

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 - APRIL 10, 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/88404478367?pwd=VU9GUkxzUS95bmJ5YXVzZkd3IMUT09>

Passcode: 920275

Or One tap mobile :

US: +13052241968,,88404478367#,,,,*920275# or +13092053325,,88404478367#,,,,*920275#

Or Telephone:

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

US: +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592 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: 884 0447 8367

Passcode: 920275

International numbers available: <https://portlandmaine-gov.zoom.us/j/88404478367>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes - March 27, 2023

PROCLAMATIONS:

Proclamation 19-22/23 Recognizing April 9-15, 2023 as Community Development Week - Sponsored by Kate Snyder, Mayor

Proclamation 20-22/23 Recognizing April 9-15, 2023 as Telecommunicator Appreciation Week - Sponsored by Danielle P. West, Interim City Manager

APPOINTMENTS:

Order 158-22/23 Appointing Patrick Ferraiolo a Constable for 2023 - Sponsored by Danielle P. West, Interim City Manager

This order appoints Patrick Ferraiolo, a Park Ranger with the Parks, Recreation & Facilities Department, a Constable for 2023, in order to enforce ordinances in the Portland City Code.

This appointment is effective from 12:01 a.m. on January 1, 2023 until 12:00 midnight, December 31, 2023, and is made pursuant to Portland City Code, Sections 2019 and 2019.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets.

Five affirmative votes are required for passage after public comment.

Order 159-22/23 Appointing Elisa A. Marr Tax Assessor - Sponsored by Danielle P. West, Interim City Manager

Elisa A. Marr would be appointed Tax Assessor by this order at a salary of \$116,467.00, with an appointment start date of April 24, 2023.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 160-22/23 Declaring April 29 to October 31, 2023 the In the Square Festival - Sponsored by Danielle P. West, Interim City Manager

With approval of this order, the Friends of Congress Square Park may organize and host events in Congress Square Park in 2023. The event season - late April through late October - will include a wide variety of community activities such as art interactions, dance performances, live music, films and community gatherings.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 161-22/23 Granting Municipal Officers' Approval of Quanto Basta, LLC, dba Quanto Basta. Application for Class I FSE with Outdoor Dining on Private Property at 249 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/15/23. New City and State applications. Location was previously LB Kitchen.

Five affirmative votes are required for passage after public comment.

Order 162-22/23 Granting Municipal Officers' Approval of Freedom's Edge LLC, dba Freedom's Edge Cider. Application for B/W/D On Premise Consumption with Outdoor Dining on Private Property at 31 Diamond Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/17/23. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 163-22/23 Granting Municipal Officers' Approval of Tangible Alchemy, LLC, dba Urban Farm Fermentory. Application for Class A Lounge with Outdoor Dining on Private Property at 200 Anderson Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/20/23. New City and State applications. Establishment currently holds Class III & IV FSE with Combined Entertainment and Outdoor Dining on Private Property.

Five affirmative votes are required for passage after public comment.

Order 164-22/23 Granting Municipal Officers' Approval of LOPBURI, LLC, dba Thai Esaan. Application for Class III & IV FSE at 65 Portland Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/17/23. New City and State applications. Location was previously Back Bay Grill.

Five affirmative votes are required for passage after public comment.

Order 165-22/23 Granting Municipal Officers' Approval of Yam Tamblin, LLC, dba The End. Application for Class A Lounge at 229 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/20/23. New City and State applications. Location was previously Dirty Dove.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 29-22/23 Regarding a Portland Board of Harbor Commissioners Rulemaking Notice - Danielle P. West, Interim City Manager

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

Communication 30-22/23 Update re: Implementation of the November 2022 Referenda - Danielle P. West, Interim City Manager

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

Communication 31-22/23 Updated Numbers re: Asylum Seeker Arrivals - by Danielle P. West, Interim City Manager

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

Communication 32-22/23 Regarding Police Response on April 1, 2023 - Interim Chief Heath Gorham, Police Department

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

RESOLUTIONS:

Resolution 7-22/23 Adopting the Fiscal Year 2023-2024 Housing and Community Development Annual Action Plan including Appropriations for the Community Development Block Grant, HOME, and Emergency Solutions Grant Programs and Certifications Pertaining Thereto - Sponsored by Danielle P. West, Interim City Manager

The 2023-2024 Housing and Community Development Program Annual Action Plan reports to the U.S Department of Housing and Urban Development (HUD) a total estimated budget of \$7,025,091 (Community Development Block Grant (“CDBG”) Entitlement Funds \$1,843,198, \$30,000 Downtown TIF funding, \$20,000 Cotton St proceeds, HOME Program Grant \$1,037,237, Program Income and Recapture \$119,312; Lead Safe Housing Program Income \$13,827; local Housing Trust Fund \$3,704,156; \$162,241 Emergency Solutions Grant (“ESG”) funds).

The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations that will be presented to the Council. The City Manager reviewed the Committee’s recommendations and submitted her funding recommendations to the Council which include recommendations for CDBG-CV funding. The Housing and Economic Development Committee reviewed the Housing Program Budget at their meeting on February 22, 2023 and voted unanimously (4-0) to recommend City Council approval of the budget.

The City’s public participation process requires two public hearings to consider the City’s Housing and Community Development Program proposal. The hearings allow the public to comment on the City’s Consolidated Annual Action Plan. Public hearings for FY24 are set for March 20 and April 10.

This item must be read on two separate days. It received its first reading and first public hearing on March 20, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 166-22/23 Approving the Administrative Fee Increase for Parking in the Ocean Gateway Parking Lot - Sponsored by Danielle P. West, Interim City Manager

This order increases the daily parking rate in the Ocean Gateway lot from \$15 to \$20 per day, effective April 11, 2023. This is expected to generate an additional \$120,000 in revenue each fiscal year.

To make this item effective immediately, staff is requesting that this item be passed as an

emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 167-22/23 Accepting and Adopting the 2023 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on March 21, 2023 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

The Housing Trust Fund is established by Section 18.3 of the City's Code of Ordinances; Section 14-489 (e) states that "each fiscal year the city council shall adopt a housing trust fund annual plan" and that the "housing committee of the city council or such other committee as the council shall designate shall conduct public hearings on the recommended plan and refer the matter to the council for action". Issuance of the *2023 Jill C. Duson Housing Trust Annual Plan* supports the City of Portland's goal of developing affordable housing as a necessity within our community to preserve human dignity, provide shelter and safety, ensure quality of life, and promote self-determination and economic growth. The City of Portland's Division of Housing and Community Development uses an application process to ensure that public funds are utilized for maximum public benefit to accomplish specific objectives and provide fair access to all applicants. Applications for the development of affordable housing utilizing Housing Trust Funds will be accepted until all budgeted funds are allocated. Housing development recommendations will be forwarded to the City Council's Housing and Economic Development Committee for review. The Housing and Economic Development Committee recommendations will then be forwarded to the City Council for final review and approval.

Housing Trust Fund resources should focus on opportunities where other funding sources do not work or are not effective, such as projects designed to create housing affordable to households earning at or below 50% of the area median income (i.e. \$55,850 for a four person household) or projects designated to create housing affordable to households earning up to 100% of the area median income (i.e. up to \$111,700 for a four person household) with a preference for households earning up to 50% of the area median income. Housing project recommendations will be forwarded to the City Council's Housing and Economic Development Committee for review.

The funding budget is based on the balance of \$4,204,156 in the Housing Trust Fund as of March 1, 2023. The Housing Trust Fund designs to maintain a minimum balance of \$500,000 in order to have resources to act quickly when there is an emergency, such as a need to cure a potential mortgage default that could result in loss of an affordable unit. In addition to the funding noted above, the Portland City Council allocated \$1,000,000 from the first tranche of American Rescue Plan Act (ARPA) funding and \$4,110,000 from the second tranche of ARPA funding for housing development. These funds are to be administered through the Jill C. Duson Housing Trust Fund.

The funding available from the Jill C. Duson Housing Trust Fund is \$3,704,156 (\$4,204,156 less \$500,000) plus \$5,110,000 for a total of \$8,814,156.

Five affirmative votes are required for passage after public comment.

Order 168-22/23 Approving the 2023 Affordable Housing Development and Tax Increment Financing Application - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on March 21, 2023 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

The City of Portland has made the development of affordable housing a priority, as identified in the City of Portland's 2022-2026 HUD 5-year Consolidated Plan, City Council Common Goals, and the Comprehensive Plan. To accomplish this priority, the City of Portland issues the *Affordable Housing Development and Tax Increment Financing Application* RFP for the allocation of city resources budgeted for the development of affordable housing. The application establishes the goals for distribution of funds and/or the designation of an affordable housing TIF.

The goal for the distribution of HOME and HTF funds, or the designation of an Affordable Housing TIF district, is to increase, preserve, and modify the overall supply of housing citywide to meet the needs, preferences and financial capabilities of all Portland residents. Priority for the use of HOME Program funds is for rental housing for households earning at or below 50% of the area median income (i.e. \$55,850 for a four-person household). Priority for the use of the Jill C. Duson Housing Trust Funds is to support public/private partnerships that create units affordable for households earning up to 100% of the area median income (i.e. \$111,700 for a four-person household) with preference for households earning 50% of the area median income or below. Priority for the use of the Affordable Housing Tax Increment Financing Program (AHTIF) is to support projects receiving assistance through the Low Income Financing Program (LIHTC) or projects that create units affordable for households earning up to 100% of the area median income with preference for households earning 50% of the area median income or below.

Issuance of the 2023 Affordable Housing and Tax Increment Financing Application supports the City of Portland's goal of developing affordable housing as a necessity within our community to preserve human dignity, provide shelter and safety, ensure quality of life, and promote self-determination and economic growth. The City of Portland's Division of Housing and Community Development uses an application process to ensure that public funds are utilized for maximum public benefit to accomplish specific objectives and provide fair access to all applicants. Applications for the development of affordable housing utilizing HOME and/or Housing Trust Funds will be accepted until all budgeted funds are allocated.

The City of Portland is making available a combination of FY 2023-2024 HUD Home Investment Partnership Program (HOME) funds and local funds from the Jill C. Duson Housing Trust Fund (HTF) for Affordable Housing Development. City staff will determine which funding source is best for each project and then make funding recommendations to the City Council for final approval. The estimated total funding available is \$9,272,426 (\$458,270 (HOME) + \$8,814,56 (HTF)).

Five affirmative votes are required for passage after public comment.

Order 169-22/23 Granting an Easement to Central Maine Power at Portland Ocean Terminal for Casco Bay Lines Expansion - Sponsored by Danielle P. West, Interim City Manager

Traffic and pedestrian management at the entrance of Casco Bay Road from Commercial Street was recently expanded to accommodate better traffic and pedestrian flow. In order to expand the entrance, Casco Bay Lines demolished the utility "Finger Building" portion of the Portland Ocean Terminal (POT), which was located on City property. The Finger Building was the utility building that housed electrical, water, gas, and some telecommunications utilities. As a result of the demolition, all of those utilities were relocated into the side of the warehouse building at the POT. This easement to Central Maine Power is required in order upgrade the electrical utilities that will provide power for the Casco Bay Lines hybrid electric ferry. The Casco Bay Lines expansion project is currently under construction.

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 170-22/23 Accepting and Appropriating Federal Aviation Administration Administered Airport Improvement Program and Airport Infrastructure Federal Fiscal Year 2023 Grants - Sponsored by Danielle P. West, Interim City Manager

This item accepts and appropriates entitlement grant funding of approximately \$8.96 million in Airport Infrastructure Grant (AIG) and Airport Improvement Program (AIP) funds administered by the Federal Aviation Administration (FAA) for federal fiscal year 2023. The AIG and AIP program grants will cover 90 percent of eligible project costs; the remaining 10 percent or \$896,000 of eligible project costs will be split equally between the state of Maine and local Jetport funds. Additionally, the Jetport is requesting \$940,000 be appropriated from the Jetport's unrestricted fund balance to cover ineligible expenses associated with these projects. The Jetport will use this appropriation, totaling \$10.8 million, for the following projects:

- Air Rescue and Fire Fighting (ARFF) station improvements;
- replacement of an Air Rescue and Fire Fighting (ARFF) 1,500 gallon truck;
- design for taxiway A rehabilitation;
- northwest terminal apron extension;
- south general aviation apron extension;
- central air handler replacement;
- inbound baggage carousel replacement; and
- passenger boarding bridge replacement.

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

AMENDMENTS:

Order 171-22/23 Amendment to Portland City Code Chapter 9 Re: Clean Elections - Sponsored by Kate Snyder, Mayor

In November 2022, voters passed a referendum (City Charter Revision Question 3) requiring the City Council to establish and fully fund a Clean Election Fund, as well as to enact a Campaign Finance ordinance.

If passed, Article V would establish a Clean Election Fund, available on a voluntary basis to candidates for the municipal offices of mayor, city council and school board, subject to the terms and requirements of this ordinance.

If passed, Article VI would enact campaign finance requirements, including: a prohibition on business entity contributions to candidates for municipal office; a prohibition on ballot question contributions and expenditures by any entity that is substantially under foreign influence; and a directive to the City Clerk to establish a searchable, online and publicly-accessible database of registrations and campaign finance reports filed with the City Clerk.

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

Order 172-22/23 Amendment to Zoning Map Re: R-6 Residential to B-3 Downtown Business at 211 Cumberland Avenue - Sponsored by the Planning Board, Maggie Stanley, Chair

On February 28, 2023, the Planning Board unanimously voted 4-0 (Stanley, Silk absent; Barker recused) to find the proposed zoning map amendment changing the parcel at 211 Cumberland Avenue from R-6 Residential to B-3 Downtown Business and adding the parcel to the Downtown Height Overlay Map and eliminating it from the Bayside Height Overlay Map to be consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the proposed amendments. This application would bring the existing Franklin Towers building into conformance with zoning and allow for future renovation of the building.

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

Order 173-22/23 Amendment to Downtown Height Overlay and Bayside Height Overlay Maps Re: 211 Cumberland Avenue - Sponsored by the Planning Board, Maggie Stanley, Chair

This is a companion order to the order above.

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

Order 174-22/23 Amendment to Zoning Map Re: Repealing the C-5 Conditional Zone Agreement at 22 Park Avenue - Sponsored by the Planning Board, Maggie Stanley, Chair

On February 28, 2023 the Planning Board unanimously voted 5-0 (Stanley, Silk absent) to find the proposed zoning map amendment changing the parcel at 22 Park Avenue to a B-2b Community Business zone and terminating the existing Contract Zone to be consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the Zoning Map Amendment. This application would remove the existing residential density limitations imposed by the Contract Zone and would allow Community Housing of Maine (CHOM) to utilize all existing dwelling units within the existing building at 22 Park Avenue.

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

EXECUTIVE SESSION:

ADJOURNMENT: