

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)



MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

SPECIAL CITY COUNCIL EVENING MEETING - AUGUST 8, 2022 AT 6:15 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/89911473409?pwd=NllpZXRiWms3Nm9HQTNwaVZSWHlhZz09>

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

6:15 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ORDERS:

**THE PORTLAND CITY COUNCIL WILL HOLD PUBLIC HEARINGS ON
AUGUST 8, 2022 ON THE FOLLOWING CITIZEN INITIATIVES**

THE CITY COUNCIL WILL ALSO VOTE ON WHETHER TO SET PUBLIC HEARINGS ON PROPOSED CHARTER CHANGES FOR SEPTEMBER 1, 2022

Order 36-22/23 Setting an Election Date on a Citizen Initiative Amendment to the Portland City Code Re: An Act to Regulate Short-Term Rentals - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the July 11, 2022 City Council meeting. Along with receiving public comment, the City Council will vote to set the election date of November 8, 2022 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act to Regulate Short-Term Rentals in Portland and Prohibit Corporate and Absentee Operation of Short-Term Rental Properties will prohibit corporate owners and non-local operators from registering short-term rentals in the city. It further strengthens tenant protections by prohibiting eviction of tenants for the purpose of immediate conversion to short-term rentals, and by prohibiting affordable and workforce housing from being used as short-term rentals. It also increases penalties for disorderly properties and violations of the city's existing short-term rental regulations.

Please see attached Memo from the City Clerk regarding Orders 36-22/23 through 40-22/23.

Five affirmative votes are required for passage after public comment.

Order 37-22/23 Setting an Election Date on Citizen Initiative Amendment to the Portland City Code Re: An Act to Reduce the Number of Short-Term Rentals in Portland - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the July 11, 2022 City Council meeting. Along with receiving public comment, the City Council will vote to set the election date of November 8, 2022 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act to Reduce the Number of Short Term Rentals (STRs) in Portland will restrict all Portland STRs to only those that are owner-occupied, tenant-occupied, or located in two-unit buildings occupied by the owner. It increases the annual fee for owner-occupied STRs to \$250 and non-owner occupied units to \$750, and simplifies the fee structure. The Act also requires notification to all residents within 500 feet of a registered STR, increases penalties for and strengthens enforcement of violations, requires the logging of complaints against STRs, and allows the city to revoke STR registrations.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 37-22/23

Order 38-22/23 Setting an Election Date on Citizen Initiative Amendment to the Portland City Code Re: An Act to Protect Tenants - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the July 11, 2022 City Council meeting. Along with receiving public comment, the City Council will vote to set the

election date of November 8, 2022 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act to Protect Tenants in Portland ensures that tenants receive 90-day notice for lease termination and/or rent increases. It discourages no-cause evictions by limiting the 5% rent increase to voluntary turnovers. It reduces costs to tenants by restricting deposits to one-month rent, prohibiting application fees, and further limiting the amount of standard annual rent increases that landlords are allowed to impose to 70% of CPI. It strengthens protections for tenants who exercise their rights under the ordinance, and provides greater clarity and authority to the rent board to ensure landlords receive a fair return on investment and that tenant complaints receive a fair hearing. It also sets a \$25,000 fee for condominium conversions. The Act also makes various technical changes and corrections to allow the ordinance to better effectuate its originally intended purpose.

Five affirmative votes are required for passage after public comment.

Order 39-22/23 Setting an Election Date on Citizen Initiative Amendment to the Portland City Code Re: An Act to Eliminate Sub-Minimum Wage - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the July 11, 2022 City Council meeting. Along with receiving public comment, the City Council will vote to set the election date of November 8, 2022 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act to Eliminate the Sub-Minimum Wage, Increase the Minimum Wage and Strengthen Protections for Workers will increase the minimum wage in Portland to \$18 an hour over three years and will eliminate the sub-minimum wage for tipped workers over the same three years. Tipped workers will then earn \$18 an hour plus tips. It also provides an \$18 minimum wage for workers currently not receiving the minimum wage including taxi drivers and other ride-hailing services, personal shoppers, delivery workers, and those doing work for a unit of government. It also creates a Department of Fair Labor Practices to ensure wage and worker safety laws are enforced.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 39-22/23

Order 40-22/23 Setting an Election Date Citizen Initiative Amendment to the Portland City Code Re; An Act to Restrict Cruise Ships - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the July 11, 2022 City Council meeting. Along with receiving public comment, the City Council will vote to set the election date of November 8, 2022 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act to Restrict Cruise Ships in Order to Reduce Congestion and Pollution will limit the number of passengers who may disembark from cruise ships to no more than 1,000 people on a given day, in aggregate. This ordinance will go into effect in 2025.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 40-22/23

Order 41-22/23 Order Setting a Public Hearing on Council-Initiated Charter Amendment Re: Gender-Neutral Language - Sponsored by Kate Snyder, Mayor

As contemplated in the Council's June 6 Resolution on Gender Inclusive and Gender Neutral Drafting (Resolve 13, attached), this item sets a public hearing on a Council-initiated proposal to change the City Charter to include gender-neutral and gender fair language. The public hearing is proposed to be held at the same meeting (9.1.2011) that the public hearing on the Charter Commission's proposals is expected to take place. This is a companion order to the order below, which would set an election date and approve the placement of the gender-neutral amendment on the ballot for voter consideration.

Five affirmative votes are required for passage after public comment.

Order 48-22/23 Approving Proposed Ballot Question and Summary of Council-Initiated Charter Amendment Re Gender-Neutral Language - Sponsored by Ashley Rand, City Clerk

This item approves the summary of the Charter amendment proposed by the Council relating to gender-neutral language and submits the change to the voters at the November 8, 2022 election.

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

Order 42-22/23 Setting a Public Hearing on the Charter Commission's Ballot Questions and Summaries - Sponsored by Ashley Rand, City Clerk

This order sets a public hearing date of September 1, 2022 for the ballot questions and summaries of the changes to the City Charter being recommended by the 2020 Portland Charter Commission for the November 8, 2022 election. The following item details those questions and summaries for the ballot in a first read item.

Five affirmative votes are required for passage after public comment.

Order 43-22/23 Approving Proposed Ballot Questions and Summaries Re: Charter Commission Modifications to Portland City Charter and Placing them on the November 8, 2022 Ballot - Sponsored by Ashley Rand, City Clerk

This order approves ballot questions and summaries of the changes to the City Charter being recommended by the 2020 Portland Charter Commission and submits the changes to the voters at the November 8, 2022 election.

The Charter Commission reviewed the existing City Charter over the past year. It has recommended the following revisions to the Portland City Charter.

Attachment 1—Preamble and Land Acknowledgement

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission to Amend the Preamble and Include a Land Acknowledgement as Summarized Below?

1. Proposed Summary:

This modification revises the existing Preamble of the Charter, restates the purpose of the city's government and of its system of public education, and adds a land acknowledgment to address and respect Portland's past.

Attachment 2—Governance

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to Governance and Other Governance Related Matters as Summarized Below?

1. Proposed Summary:

These modifications establish an executive mayor, allow the council to remove or censure the mayor, change from a city manager to a chief administrator, increase the number of city council seats from nine (9) to twelve (12), and make other changes relating to governance as follows:

- Creates an executive mayor and replaces the city manager with the position of chief administrator;
- Grants the executive mayor the following powers: nominate for appointment and remove the chief administrator; nominate for appointment all department head positions; exercise veto power over the city budget and city ordinances subject to council override; recommend for adoption by the city council rules that govern communications between city staff and elected officials; issue executive orders to implement council policy; and introduce legislation to the council;
- Increases the mayor's compensation from one-and-a-half (1.5) times to two (2) times the median household income and ties city council and school board member compensation to a minimum of ten percent (10%) of the mayor's compensation;
- Establishes the chief administrator as responsible for the administration of all departments and delivery of city services and grants the chief administrator the right to remove department heads in consultation with the executive mayor;
- Changes the composition and size of the city council by increasing the number of districts from five (5) to nine (9) and maintaining the existing three (3) at-large councilors;
- Grants the city council the power to censure or remove the mayor for cause, and to order a recall election of the mayor, by super-majority vote;
- Requires that the city council elect from among its members a chair and vice-chair, who shall organize the council into various committees;
- Provides that the city council chair shall preside over city council meetings and set the council agendas;
- Requires that the city council create a review committee that shall (i) conduct regular evaluations of the performance of the corporation counsel and city clerk and (ii) hold regular meetings with the chief administrator and department heads to understand the general working conditions and morale at city hall; the mayor shall lead the annual performance review of the chief administrator;
- Changes the composition of the school board by increasing the number of districts from five (5) to nine (9) and eliminating the at-large seats so that all members will represent a district;

- Directs the school board and city council to establish a joint committee on budget guidance, consisting of four (4) city councilors and four (4) school board members, appointed by the council chair and school board chair, respectively, to develop a proposed non-binding budget guidance document for the city council and school board;
- Directs the city council to develop and implement a participatory budget development process for the city budget that involves input from as many Portland residents as possible;
- Modifies the capital improvement program process to require the chief administrator to jointly prepare with the superintendent a five-year capital improvement plan; and
- Modifies the vacancy provisions for the city council and school board to require a special election if the vacancy occurs more than six (6) months prior to the next municipal election. If the vacancy occurs within six (6) months prior to the next regular election, the city council or school board, as applicable, shall appoint a qualified person.

Attachment 3—Clean Elections

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to Clean Elections as Summarized Below?

1. Proposed Summary:

These modifications establish a City of Portland Clean Election Fund to provide public campaign funds to qualified candidates for elected municipal offices, beginning in FY 2023-2024. Candidate participation shall be voluntary. The city council shall provide an independent allocation from the city's budget each year to sustain the Clean Election Fund and the city council shall by ordinance direct that the Clean Election Fund must:

- Limit the amount of funds a participating candidate may raise;
- Be limited to candidates who meet certain requirements, such as demonstrated public support and participation in a city-sponsored forum or voter education event; and
- Require that all unused funds be returned to the Clean Election Fund.

In addition to establishing the Clean Election Fund, these modifications:

- Prohibit corporate contributions to any candidate for municipal office;
- Prohibit ballot question contributions or expenditures from any entity that is substantially under foreign influence; and
- Require that all contributions to campaigns be reported to the city clerk and that the city clerk create a searchable online database of information contained in filed registrations and campaign finance reports.

Attachment 4—Proportional Ranked Choice Voting

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to Proportional Ranked Choice Voting as Summarized Below?

1. Proposed Summary:

This Charter modification authorizes the city to use a proportional ranked choice voting method for elections in which more than one person is to be elected to a single office (i.e. a multiple seat election) and directs the city council to enact an ordinance to establish the

proportional ranked choice voting method.

Attachment 5—School Board Budget Autonomy

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to School Board Budget Autonomy as Summarized Below?

1. Proposed Summary:

This Charter modification changes the current school budget adoption process by transferring school budget adoption authority from the city council to the school board. The city council has discretion to conduct a public hearing on the proposed school budget and to provide a non-binding recommendation to the school board for its consideration, which the school board may or may not adopt, in whole or in part. The adopted school budget continues to be voted upon at the State-required budget validation referendum election, but if that is discontinued by the voters, the adopted school budget would be voted upon at a municipal school budget referendum.

Attachment 6—Peaks Island Council

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to the Peaks Island Council as Summarized Below?

1. Proposed Summary:

This Charter modification requires the city council to maintain the ordinance it has enacted establishing the Peaks Island Council as an elected advisory body to the city council and setting forth its powers, duties, membership requirements, and other provisions.

Attachment 7—Civilian Police Review Board

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to the Civilian Police Review Board as Summarized Below?

1. Proposed Summary:

This Charter modification replaces the current Police Citizens Review Subcommittee, established by current city ordinance, with a civilian police review board consisting of nine or more members, with powers, duties, funding and staffing as provided in the proposed Charter language and subject to city council's enactment of procedural ordinance provisions.

The civilian police review board shall:

- Be appointed by the city council;
- Receive complaints directly from civilians for referral to Portland Police Department Police Command and/or Internal Affairs for investigation;
- Review the Department's Command and Internal Affairs investigation reports for due

process issues, including issues of fairness, thoroughness and objectivity, and may issue its own reports on those investigation reports; and

- Be funded, as needed by the city council, to provide for part-time or full-time staff, including a community liaison and a police liaison.

Appeals of the civilian police review board reports may be taken to the city council.

Attachment 8—Ethics Commission and Code of Ethics

Shall the Municipality Approve the Charter Modifications Recommended by the Charter Commission Relating to Universal Resident Voting as Summarized Below?

1. Proposed Summary:

This modification requires the City Council to form an independent Ethics Commission and to adopt a Code of Ethics recommended by the Ethics Commission.

- The Ethics Commission shall have discretionary power to render advisory opinions on matters of city business and violations of public trust.
- The modification also allows the Ethics Commission to recommend the hiring of an Accountability Officer to provide education to the public and officials; to serve as an independent ombudsperson in resolution of disputes in an advisory capacity; and to provide training to city officials on ethical matters.

This item is added to the agenda as a two-read item to give the public additional time to review the recommendations and prepare comments. This is its first reading. It will receive a second read and vote on September 1, 2022, following public comment.

Order 44-22/23 Appropriating an Additional \$255,800 in HOME Investment Partnership Program Funds to Community Housing of Maine: RE 83 Middle Street - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

At the July 19, 2022 Housing & Economic Development Committee meeting, the Committee voted (4-0) to forward this item to the City Council and recommend passage.

Community Housing of Maine (CHOM) is requesting an additional subsidy from the City of Portland for their project currently under construction at 83 Middle Street. In September 2019, the City Council approved \$330,000 in affordable housing development funding for this project (Order 34-19/20) (\$193,266 HOME and \$136,734 Jill C. Dusen Housing Trust Fund) and an Affordable Housing Tax Increment Financing Credit Enhancement Agreement (Orders 15 & 16-20/21). Due to the rising costs of construction and unexpected environmental remediation costs, the developer is seeking an additional subsidy of \$255,800 to fill the gap created by these unforeseen costs.

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

Order 45-22/23 Accepting and Appropriating a Federal Aviation Administration Airport Infrastructure Grants for Federal Fiscal Year 2022 as provided under the Bipartisan Infrastructure Law - Sponsored by Danielle P. West, Interim City Manager

This item accepts and appropriates grant funding of approximately \$4.8 million dollars administered from the Federal Aviation Administration (FAA) Airport Infrastructure Grant (AIG) program as provided under the Bipartisan Infrastructure Law for federal fiscal year 2022. The AIG program grants will cover 90 percent of project costs; the remaining 10 percent will be split equally between the State of Maine and local Jetport funds. The Jetport will use these funds for the following projects:

- in-pavement runway lighting and pipeline protection reimbursement;
- south general aviation apron extension;
- central air handler replacement;
- passenger boarding bridge replacement; and
- installation of electric ground service equipment/vehicle charging stations.

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

Order 46-22/23 Accepting and Appropriating a \$279,000 Grant from Land For Maine's Future Program for North Deering Conservation and Recreation Land Project - Sponsored by Danielle P. West, Interim City Manager

This item accepts and appropriates a \$279,000.00 in Land for Maine's Future grant for land acquisition for the North Deering Conservation and Recreation Land project to create North Deering Park. These funds will be combined with previously approved federal grants as well as Land Bank and private funds to help complete the project.

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

Order 47-22/23 Accepting and Appropriating a \$161,000 Donation from the Portland Parks Conservancy for the Riverton Trolley Park Project - Sponsored by Danielle P. West, Interim City Manager

This item accepts and appropriates \$161,000 in private funding towards the Riverton Trolley Park rehabilitation project. These privately-raised funds will be combined with approved federal grant funds and approved Capital Improvement Program funds to complete the project.

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

Order 49-22/23 Adopting Amendment to Portland City Code Chapter 18 re: An Act to Restrict Cruise Ships - Sponsored by Councilor Andrew Zarro

This order would amend the Portland City Code Chapter 18 by adopting the language proposed in the Citizen Initiated Amendment to the Portland City Code Chapter 18, Article V, regarding Cruise Ship Permitting. If it is adopted by the City Council, it would not need to be voted on at the November 8, 2022 General Election.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Written Public Comment on Order 49-22/23

Order 50-22/23 Amending Portland City Code chapter 18 re: An Act to Restrict Cruise Ships - Sponsored by Councilor Andrew Zarro

This order would amend the Portland City Code Chapter 18, Article V, regarding Cruise Ship Permitting (proposed to be adopted by the Council in Order 49-22/23) to change the effective date to January 1, 2026 in order to allow further discussion and development of approaches to cruise ship regulation by Council committees, City staff, impacted stakeholders, and members of the public before cruise ship regulation in the City and Port of Portland become effective.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes following public comment.

ADJOURNMENT: