

KATE SNYDER (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK N. DION (5)

CITY COUNCIL MEETING - FEBRUARY 6, 2023 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 One tap mobile :

US: +19292056099,,84536489671#,,,,*649486# or +13017158592,,84536489671#,,,,*649486#

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

US: +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623

Webinar ID: 845 3648 9671

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International numbers available: <https://portlandmaine-gov.zoom.us/j/84536489671?pwd=R0NHMmlyRXdPWXVKYUNYdDBoVIU3UT09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Fish Pier Authority

A Special Meeting of the Corporator of the Portland Fish Pier Authority, which is the City Council, is being held to take action on the order below.

Order 128-22/23 Appointing Ben Martens a Class B Director of the Board of Portland Fish Pier Authority - Sponsored by Kate Snyder, Mayor

The City Council, as Corporator of the Portland Fish Pier Authority (PFPA), appoints the one Class A member and the two Class B members of the PFPA Board of Directors. The two Class C Directors are appointments from senior leadership at the Maine Department of Transportation (MDOT) and the Maine Department of Marine Resources (MDMR). The remaining two ex officio members of the PFPA Board are the City Manager or the City Finance Director, and the second is the President of the Portland Fish Exchange Board of Directors.

Pursuant to the PFPA Bylaws Section 2, Qualifications of Directors, and Section 4, Nominations of Directors, the Maine Department of Marine Resources (MDMR) nominates a Class B Board Director to the Corporator. MDMR is nominating Ben Martens, Executive Director of the Maine Coast Fishermens Association, to the PFPA Board of Directors. Staff supports this nomination.

Five affirmative votes are required for passage after public comment.

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Regular City Council Meeting- January 18, 2023

PROCLAMATIONS:

Proclamation 12-22/23 Recognizing February 2023 as Black History Month - Sponsored by Kate Snyder, Mayor

Proclamation 13-22/23 Recognizing February 7, 2023 as "2-0-7 Day" - Sponsored by Kate Snyder, Mayor

APPOINTMENTS:

Order 129-22/23 Appointing Kelly Hrenko, PhD as a member of the Public Art Committee - Sponsored by Danielle P. West, Interim City Manager

This item would approve the City Manager's recommended appointee, Kelly Hrenko, PhD to the Public Art Committee for a three-year term.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 130-22/23 Granting Municipal Officers' Approval of Banded Horn Brewing Company LLC, dba Banded Brewing Company. Application for Class III & IV FSE at 82 Hanover Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 1/17/23. New City and State applications. Establishment currently holds B/W/D On-Premise Consumption and Small Brewery Manufacturing.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 22-22/23 Regarding the 2023 East End Food Truck Program - by Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

Communication 23-22/23 Regarding the Portland Harbor Dredge Project and Funding Commitment - Danielle P. West, Interim City Manager

As a communication this item requires no public comment or formal Council action.

UNFINISHED BUSINESS:

Order 117-22/23 Approving and Appropriating \$3,257,004 in Housing Trust Funds and \$1,000,000 in American Rescue Plan Act Funds for the Avesta Housing Winchester Woods Affordable Housing Project - Sponsored by Danielle P. West, Interim City Manager

This order would approve and appropriate a total of \$4,257,004 to Avesta Housing's purchase of a 48-unit rental housing development called Winchester Woods, located in the East Deering neighborhood on Sherwood and Dalton Streets. Avesta intends to purchase the development when construction is completed and provide 48 asylum-seeking families with housing.

The development includes four 12-unit buildings, each comprised of six one-bedroom and six two-bedroom apartments. Construction on all the buildings is estimated to be completed by the beginning of 2023. Avesta will partner with local and state agencies, including MaineHousing, the City's Health and Human Services Department, Prosperity Maine, Greater Portland Family Promise, and Project Home to identify and provide housing and services for those families most in need.

According to Avesta, Maine Housing is restricting 20% (10 units) of the units at 50% of area median income (AMI) for 30 years. Avesta has agreed to an affordability requirement for 28 units at 80% of the area median income, which includes the current owner's inclusionary zoning requirements (12 units at 80% AMI). Winchester Woods is currently under construction by a private developer as a market-rate rental housing development. As such, 25% of the units must be affordable to households at or below 80% of the area median income (1-person \$62,550, 2- person \$71,500, 3-person \$80,450 and 4-person \$89,350). Long-term (90 years), these units will remain affordable to families earning 80% of the area median income or less.

To facilitate the purchase of this property, Avesta is seeking financial assistance from MaineHousing, Cumberland County, and the City of Portland.

The State of Maine has provided a preliminary commitment to pay for two years of rental assistance for all 48 units. In response to feedback provided by the Council at a workshop on September 22, 2022, City staff have identified \$3,257,004 in funding from the Jill C. Dusen Housing Trust Fund and \$1,000,000 from the first tranche of American Rescue Plan funding for this project.

This item must be read on two separate days. It received its first reading on December 19, 2022. Due to the withdrawal of the request for funding by the applicant, staff recommend that the item be postponed indefinitely.

Order 125-22/23 Amendment to Portland City Code Chapter 14 re: Roux Institute Overlay Zone - Sponsored by Portland Planning Board, Maggie Stanley, Chair

On November 22, 2022, the Planning Board voted unanimously (6-0; Barker absent) to recommend to the City Council adoption of a zoning text amendment to Article 8 of the Land Use Code to add the Roux Institute at Northeastern University (Roux Institute) as an eligible institution and voted (5-1; Silk opposed; Barker absent) to recommend to the City Council adoption of the proposed Roux Institute regulatory framework that identifies the zoning requirements that apply to the proposed Roux IOZ. The proposed zoning text amendment application was submitted by the Initiative for Digital Engineering and Life Sciences (IDEALS). This application, in conjunction with a zoning map amendment application to rezone 1 Bean Pot Circle and nearby parcels from I-M Industrial Moderate Impact and R-3 Residential to a B-5 Urban Commercial zone, and a zoning map amendment application to map the Roux Institute IOZ over an area encompassed by 1 Bean Pot Circle, would facilitate the development of a new mixed-use campus for the Roux Institute at Northeastern University with campus facilities, academic space, commercial office, lab and incubator spaces for partner organizations, associated commercial uses including hotel and ancillary retail and restaurant uses as well as residential housing units, and publicly accessible open space at 1 Bean Pot Circle.

Over the course of the extensive review process, the proposal has been revised in response to public, staff, and Planning Board comments. The IOZ application involves the development of a long-range plan for the institution, known as an Institutional Development Plan (IDP), that informs the eligible institutions Regulatory Framework, which codifies supplemental zoning regulations to the base zoning district related to uses, dimensional standards, design, transportation and parking, environment, neighborhood integration and engagement, mitigation of future impacts, and on-going monitoring.

This item must be read on two separate days. It received its first reading on January 18, 2023. Five affirmative votes are required for passage after public comment.

Order 126-22/23 Amendment to the Zoning Map Re: B-5 Urban Commercial Zone for Roux Institute - Sponsored by Portland Planning Board, Maggie Stanley, Chair

On November 22, 2022, the Planning Board voted unanimously (6-0; Barker absent) to recommend to the City Council adoption of a zoning map amendment for 1 Bean Pot Circle, 3 Sherwood Street, and portions of Maine DOT parcels (430 X002, 440 X001, 429 X001) and City Right-of-Way to Sherwood Street in the East Deering neighborhood from an I-M Industrial Moderate Impact zone and R-3 Residential zone to a B-5 Urban Commercial zone. The proposed zoning map amendment application was submitted by the Initiative for Digital Engineering and Life Sciences (IDEALS). This application, in conjunction with a zoning text amendment application to amend Article 8 of the Land Use Code to add the Roux Institute at Northeastern University (Roux Institute) as an eligible institution, as well as a “Regulatory Framework,” that identifies the zoning requirements that apply within the proposed Roux Institutional Overlay, and a zoning map amendment application to map the Roux Institute IOZ over an area encompassed by 1 Bean Pot Circle, would facilitate the development of a new mixed-use campus for the Roux Institute at Northeastern University with campus facilities, academic space,

commercial office, lab and incubator spaces for partner organizations, associated commercial uses including hotel and ancillary retail and restaurant uses as well as residential housing units, and publicly accessible open space at 1 Bean Pot Circle.

This item must be read on two separate days. It received its first reading on January 18, 2023. Five affirmative votes are required for passage after public comment.

Order 127-22/23 Amendment to the Zoning Map Re: Institutional Overlay Zone for Roux Institute - Sponsored by Portland Planning Board, Maggie Stanley, Chair

This is the second of two related Zoning Map changes related to Roux Institute.

On November 22, 2022, the Planning Board voted unanimously (6-0; Barker absent) to recommend to the City Council adoption of a zoning map amendment to include the Roux Institute Institutional Overlay Zone (IOZ) at 1 Bean Pot Circle. The proposed zoning map amendment was submitted by the Initiative for Digital Engineering and Life Sciences (IDEALS). This application, in conjunction with a zoning map amendment application to rezone 1 Bean Pot Circle and nearby parcels from I-M Industrial Moderate Impact and R-3 Residential to a B-5 Urban Commercial zone and a zoning text amendment application to amend Article 8 of the Land Use Code to add the Roux Institute at Northeastern University (Roux Institute) as an eligible institution, as well as a “Regulatory Framework,” that identifies the zoning requirements that apply within the proposed Roux Institutional Overlay at 1 Bean Pot Circle, would facilitate the development of a new mixed-use campus for the Roux Institute at Northeastern University with campus facilities, academic space, commercial office, lab and incubator spaces for partner organizations, associated commercial uses including hotel and ancillary retail and restaurant uses as well as residential housing units, and publicly accessible open space at 1 Bean Pot Circle.

This item must be read on two separate days. It received its first reading on January 18, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 131-22/23 Approving Modification 1 to an Agreement between the Maine Department of Transportation, the Portland Area Comprehensive Transportation System and Portland Re: Improvements to Cumberland Avenue - Sponsored by Danielle P. West, Interim City Manager

This order approves a modification to the City's agreement with the Maine Department of Transportation (MDOT) and the Portland Area Comprehensive Transportation System (PACTS) for the Cumberland Avenue project, which includes the paving of Cumberland Avenue from Washington Avenue to Franklin Street, upgrading ADA ramps, and new striping.

This modification adds \$33,000 more in PACTS funds toward the project. It does not include any additional funds on the part of the City.

The City's share is estimated to be \$401,600, which represents 68% of the estimated construction cost and was approved by the City Council as part of the FY23 Capital Improvement Plan (CIP).

This project is part of the Municipal Partnership Initiative (MPI) Program, through which the City administers the project and receives a percentage of funding from the state Municipal Partnership Organization (PACTS).

Five affirmative votes are required for passage after public comment.

Order 132-22/23 Approving Modification 3 of Agreement with Maine Department of Transportation Re: West Commercial Street Trail - Sponsored by Danielle P. West, Interim City Manager

This order would approve a modification to the City's agreement with the Maine Department of Transportation to fund the design and construction of a segment of the West Commercial Street Multi-use Path along the frontage of the Star Match building, resulting in an increase in cost to the City of \$18,556.

The current agreement obligates the state and the City to fund the project at an 80%-20% split. The modification before the Council increases the funding obligations from both parties to reflect final construction costs as recently bid. The City's 20% obligation as a result of the modification would increase from \$137,000 to \$155,556.

This increase in City share will be funded out of a Fiscal Year 2019 CIP account designated for the West Commercial Street Pathway.

Five affirmative votes are required for passage after public comment.

Order 133-22/23 Approving the Revised Remote Participation Policy of the Portland City Council - Sponsored by Kate Snyder, Mayor

On July 19, 2021, by Order 18-21/22, the City Council adopted its current remote participation policy. Since then, the Legislature amended 1 M.R.S. § 403-B, the law allowing remote participation in public meetings, to allow remote participation under broadened circumstances. With the adoption of the revised remote participation policy included in the backup materials, meetings of the City Council and its committees may continue to be held with the option of remote participation in most circumstances. Notice of the hearing for this item on the agenda was done in accordance with 1 MRS § 406(2)(A), the City Charter, and Portland City Code.

Five affirmative votes are required for passage after public comment.

Order 134-22/23 Order Approving City Application, in a partnership with the Maine Department of Transportation, for Federal Funds to Dredge Public and Private Berthing and Vessel Support Resources and to Develop a Confined Aquatic Disposal Cell in Portland Harbor - Sponsored by Danielle P. West, Interim City Manager

This order would approve an application for up to \$10 Million in Federal funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Discretionary Grant program to implement planned public and private dredging projects in Portland Harbor, in partnership with the Maine Department of Transportation (MDOT).

Dredging vessel support areas will provide safe and full tide access to berthing, loading, and marine support services. Dredging will also remove and responsibly dispose of

contaminated sediment impacted by historic industrial activities and non-point source pollution. These sediments will be sequestered in a Confined Aquatic Disposal (CAD) Cell to be constructed within Portland Harbor as a component of the project. The City of Portland and MDOT will be the lead applicants for RAISE project funds, with the City of South Portland and the Portland Harbor Commission (PHC) as co-applicants.

Five affirmative votes are required for passage after public comment..

Order 135-22/23 Approving the Purchase and Sale Agreement with The Trust for Public Land for North Deering Park - Sponsored by Danielle P. West, Interim City Manager

This item approves the Purchase and Sale Agreement between The Trust for Public Land (seller) and the City of Portland (buyer) to purchase approximately 24 acres of land in North Deering neighborhood for the purpose of creating a new park. The total purchase price is \$833,000 with funds provided through federal and state grants, philanthropic funds from The Trust for Public Land, and the Portland Land Bank. The Trust for Public Land holds the purchase contracts with the landowners (Julie and Dan Anderson and Haverty Park, LLC) of the 24 acres. These contracts allow The Trust for Public Land to direct the deed to the City of Portland at closing, with approval of the Purchase and Sale agreement. The City is being asked to provide \$644,123.00 as outlined in the back-up material.

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

ADJOURNMENT: