

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 MEETING - SEPTEMBER 1, 2022 AT 5:00 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/84536489671?pwd=R0NHMmlyRXdPWXVKYUNYdDBoVIU3UT09>

Passcode: 649486

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 386 347 5053

Webinar ID: 845 3648 9671

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

Announcing Barron Center Nurse Manager Joshua Stevens' receipt of the Excellence in Long Term Care Award from the Maine Long Term Care Ombudsman Program and the Maine Health Care Association - by Kate Snyder, Mayor

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

**Approval of the August 8, 2022 draft Special City Council Meeting minutes
(Meeting 1 of 2, 4:00pm)**

**Approval of the August 8, 2022 draft Special City Council Meeting minutes
(Meeting 2 of 2, 6:15pm)**

PROCLAMATIONS:

**Proclamation 1-22/23 Recognizing September 2022 as African Heritage Month -
Sponsored by Kate Snyder, Mayor**

**Proclamation 2-22/23 Recognizing Portland Little League All-Star Baseball Team's
State Championship Win - Sponsored by Kate Snyder, Mayor**

APPOINTMENTS:

**Order 51-22/23 Appointing Sarah Colton Constable for the Department of Public
Works - Sponsored by Danielle P. West, Interim City Manager**

This item appoints Sarah Colton, the new Public Works Department Solid Waste Compliance Officer, as Constable to authorize her to enforce solid waste rules and regulations. This appointment is effective from the effective date of this order until 12:00 midnight, December 31, 2022, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

The Department of Public Works employs Sarah Colton as a Solid Waste Compliance Officer, who can provide services in the enforcement of city ordinances, including those regarding the misuse of trash receptacles for domestic waste, and illegal dumping; and recycling carts for contamination. In order for this employee to have the authority to serve legal process and to enforce the ordinances, they must be appointed as a constable by the City Council. The Department of Public Works is hereby requesting that this employee be appointed as a constable.

Five affirmative votes are required for passage after public comment.

LICENSES:

**Order 52-22/23 Granting Municipal Officers' Approval of Cellardoor Winery Inc.,
dba Cellardoor Winery. Application for Outdoor Dining on Public Property at 127
Middle Street - Sponsored by Danielle P. West, Interim City Manager**

Application was filed on 8/3/22. New City and State applications. Establishment currently holds B/W/D license.

Five affirmative votes are required for passage after public comment.

Order 53-22/23 Granting Municipal Officers' Approval of Dock Fore Inc., dba Dock Fore. Application for Class A Lounge with Outdoor Dining on Public Property at 336 Fore Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 8/12/22. New City and State applications. Establishment currently holds Class XI Rest/Lounge FSE with Outdoor Dining on Public Property.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

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. It received its first reading on August 8, 2022. 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 was agended as a two-reading item to give the public additional time to review the recommendations and prepare comments. It was given a first reading on August 8, 2022. Five affirmative votes are required for passage after 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 Committe, 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. Duson 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. It received its first reading on August 8, 2022. Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 44-22/23

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. It received its first reading on August 8, 2022. Five affirmative votes are required for passage after public comment.

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. It received its first reading on August 8, 2022. Five affirmative votes are required for passage after public comment.

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. It received its first reading on August 8, 2022. Five affirmative votes are required for passage after public comment.

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. It received its first reading on August 8, 2022. Five affirmative votes are required for passage after public comment.

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. It received its first reading on August 8, 2022. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 54-22/23 Accepting and Appropriating an \$11,472.50 Donation for the Western Promenade Gazebo - Sponsored by Danielle P. West, Interim City Manager

This item accepts and appropriates a \$11,472.50 donation from the Friends of Western Promenade for design services relating to the reconstruction of the historic Western Prom Gazebo. This donation represents 50% of the design services, with the other 50% being covered by existing City funds.

Five affirmative votes are required for passage after public comment.

Order 55-22/23 Approving a Memorandum of Understanding between Portland and the Friends of Fort Gorges - Sponsored by Danielle P. West, Interim City Manager

This order approves a Memorandum of Understanding between the City of Portland and Friends of Fort Gorges, which is a nonprofit 501c3 corporation. Under the MOU, the City and the Friends of Fort Gorges would enter into a five-year agreement with the Friends of Fort Gorges to set fundraising goals and special event parameters.

Five affirmative votes are required for passage after public comment.

Written Public Comment on Order 55-22/23

Order 56-22/23 Accepting Three Sidewalk Easements along Riverside Street - Sponsored by Danielle P. West, Interim City Manager

By this order, the City Council would accept three permanent sidewalk easements on Riverside Street to accommodate a new sidewalk proposed from the Forest Avenue intersection to the new Homeless Services Center at 654 Riverside Street. The Department of Public Works has designed a sidewalk that is both compliant with the Americans with Disabilities Act standards as well as conscientious of existing conditions on Riverside Street. The proposed designed sidewalk avoids going over the Public Right of Way line wherever possible, although some permanent easements are needed. Three entities providing the easements are:

- 172 Pleasant Street, LLC dba A2Z Grow, LLC
- Northern Utilities doing business as Unitil
- Intentionally Left Blank, LLC dba Restaurant Supply

Five affirmative votes are required for passage after public comment. Due to the proposed construction schedule for this project, staff is recommending that this item be passed as an emergency so that it can take effect immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 57-22/23 Granting an Easement to Portland Water District at the Barron Center Re: Replacement of 12-Inch Water Main - Sponsored by Danielle P. West, Interim City Manager

This easement would assist in the accomplishment of the third phase of Portland Water District infrastructure improvements in the outer Brighton Avenue, Barron Center area.

The water mains on the Barron Center property are currently owned by the City of Portland. They were installed in 1931, and are in need of replacement. Portland Water District (PWD) has proposed replacing them with larger conduits and taking ownership as well as responsibility for future maintenance.

Staff is requesting that this item be passed as an emergency to allow construction to start immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 58-22/23 Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00 Labor and Trades - Sponsored by Danielle P. West, Interim City Manager

This order approves the negotiated collective bargaining agreement between the City and the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00, Labor and Trades, for the period of July 1, 2022 to June 30, 2025. This proposal is presented after receiving guidance from the City Council in executive session and having reached a tentative agreement with Labor and Trades, which was voted on and approved by the members.

The tentative agreement provides for a 3% general wage increase for FY23; a 3% general wage increase for FY24; and a 2.5% general wage increase for FY25. The proposal also increases night and weekend shift differentials, upgrades to several positions in the pay plan and the addition of a 20+ year step to ensure that employees in those positions are paid competitively and in line with their peers who are performing comparable work. Finally, the proposal adds Juneteenth as a paid holiday, implements earned paid leave, removes gender-specific language and makes other minor adjustments in the agreement between the parties. The total estimated cost of the negotiated changes to L&T's 3-year contract is \$1,954,728.

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

AMENDMENTS:

Order 59-22/23 Traffic Schedule Amendment Re: Thames Street - Sponsored by Danielle P. West, Interim City Manager

This traffic schedule amendment will introduce new parking restrictions on a portion of Thames Street (from the Ocean Gateway driveway to Freedom Way) proposed for acceptance on September 19, 2022.

The parking regulations include metered, 2-hour parking on the north side of the street, and unmetered, time-restricted parking (one-hour) on the south side. The unmetered time-restricted parking is intended to facilitate an extension of Residential Parking Zone 11, which is used by island residents.

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

Order 60-22/23 Amendment to Portland City Code Chapter 34 re: Landcare Ordinance - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

On July 13, 2022, the Sustainability & Transportation Committee voted (3-0) to recommend amending Chapter 34 to regulate the use of fertilizers. The amendment would largely prohibit the use of synthetic fertilizers and require property owners to follow best management practices when using organic fertilizers. These measures would improve water quality in local waters by reducing the amount of excess nutrients running off both public and private property. Excess nutrients fuel algal blooms in local water bodies, damaging marine life and increasing acidification of local waters.

The amendment would also change the name of Chapter 34 from Pesticide Ordinance to Landcare Ordinance to reflect the chapter's emphasis on sound land management practices. The name of the Pesticide Management Advisory Committee would similarly be renamed the Landcare Management Advisory Committee.

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

ADJOURNMENT: