jeff" <Sandej4@mmc.org>, "Peterson, Rich"

<peterri@mmc.org>

Jean,

I have been working like a house afire to get ready to go on vacation tomorrow, but have not focused as well on the IOZ text as I had hoped. My energy level is running down to zero with all that is going on just before I leave...

But see attached proposed changes, comments, and questions on the latest draft of the IOZ. As I will be away I guess they should be sent to the PB, unless staff agrees with everything and incorporates them into a new draft!...

A major concern is that the language seems to focus on accommodating institutional needs. See the language I suggest in the purpose statement to better balance neighborhood impact, **especially encroachment**. As I have noted twice, since I have learned that purpose statements have no legal import, I think this language needs to be pulled into the text. I am not sure what to make of the language in various sections about acquisition and disposition.

Re the process of engagement with the neighbors. I must say I am very impressed with our experience with MMC this time around vs. last time. Maybe it's just because we are dealing with different personalities. Jeff Sanders is very open and I believe he hears us. He is also very clear about the hospital's needs. I feel we are engaged in problem-solving, both theirs and, hopefully, ours. Hiring Basak Alkan was a great commitment on MMC's part. Maybe this kind of hire should be required to bring the institution along on the community planning spectrum...

Anne

INSTITUTIONAL OVERLAY ZONE (IOZ)

I. Purpose of the Institutional Overlay Zone

The Institutional Overlay Zone (IOZ) designation provides a regulatory mechanism available to the city's four major medical and higher education campuses where an improved regulatory structure is needed to facilitate a consistent, predictable, and clear growth management process. The purposes of the Institutional Overlay Zone are to:

- a. Acknowledge that the city's major academic and medical institutions play a prominent role in the health and well-being of the local and regional community, and in order to sustain that role, these institutions need flexibility to change and grow;
- b. Encourage proactive planning for institutional change and growth which: identifies and addresses likely long-term institutional needs and potential benefit to the surrounding area, city, and regional levels; ~~and cumulative evaluates the impacts of any proposed encroachment into residential neighborhoods; and leverages while leveraging potential benefits at to the neighborhood, city, and regional level;~~ **(NOTE: VERY important to address the issue of potential encroachment. What is meant by "leverages")**
- c. Ensure that institutional change and growth both complements and, as is appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions;
- d. Support the formation and continuation of mutually beneficial public-private cooperation;
- e. Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods;
- f. Reflect Comprehensive Plan and other policy objectives; and
- g. Provide a consistent regulatory approach to all major institutions, which allows unique regulatory requirements that balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

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II. Location and Applicability

The city's four primary medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. The Eligible Institutions are the two major hospital institutions of Maine Medical Center and Mercy Hospital and the two major academic institutions of University of Southern Maine and University of New England, their successors and assigns. Designation as an IOZ is the preferred mechanism where the Eligible Institution's proposed development is inconsistent with the existing zoning.

III. Establishment of an Institutional Overlay Zone

- a. Application for an Institutional Overlay Zone. Where the Eligible Institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:
 - i. An Institutional Development Plan (IDP) (see Section IV).
 - ii. A Regulatory Framework (see Section V) that would, when and if adopted, be the text and map amendment to the City's Land Use Code and Zoning Map.
- b. Required Public Involvement. Soon after the City becomes aware of any institutional plan to request a zone change, the applicant shall advise any abutting neighborhood association(s) of its plan to request a zone change. (NOTE: earlier notices came up at a recent meeting of about 14 NAs.) At least two neighborhood meetings shall be required. The first shall be held prior to the formal submission of a zone change

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application for an Institutional Overlay Zone and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and inform the development of the Institutional Development Plan (IDP) and Regulatory Framework. Meetings shall be held in a convenient location proximate to the institution. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates and maintain written records of the meetings.

- c. *Required Scoping Meeting.* The Eligible Institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and Regulatory Framework, including study areas that may be outside of the proposed IOZ boundary (NOTE: What does this mean?). The IDP and Regulatory Framework will vary in detail and focus depending on the Eligible Institution and its particular context. The content requirements in Sections IV and V and the comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the Eligible Institution (see Section IV.c).

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d. *Reviewing Authority.*

- i. The Planning Board shall review the zone change application, including the IDP and Regulatory Framework. ~~One or more public workshops and a public hearing before the Planning Board are required.~~ (NOTE: Given the size and complexity of these institutions, I think it should be acknowledged up front that it likely than more than one workshop will be required.)
- ii. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the Institutional Overlay Zone and the accompanying Regulatory Framework as an amendment to the city's code of ordinances.

e. *Future Institutional Development.*

- i. All new development by the Eligible Institution within the boundary of the IOZ shall be compliant with the IOZ and accompanying Regulatory Framework, consistent with the IDP, consistent with the Comprehensive Plan, and meet applicable site plan standards, unless such standards are superseded by the Regulatory Framework.
- ii. Any use/development proposed by the Eligible Institution outside the IOZ boundary that complies with the zoning for permitted uses in that location shall be reviewed under the standards of that zone. Any use/development proposed by an Eligible Institution outside of the IOZ boundary that is a conditional use in the zone in that location shall be addressed by the IDP. NOTE: What about use/development not compliant with underlying zones, e.g the West Street transplant center?)

IV. *Institutional Development Plan (IDP)*

- a. *Purpose.* Any use conducted by an Eligible Institution and any construction by an Eligible Institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this ordinance. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services and measure, analyze, and address the anticipated or potential impacts of planned institutional growth and

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change. The IDP shall serve as a background document that supports the proposed Regulatory Framework and frames subsequent site plan review(s).

- b. *Planning Horizon.* An IDP shall provide the city and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the Eligible Institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years ~~plus or more~~); however, the specific planning horizons for each institution will be determined as part of the IDP approval process.

- c. *Content.* The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required Scoping Meeting:

i. Context Information

1. The institution's adopted mission, vision, or purpose statement
2. A summary of relevant baseline data on the institution, including:
 - a) A neighborhood context plan;
 - b) An inventory of current programs and services;
 - c) A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time;
 - d) An inventory and/or plan of all existing property holdings within the main campus and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking);
 - e) An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities.
3. A summary of the baseline characteristics of the existing campus and context of the institution, based on identified study areas, including:
 - a) A summary of existing resources, such as historic, open space, and natural resources; (Note: does this mean, for example, the Western Prom in the case of MMC? Is the intent that the IDP demonstrate that it will not negatively affect these existing resources?)
 - b) A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization;
 - c) A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues;
 - d) Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth.
4. A summary of public involvement in the development of the IDP, including major areas of public concern. Good!

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ii. Assessment of Future Institutional Growth and Change

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1. A description of institutional needs and areas of future institutional growth and change, including:
 - a) Projected census of users (e.g., enrollment /employment/patient/visitor figures and anticipated variations over time);
 - b) Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus; (NOTE: I think you are trying to address my suggestion that acquisition not be allowed outside that IOZ, but I am not sure this satisfies that suggestion. Again, this is the issue of encroachment, which should NOT be allowed into residential neighborhoods.
 - c) A Development Plan addressing anticipated or potential institutional needs and physical improvements, including the proposed boundary of the IOZ and any phasing of the development.
2. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the Regulatory Framework:
 - a) Transportation and access
 - 1) An analysis of the proposed changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan;
 - 2) An analysis of the proposed changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety;
 - 3) A transportation, access, and circulation plan, representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required.
 - b) Environment
 - 1) An analysis of potential cumulative impacts on natural resources and open spaces; (NOTE: impact of individual projects should be analyzed, as well as cumulative impact. Minor individual impacts can build up to a major cumulative impact. This is what happened with Waynflete over the years.
 - 2) An analysis of projected energy consumption, hazardous materials generation, noise generation, and similar issues as relevant;
 - 3) An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation, enhancement, conservation, and/or mitigation.

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c) Infrastructure

- 1) An analysis of projected public utility demand and the capacity of associated infrastructure;
- 2) An analysis of projected public safety needs and projected impacts to the capacity of these services;
- 3) An infrastructure plan, representing the synthesis of the analysis and including a proposed program or set of guidelines to support sustainable growth.

d) Design

- 1) An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to natural and historic resources;
- 2) An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context;
- 3) An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the proposed campus development;
- 4) A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions. Good.

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e) Neighborhood Engagement

- 1) A plan for ongoing community engagement that represents best practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood feedback and institutional accountability; Good!
- 2) A property management framework that identifies the institution's process for handling operational property issues with neighbors; Good!
- 3) Strategies for assuring reasonably transparent (NOTE: MMC was not at all transparent about the sale of the residential properties as required the contract zone. They really kept us in the dark for years on this. Need to be more explicit about what is meant by "reasonably transparent"? communication pertaining to property acquisition and disposition in surrounding neighborhoods (NOTE: This should not be allowed - encroachment! The whole purpose of the IOZ is predictability BOTH for the institution and the neighborhood.)
- 4) A set of construction management principles, to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear

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communication strategy is in place in advance of construction.

d. *Standards of Review.* The IDP shall:

- i. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board;
 - ii. Reflect the issues/topics identified in the required public process;
 - iii. Demonstrate consistency with the city's Comprehensive Plan and the purpose of this ordinance;
 - iv. Demonstrate how the property ownership, proposed growth, and requested Regulatory Framework relate to the institution's mission;
 - v. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands;
 - vi. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.
 - vii. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated;
 - viii. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated;
 - ix. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric;
 - x. ~~Promote~~ Demonstrate compatibility with surrounding uses in adjacent neighborhoods, maintain housing, and support local amenities;
 - xi. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure; NOTE: What does this mean?
 - xii. Conform with Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts, or historic landscapes, the IDP shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity; and
 - xiii. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.
- e. *Approval.* Upon finding that an Eligible Institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.
- f. *Monitoring.* The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments;
- g. *Amendments.* An approved IDP shall guide campus development unless and until amended. If at any time the Eligible Institutions request minor amendments (how defined?) to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a

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substantial alteration (How defined?) of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the baseline data in the IDP shall be updated as appropriate.

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V. Regulatory Framework

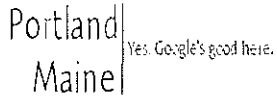
- a. *Purpose.* The Regulatory Framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the text and map amendments to the City's Land Use Code and Zoning Map. The zoning requirements are anticipated to include parameters that guide the growth and change of the institution as well as clarify how potential impacts will be addressed, though some details may be more fully developed under site plan review.
- b. *Applicability.* The Regulatory Framework shall apply only to properties that are within the IOZ boundary and to which the Eligible Institution holds right, title, and interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the Regulatory Framework and the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the Eligible Institution shall continue to be governed by the regulations of the underlying zoning designation.
- c. *Uses.* Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.
- d. *Content.* The Regulatory Framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the particular issues associated with the institution and its neighborhoods. The Regulatory Framework should be succinct and use tables and graphics as possible to address the following:
 - i. *Zoning boundary of the IOZ:* The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City's Zoning Map);
 - ii. *Phasing and schedules:* Requirements that relate to particular proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan);
 - iii. *Uses:* Clarification, as necessary, on permitted uses.
 - iv. *Dimensional Requirements:* Graphics, sketches, or standards, including details for transition zones within the IOZ boundary;
 - v. *Transportation:* Elements such as TDM trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios and management strategies; thresholds for access improvements;
 - vi. *Environment:* The approach to the inclusion of open space and preservation of environmentally-sensitive areas;
 - vii. *Mitigation measures:* The approach to identified mitigation measures, which would be addressed in greater detail in the site

2_28_17 revised draft IOZ

plan review process; thresholds for addressing deficiencies; goals for preservation/protection;

- viii. *Design:* Graphics and standards to clarify building placement and envelope (height and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity; and
 - ix. *Neighborhood Integration:* Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; screening and buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns.
 - x. *Monitoring:* A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.
- e. *Standards of Review:* The Regulatory Framework shall:
- i. Be consistent with the Comprehensive Plan and the Institutional Development Plan;
 - ii. Provide a clear zoning framework, using graphics and tables as appropriate, to apply to future site plan reviews;
 - iii. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement; and
 - iv. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.
- f. *Approval/Adoption.* The Planning Board shall review the proposed Regulatory Framework against the standards of review and make a recommendation on the institution's IOZ designation and Regulatory Framework to the City Council for adoption as part of this zoning ordinance.
- g. *Amendments.* A Regulatory Framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a Regulatory Framework and/or IOZ boundary not brought forth by the institution as part of an IDP amendment will require a supermajority of the City Council to take effect. Amendments to the IOZ boundary or Regulatory Framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

VI. **Regulatory Frameworks of Eligible Institutions** (The regulatory frameworks adopted by the Council for each Eligible Institution will be codified within this section.)



James Dealaman <jdealaman@portlandmaine.gov>

Neighborhood Concerns over IOZ IDP Process relating to existing Contract Zone Language

1 message

stjohnvalleyneighborhood <stjohnvalley@live.com>

Mon, Mar 27, 2017 at 11:40 PM

To: "planningboard@portlandmaine.gov" <planningboard@portlandmaine.gov>

Cc: "sgo@portlandmaine.gov" <sgo@portlandmaine.gov>, "jf@portlandmaine.gov" <jf@portlandmaine.gov>, stjohnvalleyneighborhood <stjohnvalley@live.com>, moses <mosessabina@yahoo.com>, "garrybowcott@hotmail.com" <garrybowcott@hotmail.com>, Jenny MacKenzie <jenabeat@hotmail.com>, "boccafe@hotmail.com" <boccafe@hotmail.com>, "nmaze@shalomhouseinc.org" <nmaze@shalomhouseinc.org>, "Jacob, Ian" <iancasperjacob@gmail.com>, Zack Zack Barowitz <zbarowitz@gmail.com>, Holder Emma <pna@parksideneighborhood.org>

<http://thebollard.com/2010/02/07/getting-the-institutional-creeps/>

March 27, 2107

To the City of Portland Planning Board:

In reviewing the latest IOZ draft with a group of neighbors yesterday, a couple of questions came up:

Once the IOZ is adopted, are all restrictions and covenants in place under an institution's current Contract Zoning eliminated?

The language in the IOZ, Chapter V Regulatory Framework states that the IOZ shall supersede the underlying zoning.

There is also language throughout the IOZ referencing for example that the institution's IDP provide a description of the Assessment of Future Institutional Growth and Change.

In the Chapter IV Neighborhood Engagement paragraph there is language that references (reasonably) transparent communication pertaining to property acquisition...

I'm not sure how we missed this but the language has us very concerned that the new IOZ completely removes restrictions currently in place on Maine Med's ability to expand in our neighborhood-outside of their current footprint.

Additionally, several other mandates present in the hospital's current contract zoning will apparently go away upon the adoption of the IOZ.

Specifically:

- Reporting requirements for Helicopter landings.
- Reporting requirements for the institutions Alternative Transportation Plan.
- Mandated quarterly meetings for the purpose of keeping the neighbors apprised of future development plans.:)
- Snow ban parking provisions
- Signage compliance

I'm assuming some of the above may be addressed in the MMC IDP, or are already part of city code.

Back to the footprint question...While we as a group agreed to and even suggested loosening expansion restrictions to allow for possible development of-for example the Sportsman's Club lot, we did so with a consideration towards diluting the impact of 1,200 cars being parked by the hospital on the Gilman Street block. An abandoning of the expansion restriction in its entirety is not what we envisioned and puts the neighborhood right back into the path of potentially major institutional creep.

Taking a look at a possible scenario:

The hospital already owns two surface lots on the west side of Valley at A Street.

With a complete removal of restriction against expansion outside the footprint, what keeps them from buying the other four parcels and creating another institutional super-block?

If I understand it correctly, in the case of the super-block, prior to being approved for use, the institution would need to have presented plans for this purchase and expansion in their IDP, and have the IDP approved by the Planning Board and the Council.

This is where I start to get confused.

- How can the institution include in their IDP, their intention to develop that block if they have not yet purchased the other property?
- How "transparent" or detailed can an institution possibly be in sharing their plans for acquisition and development in the IDP and still protect their position of confidentiality as a buyer?
- How will an institution be able to present, as required by the IDP, a description of their "institutional objectives for property both within and outside the IOZ boundary" and still protect their property buying interests?
- If, in order to protect the confidentiality of the buyer/seller, an institution is not required to present specifics about their "assessment of future institutional growth and change" including specific properties to be purchased or sold, how is the neighborhood to protect themselves from potentially unfettered growth by the institution?

Our biggest fear outside the prospect of a thirteen story parking garage, is that of a constant, ever expanding Maine Medical Center presence in our neighborhood.

This was a fear addressed and remedied in Chapter 1 of the 2005 Conditional Zone document and remains an active concern of those who live in this neighborhood. I've attached a copy of the Conditional Zone document along with a link to a story from 2010 relating to our neighborhood's concern over constant institutional expansion.

I'm sure there are parts of this process that many of us still need to understand. I greatly appreciate the patience and clarity that city planning staff, particularly Tuck and Jean, have demonstrated when speaking with me and my neighbors in trying to teach us about the process.

At this point however, I just don't see how the IOZ/IDP process demonstrates enough governance, control or influence over the institutions to protect those who might be negatively impacted by unrestricted expansion.

Before approving this approach, we need to figure out how the IOZ/IDP process can maintain and incorporate the protections provided by the current Conditional Zone Agreement; drafted and included for the long term benefit of our neighborhood, while still allowing consideration for thoughtful and agreed upon expansion by the institutions in our neighborhoods.

Thank you.

Tim McNamara

251 Valley Street

Portland, Maine



FINAL Contract 4.25.05 cra new patient visitor.odt
82K

Order 172-04/05

Given 1st reading: 2/23/05 Postponed on 3/7/05

Public Hearing & postponed on 4/4/05

Amended & Passage: 4/25/05 9-0

JILL C. DUSON (MAYOR)(A/L)
PETER O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

**AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR PROPERTY
IN VICINITY OF WESTERN PROMENADE/ MAINE MEDICAL CENTER**

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

**CONDITIONAL ZONE AGREEMENT
MAINE MEDICAL CENTER**

AGREEMENT made this ____ day of _____, 2005, by **MAINE MEDICAL CENTER**, a Maine corporation with a principal place of business located in the City of Portland, County of Cumberland and State of Maine, its successors and assigns ("MMC").

WITNESSETH:

WHEREAS, MMC is the owner of land and buildings located in Portland at Map 53, Block D, Lots 1, 2 and 7; Map 53, Block E, Lots 1, 2, 10 and 13; Map 53, Block G, Lots 1 and 13; Map 54, Block H, Lot 1; and Map 64, Block C, Lots 1 and 2; and Map 55, Block B, Lot 13 (the "**PROPERTY**"); and

WHEREAS, MMC is the largest provider of obstetrical services in Maine and provides the only statewide fulltime maternal fetal medicine service serving women and newborns at high risk and MMC has the only Level III neonatal intensive care unit in Maine; and

WHEREAS, in order to respond to the changing professional and clinical standards for the care of sick infants within the neonatal intensive care unit and to meet the spatial requirements of today's routine and high risk obstetrical and newborn care, MMC must build an addition comprised of 192,000 square feet (the "Charles Street Addition"); and

WHEREAS, MMC proposes to construct the Charles Street Addition by expanding vertically, on the site of an existing medical building bounded generally by Charles Street, Wescott Street, Ellsworth Street and Crescent Street; and

WHEREAS, in order to avoid a substantial expansion of the footprint of the buildings at MMC and, instead, to construct the Charles Street Addition by vertical expansion, it is necessary to modify the otherwise applicable height requirement in the R-6 Zone; and

WHEREAS, in order to accommodate the needs of the Charles Street Addition and to improve parking and traffic circulation on the MMC campus, MMC proposes to construct a new 512 car capacity parking garage along Congress Street (the "New Parking Garage"); and

WHEREAS, in order to achieve the requisite parking capacity within the available space, MMC needs to build the New Parking Garage at a height taller than the currently applicable height limit in the R-6 Zone and also to locate the New Parking Garage closer to Congress Street than the currently applicable setback requirement in the R-6 zone; and

WHEREAS, in order reduce transport time for critical patients coming to MMC's emergency department, MMC proposes to construct a helicopter landing pad on top of the

existing parking garage which fronts on Congress Street (the "Helicopter Landing Pad" also occasionally referred to as "Heliport or Helistop"); and

WHEREAS, in order to replace currently fragmented heating and cooling systems throughout its campus, MMC intends to construct a central utility plant, built into the hillside between the hospital and Gilman Street (the "Central Utility Plant"); and

WHEREAS, the Central Utility Plant will be built at a proposed height of 45 feet but is also designed to accommodate a future vertical expansion of two additional floors, with a maximum future height of 70 feet; and

WHEREAS, MMC currently has operating rooms, intensive care beds, and adult and pediatric beds in an existing building constructed in 1985 (expanded in 1998) and referred to as the "L. L. Bean Wing;" and

WHEREAS, MMC has no current construction plans for the L. L. Bean Wing, but anticipates that the L. L. Bean Wing will need to be expanded vertically at some time within the next decade; and

WHEREAS, the L. L. Bean Wing was designed structurally to accommodate such vertical expansion by an additional two stories; and

WHEREAS, MMC desires to provide for such eventual vertical expansion within this Agreement and additional vertical expansions, except as noted below, are not included within the scope of this Contract and will be subject to negotiation and approval in the future, when presented; and

WHEREAS, by expanding vertically for the Charles Street Addition rather than horizontally, MMC will need to remove only two residential buildings, and will do so in full

compliance with the housing replacement requirements of section 14-483 of the Portland Code of Ordinances; and

WHEREAS, in addition to such required replacement, **MMC** will divest itself of ownership of nine other buildings (two on Crescent Street, two on Ellsworth Street, one on Hill Street and four on Bramhall Street), enabling others to return them to residential use; and

WHEREAS, **MMC** has requested a rezoning of the **PROPERTY** in order to permit the above-described improvements; and

WHEREAS, the **CITY** by and through its Planning Board, pursuant to 30-A M.R.S.A. §4352(8) and Portland City Code §14-60, *et seq.*, and §14-315.3, after notice and hearing and due deliberation thereon, recommended the rezoning of the **PROPERTY** as aforesaid, subject, however, to certain conditions more specifically set forth below; and

WHEREAS, the **CITY** has determined that because of the unique circumstances of the location of an urban medical center campus in close proximity to historic and densely populated neighborhoods within the R-6 Zone, and in order to balance the interests of **MMC** and its residential neighbors, it is necessary and appropriate to impose the following conditions and restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan; and

WHEREAS, on April 25, 2005, the **CITY** authorized the amendment to its Zoning Map based upon the terms and conditions contained within this Agreement, which terms and conditions become part of the zoning requirements for the **PROPERTY**;

NOW THEREFORE, in consideration of the rezoning, **MMC** covenants and agrees as follows:

1. **MMC** will restrict any further expansion of its uses¹ in the Western Prom/ Parkside/ Gilman Street neighborhoods to the property specifically included in the following defined Campus²:

- (a) The main campus, bounded by the north side of Bramhall Street,
the
- (b) western side of Wescott Street, a portion of the northern side of
Crescent Street terminating with the proposed end of the new garage, and the
south side of Congress Street between the existing and proposed new garage, and
the eastern side of Gilman Street;
- (c) The existing medical office building located on Congress Street
across from the main campus;
- (d) The Vaughn Street parking lot and McGeachey Hall;
- (e) The existing West Street Medical Office Building located behind
the row houses at the eastern end of West Street (CBL 55-B-13);
- (f) The block bounded on Congress Street, Gilman Street, Valley
Street and A Street.

2. The following exhibits are incorporated into and made a part of this Agreement:

Exhibit A: Helistop Overlay Zone Map

Exhibit B: Site Plan

1. Sheet C050: Campus Plan, Revision date: 9/16/04
2. Sheet C100: Site Plan, Revision date: 9/16/04
3. Sheet C101: Site Plan, Revision date: 9/16/04
4. Sheet C102: Site Plan, Revision date: 9/16/04
5. Sheet C103: Site Plan, Revision date: 9/16/04
6. Sheet C400: Landscape Plan, Revision date: 9/16/04

¹ "Future expansion of its uses" shall mean new construction of building(s) and or conversion of existing uses (including residential uses) into hospital related uses and the like. It shall not mean the occupancy of an existing building which contains a legally conforming medical related use.

² This provision shall not prohibit **MMC** from expanding or building in other areas of the City if permitted by zoning.

7. Sheet C401: Landscape Plan, Revision date: 9/16/04
8. Sheet C402: Landscape Plan, Revision date: 9/16/04
9. Sheet C403: Landscape Plan, Revision date: 9/16/04
10. Landscape Plan at Existing Garage, See sheets 401 & 402
11. Pedestrian Connection to Congress Street, 4/14/04
12. Parking Garage Rendered Elevation, North, (Option 1; Exhibit B, p.12, April 25,2005)
13. Parking Garage Rendered Elevation, (Option 1, Exhibit B, p. 12, perspective; April 25, 2005)
14. Parking Garage Rendered Elevation, South, 1/27/05
15. Central Utility Plant Rendered Elevation, 1/27/05
16. Charles Street Addition Rendered Elevation, South 1/27/05
17. Charles Street Addition Rendered Elevation, East 1/27/05
18. Charles Street Addition Rendered Elevation, North 1/27/05
19. Charles Street Material Board 1/27/05
20. Street Vacation/Acceptance and Land Transfer Plan (Sheet 1)
21. Street Vacation/Acceptance and Land Transfer Plan (Sheet 1)
22. Concrete Sidewalk Plan

Exhibit D: Miller Memo 01/06/05 and MMC Helipad Flight Paths, Harris Miller Miller & Hanson Inc., 9/16/04

Exhibit E: Helipad Operating Guidelines (2 pages); source, Lifeflight of Maine

Exhibit F: Helipad Plans

1. Heliport Plan, 1/27/05
2. Heliport Elevation, 1/27/05
3. Heliport Perspective, 1/27/05

Exhibit G: Vaughan Street Parking Lot Landscaping Plan

1. Landscape Plan, 7/8/04
2. Wall Treatment
3. Fence Detail
4. Landscape Section

3. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by Portland City Code § 14-49, by adopting the map change amendment below, which map change includes a Helistop Overlay Zone as more particularly depicted on Exhibit A.



4. The **PROPERTY** and site improvements shall be developed and operated substantially in accordance with the site plan shown on Exhibit B (the "Site Plan"), which Site Plan includes but is not limited to street layouts, landscaping, and building elevation drawings for initial construction, subject to the approval of the Site Plan by the City's Planning Board in compliance with the requirements of Chapter 14, Article V. The architectural treatment of the façade of the New Parking Garage may be revised during site plan review and shall meet the site plan standards of 14-526(16). Minor revisions to the Site Plan in the nature of field adjustments may be approved by the Planning Authority, without the need for amendment of this Agreement or further approval by the City Council.

5. No building permits shall be issued unless and until **MMC** receives conditional use approval pursuant to section 14-474 (Expansion of Institutional Use) and section 14-483 (Housing Replacement), site plan approval pursuant to section 14-483(e) of the City Code, approval under the Site Location of Development Act and an MDOT traffic movement permit, if required. No occupancy of the newly constructed buildings shall be permitted unless and until all site plan conditions of approval have been satisfied and the City Council has taken final action on the street discontinuances and street acceptances required for the realignment of certain streets, as shown on the Site Plan (Exhibit B).

6. MMC shall provide to the CITY a performance guarantee covering all required site improvements under section 14-525(j) of the City Code and the two replacement dwelling units provided under paragraph 6(d) of this Agreement.

7. The **PROPERTY** shall be governed by the zoning provisions, as such may be amended from time to time, applicable in the zoning districts underlying the Conditional Zone except as follows:

(a) Height Limits. The maximum structure height (measured according to the definition of "building, height of" in section 14-47) shall be:

- 95 feet for the Charles Street Addition, as depicted on the Site Plan
- 70 feet for the New Parking Garage, as depicted on the Site Plan
- 45 feet for the Central Utility Plant, as depicted on the Site Plan
- 111 feet for the L. L. Bean Wing, as already constructed.

(a) Setbacks.

- The minimum setback of the New Parking Garage shall be zero (0) feet from the right of way line of Congress Street.
- The minimum setback of the southeast corner of the Charles Street Addition shall be five (5) feet from the relocated right of way line of Ellsworth Street, as depicted on Exhibit B.
- The minimum setback of the Central Utility Plant shall be five (5) feet from Gilman Street.

(d) Replacement Housing. The replacement of the two existing residential structures at 33 Crescent Street (identified as Map 53, Block E, Lot 2) and 37 Crescent Street (identified as Map 53, Block E, Lots 1, 10 and 13) containing a total of seven dwelling units and two single-room occupancies by a portion of the New Parking Garage shall be deemed to meet the requirements of section 14-137(c), provided that MMC shall comply fully with the requirements of section 14-483 (Preservation and Replacement of Housing Units). Specifically, MMC shall comply with section 14-483 by (i) converting the building at 325-329 Brackett Street identified as Map 54, Block D, Lot 7 (the last approved use of which was office space) into two dwelling units prior to the issuance of a certificate of occupancy for the New Parking Garage and then divesting itself of ownership of the building prior to the issuance of a certificate of occupancy for the Charles Street Addition and (ii) paying Three Hundred Fifteen Thousand Five Hundred Eighty dollars (\$315,580.00) into the CITY's Housing Development Fund (representing five dwelling units and two single-room occupancies) upon

approval of the Site Plan by the **CITY's** Planning Board. The deadline for divestiture may be extended by the Planning Authority if **MMC** demonstrates that reasonable good faith efforts to market the property instituted at least 6 months prior to the deadline have failed to produce a bona fide offer at or above fair market value and on commercially reasonable terms.

(e) Sidewalks. **MMC** shall comply with the **CITY's** Brick District Policy Plan, except that, at the time of final site plan review, the Planning Board may approve the use of concrete sidewalk materials, as shown on Exhibit B 22, because of the particular needs or requirements of the hospital use.

(f) Street level uses in garage. The street level of the new parking garage may be used for any use allowed in the B-2 zone.

8. The Helicopter Landing Pad shall not be subject to the provisions of section 14-409 (Heliports), but shall be governed by the provisions of the Helistop Overlay Zone, sections 14-325 through 14-327), except as follows:

(a) Setbacks. Because it is to be located on the roof of an existing structure, the landing pad shall not be required to meet the setback requirements of Section 14-327(3) or the fencing requirements of Section 14-327(4).

(b) Flight routes. **MMC** shall identify preferred flight routes, to be approved by the **CITY**, designed to minimize noise impact of helicopter flights on surrounding residential areas, shall notify all flight providers likely to use the Helicopter Landing Pad of such preferred routes, and shall take the following measures to ensure that such preferred routes are utilized whenever weather conditions, safety considerations and the best interests of the patient being transported permit, with the expectation that this will be the usual case. **MMC** will instruct all providers which regularly use the Helicopter Landing Pad that pilots must file an exception report with the Air Medical Provider Administration of Lifeflight of Maine or its successor entity for operations modified for safety considerations or at the direct request of Approach Control at the Portland International Jetport. Logs of these exception reports will be made available to **MMC** and to the **CITY** every six months. When and if the Portland Jetport has the capacity to maintain and preserve data which specifically identifies flight routes actually taken by aircraft using the Helicopter Landing Pad, the **CITY** shall consult such data to review compliance with this paragraph, and **MMC**, upon request of the **CITY**, will be responsible for the **CITY's** reasonable costs of translating such data into useable form, but not for the costs of the flight monitoring. Initially, such preferred flight routes shall be as shown on the map attached to this Agreement as Exhibit D. At the initiative of either the **CITY** or **MMC**, the map of preferred flight routes may be amended from time to time by agreement between **MMC** and the City Council. The City Council shall consult with the Portland International Jetport and shall convene a neighborhood meeting to obtain input from residents of any affected residential areas before agreeing to any such amendment. An agreement between the parties to change preferred flight routes under this paragraph shall include noise mitigation measures in addition to those described in paragraph 7(g) below provided the noise mitigation measures are recommended by

an independent noise consultant. In addition, after one full year of operation of the Helicopter Landing Pad (measured from the date of the first patient transport flight to use the Helicopter Landing Pad), the City Council shall review the operation of the preferred flight routes and may initiate amendments to the map of preferred flight routes, following the procedures specified above. In connection with review or amendment of flight routes under this paragraph, the CITY may engage the services of an independent consultant and MMC will reimburse the CITY for its reasonable costs of obtaining such consulting services provided that the CITY, in advance of engaging the consultant, affords MMC an opportunity to comment on the scope of the consultant's engagement.

(c) Fly Neighborly. In negotiating any contract or agreement with any provider of emergency medical transport by helicopter, MMC will require the provider to operate in compliance with the "Fly Neighborly Guide" revised February 1993, (and any subsequent revisions) prepared by the Helicopter Association International Fly Neighborly Committee and published by the Helicopter Association International. MMC shall establish a complaint number and a protocol for handling complaints, which shall be publicized within the neighborhood, and the complaints will be reviewed no less than quarterly by the Maine Medical Center Neighborhood Council, noted below.

(d) Helipad operating guidelines. Helicopter landings on the Helipad are approved for emergency patient care only. Any use of the Helicopter Landing Pad for other than emergency patient care transport shall be deemed a violation of this Agreement and shall result in the termination of the Helicopter Overlay. The following standard practices will be incorporated as general policy for operations in and out of the Maine Medical Center Helipad and shall be communicated by MMC to providers. At all times, the Pilot in Command (PIC) will determine safety of operations as a first consideration. Under normal operating circumstances, take-offs, landings and standing-by on the Helicopter Landing Pad shall be conducted according to the Operating Guidelines, attached hereto as Exhibit E, subject at all times to the judgment of the helicopter pilot concerning safety and to the judgment of the emergency medical personnel concerning the health of the patient.

(e) Equipment. In generating any specifications in connection with the negotiation of any contract or agreement with any provider of emergency medical transport by helicopter, MMC will specify that helicopters utilizing the Helicopter Landing Pad (with the exception of U.S. military or government aircraft) are relatively new turbine powered aircraft meeting requirements under ICAO Annex 16 Chapter 8 for in-flight noise levels and complying with FAA airworthiness standards, 14 CFR part 36.11 and 14 CFR 21 Sub-part D, or any amended or successor requirements or standards.

(f) Design and construction. The Helicopter Landing Pad shall be constructed as shown on Exhibit A.

(g) Mitigation. MMC will pay for the installation costs associated with the full installation of soundproofing improvements contained within Exhibit D, except in lieu of central air conditioning MMC will also pay for the installation of ventilation improvements to one or more rooms within each such dwelling unit as reasonable and appropriate as determined by the

CITY. The **CITY** shall contract for such work and **MMC** shall be responsible for the costs associated therewith, plus a 10% administrative fee to be paid to the **CITY**. Before entering into any contract for such work, the **CITY** shall notify **MMC** and give **MMC** the opportunity to comment on the scope of the proposed work and the estimated cost thereof. The properties to be included under this provision are as follows: 879 Congress Street (Map 53, Block I, Lot 16), 921 Congress Street (Map 65, Block D, Lot 17), 925 Congress Street (Map 65, Block D, Lot 16) and 929 Congress Street (Map 65, Block, D, Lot 14). Such funds shall only be expended if the present owners of such buildings request such improvements no earlier than six months and no later than eighteen months after commencement of the operation of the Helicopter Landing Pad. For a period of five years from the date of this Agreement, any new owner of the aforementioned properties may request such improvements no later than eighteen months after purchase of said property(s).

(h) Accreditation. The principal provider of air medical transport to **MMC** shall be accredited by the Committee on Accreditation of Medical Transport Systems or its successor agency. Providers using the helicopter landing pad shall be accredited by the Committee on Accreditation of Medical Transport Systems or its successor agency, unless special circumstances warrant a non accredited provider such as the Air National Guard, the U.S. Coast Guard or other users.

9. Signage shall comply with the requirements of sections 14-336 through 14-372.5 of the City Code, except as otherwise approved by the Planning Board under Chapter 14, Article V.

10. For the purpose of keeping surrounding residential areas apprised of its future development plans, and to address any neighborhood issues related to the operations of the **MMC** campus (including but not limited to complaints or operating issues with respect to the helipad and future planning and development programs associated with **MMC**), **MMC** shall, no less than quarterly, and with two weeks written notice, invite representatives of the Maine Medical Center Neighborhood Council to meet with designated representatives of **MMC**. For purposes of this requirement, the Maine Medical Center Neighborhood Council shall consist of two representatives of the Parkside Neighborhood Association, , two representatives of the Western Prom Neighborhood Association, and two representatives of the Gilman/Valley Streets neighborhood. The neighborhood organizations shall designate the persons who shall serve on the Maine Medical Center Neighborhood Council. In the event there is no formal neighborhood organization, the City Council District Councilor shall designate the persons to serve on the Maine Medical Center Neighborhood Council.

11. **MMC**, prior to occupancy of the Charles Street Addition, shall relocate the sewer serving 31 Crescent Street, as depicted on the Site Plan (Exhibit B). In addition, **MMC** shall provide two off-street parking spaces for use by the tenants of 31 Crescent Street for so long as 31 Crescent Street serves as a residential structure.

12. **MMC** agrees that it will make the parking garage contemplated within this Agreement available for use by the public for snow ban purposes in a fashion similar to that

required in its Congress Street/Forest Street parking garage. In addition, **MMC** shall require all of its vendors, contractors and subcontractors to utilize a parking garage or other approved parking area/facility for vehicles and truck parking during construction.

13. **MMC** agrees to divest itself of ownership of the following existing structures owned by **MMC** according to the following schedule:

Prior to the issuance of a certificate of occupancy for the Charles Street Addition:

- 15 Crescent Street (Map 53, Block F, Lot 6)
- 25 Crescent Street (Map 53, Block E, Lot 5)
- 25 Ellsworth Street (Map 53, Block H, Lot 2)
- 32 Ellsworth Street (Map 54, Block C, Lot 5)
- 20 Hill Street (Map 54, Block C, Lot 1)

No later than January 1, 2010 or the issuance of a certificate of occupancy for any of the future expansions described in Section 6(b) above, whichever is earlier:

- 19 Bramhall Street (Map 63, Block A, Lot 4)
- 23 Bramhall Street (Map 63, Block A, Lot 3)
- 25 Bramhall Street (Map 63, Block A, Lot 2)
- 31 Bramhall Street (Map 63, Block A, Lot 1)

The deadline for divestiture of any of such property may be extended by the Planning Authority if **MMC** demonstrates that reasonable good faith efforts to market the property instituted at least 6 months prior to the deadline have failed to produce a bona fide offer at or above fair market value and on commercially reasonable terms.

14 **MMC** agrees that it will remove the existing building located at 261-269 Valley Street (formerly the "Eagles Club") within 12 months after the effective date of this Agreement and that the site of the removed building will be loaned and seeded unless and until otherwise developed pursuant to an approved site plan.

15 **MMC** shall provide landscaping of the area surrounding its Vaughn Street parking lot as shown on the landscaping plan attached hereto as Exhibit G and shall construct, maintain and continue to own the "pocket park" located at Ellsworth and Charles Streets as shown on the Site Plan (Exhibit B). The improvements to the Vaughn Street parking lot shall be completed within 12 months of the effective date of this Agreement.

16. **MMC** agrees to allow public pedestrian access between its campus and Congress Street through a new enclosed stairway to be constructed adjacent to the New Parking Garage, as depicted on Exhibit B.

17.. **MMC** shall contribute \$800,000 to the **CITY** to use for public improvements in the general vicinity of Maine Medical Center.

18.. MMC agrees that it will encourage its employees and visitors to use alternatives to single-occupant automobiles when traveling to and from the **PROPERTY**. In its application under the Site Plan Ordinance, MMC agrees to include among its written statements an Alternative Transportation Plan. The Alternative Transportation Plan will propose strategies to reduce single-occupant automobile trips to the **PROPERTY**. Such strategies shall include, but not be limited to, subsidies and other incentives for employees and visitors to use local and regional mass transportation, share rides (carpools and vanpools), ride bicycles and walk. The Planning Board will include the Alternative Transportation Plan in its consideration of sections 14-526(a)(1) and (2) of the City Code. In addition, an analysis of effectiveness and functioning of the Alternative Transportation Plan shall be provided to the City Council's Transportation Committee on an annual basis.

20.. The above restrictions, provisions and conditions are an essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit MMC, its successors and assigns, and any party in possession or occupancy of the **PROPERTY** or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within 30 days of approval of this Agreement by the City Council, MMC shall record a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the book and page of the deeds to the property underlying said **PROPERTY**. Unless otherwise stated within this Agreement, this Agreement governs only the **PROPERTY** expressly covered by this Agreement and applies only within the boundaries of the rezoned area as shown on the map. Nothing in this Agreement shall have any effect on or be construed as having any bearing on the use or development of any other properties owned by MMC or its affiliates, all of which shall continue to be governed by the applicable provisions of the Portland Land Use Code, without regard to this Agreement.

21.. If any restriction, provision, condition, or portion thereof, set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination and shall not affect the validity of the remaining portions hereof.

22.. Except as expressly modified herein, the development, use, and occupancy of the **PROPERTY** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

23.. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A MRSA 4452) and **CITY** Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **PROPERTY** and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice. Following any determination of a zoning violation by the Court, and in addition to any penalties authorized by law and imposed by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

24.. In the case of any issue related to the **PROPERTY** which is specifically addressed by this Agreement, neither **MMC** nor their successors may seek relief which might otherwise be available to them from Portland's Board of Appeals by means of a variance, practical difficulty variance, interpretation appeal, miscellaneous appeal or any other relief which the Board would have jurisdiction to grant, if the effect of such relief would be to alter the terms of this Agreement. In cases that fall outside of the above parameters (i.e., alleged violations of any provisions of Portland's Land Use Code, including, but not limited to, the Site Plan Ordinance, which were neither modified nor superceded by this Agreement), the enforcement provisions of the Land Use Code, including, but not limited to, the right to appeal orders of the Planning Authority, Building Authority and Zoning Administrator shall apply. Nothing herein, however, shall bar the issuance of stop work orders.

WITNESS

MAINE MEDICAL CENTER

By: _____

Its: _____

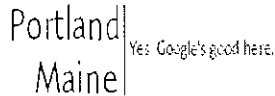
STATE OF MAINE
CUMBERLAND, ss.

Date: _____, 2005

Personally appeared before me the above-named _____, in his capacity as _____ of Maine Medical Center, and acknowledged the foregoing instrument to be his free act and deed in his said capacities and the free act and deed of Maine Medical Center.

Before me,

Notary Public/Attorney at Law



James Dealaman <jdealaman@portlandmaine.gov>

Fwd: PB hearing on IOZ new ordinance

1 message

Jean Fraser <jf@portlandmaine.gov>

Tue, Mar 28, 2017 at 2:18 PM

To: James Dealaman <jdealaman@portlandmaine.gov>

This is PC 22 and the one I have already copied (paper copies) for the Board meeting- just needs to go into your other system. thanks, Jean

----- Forwarded message -----

From: **moses sabina** <mosessabina@yahoo.com>

Date: Tue, Mar 28, 2017 at 1:16 PM

Subject: Re: PB hearing on IOZ new ordinance

To: Jean Fraser <jf@portlandmaine.gov>

Jean,

Here are some comments for the planning board meeting:

Portland Planning Board,

My name is Moses Sabina, I am an owner/resident of 4 Gilman St. I have the unique perspective of participating in the MMC Neighborhood Council since its inception, longer than any other neighbor or MMC staff. I am concerned that the language in the IOZ regarding neighborhood engagement is too vague. The IOZ calls for a plan for neighborhood engagement. Who decides what is acceptable? What is the mechanism for institutional accountability?

Here are some examples of instances when MMC has either exploited a loophole in the CRA or attempted to with little to no accountability.

1. The Retail Space: The current CRA required MMC to create a retail space as part of the new visitor garage on Congress St. The retail space was called for by neighbors and the planning board. After sitting vacant and completely undeveloped (it has a dirt floor to this day), I made it a point to check in on the progress of finding a tenant for it nearly every quarterly meeting. MMC reported that they had many interested parties over the years, but no lease was ever signed. MMC conducted a survey of their staff asking what type of business would be beneficial. One meeting their real estate listing agent, Mark Malone, told us that the asking price was too high. After many years of updates on the retail space, neighbors and I finally had the opportunity to ask Rich Peterson about it; he informed us that MMC had no intention of leasing the space, and never had. In this case, MMC fulfilled their obligation in the CRA by creating the space, but ignored the intentions of the community and opportunity to house a neighborhood business.
2. Snow Ban Parking: MMC is required by the city to provide snow ban parking in both the new visitors garage and the Forest St Garage. The record as to how many spaces they are required to provide is unclear, yet MMC has manufactured their own number. MMC has closed a nearly empty Forest St garage during parking bans, prohibiting neighbors from parking there. This is an issue we thought we had worked out in the quarterly meetings, but it occurred again this winter. To their credit, after phone calls were made, the garage was re-opened.
3. Sportsman's Lot: Though the CRA prohibits MMC from expanding their footprint, they attempted to buy the lot across the street from the employee garage, formerly the site of the Sportsmans restaurant. This decision was announced to the Neighborhood Council in a meeting. After reviewing the CRA, I brought the issue to Penny Littell, who at that time was on the Portland City legal department. MMC was disallowed from purchasing the property. They claimed that they didn't understand the CRA. It's pretty clear. It draws a line which says, across this you do not! [chapter 1, page 5]. The fact that they made the attempt speaks volumes to the need for regulation and enforcement. If I had not raised the issue, I'm not sure whether anyone else would have. Where today stands a thriving neighborhood restaurant in Salvage BBQ, could be another MMC owned building, another dune in the urban desert, which contributes nothing to the neighborhood street scape.
4. The Current Proposed Expansion Project: The IOZ calls for neighborhood engagement, and one shape that could take is a quarterly meeting like the one I have been engaged in with MMC for roughly ten years. That's a lot of my time donated to hospital neighborhood relations; time that I would like to think has not been wasted. It's hard to think that

when I hear Jeff Sanders from MMC state that they've been working on the current proposed expansion project for a year and a half; that six quarterly meetings that nary a whisper of this project was uttered in meetings which are required by the CRA for the express purpose of "surrounding residential areas apprised of future development plans" [CRA chapter 10, page 11]. They have an urgent need for single occupancy rooms, there is no denying that. I want my local hospital to be the best it can be, who doesn't? It is, however, hard to hear the cries for urgency in the city planning process when they ignored the opportunity for neighborhood feedback in mandated meetings with neighbors who they know and have been engaging with regularly for years. Somewhere, in the IOZ or not, there needs to be very specific language regarding neighborhood engagement, and oversight of the engagement, otherwise we will continue the pattern of wasted time and missed opportunity. We now hear MMC is looking at some alternative to the proposed project; how much time and money was wasted getting to that decision? Whether they wanted to hear it from us or not, neighbors and MMC could have had that discussion a year and a half ago.

5. TDM Reports: The CRA [chapter 18, page 13] calls for annual TDM reports to be submitted to the city. We haven't had any discussion of TDM in our quarterly meetings in a long time.

Please consider making the IOZ more specific with regard to neighborhood engagement.

Respectfully,

Moses Sabina

From: Jean Fraser <jf@portlandmaine.gov>
To: "Fraser, Jean" <jf@portlandmaine.gov>
Sent: Thursday, March 23, 2017 2:29 PM
Subject: PB hearing on IOZ new ordinance

Hello

Further to my e-mail on March 13 (which advised about the postponement of this hearing to March 28th because of the storm) I am writing to advise you:

- the PB hearing will be at **4:30pm on Tuesday March 28th;**
- the agenda is attached for information;
- and that a very slightly revised text of the IOZ will be presented to the Board for consideration on Tuesday, and the final version will be placed on the City's website tomorrow by the end of the day at the following link:

https://me-portland.civicplus.com/AgendaCenter/ViewFile/Agenda/_03282017-2001?html=true

[Please note that we have not yet received any further MMC submissions, and I will let you know when that specific project will next be discussed at a Planning Board meeting.]

Thank you - and please do not hesitate to contact me if you have any questions.

Jean

--
Jean Fraser, Planner
City of Portland
874 8728

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

3/28/2017

City of Portland Mail - Fwd: PB hearing on IOZ new ordinance

Jean Fraser, Planner
City of Portland
874 8728

SUMMARY OF DISCUSSIONS AT THE FOUR IOZ PLANNING BOARD WORKSHOPS

- *November 15, 2016:* The November 15 workshop introduced the concept of an IOZ, with the components of an IDP and Regulatory Framework, outlined in general terms.
- *December 13, 2016:* The December 13 workshop presented a more detailed outline of the IOZ. The Planning Board offered a number of suggestions for the IDP/Regulatory Framework, including the need for:
 - Clear boundaries and the locations of the institution's property;
 - Indication of future phases/potential long term development;
 - Regulations that are less specific and less prescriptive than traditional zoning;
 - Focus on transitions with neighboring areas; and
 - Long-term perspective on traffic and TDM and adaptive reuse of buildings/parking areas.

Comments on the IOZ zoning text included:

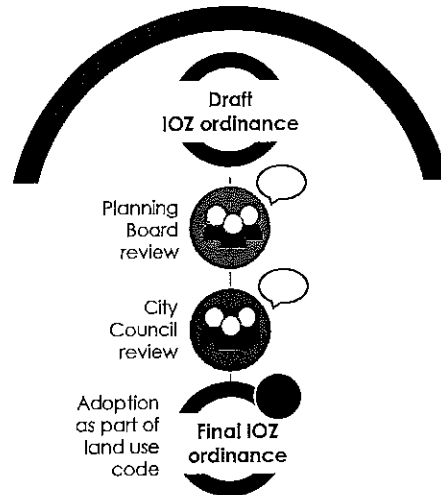
- Encourage transparency;
- Address property acquisition;
- Include requirements for healthy neighborhood engagement; and
- Allow for flexibility.
- *January 10, 2017:* The January 10 workshop presented detailed text for all sections of the IOZ ordinance, except for the IDP content section, which was under development with reviewers and other departments at the time. Examples of five other IOZ ordinances that illustrated slightly different approaches were attached to the Planning Board memo. Key issues were identified in the memo and discussed by the Board, including which institutions should be eligible for IOZ designation, how and whether the IDP should address properties geographically distinct from the institutions' main campuses, how to manage amendments or changes to the IDP and IOZ, how to address public engagement in the IDP, the planning horizon for the IDP and what level of detail to require in the IDP itself.

The Board discussion included the following comments:

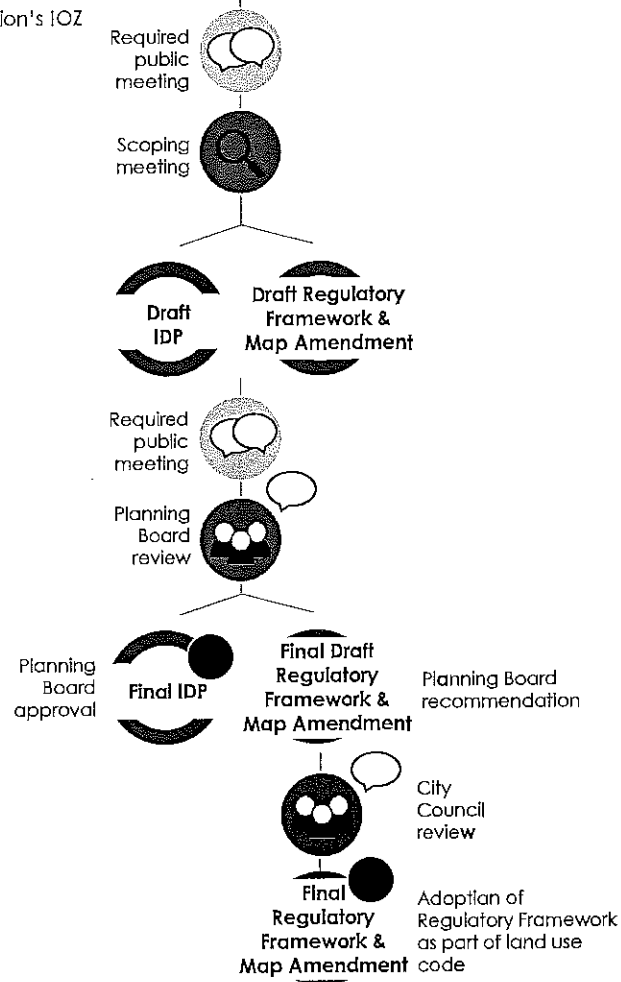
- Transition zones should be both within and abutting the institutional property and IOZ boundary and be guided by design standards;
- All institutional property should be listed in the IDP;
- Need both shorter-term and longer-term outlook (with some discussion on extent of "longer-term");
- IDP reviews, including updates should be required (though there was not a consensus on whether these should be on a regular basis or in response to triggers, maybe identified by the institution);
- Neighborhood engagement should follow best practice (and may need separate guidelines); and
- Scoping meeting a useful concept.
- *February 14, 2017:* The Planning Board memo workshop focused on a revised draft IOZ text that aimed to address the public's, institution's, and Planning Board's comments raised at the December and January meetings.

New issues were discussed, including whether designation of an IOZ should be required for institutions and whether the designation would confer some certainty for the institution similar to "pending proceeding status" under the city's ordinance provisions for Master Development Plans. [Note: These were further addressed in the subsequent communication circulated to the Board (and placed on the city's website) on February 28th (*Attachment 4 to the Report*).] The discussion also covered other questions, such as the planning horizon for the IDP and the requirements for IDP reviews/updates.

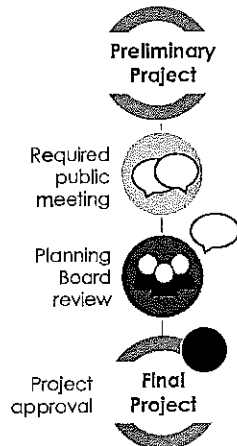
Institutional
Overlay Zone
(IOZ) Enabling
Legislation
Review



Eligible Institution's IOZ
Review



Site Plan Review



ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

Order 222-16/17
Tab 28 4-24-17
Tab 16 5-1-17
DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 17. RE: EXTENSION OF MORATORIUM
ON RETAIL MARIJUANA ESTABLISHMENTS AND SOCIAL CLUBS**

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

1. *That Chapter 17, Article IX, Section 17-122 of the
Portland City Code is hereby amended as follows:*

**ARTICLE IX. MORATORIUM ON RETAIL MARIJUANA ESTABLISHMENTS AND
RETAIL MARIJUANA SOCIAL CLUBS**

...

Sec. 17-122. Term.

This moratorium shall ~~continue be effective for 180 days~~
~~from the date of passage, through May 6~~ November 3, 2017. It may
be extended for additional 180 day periods by the City of
Portland, in accordance with 30-A M.R.S. § 4356(2).

AND BE IT FURTHER ORDERED, that this amendment is enacted as an
Emergency, pursuant to Article II, Section 11 of the
Portland City Charter, to make it effective
immediately in order to protect the public safety and
welfare of the City of Portland.

MEMORANDUM
City Council Agenda Item

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

FROM: Anne Torregrossa, Office of Corporation Counsel

DATE: April 3, 2017

SUBJECT: Extension of Marijuana Retail and Social Club Licensing Moratorium

SPONSOR: Danielle West-Chuhta, Corporation Counsel

(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 4/24/2017 Final Action 5/1/2017

Can action be taken at a later date: X Yes No (If no why not?); The Marijuana Retail and Social Club Licensing Moratorium will expire on May 7, 2017. However, staff recommends that the Moratorium remain in place without interruption to allow local ordinances to be drafted once state rules are promulgated.

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

I. ONE SENTENCE SUMMARY

The Marijuana Retail and Social Club Licensing Moratorium, which was approved by the City Council in Order 84-16/17 on November 21, 2016, and which applied retroactively to November 8, 2016, will expire on May 7, 2017. The Moratorium should be extended an additional 180 days, to November 3, 2017, to allow local ordinances to be drafted in accordance with state rules once they are promulgated.

II. AGENDA DESCRIPTION

A 180-day moratorium on licenses for recreational marijuana retail shops and social clubs was approved by the City Council by Order 84-16/17 on November 21, 2016. It applied retroactively to November 8, 2016, and will expire on May 7, 2017. The Moratorium should be extended, in accordance with 30-A M.R.S. § 4356(2), to allow local licensing, zoning, and other ordinances to be drafted in accordance with state rules, which are still being developed.

On November 8, 2016, Maine voters approved the Marijuana Legalization Act (the "Act"), allowing the consumption, distribution and business development of and for marijuana products. The Act allows municipalities to regulate retail marijuana establishments, including

stores, cultivation facilities, retail testing facilities, and also marijuana social clubs. The extension of the Moratorium on these businesses will allow the City of Portland to ensure that its ordinances are consistent with the State of Maine rules, which have not yet been released. City staff are developing draft ordinances to regulate the sale of recreational marijuana, including licensing requirements, zoning restrictions, and safety rules, among other things.

Staff is requesting emergency enactment in order to make the extended Moratorium effective on May 7, 2017.

III. BACKGROUND

The November 8, 2016 election included a referendum on the legalization of recreational marijuana. The full language of the Marijuana Legalization Act, allows municipalities to regulate retail marijuana establishments, including stores, cultivation facilities, and social clubs. 7 M.R.S. § 2449). The state is currently in the process of drafting rules, and the legislature is also considering changes to the Act.

State regulations and potential safety concerns will be better understood as this Act becomes implemented by the state. The City requires time to consider any changes to the statute, and any rules promulgated by the state, before enacting its own regulatory scheme. Additional time allows better coordination, as well as understanding of the state regulations and the implementation of such regulations.

All of these issues have led many towns and cities in the State of Maine to approve similar moratoriums, including Bangor, Brewer, Gray, Kennebunk, New Gloucester and Westbrook, among others. The need for the moratorium still exists because the state has still not finalized its rules. City staff would like to wait to understand the state rules that will be adopted.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

City staff request additional time to consider zoning implications and neighborhood needs in connection with the licensing of retail marijuana stores, cultivation facilities, retail testing facilities, and also marijuana social clubs, in order to draft any necessary rules and ordinances.

V. FINANCIAL IMPACT

No financial impact should result from enactment of this moratorium other than the staff time necessary to create rules and regulations addressing the Act for the City of Portland.

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

The Moratorium is approved as to form by Corporation Counsel.

VII. RECOMMENDATION

The Director of Planning and Urban Development, the Police Chief, the City Manager, the Director of Permitting and Inspections, and Corporation Counsel recommend approval of this Moratorium.

VIII. LIST ATTACHMENTS

Amendment of Portland City Code Chapter 17 re: Extension of Moratorium on Marijuana Establishments and Social Clubs

Prepared by: Nancy English
Date: April 3, 2017

Bean/agendarequestmemo/rev 11/2015

*Order 228-16/17
Tab 17 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROPRIATING ADDITIONAL
HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS
IN THE AMOUNT OF \$200,961 FOR THE MOTHERHOUSE PROJECT
AT 605 STEVENS AVENUE**

ORDERED, that the amount of \$200,961.00 in Home Investment Partnerships (HOME) Program funds, in addition to the appropriation approved on August 3, 2016 by Order 35-15/16, is hereby appropriated for development costs for the the Motherhouse project at 605 Stevens Avenue.

MEMORANDUM
City Council Agenda Item

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

FROM: Planning and Urban Development Department

DATE: April 13, 2017

SUBJECT: Order Approving Additional HOME Funding – Developers Collaborative Senior Rental Housing Project at 605 Stevens Avenue, Sisters of Mercy Motherhouse Building

SPONSOR: Jill Duson, Chair, Housing Committee
(March 8, 2017, voted 3-0 in favor)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st reading _____ Final Action May 1st

Can action be taken at a later date: ____ Yes ☒ No (If no why not?) This is the last item needed in order for the developer to meet construction pricing deadlines.

PRESENTATION: Mary Davis and Kevin Bunker from Developers Collaborative are available for questions

I. ONE SENTENCE SUMMARY

On August 3, 2015 (Order 35-15/16) the City Council approved an allocation of \$426,262 of HOME Program funding to support the redevelopment of the historic Motherhouse building at 605 Stevens Avenue; in order to meet a project financing gap the developer of the Motherhouse Project has requested additional HOME funding in the amount of \$200,961.

II. AGENDA DESCRIPTION

On August 3, 2015 (Order 35-15/16) the City Council approved an allocation of \$426,262 of HOME Program funding to support the redevelopment of the historic Motherhouse building at 605 Stevens Avenue. The project will create 88 units of rental housing for households 55 years or older. Sixty-six (66) of these units will be affordable to seniors earning 50% - 60% of the area median income. The remaining 22 units will be rented at market rate.

The financing gap was created as a result of national discussions concerning federal tax reform that has the potential to lower corporate tax rates. As a result, corporations and banks are less interested in buying low income housing tax credits which have been the primary financing mechanism for affordable housing development. The tax reform discussion has resulted in a

drop in the price per credit from about 98¢ to 87¢ which created a financing gap for the Motherhouse project of over \$600,000.

The developer, city staff and Maine State Housing Authority (MSHA) have worked together to identify the resources needed to move this project forward. MSHA will be contributing an additional \$446,751 to the project. As a financing partner in this project, staff is recommending that the City provide an additional \$200,961 in HOME Program funding. This funding was originally allocated to the Portland Housing Authority project at 58 Boyd Street [Order 36-15/16, August 3, 2015, \$136,961 and Order 65-16/17, October 17, 2016, \$64,000]. The Boyd Street project was unsuccessful in the 2016 and 2017 Low Income Housing Tax Credit QAP and does not have all the necessary financing to proceed. Therefore the project does not meet the HOME Program commitment requirements. If these HOME funds are not committed to another project before July 31, 2017, the funds must be returned to HUD.

III. BACKGROUND

On August 3, 2015 (Order 35-15/16) the City Council approved an allocation of \$426,262 of HOME Program funding to support the redevelopment of the historic Motherhouse building at 605 Stevens Avenue. The project will create 88 units of rental housing for households 55 years or older. Sixty-six (66) of these units will be affordable to seniors earning 50% - 60% of the area median income. The remaining 22 units will be rented at market rate.

Low Income Housing Tax Credits: The start date of this project was delayed due to a lawsuit concerning development adjacent to the project site. Unfortunately, because of this delay, the project has been caught up in a discussion of federal tax reform which would lower corporate tax rates. Corporations and banks are less interested in buying low income housing tax credits which has been the primary financing mechanism for affordable housing development. The tax reform discussion has resulted in a drop in the price per credit from about 98¢ to 87¢. (See Sun Journal article attached). The impact on the Motherhouse project is a financing gap of over \$600,000.

HUD HOME Program: Historically, HUD has administered its programs on a first-in-first-out (FIFO) basis. Under FIFO, funds were committed and disbursed against the oldest grants with funds available. As a result of a recent national audit by HUD's Office of the Inspector General (OIG), it was determined that FIFO accounting did not comply with federal financial management standards, and therefore, HUD has moved to a grant-based accounting system. Under grant-based accounting, commitment and disbursement of funds will be made against specific grant years. The CDBG, HOME and ESG Programs are transitioning to grant-based accounting.

The funds allocated to the Portland Housing Authority Boyd Street project in FY 15/16 are subject to a 24 month HOME commitment deadline on July 31, 2017. The Boyd Street project was unsuccessful in the 2016 and 2017 Low Income Housing Tax Credit QAP. At this time the project does not have all the necessary financing to proceed and therefore does not meet the HOME Program commitment requirements. If the HOME funds are not committed to another project before July 31, 2017, the funds must be returned to HUD. HCD staff recently attended a National Community Development Conference in which HUD staff talked about the nation-wide impact of the switch to grant-based accounting. As of January 31, 2017, the total national shortfall (funds in

danger of not being committed by the 24-month commitment deadline) is \$670.9 million. Portland is not the only community facing this situation.

IV. INTENDED RESULT AND OR COUNCIL GOAL ADDRESSED

This development will help to address the shortage of affordable rental housing for seniors.

V. FINANCIAL IMPACT

If these HOME funds are not committed to another project before July 31, 2017, the funds must be returned to HUD.

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

To assist in reducing the gap in financing, staff is recommending that \$200,961 in HOME Program funding originally allocated to the Portland Housing Authority project at 58 Boyd Street [Order 36-15/16, August 3, 2015, \$136,961 and Order 65-16/17, October 17, 2016, \$64,000] be reallocated to the Motherhouse project. If these HOME funds are not committed to another project before July 31, 2017, the funds must be returned to HUD.

If approved, the total City of Portland contribution would be \$627,223 in a 0% interest rate loan, deferred for 30 years or until the sale or transfer of the property. The City financing represents 3.5% of the total development costs and will result in five HOME-assisted units (6% of the total units and 8% of the affordable units).

Total Development Costs: \$18,070,801; TDC/unit: \$205,350

Total Debt Service Coverage: 1.15

City Investment/project affordable unit \$9,503.38

City Investment/total project units \$7,127.54

Since 2000, the City of Portland has invested \$13,586,098 to create 999 units of affordable rental housing. The average Portland contribution per unit has been \$13,600.

Maine State Housing Authority has underwritten the request for additional funding and has shared its work with the City. MSHA is ready to take this project to their Loan Committee based on several factors:

- (1) The developer negotiated favorable equity pricing
- (2) Approval from the City of Portland of an additional \$200,961 in HOME funds
- (3) The developer restructured their deferred fee and acquisition price to better utilize cash flow and maximize equity resulting in additional equity funds.
- (4) Maine State Housing Authority supports developers in situations where neighborhood opposition issues result in project delays and is willing to provide an additional \$446,751 in 0% deferred subsidy to the project.
- (5) A seller's note has been committed in the amount of \$337,201

As evidenced by the attached proforma, the project meets all program requirements.

VII. RECOMMENDATION

Staff is recommending that the City Council approve an additional \$200,961 in HOME funding for the Motherhouse project.

VIII. LIST ATTACHMENTS

Copy of newspaper article - Skelton, Kathryn, "Housing Projects Hit Funding Snag",
Lewiston Sun Journal, January 29, 2017.

Power Point Slide from HUD

Project Pro-Forma

Prepared by: Mary Davis, Housing and Community Development Division Director

Date: April 13, 2017

Bean/agendarequestmemo/rev 1/23/2017

Housing projects hit funding snag



KATHRYN SKELTON, Staff Writer

Lewiston-Auburn | Sunday, January 29, 2017

President's corporate tax-cut talk leaves developers short of funds

LEWISTON — Nathan Szanton has big, \$12-million plans to fill a 175-foot, ugly, empty stretch of Lisbon Street with 63 sharp, modern apartments.

Heading into last fall, he had hoped to break ground this July.

Then Donald Trump's election changed the financial landscape.

Now before Szanton can fill that gap, he's got to fill a serious, last-minute hole in his budget.

Trump's promise to markedly lower corporate tax rates has big businesses including banks suddenly less interested in buying the tax credits that fund projects like Szanton's.

What that means for Lisbon Street? The coveted low-income housing tax credits Szanton received in December from the Maine State Housing Authority are now worth \$870,000 less than they were three months ago.

Across the river in Auburn, it's the same thing: The \$7.8 million Spring Street housing development is suddenly \$500,000 short.

The same thing is happening to projects across the state and the country.

"Developers and MaineHousing are progressing cautiously," MSHA spokeswoman Deborah Turcotte said Friday. "We simply can't make up the difference with more money. We just can't write a check. That's not how things work."

William Shanahan, president of Northern New England Housing Investment Fund, a Portland-based nonprofit that sells tax credits to raise money for developers' projects, said it boils down to uncertainty.

Pending federal tax reforms drop the corporate income tax rate from 35 percent — Trump said last week he'd like to get it as low as 15 percent —

then businesses that buy tax credits as a way to offset their tax liability feel less urge to buy them.

That might happen. Or it might not.

"I'm going to a conference next week and the only thing on the agenda is how do we address this, what do we do in the short-term. It applies to every state, every project," Shanahan said.

"I've given this advice to both of those developers (behind the Lewiston and Auburn projects): If there's no urgency — meaning you're not going to lose your permits or you're not burning through fees or something — a good strategy might be to wait to see how tax reform unfolds."

'WE'RE NOT GOING TO PULL THE TRIGGER . . .'

MSHA awards low-income housing credits once a year in a highly competitive process. Turcotte said to their knowledge, all six projects awarded in December across the state have been impacted by the recent drop in the tax credit market, but none have been stopped.

"It's going to require some additional conversations with our partners and we're exploring all the options," Turcotte said. "It's a matter of looking at each deal, looking at financing sources and knowing that people are going to need to make concessions; that's the way it is right now."

Szanton, principal of the Szanton Company, was counting on those tax credits to fund \$7.8 million of his \$12 million downtown project and said he was grateful to learn this winter he'd be getting them.

"The bad news is that since the election on Nov. 8, because the incoming Trump administration and Congress have been talking about cutting corporate tax rates significantly, the market for these affordable tax credits has gone down about 11 or 12 percent," he said. "That drop from 98 cents per dollar of credit to 87 cents per dollar of credit means an \$870,000 hole in our budget just since the election."

Had that not happened, "the next step for us after receiving the allocation of these coveted tax credits would be for us to call up our architect and say, 'Go. Begin the process of designing the building right down to the last 2-by-4 and screw, so that contractors can bid on it and know exactly what they're bidding on,'" he said.

That's a several-hundred-thousand-dollar commitment, and right now that's not happening.

"We're not going to pull the trigger on that until we have figured out how to deal with this gap in the financing," he said.

He's hoping it's a matter of a two-month delay — a September groundbreaking instead of July — but that may be optimistic.

"In my 20 years in this field, tax credit prices have only fallen this far this fast once and that was in 2008 when the Great Recession hit," Szanton said.

"Real estate development is full of obstacles; I've never worked on a project where there wasn't major obstacles. I've never had a project get this far and not find a way to get it done, so I do believe we're going to find a way, I just don't know what it is yet."

Developer Ethan Boxer-Macomber from Anew Local Community Development, behind the 62 Spring St. project in Auburn, said he's still hoping to break ground in June or July. He was counting on tax credits to fund \$5 million of that \$7.8 million project.

"In the grand scheme of things, (a \$500,000 shortfall from the soft tax credit market) is not an insurmountable barrier, but it's something that's going to take some time to figure out," he said. "We're bracing ourselves for the possibility that this could take a little longer to sort out. We're going to get ourselves shovel-ready in the meanwhile."

Boxer-Macomber said his team will keep pushing forward with the design. He's hoping MSHA will be able to step in with more help.

"It's tricky," he said. "Imagine you went to build a house and you got your loan approved and you hired your architect and your builder and you're getting ready to start and the bank said, 'Well, your interest rate might be 4 percent or it might be 12 percent. Want to keep going?'"

'UNPRECEDENTED'

Greg Payne, a development officer at Avesta Housing, which also received tax credits in December for a 38-unit project in Scarborough, said it's too soon to tell if it will delay that project.

Payne, who is also director of the Maine Affordable Housing Coalition, is anxiously watching Congress to see if low-income housing tax credits are nixed entirely in the tax reform process, and lobbying Maine's delegation to keep that from happening.

"In Washington, as folks huddle behind closed doors to talk about what they want the tax overhaul to look like, you get the strands of information you can and try to understand whether you're extremely vulnerable or just slightly vulnerable, and the folks who are in the know seem to suggest that the initial signs are good," Payne said. "Now that doesn't mean it might not turn all of a sudden and change."

He's watching Housing and Urban Development funding in that same vein and hoping it stays intact.

"There's a lot of uncertainty right now," Payne said. "If you are a developer who needs to close a couple months from now, that's hard. If you're a developer who's working on a project and it might not close until the fall,

that feels a little bit better. For now we are in that awkward place, 'Oh my gosh, what's going to happen here?' That is a hard way to operate."

Shanahan, the Portland tax credit broker who also sits on the board of the Maine Real Estate & Development Association, said the drop to 85 or 87 cents on the dollar "is not a catastrophic free-fall — it's where we were two years ago." Prices of late had been high, "unprecedented," and that high wasn't going to last.

"We've all waited for an event, for an adjustment in the market," Shanahan said. "Conveniently, at the election time tax reform was a reality and everybody took a pause and that's where we are now."

"Right now, if you go to investors, they're going to give you a very low-ball number because they haven't got anything to operate from," he said. "It's kind of wait-and-see. I know that's not what they want to hear. But, the deals that get done in early 2017 I suspect are going to look a lot different from the deals that get done in late 2017."

kskelton@sunjournal.com

HOME Commitments

- As of 1/31/17, total national shortfall:
 - FY 2015 Grants: \$382.7 million
 - Cumulative: \$288.2 million
 - TOTAL: \$670.9 million
- HUD Webinar 1/12/2016 – archived
 - Office Hours to be scheduled

PROJECT: McAuley House/Motherhouse
LOCATION: Portland

Date: 04/13/17

100%

DEVELOPMENT ASSUMPTIONS						developer
Total Units		88	Inflation Adjustments	Yr 1-5	Yr. 6-15	Yr. 16-30
# @ 50% AMI (low HOME)	0.0%	0	Rent	2.00%	2.50%	3.00%
# @ 50% AMI (LIHTC/High HOME)	45.5%	40	Operating Expense	3.00%	3.00%	3.00%
# @ 60% AMI (LIHTC/High HOME)	0.0%	0	Other Income	2.00%	2.50%	3.00%
# @ 60% AMI (LIHTC)	29.5%	26	Debt Coverage Ratio	1.15		
# @ Market	25.0%	22	Vacancy	5%		
Appraised Market Value		6,720,000	Market Value/Unit	\$76,364		

PRO FORMA DEVELOPMENT BUDGET				
	Residential	Per Unit	Commercial	TDC
Site Improvements	985,402	11,198		985,402
Construction	9,973,119	113,331	0	9,973,119
General Requirements	607,000	6,898		607,000
Builder Profit	354,840	4,032		354,840
Bond Premium	0	0		0
Construction Contingency	10% 1,192,036	13,546		1,192,036
Subtotal Construction Costs	13,112,397	149,005	0	13,112,397
Building Permits and Fees	157,000	1,784	0	157,000
Survey & Engineering	75,000	852	0	75,000
Architectural & Design	460,000	5,227	0	460,000
Legal	75,000	852	0	75,000
Title & Recording	12,000	136	0	12,000
Accounting	20,000	227	0	20,000
Construction Period Tax	64,913	738	0	64,913
Construction Period Insurance	136,611	1,552	0	136,611
Other	28,010	318	0	28,010
Subtotal Soft Costs	1,028,534	11,888	0	1,028,534
Construction Loan Origination Fees	190,440	2,184	0	190,440
Construction Loan Interest	240,000	2,727	0	240,000
Permanent Loan Fees	3,000	34	0	3,000
Permanent Loan Fees	0	0	0	0
HIF Historic Fee		114	0	10,000
Subtotal Finance Costs	443,440	5,039	0	443,440
Market Survey	6,460	73	0	6,460
Appraisal	15,000	170	0	15,000
Environmental Study	20,000	227	0	20,000
LIHTC Fees - prepaid monitoring	50,916	579	0	50,916
Relocation Costs	0	0	0	0
FF&E	50,000	568	0	50,000
Other	45,000	511	0	45,000
Subtotal Miscellaneous	187,376	2,129	0	187,376
Acquisition: Buildings	750,000	8,523	0	750,000
Acquisition: Land	103,200	1,173	0	103,200
Acquisition: Existing Reserves	0	0	0	0
Acquisition: Legal	0	0	0	0
Acquisition: other	0	0	0	0
Subtotal Acquisition	853,200	9,595	0	853,200
Operating Deficit Escrow	419,680	4,769	0	419,680
Pre-funded Replacements	118,729	1,349	0	118,729
Tax & Insurance Escrow	77,665	883	0	77,665
Working Capital	21,780	248	0	21,780
Total Syndication Expenses	9,000	91	0	9,000
Consultant Fee	0	0	0	0
Developer Overhead	779,332	8,856	0	779,332
Developer Profit	1,020,668	11,599	0	1,020,668
Other	0	0	0	0
Subtotal Fee and Reserves	2,445,854	27,794	0	2,445,854
Total Development Costs	18,070,801	205,350	0	18,070,801

Max LIHTC Available	343,980
LIHTC Alloc.	343,980
Equity yield	0.90
Synd. %	100.00%
Equity Raise	3,104,076

Historic Credit FED	3,060,744
Equity yield	0.92
Synd. %	100.00%
Equity Raise	2,815,884

Historic Credit STATE	4,897,180
Equity yield Equivalent	0.88
Synd. %	100.00%
Equity Raise	4,309,665

Total Equity:	10,229,625
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Gross Square Footage	109,986
Construction Cost/Sq. ft.	108

Notes:

MAXIMUM DEVELOPER FEE AVAILABLE	2,397,960
ACTUAL DEVELOPER FEE BUDGETED	1,800,000
% OF MAXIMUM DEVELOPER FEE	75.1%
NET DEVELOPER FEE COLLECTED	1,370,000
% OF MAXIMUM DEVELOPER FEE	57.1%

FLOW OF FUNDS									
Sources	CLC	During Construction				PLC	1st Equity	Final	Total
		25%	50%	75%	100%		Occupancy Milestone	Capital Payment	
Beginning Cash	0	1,037,483	0	0	0	0	0	0	0
Capital Contribution	1,000,000		1,000,000		1,300,000	1,934,961	585,000	100,000	5,919,961
Construction Loan	0	997,591	3,470,030	5,197,752	631,277				10,296,750
GP Bridge Loan									0
MH: Subsidy	1,473,376					1,473,375			2,946,751
Interest Bearing Loan						3,500,000			3,500,000
Interest Only for 30 Years									
Conventional First Mortgage						0			0
	0					0			0
State Historic Credit	0					4,309,665			4,309,665
	0					0			0
City Fed HOME	627,223					0			627,223
Seller's Note	0					337,201			337,201
Deferred Developer Fee & Seller's Note						430,000			430,000
TOTAL SOURCES	3,100,599	2,035,174	4,470,030	5,197,752	1,831,277	11,985,202	585,000	100,000	28,367,551
Uses									
Acquisition	853,200								853,200
Construction	50,454	1,897,547	4,332,402	5,060,124	1,771,870				13,112,397
Soft Costs	414,000	109,502	109,503	109,503	109,502	176,524			1,028,534
Financing Costs	170,000	28,125	28,125	28,125	28,125	160,840			443,440
Miscellaneous	125,462					81,914			187,376
Dev Fee	442,000					573,000	585,000	100,000	1,800,000
Reserves					21,780	816,074			637,854
TOTAL DEV. COSTS	2,055,116	2,035,174	4,470,030	5,197,752	1,831,277	1,688,452	585,000	100,000	18,062,801
Repay GP Bridge Loan						0			0
Repay Construction Loan						10,296,750			10,296,750
Other Syndication Costs	8,000								8,000
SUBTOTAL OTHER ITEMS	8,000	0	0	0	0	10,296,750	0	0	10,304,750
TOTAL USES OF FUNDS	2,063,116	2,035,174	4,470,030	5,197,752	1,831,277	11,985,202	585,000	100,000	28,367,551
Ending Cash	1,037,483	0	0	0	0	0	0	0	0

PROJECT FINANCING								
Source		Amount	Rate	Term	Lien	Annual D/S		
						Yr. 1-5	Yr. 6-15	Yr. 16-30
Source 1:	MH: Subsidy	2,946,751	0.00%	30	First	0	0	0
Source 2:	Interest Bearing Loan	3,500,000	5.50%	30	First	192,500	192,500	192,500
Source 3		0	0.00%	30	First	0	0	0
Source 4		0	0.00%	30	Second	0	0	0
Source 5	State Historic Credit	4,309,665	5.00%	4	Second	0	0	0
Source 6		0	0.00%	30	Second	0	0	0
Source 7	City Fed HOME	627,223			Third		Grant	
Source 8	Seller's Note	337,201			Unsecured		Cash Flow	
Source 9	Deferred Developer Fee & Se	430,000			Unsecured		Cash Flow	
Source 10	Net Syndication	5,919,961	\$1.72					
	Capitalization Gap	0						
Total		18,070,831						

COLLATERAL COVERAGE		
	Total	Per Unit
Projected Mortgage	3,500,000	39,773
Appraised Market Value	6,720,000	76,364
Loan to Value Ratio	52%	
Market Rent Differential	393,636	373
Supportable Mort: Unrestricted	9,277,322	105,424
Subsidy per Unit		33,486
Subsidy per Low Income Unit		44,648

Home Units Required by City of Portland 1. Low HOME Efficiency 2. 4 High HOME 1BRs

PROPOSED RENT SCHEDULE			Maximum Gross LIHTC/HOME Rents	Less Utility Allow.	Maximum Net Tenant Rent	Rents from Applicant	Market Rent	Total Rent
Type	AMI	# Units						
Efficiency	50% HOME	9	\$672	\$43	\$629	\$672	\$900	67,932
	50% LIHTC							
	60% HOME							
	60% LIHTC	5	\$807	\$43	\$764	\$807	\$900	45,840
	Market	6				\$900	\$900	64,800
20								
1BR	50% HOME	31	\$720	\$49	\$671	\$720	\$1,300	249,612
	50% LIHTC							
	60% HOME							
	60% LIHTC	21	\$864	\$49	\$815	\$864	\$1,300	205,380
	Market	16				\$1,300	\$1,300	249,600
68								
2BR	50% HOME	0	\$0	\$0	\$0	\$0	\$0	0
	50% LIHTC							
	60% HOME							
	60% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
	Market	0				\$0	\$0	0
0								
3BR	50% HOME	0	\$0	\$0	\$0	\$0	\$0	0
	50% LIHTC							
	60% HOME							
	60% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
	Market	0				\$0	\$0	0
0								
4BR	50% HOME	0	\$0	\$0	\$0	\$0	\$0	0
	50% LIHTC							
	60% HOME							
	60% LIHTC	0	\$0	\$0	\$0	\$0	\$0	0
	Market	0				\$0	\$0	0
0								
Other:								0
Subtotals:								883,164
			Income from Laundry:			0	0	0
			Other Income:			0	0	0
			Vacancy Rate			5%	(44,158)	
			Other Income: TIF @ 60%			4,750	56,997	
			Effective Gross Income				896,003	

AFFORDABLE MORTGAGE CALCULATION		
Effective Gross Income		896,003
Annual Operating Expense		646,860
Stabilized NOI		249,143
DSC	1.15	32,497
\$ Avail for D/S		216,646
Other DS		0
Balance		216,646
Affordable Mortgage	5.50%	3,179,672

BREAKEVEN ANALYSIS:		RENT SENSITIVITY	OCCUPANCY
		Total	Annual
Operating Expense		646,860	Gross Revenues 883,164
Debt Service		192,500	
Breakeven Rent		795	Breakeven Occupancy 95%

OPERATING EXPENSES			
Expense	Annual	Annual Per Unit	Monthly Per Unit
Administrative Expenses:			
Management Fees	50,340	572	48
Management Charges	28,076	319	27
Marketing Expenses	6,600	75	6
Legal Expenses	4,000	45	4
Auditing Expenses	8,000	91	8
Other Administrative Expenses	22,264	253	21
Administrative Expenses	119,280	1,355	113
Operating Expenses:			
Janitorial Payroll	0	0	0
Janitorial Supplies and Equipment	0	0	0
Janitorial Contractual Services	15,947	181	15
Fuel and Gas (Natural Gas)	49,158	559	47
Electricity	58,547	665	55
Water and Sewer	19,815	225	19
Garbage and Trash Removal	15,400	175	15
Vehicle and Equipment Expenses	0	0	0
Other Operating Expenses	0	0	0
Operating Expenses	158,868	1,805	150
Maintenance Expenses:			
Grounds Maintenance Payroll	21,649	246	21
Grounds Tools and Supplies	0	0	0
Grounds Contractual Services Snow Removal	24,200	275	23
Miscellaneous Ground Maintenance	0	0	0
Building Maintenance	63,548	722	60
Building Tools and Supplies	0	0	0
Building Contractual Services	30,593	347	29
Building Systems Maintenance	0	0	0
Miscellaneous Building Maint, Exterm/telemed	19,940	227	19
Maintenance Expenses	159,900	1,817	151
General Expenses:			
Property Taxes	97,370	1,106	92
Property and Liability Insurance	51,495	585	49
Tenant Service Expenses	20,347	231	19
Other General Expenses	0	0	0
General Expenses	169,212	1,923	160
Replacement Reserve Funding	39,600	450	38
Commercial Expenses (if applicable)	0	0	0
Total	646,860	7,351	613

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT

	6 Months										
	8	18	30	42	54	66	78	90	102	114	126
Effective Gross Income	448,001	913,923	932,201	950,845	969,862	994,109	1,018,962	1,044,436	1,070,546	1,097,310	1,124,743
Less Operating Expense	323,430	566,286	666,254	706,841	728,047	749,688	772,385	795,555	819,423	844,006	869,326
Net Operating Income	124,571	247,637	265,948	244,004	241,816	244,421	246,577	248,879	251,124	253,305	255,417
Less RLP Repay	96,250	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500
Less Other Repay	0	0	0	0	0	0	0	0	0	0	0
Cash Flow	28,321	55,137	53,448	51,504	49,316	51,721	54,077	56,379	58,624	60,805	62,917
Cash Flow per Unit	644	627	607	585	560	588	615	641	665	691	715
Debt Coverage Ratio(RLP)	1.29	1.29	1.28	1.27	1.26	1.27	1.28	1.29	1.30	1.32	1.33
MH: Subsidy	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751
\$0	0	0	0	0	0	0	0	0	0	0	0
Operating Reserve Balance	419,680	423,877	428,116	432,397	436,721	441,088	445,499	449,954	454,453	458,998	463,588

Total Cash Flow
Projected over 12 Years

714,139

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT, continued

	Yr 15										
	138	150	162	174	186	198	210	222	234	246	258
Effective Gross Income	1,152,881	1,181,683	1,211,225	1,241,506	1,272,543	1,310,720	1,350,041	1,390,542	1,432,259	1,475,226	1,519,483
Less Operating Expense	895,406	922,268	949,936	978,434	1,007,787	1,038,020	1,069,161	1,101,236	1,134,273	1,168,301	1,203,350
Net Operating Income	257,456	259,415	261,289	263,072	264,757	272,699	280,880	289,307	297,986	306,925	316,133
Less RLP Repay	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500
Less Other Repay	0	0	0	0	0	0	0	0	0	0	0
Cash Flow	64,956	66,915	68,789	70,572	72,257	80,199	88,380	96,807	105,486	114,425	123,633
Cash Flow per Unit	738	760	782	802	821	911	1,004	1,100	1,199	1,300	1,405
Debt Coverage Ratio(RLP)	1.34	1.35	1.36	1.37	1.38	1.42	1.46	1.50	1.55	1.59	1.64
MH: Subsidy	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751
\$0	0	0	0	0	0	0	0	0	0	0	0
Operating Reserve Balance	463,224	472,906	477,635	482,411	487,235	492,108	497,029	501,999	507,018	512,089	517,210

PROFORMA OPERATING INCOME AND EXPENSE STATEMENT, continued

	270	282	294	306	318	330	342	354	360
Effective Gross Income	1,565,068	1,612,020	1,660,380	1,710,192	1,761,498	1,814,342	1,868,773	1,924,836	991,291
Less Operating Expense	1,239,451	1,276,634	1,314,933	1,354,381	1,395,013	1,436,863	1,479,869	1,524,368	785,050
Net Operating Income	325,617	335,386	345,447	355,811	366,485	377,479	388,904	400,468	206,241
Less RLP Repay	192,500	192,500	192,500	192,500	192,500	192,500	192,500	192,500	96,250
Less Other Repay	0	0	0	0	0	0	0	0	0
Cash Flow	133,117	142,886	152,947	163,311	173,985	184,979	196,304	207,968	109,991
Cash Flow per Unit	1,513	1,624	1,738	1,855	1,977	2,102	2,231	2,363	2,500
Debt Coverage Ratio(RLP)	1.69	1.74	1.79	1.85	1.90	1.96	2.02	2.08	2.14
MH: Subsidy	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751	2,946,751
\$0	0	0	0	0	0	0	0	0	0
Operating Reserve Balance	522,382	527,606	532,882	538,211	543,593	549,029	554,519	560,065	565,665

Order 229-16/17
Tab 18 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (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 FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018:

Appropriation for State/Local EPS funding Allocation: That the City appropriates the amount of \$81,456,771 for the total cost of funding public education from kindergarten to grade 12, and raises the amount of \$64,261,317 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 230-16/17
Tab 19 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROVING NON-STATE FUNDED SCHOOL CONSTRUCTION DEBT
SERVICE FOR PORTLAND SCHOOLS FOR FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

Appropriation for Non-State Funded Debt Service (20-A M.R.S.A. §15690(2)(A)).

That the City raise and appropriate \$496,746 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 231-16/17
Tab 20 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER RAISING AND APPROPRIATING ADDITIONAL LOCAL FUNDS FOR
PORTLAND SCHOOLS FOR FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

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 \$16,698,708 in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$14,915,041 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 232 -16/17
Tab 21 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING TOTAL SCHOOL OPERATING BUDGET
FOR PORTLAND SCHOOLS FOR FY2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

Total School Budget Summary (20-A M.R.S.A. §15690(4)(A)): That the City authorizes the School Committee to expend \$ 99,569,444 for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018 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 233-16/17
Tab 22 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER APPROPRIATING AND RAISING FUNDS
FOR ADULT EDUCATION FOR FY 2018 AS REQUIRED
BY THE MAINE REVISED STATUTES, TITLE 20-A M.R.S.A. §8603-A(1)**

ORDERED, that the sum of \$1,919,778 is hereby appropriated for Adult Education for Fiscal Year 2017-2018 and that the sum of \$1,297,914 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 234-16/17
Tab 23 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER TO RAISE LOCAL FUNDS
FOR FOOD SERVICE IN THE PORTLAND PUBLIC SCHOOLS FOR FY2018**

ORDERED, that the sum of \$33,236 is hereby raised for the Food Service Program for Fiscal Year 2017-2018; 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.*

Order 234A -16/17
Tab 23 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE DISPOSITION OF
ANY ADDITIONAL STATE SUBSIDY RECEIVED
FOR PORTLAND SCHOOLS IN FISCAL YEAR 2018**

ORDERED, that under and pursuant to the City's Fiscal Year 2017-2018 Appropriation Resolve Order 246-16/17 and applicable state law the City hereby approves the following school budget article for Fiscal Year 2017-2018.

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, that the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

*Order 235-16/17
Tab 24 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER APPROVING FISCAL YEAR 2018 ADMINISTRATIVE FEES
IN THE DEPARTMENT OF PUBLIC WORKS
RE: STREET OPENINGS**

ORDERED, that the administrative fee in the Department of Public Works for a Block Permit for Street Openings, as shown in the schedule attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that all other administrative fees currently in effect that are not otherwise changed herein shall remain in effect for Fiscal Year 2018.

Portland, Maine



Yes. Life's good here.

Christopher C. Branch, P.E.
Director of Public Works

To: Jon Jennings, City Manager
Brendan, O'Connell, Finance Director

From: Christopher Branch, Director DPW CCB

Date: March 3, 2017

RE: Fee change/new fee

The department of public works is proposing a change in street opening permit fees with the creation of a new block permit fee. The fee amount is being proposed at \$1,000 per block with a block being defined as no more than 250LF.

The block permit fee will take the place of regular permit fees currently at \$360 per hole for permits needing a number of consecutive holes. We are estimating issuing approximately 25 block permits for a total of \$25,000, however this reduces the estimated number of regular permits at \$360 to 400 resulting in a net loss to street opening revenue of \$191,000. The primary recipient of this arrangement will be Unutil.

FY18 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department Public Works/Street Openings

<u>Account #</u>	<u>Revenue Description</u>	<u>current fee</u>	<u>proposed fee</u>
247-3100-321-03-00	Street Opening Permits:		
	1. Street opening permit	\$360.00	\$ 360.00
	2. Combo permit	\$360.00	\$ 360.00
	3. Sidewalk opening permit	\$252.00	\$ 252.00
	4. Esplanade/other permit	\$180.00	\$ 180.00
	5. Block Permit		\$1,000.00
247-3100-321-06-00	Permanent Pavement Restoration	\$ 55.00	\$ 55.00

*Order 236-16/17
Tab 25 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN
AGREEMENTS TO IMPLEMENT THE FISCAL YEAR 2018 HUMAN RESOURCES
AND CERTAIN FRINGE BENEFITS BUDGETS**

ORDERED, that the City Manager is authorized to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2018 as needed in order to implement the Human Resources, Medical, Worker's Compensation and Liability budgets.

Portland, Maine



Yes. Life's good here.

Human Resources Department
Gina M. Tapp, SPHR
Director

CITY OF PORTLAND, MAINE

Memorandum

TO: Jon P. Jennings, City Manager

FROM: Gina Tapp,  Director of Human Resources

DATE: April 12, 2017

RE: FY18 Budget Order Re: Implementing Human Resources and Fringe Benefit Budgets

Please have the attached Council Order accompany the FY18 budget. This item should be given a first reading on May 1, 2017 and postponed to the May 15, 2017 meeting along with other budget related items.

STATEMENT OF FACT:

ORDER AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT THE HUMAN RESOURCES AND CERTAIN FRINGE BENEFIT BUDGETS.

Each year the City of Portland enters into agreements to provide services contained in budgets tied to departmental programs.

Human Resources contracts for professional training services, physical fitness testing and services for the Civil Service Commission (written examinations, job suitability assessments and medical examinations).

The Medical budget contains contracted services for claims administration.

The Worker's Compensation budget contains contracted services for claims administration and drug and alcohol testing.

This order will authorize the City Manager to enter into such agreements.

cc: Danielle West-Chuhta, Corporate Counsel
Jennifer Lodge, Budget Analyst

GT: jlr

*Order 237-16/17
Tab 26 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

ORDER RE: FISCAL YEAR 2018 SELF-INSURED LIABILITY PROGRAM

ORDERED, that pursuant to Article VII, Sec. 15 of the Portland City Charter there is hereby established a Cumulative Reserve Fund for the purpose of enabling the City to pay losses under its self-insurance program or incurred under any deductible insurance policies, which fund shall continue from year to year and shall not lapse as provided in Article VII, Sec. 7 of the Charter; and

BE IT FURTHER ORDERED, that pursuant to 14 M.R.S. Sec. 8116, the City Council of the City of Portland hereby states that the City of Portland has self-insured (to the extent set forth herein) against the obligations and liabilities imposed by the Maine Tort Claims Act (hereinafter the "Act"):

1. The Council has, and may from time to time, set aside funds in an account identified as "Liability" to be added to funds previously appropriated and held in reserve, all of which funds have been designed to enable the City to meet the obligations imposed by the Act; and to implement its self-insurance program, including but not limited to, the costs of administration of the program, investigation of claims, and of defense of claims against the City, its officers and employees;
2. The limit of liability assumed by the City is the \$400,000 required by the Act, as it may be amended from time to time, notwithstanding the fact that its appropriation or reserve may exceed the statutory limit of liability;
3. The scope of coverage is limited to those areas for which governmental immunity has been expressly waived by 14 M.R.S.A. Sec. 8104-A, as limited by 14 M.R.S.A. Sec. 8104-B, and 14 M.R.S.A. Sec. 8111. Liability coverage shall not be deemed a waiver of any immunities or limitation of damages available under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, or common law; and
4. The fund shall be administered by the City Manager and Corporation Counsel who shall settle all claims and pay all judgments for which the City may be legally liable under the Act or under the law of any jurisdiction to which the City, its officers or employees may be subject.

CITY OF PORTLAND, MAINE

Memorandum

TO: Jon P. Jennings, City Manager
FROM: Danielle West-Chuhta, Corporate Counsel *DWC*
DATE: April 10, 2017
RE: RESOLUTION RE: SELF-INSURED LIABILITY PROGRAM

STATEMENT OF FACT:

This item is requested upon the recommendation of the Office of the Corporation Counsel. The intent is to clearly indicate that the City's limit of liability is that imposed by the Maine Tort Claims Act, notwithstanding the fact that the annual appropriation or the cumulative reserve may exceed \$400,000. This item should be given a first reading on May 1, 2017 and then postponed to the May 15, 2017 meeting along with other budget related items.

cc: Nancy English, Paralegal / Legal Assistant
Jennifer Lodge, Budget Analyst

Order 238-16/17
Tab 27 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER AUTHORIZING THE DIRECTOR OF PARKS,
RECREATION AND FACILITIES TO SET FEES AND ENTER RENTAL
AGREEMENTS FOR CITY FACILITIES**

ORDERED, that the Director of Parks, Recreation and Facilities or his or her designee is hereby authorized to set fees, enter and sign rental lease agreements or contracts for City facilities.

*Order 239-16/17
Tab 28 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING THE CITY MANAGER
TO ENTER INTO CERTAIN AGREEMENTS TO IMPLEMENT
FISCAL YEAR 2018 HEALTH & HUMAN SERVICES BUDGET**

ORDERED, that the City Manager or his or her designee be and hereby is authorized to enter into:

1. Standard agreements and amendments to standard agreements with other governmental agencies for Fiscal Year 2018 to implement the Health & Human Services operating budget; and
2. Agreements with providers of services and lessors of property to provide services for Health & Human Services programs.

City of Portland, Maine

Memorandum

To: Jon P. Jennings, Acting City Manager
From: BV Brendan O'Connell, Finance Director
Date: 04/10/17
Re: FY18 Budget Council Order – HHS Agreements

Each year the City of Portland enters into agreements and amendments to those agreements, to receive reimbursement for services provided by the Health and Human Services department.

In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 1st agenda.

Order 240-16/17
Tab 29 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER AUTHORIZING THE CITY MANAGER TO
ACCEPT SCHOLARSHIP TRUST DONATIONS AND ENTER INTO TRUST
AGREEMENTS**

ORDERED, that the City Manager is authorized to accept donations for existing and new scholarship trusts in Fiscal Year 2018; and

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into standard form trust agreements as approved by the Corporation Counsel.

*Order 241-16/17
Tab 30. 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER AUTHORIZING CORPORATION COUNSEL
TO UNDERTAKE CIVIL ACTIONS TO COLLECT
DELINQUENT PERSONAL PROPERTY TAXES**

ORDERED, that the Corporation Counsel, through the use of City Attorneys or Contractors, is hereby authorized to institute legal proceedings on behalf of the City to collect delinquent personal property taxes against debtors who have failed to pay the taxes when due.

City of Portland

Memo

To: Jon P. Jennings, City Manager
From: BTO
Brendan O'Connell, Finance Director
Date: April 10, 2017
Re: Agenda Item Request – Authorizing Collection Actions

Please place the attached order on the City Council agenda for first reading and public hearing on May 1st and second reading and passage on May 15, 2017. I am recommending we present this to the City Council for action as it is related to the financial business of the upcoming fiscal year. We have passed this order annually with the budget approved since fiscal year 2003.

This order arises out of the staff proposal to maintain of our efficient personal property tax collections. Many times during the fiscal year our personal property tax standard billing and collection procedures prove to be inadequate, and we need to seek legal assistance from the Corporation Counsel's Office. This could involve a company refusal to pay, a bankruptcy declaration or title dispute or other similar matter that requires legal action.

Corporation Counsel advises that the City Council needs to grant specific authority to file legal actions in these kinds of tax cases. Many times we need to act quickly to ask for legal assistance when information comes to our attention, in order to protect the City's interest. We also want to avoid administrative delays by seeking this general authority from the City Council to collect delinquent personal property taxes when necessary. Delegating this authority greatly enhances our personal property collection efforts.

I have asked Corporation Counsel to prepare the necessary order for inclusion on the May 1st agenda.

Order 242 -16/17
Tab 31 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

ORDER AUTHORIZING NON-UNION WAGE ADJUSTMENT

ORDERED, that a two percent (2%) wage increase effective July 2, 2017 is hereby approved for non-union employees and the non-union pay plan adjusted accordingly.



Human Resources Department

Gina M. Tapp, SPHR
Director

MEMORANDUM

TO: Jon P. Jennings, City Manager

FROM: Gina Tapp, Director of Human Resources

DATE: April 21, 2017

RE: FY18 Budget Order Re: Implementing Non-Union Wage Adjustment

Please have the attached Council Order accompany the FY18 budget. This item should be given a first reading on May 1, 2017 and a second reading on the May 15, 2017 meeting along with other budget related items.

ORDER APPROVING SALARY INCREASE FOR NON-UNION PERSONNEL

This Order authorizes the City Manager to make a 2% pay adjustment for all non-union employees effective July 2, 2017.

Each year, budgets permitting, the City of Portland increases the wages and salaries of non-union employees by an amount generally comparable to the amount given to employees covered by collective bargaining agreements.

This order will authorize the City Manager to increase the wages and salaries of non-union employees accordingly.

cc: Danielle West-Chuhta, Corporate Counsel
Jennifer Lodge, Budget Analyst

*Order 243-16/17
Tab 32 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

**ORDER DESIGNATING FISCAL YEAR 2018 FUNDS FOR
SPECIFIC ISLAND SERVICES**

ORDERED, that \$40,000 from the Fiscal Year 2018 municipal budget is hereby designated to pay for the Peaks Island services specified in list attached hereto.

FY 2018 Proposed Peaks Island Council Budget

02/25-LP

Ferry tickets, passes, vouchers, loading control

A. Middle & High school passes	*	5,937	70 + 2 summer extensions @ \$82.45
B. College students	*	330	\$82.45 per semester
C. Private school tickets		413	5 students
D. Needs-based tickets	*	3,834	
E. Bicycle tickets		500	
F. Loretta Voyer fund		50	
G. Cadet funding	*	2,736	

On-Island transportation

H. ITS ("The Taxi")	18,000
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Islanders in need

I. PITEA (for PIC, heating assistance only)	3,200
J. Food Pantry	50

Parks, recreation, open space

J. Skateboard park	500
K. PEAT brochure	400

Island services

L. Signage	50
M. Website + App development	1,500

PIC Administrative

N. Administrative	2,500
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Total	40,000
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*Order 244-16/17
Tab 33 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

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

**ORDER FOR FISCAL YEAR 2018 APPROPRIATING \$185,000
FROM THE CASCO BAY ISLAND TRANSIT DISTRICT EXCESS FUND**

ORDERED, that the City Council hereby authorizes and appropriates \$185,000 from the Casco Bay Island Transit District Excess Fund pursuant to the lease agreement between the City of Portland and the Casco Bay Island Transit District, of which \$185,000 is hereby appropriated to provide support of a portion of the local match need for the construction of a replacement vessel for one of oldest vessels in Casco Bay Island Transit District's fleet.

Order 245-16/17
Tab 34 5-1-17

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

AMENDMENT TO PORTLAND CITY CODE
Re: VARIOUS FEE INCREASES FOR FISCAL YEAR 2018
IN CHAPTERS 14, 24, 25 AND 28

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

1. That Section 14-530 is hereby amended to read as follows:

**Sec. 14-530. Development review fees and post approval
requirements.**

(a) *Development Review Fees.*

1. Payment of fees and costs: Prior to the issuance of permits of any kind or the release of a signed subdivision plat for recording for any project whose permit fee is governed by this ordinance, all current charges due under this ordinance shall be paid and the developer must otherwise be in compliance with the provisions of the City Code.

...

4. Site Plan Review Expenses.

- | | | |
|----|----------------------------|-----------------|
| a. | Level I: Minor Residential | \$300(flat fee) |
| b. | Level I: Site Alteration | \$200 |
| c. | Level II: Site Plan | \$400 |
| d. | Level III: Site Plan | |
| | i. Under 50,000 sf | \$750 |
| | ii. 50,000-100,000 sf | \$1,000 |

- iii. 100,000-200,00 sf \$2,000
 - iv. 200,000-300,000 sf \$3,000
 - v. Over 300,000 sf \$5,000
 - vi. Parking lots over 100 spaces \$1,000
- e. Master Development Plan \$1,000
- f. After the Fact Review \$1,000 plus application fee
- g. Amendment to Site Plans
 - i. Planning Board Review \$500
 - ii. Administrative Review \$250
- h. Other Site Plan Reviews
 - i. Administrative Authorization \$50
 - ii. Special Exception Sign Review \$75
 - iii. Section 14-403 Street Extensions \$400 plus \$25 per lot
- i. Fee for Development Review Services
 - i. Planning fee per hour \$5052
 - ii. Legal fee per hour \$75
 - iii. Third-party Review Fees assessed by the Third Party Professional
- j. State Delegated Review Fees
 - i. Site Location of Development \$3,500, except for residential projects which will be \$200 per lot.
 - ii. Traffic Movement Permit \$1,500
 - iii. Stormwater Quality Permit \$250

k. Performance Guarantee

1. As required in Section 14-530 (b) (4).

1. Inspection Fees, as required in Section 14-530 (b) (5)

i. Level I: Site Alteration, Level II and Level III: 2% of the performance guarantee or as assessed by Planning or Public Works Engineer at \$50 52 an hour with minimum inspection fee of \$300 Level I: Minor Residential Inspection Fee \$100 (flat fee).

m. Street vacation \$2,000

2. *That Section 24-72 is hereby amended to read as follows:*

Sec. 24-72. Sanitary sewer user charges.

(a) *Applicability.* There are levied upon all parcels of land charges for cost of treatment of wastewater and stormwater and for the operation and maintenance of the wastewater system.

(b) *Billing.* Bills for all charges under this article may be sent to the record owner, or to the person requesting water service. Bills shall be sent to each such owner or person every month, except that persons billed quarterly or seasonally by the Portland Water District for water service may be billed quarterly or seasonally for all charges under this article. All payments shall be credited against the oldest outstanding bill sent to such owner or person. Any payments made to the Portland Water District or its agents, which do not indicate to which account they are to be applied, shall be applied as provided by contract between the city and the Portland Water District.

Bills shall contain an amount for sanitary sewer user charges, and if delinquent as provided in section 1-16 of this Code, shall include charges for interest to be computed in the same manner as provided for real estate taxes.

(c) *Computation.* The user charges shall be computed in accordance with the following schedule, as from time to time amended, which shall be sufficient to meet costs of the eligible

purposes for which such charges may be used. From January 1, 2016, user charges under this section for both dwelling units and commercial units shall be eight dollars and twenty cents (\$8.20) per hundred cubic feet of volume for connected parcels of land. Beginning January 1, 2017, user charges under this section for both dwelling units and commercial units shall be nine dollars and thirty-five cents (\$9.35) per hundred cubic feet of volume for connected parcels of land. Beginning July 1, 2017, user charges under this section for both dwelling units and commercial units shall be nine dollars and sixty-five cents (\$9.65) per hundred cubic feet of volume for connected parcels of land. The user charge for developed but unconnected parcels of land shall be one dollar and seventy-one cents (\$1.71) per hundred cubic feet of volume. Each metered billing unit shall have a minimum charge of at least one hundred (100) cubic feet per month.

(d) *Purposes for which charges may be used.* Charges and assessments made under this article shall be used consistently with 33 U.S.C.A. § 1281 et seq., and applicable federal regulations for the following purposes:

- (1) To defray the current expenses of operating and maintaining the wastewater system, including any assessment made by the Portland Water District;
- (2) To pay the interest and repay the principal on any outstanding or future indebtedness of the city for construction of sewers heretofore or hereafter constructed within the city;
- (3) To reimburse the city for the cost of computation, billing and enforcement of such charges.

(e) *Collection.* Charges assessed pursuant to this section shall be enforceable pursuant to section 1-16 of this Code.

(f) *Disconnection for nonpayment of charges.* The Portland Water District shall disconnect sewer users with unpaid sanitary sewer user charges according to the same terms and procedures used to disconnect water users with unpaid water user charges.

3. That Section 25-27 is hereby amended to read as follows:

Sec. 25-27. Fees.

- (a) The following fees are hereby established for the

issuance of a revocable street and sidewalk occupancy permit:

- (1) Objects other than portable signs, including but not limited to tables, chairs, barricades and bollards, eighty-eight dollars (\$88.00) for one (1) fiscal year or any portion thereof;
- (2) Portable signs, twenty-five dollars (\$25.00) plus twenty cents (\$0.20) per square foot of signage. Square footage is calculated pursuant to section 14-369(b) of the land use ordinance. Permits remain valid until there is a change:
 - a. In the sign dimensions; or
 - b. In the use, lessee or ownership of the business causing a change in the business name, design or dimensions.
- (3) Vehicles, equipment, or construction materials, fifteen dollars (\$15.00) per day or any portion thereof;
- (4) Use of city property (including but not limited to festivals, events, promotions, demonstrations, parades, marches, road races, walkathons, fundraisers, press conferences, rallies, protests, sampling, poll taking, banners and public displays), fee as provided by annual order of the city council;
- (5) Use of streets, ways or public places by street goods vendors as defined in Section 19-16 for purposes of vending, thirty-six dollars (\$36.00) per day or any portion thereof;

...

(c) The following violation fines are hereby established for the failure to obtain a street occupancy permit or follow an approved management plan for vehicle traffic and/or pedestrian detours:

- (1) \$75.00 per day for failure to obtain a revocable street and sidewalk occupancy permit; and
- (2) \$50.00 a day for failure to follow an approved management plan for vehicle traffic and/or pedestrian

detours

4. That Section 25-86 is hereby amended to read as follows:

Sec. 28-86. Parking meter rates.

The rate for parking at a meter in the city shall be one dollar and twenty-five cents (\$1.25) per hour as follows: three (3) minutes for the first nickel five cents (\$0.05), two (2) for three (3) minutes for the second nickel; five (5) minutes for a dime ten cents (\$0.10) for six (6) minutes; and twelve (12) minutes for a quarter twenty-five cents (\$0.25) for fifteen (15) minutes, and one dollar (\$1.00) for one hour.

BE IT FURTHER ORDERED, that this amendment shall be effective on July 1, 2017.



Planning & Urban Development Department

To: Jon Jennings, City Manager
Brendan O'Connell, Finance Director

From: Jeff Levine, Planning & Urban Development Director *JL*

Date: December 15, 2016 (Revised 4-10-17)

RE: Fee Changes for Chapter 14- Land Use Ordinance

The Planning & Urban Development is proposing to increase the billable hourly rate for staff review time. The increase in fees in Chapter 14 will help cover the annual COLA increase along with salary and fringe benefit costs associated with the charge to the city for staff reviews on development projects. We are proposing to increase fees annually based on the annual salaries including step increases and COLA %.

<i>Fee Type</i>	<i>Current Fee</i>	<i>Proposed Fee</i>	<i>Est. Additional Revenue</i>
Staff Time (Planners) (Based on 1,200 hrs per yr) Chapt. 14-530(A)(4)(i)(i)	\$50	\$52	\$2,400
DRC Billing (Based on 350 hrs per yr) Chapt 14-530(A)(4)(i)(i)	\$50	\$52	\$700

*City Code clarified in the revision of 4-10-17

FY18 REVENUE FEE SCHEDULE CHANGE

Department: Planning & Urban Development

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY18</u>
			<u>Proposed Fee</u>
100-2404-342-12-00	Charges for Services/Public Safety/Dvlpmnt Review (Planners)	\$50/hr	\$52/hr
100-2404-342-13-00	Charges for Services/Public Safety/Inspection/Review (DRC)	\$50/hr	\$52/hr



To: Members of the City Council

From: Jon Jennings, City Manager

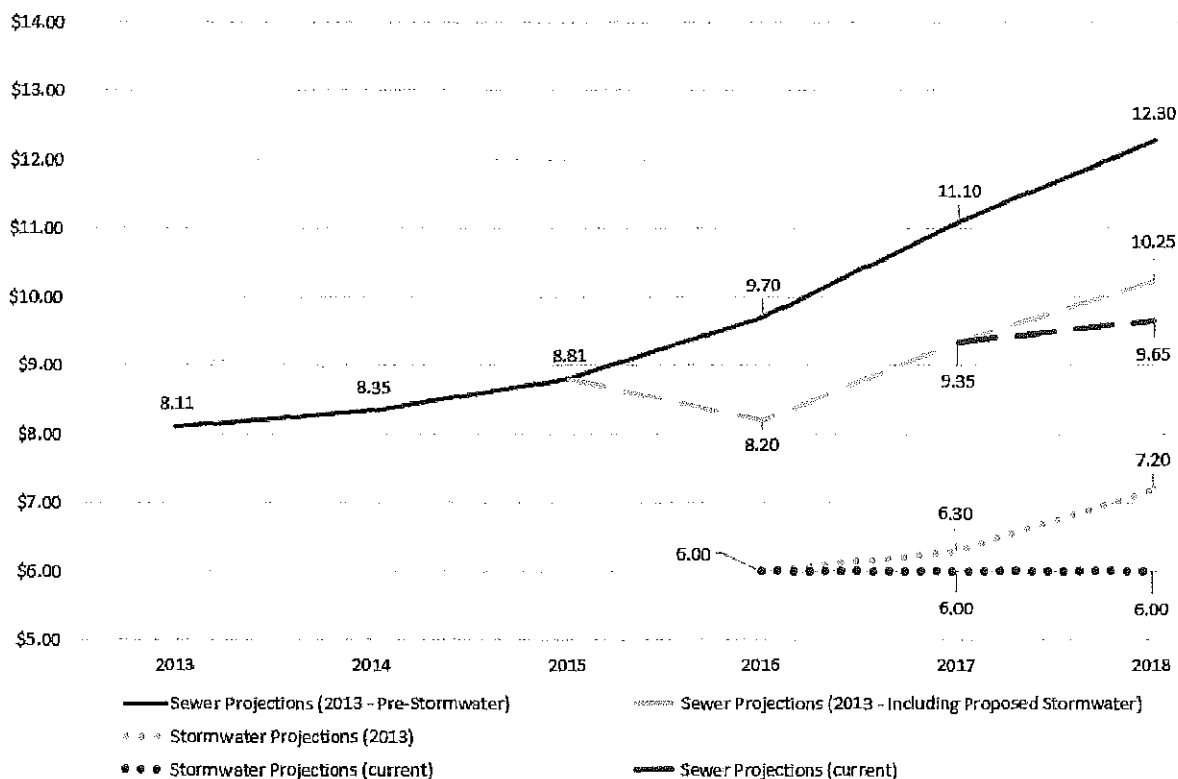
Date: April 11, 2017

Subject: Sewer Rate and Stormwater Service Charge Rates for FY2018

The City continues to fund projects related to the Department of Environmental Protection ("DEP") mandated Combined Sewer Overflow ("CSO") requirements through first the Tier II and now the Tier III approved projects. This includes financing several hundred million in capital costs over an approximate 20 year time period, paid for through the Sewer user fees, and beginning in 2016 also by Stormwater Service Charges. As illustrated below the rate increases currently being proposed for FY18 are significantly lower than the rates projected by Sustainable Storm Water Funding Task Force when the Stormwater Service Charge was originally being contemplated several years ago. The lower rates are a result of lower than anticipated borrowings for CSO in 2015, 2016 and 2017.

I'm pleased to note that for the second consecutive year there will be no increase in the Stormwater Service Charge. It will remain at \$6.00 per month for every 1,200 square feet of impervious area. The existing Sewer Rate of \$9.35 will need to be increased to \$9.65 per hcf from July 1, 2017 through June 30, 2018 due to increasing debt service repayments resulting from DEP mandated projects. This is approximately a 3.2% increase. The rate is still lower than the rate which was in place in FY16 (\$9.70). As illustrated by the chart below, the current rate is significantly lower than projected Sewer Rates if no Stormwater Service Charge had been implemented.

Projected Sewer Rates and Stormwater Service Charges



FY18 REVENUE FEE SCHEDULE CHANGE

Sewer Fund (570)

Ordinance Chapter 24 § 72

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY18</u>
			<u>Proposed Fee</u>
570-3100-344-xxxx	Sewer User Fees:	\$9.35 hcf	\$9.65 hcf

*Effective July 1, 2017

Portland, Maine



Yes. Life's good here.

Christopher C. Branch, P.E.
Director of Public Works

To: Jon Jennings, City Manager
Brendan, O'Connell, Finance Director

From: Christopher Branch, Director DPW *CGB*

Date: March 3, 2017

RE: New Fee

The department of public works is proposing a new fee for violations related to street occupancy permits. Two new fees are being proposed: \$75.00 per day for failure to obtain a street occupancy permit and \$50.00 per day for failure to follow an approved management plan for vehicle traffic and/or pedestrian detours.

We are estimating 20 violations @ \$75.00 and 10 @ \$50.00 for a total revenue of \$2,000 to the general fund. The purpose of the fee is to establish a fine for violation of street occupancy ordinances as currently there is no detriment for doing so.

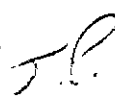
FY18 REVENUE FEE SCHEDULE CHANGE

Administrative Fees

Department Public Works/Street Occupancy

<u>Account #</u>	<u>Revenue Description</u>	<u>current fee</u>	<u>proposed fee</u>
100-3135-321-00-00	Licenses and Permits/Street Occupancy		
	1. Parking Space Permit	\$15.00	\$15.00
	2. Sidewalk Permit	\$15.00	\$15.00
100-3135-351-00-00	Fines Forfeits Penalties/Code Violations		
	1. Failure to acquire permit (daily fee)		\$75.00
	2. Non-compliance (daily fee)		\$50.00

**CITY OF PORTLAND
MEMORANDUM**

TO: Jon Jennings, City Manager
FROM: John Peverada, Parking Manager 
DATE: April 6, 2017
RE: Proposed FY18 Parking Meter Increases

Parking METERS 100-1801-364-100-00 Ordinance Ch.28-86

Propose increase from \$1.00 per hour to \$1.25 per hour, an increase of \$600,000.
The last parking meter rate increase was July, 1, 2009 (FY10).

100-1801-364-10-0 Parking Meters Ord. 28-86

Currently

The rate for parking at a meter in the city is One dollar (\$1.00) per hour as follows: five cents (\$0.05) for three (3) minutes; ten cents (\$0.10) for six (6) minutes; and twenty-five cents (\$0.25) for fifteen (15) minutes.

Propose

The rate for parking at a meter in the city shall be One Dollar and Twenty-Five Cents (\$1.25) per hour as follows: three (3) minutes for the first nickel (\$0.05), two (2) minutes for the second nickel; five (5) minutes for a dime (\$0.10) and twelve (12) minutes for a quarter (\$0.25).

Cc Brendan O'Connell, Finance Director
Danielle West-Chuhta, Corporation Counsel
Jennifer lodge, Budget Analyst
Nancy English, Paralegal
Carol Clowes, Parking Office Assistant

FY18 REVENUE FEE SCHEDULE CHANGE

Department: Parking Division

<u>Account #</u>	<u>Revenue Description</u>	<u>Current Fee</u>	<u>FY18 Proposed Fee</u>
100-1801-364-10-00	Parking Meters	\$1.00 per Hour	\$1.25 per Hour

Propose Chapter 28-86 of the Ordinance will need to be changed to read

The rate for parking at a meter in the city shall be One Dollar and Twenty-Five Cents (\$1.25) per hour as follows: three (3) minutes for the first nickel (\$0.05), two (2) minutes for the second nickel; five (5) minutes for a dime (\$0.10) and twelve (12) minutes for a quarter (\$0.25).

*Order 246 - 16/17
Tab 35 5-1-17*

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

FISCAL YEAR 2017-2018 APPROPRIATION RESOLVE

RESOLVED, that the sum of **\$240,430,005** is hereby appropriated for Fiscal Year 2018 for General Municipal purposes; and

BE IT FURTHER RESOLVED, that the sum of **\$105,036,238** is hereby appropriated for Fiscal Year 2018 for School purposes; and

BE IT FURTHER RESOLVED, that the Assessor of Taxes of the City of Portland be and hereby is directed to assess a tax upon all real estate liable to be taxed therein and to assess the owner of, or such other persons as may be liable by law for, personal property liable to be taxed therein on the first day of April, 2017 and not exempt from taxation, to the aggregate amount of **\$86,169,006** for municipal purposes and **\$82,787,921** for school purposes for a total tax levy of **\$168,956,927** resulting in a tax rate of **\$21.66** per \$1,000 of valuation (a **2.6%** increase) and in accordance with the provisions of the Statutes of Maine; and

BE IT FURTHER RESOLVED, all taxes assessed as above and committed to the Director of Finance shall be due on September 8, 2017, and payable in two equal installments, the first due on the 8th day of September, 2017, and the second installment due on the 9th day of March, 2018. The delinquency rate of interest shall be seven percent (7%) per annum on all payments received after the respective due dates and the abatement rate of interest shall be three percent (3.0%) per annum.