

Order 74-09/10

Passage: 10/5/09 7-0 (Leeman, Mavodones absent)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER DECLARING "THE WINE FLIGHT 5K"
AS A FESTIVAL AND APPROVING CONTRACT AND PERMITS THEREFOR**

ORDERED, that Saturday, October 17, 2009, is hereby declared The Wine Flight 5K and the City Manager is authorized to grant permits to the organizers of The Wine Flight 5K, **MENSK**, pursuant to Sec. 25-27 of the Portland City Code for the following activities:

Use of the Maine State Pier from 4:00 am on Saturday, October 17, through 2:00 pm Saturday October 17, with a finish line and wine tasting celebration to be held from 10:00 a.m. Saturday October 17, 2009 until 2:00 p.m. Saturday October 17, 2009, with gates opening at 9:00a.m.; any and all public announcement (PA) and other speakers or amplifiers used to amplify music or other sound shall be maintained at a reasonable level and be configured by **MENSK's** contractor and the City to focus volume on the pier and its immediate environment.

BE IT FURTHER ORDERED, that under no circumstances may alcoholic beverages be sold on the streets or public property, except the sale and consumption of alcoholic beverages will be permitted solely in the Beverage Services area of the Maine State Pier from 10:00 a.m. Saturday to 12:00 noon Saturday;

BE IT FURTHER ORDERED, that **MENSK** shall reimburse the City for all expenses incurred by City Departments in connection with the Festival;

BE IT FURTHER ORDERED, that **MENSK** shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival, its activities and/or use of City streets and property for said Festival, and shall procure and maintain commercial general liability, including contractual liability, insurance in the minimum amount of One Million Dollars (\$1,000,000) combined single limit for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder, and naming the City of Portland as an additional insured thereon; **MENSK** shall further provide liquor liability insurance covering the sale and consumption of alcoholic beverages;

BE IT FURTHER ORDERED, that the City Manager is authorized to enter into the Agreement attached hereto for the use of the Maine State Pier on October 17, 2009, and the provisions of said Agreement shall control the use of said Pier;

BE IT FURTHER ORDERED, that Festival areas will be closed to street vendors pursuant to Section 19-17 of the Portland City Code and the City Manager is authorized to issue such other temporary licenses for the Festival, including licenses for food service establishments, as may be required by the Portland City Code, provided that all applicable requirements of the Code have been met.