

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 24, 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/89911473409?pwd=NllpZXRiWms3Nm9HQTNwaVZSWHlhZz09>

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Dial:

+1 929 205 6099 US (New York)

Webinar ID: 899 1147 3409

Passcode: 115765

International numbers available: <https://portlandmaine-gov.zoom.us/j/koJo6UgHX>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting, April 10, 2023

PROCLAMATIONS:

APPOINTMENTS:

Order 175-22/23 Appointing Warden and Ward Clerks for the 2023-2024 Election Year - Sponsored by Ashley Rand, City Clerk

This order appoints Wardens and Ward Clerks for the 2023-2024 Election Year, whose names are listed in the attachment.

Five affirmative votes are required for passage after public comment.

Order 176-22/23 Appointing Members to Various Boards & Commissions - Sponsored by the Legislative/Nominating Committee, Mayor Kate Snyder, Chair

This item would appoint the following individuals to various boards and commissions for the terms listed below:

Name	Board/Committee	Expiration
Lauren Hersey	Fish Exchange	10/31/2025
Todd Morse	CDBG	9/30/2025
Melissa Runstrum	Pesticide Management Advisory	3/31/2026
Matt Walker	Rent Board (District 2)	3/31/2025

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 177-22/23 Setting The Time for Opening and Closing the Polls on June 13, 2023 RE: Municipal Election - Sponsored by Ashley Rand, City Clerk

Pursuant to 21A M.R.S. §626, this item sets the opening of polls at 7:00 a.m. and the closing at 8:00 p.m. on June 13, 2023 for the Municipal Election.

Five affirmative votes are required for passage of consent items after public comment.

Order 178-22/23 Declaring June 10, 2023 the Shipyard Old Port Half Marathon and 5K Festival - Sponsored by Danielle P. West, Interim City Manager

The Shipyard Old Port Half Marathon & 5K is a for-profit event that benefits nonprofit partners, including A Running Passion and various school groups.

This will be the 12th time the race has been held in the City. The 2023 half marathon and 5K race routes (included in the backup materials) will be the same as the 2022 routes, with the start and finish on Spring Street.

The race organizer is working with businesses throughout the Old Port and waterfront, including along Spring Street, Middle Street, and Commercial Street, to inform them about expected impacts and develop contingency plans. This year, the number of half marathon and 5K runners will be capped at a maximum of 4,500 people total.

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 179-22/23 Granting Municipal Officers' Approval of LB Kitchen LLC, dba LB Kitchen. Application for Outdoor Dining on Public Property at 255 Congress Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/28/23. New City and State applications. Establishment currently holds a Class III & IV FSE.

Five affirmative votes are required for passage after public comment.

Order 180-22/23 Granting Municipal Officers' Approval of Milne Spirit Works LLC, dba Hardshore Distilling Company. Application for Class A Lounge with Outdoor Dining on Private Property at 53 Washington Avenue - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/27/23. New City and State applications. Establishment currently holds B/W/D On-premise consumption license.

Five affirmative votes are required for passage after public comment.

Order 181-22/23 Granting Municipal Officers' Approval of Flatbread Portland Inc, dba Flatbread Company. Application for Indoor Entertainment at 72 Commercial Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/20/23. New City application. Establishment currently holds Class I FSE with Outdoor Dining on Private Property.

Five affirmative votes are required for passage after public comment.

Order 182-22/23 Granting Municipal Officers' Approval of Night Mares, LLC, dba Night Mares. Application for Class A Lounge at 59 Washington Avenue - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/3/23. New City and State applications. Location was previously The Gym.

Five affirmative votes are required for passage after public comment.

Order 183-22/23 Granting Municipal Officers' Approval of Room for Improvement, LLC, dba Room for Improvement. Application for Outdoor Dining on Public Property at 41 Wharf Street - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/3/23. New City and State applications. Establishment currently holds Class A Lounge.

Five affirmative votes are required for passage after public comment.

Order 184-22/23 Granting Municipal Officers' Approval of Allagash Brewing Company, dba Allagash Brewing Company. Application for Outdoor Dining on Private Property at 100 Industrial Way - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 4/3/23. New City and State applications. Establishment currently holds Large Brewery Manufacturing and B/W/D On-premise.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

Order 185-22/23 Receiving and Referring to the Finance Committee the Portland Board of Public Education Fiscal Year 2024 Budget Estimate and Setting a Public Hearing Thereon - Sponsored by Danielle P. West, Interim City Manager

Under this order, the City Council receives the Portland Board of Public Education's proposed Fiscal Year 2024 budget and refers it to the Finance Committee for review and recommendations. The Portland Board of Public Education took a final vote on the budget at its April 11, 2023 meeting.

The first reading and public hearing of the Fiscal Year 2024 school budget will be held on Monday, May 1, 2023, during the City Council meeting.

The second reading, public hearing and City Council action on the school budget will take place Monday, May 15, 2023, during the City Council meeting.

Five affirmative votes are required for passage after public comment.

Order 186-22/23 Receiving and Referring the City Manager's Recommended Fiscal Year 2024 Municipal Budget to the Finance Committee and Setting Date of Public Hearing on the Fiscal Year 2024 Municipal Budget and the Fiscal Year 2024 Appropriation Resolve - Sponsored by Danielle P. West, Interim City Manager

Under this order, the City Council receives the City Manager's proposed budget and refers it to the Finance Committee for review. The Finance Committee will review the budget at its next meeting. A Public Hearing will be held at a future remote Finance Committee meeting.

The City Manager will present an overview of the budget. The Mayor will also present her comments as required in the City Charter. Budget materials are included in the agenda packet.

The first read of the FY24 Appropriation Resolve and Public Hearing is scheduled for the May 15, 2023 City Council meeting.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 32-22/23 Amended Rental Golf Cart Rules and Regulations - by Danielle P. West, Interim City Manager

Among other things, City Code Sec. 30-110 allows the City Manager to set a cap on the number of golf cart rental operators allowed in the city at one time, as well as a cap on the number of rental golf carts that may operate in the city at one time.

In September 2021, then-City Manager Jon Jennings established rules and regulations in accordance with and in order to implement Sec. 30-110. This communication is to update the Council on amendments to these administrative rules and regulations, to include clarification of the processes by which rental golf car registrations are renewed and

transferred, as well as how administrative rules will be shared with members of the public.

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

RESOLUTIONS:

Resolution 8-22/23 Opposing Federal Preemption of Municipal Pesticide Regulations - Sponsored by Sustainability & Transportation Committee, Andrew Zarro, Chair

The US Congress is currently considering the 2023 Farm Bill, which includes a range of policies related to agriculture, food, and land use. It currently includes HR 7266, which, if passed, would prohibit local governments from regulating pesticides.

This resolution expresses opposition to this provision and support for a competing measure, the Protect America's Children from Toxic Pesticides Act of 2023 (s. 269), which would ensure that state and local governments retain the authority to regulate pesticides at the local level.

It also authorizes the Mayor and Chair of the Sustainability & Transportation Committee to send a letter to Maine's congressional delegation and the relevant committee chairs in the US House and US Senate expressing opposition to federal preemption of municipal pesticide ordinances.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

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. It received its first reading on April 10, 2023. Five affirmative votes are required for passage after public comment.

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. It received its first reading on April 10, 2023. Five affirmative votes are required for passage after public comment.

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. It received its first reading on April 10, 2023. Five affirmative votes are required for passage after public comment.

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. It received its first reading on April 10, 2023. Five affirmative votes are required for passage after public comment.

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. It received its first reading on April 10, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 187-22/23 Approving the Renewal of Portland's Participation in the Cumberland County HOME Consortium - Sponsored by Housing & Economic Development Committee, Councilor Pious Ali, Chair

On March 21, 2023, the Housing & Economic Development Committee voted 4-0 to recommend renewal of Portland's participation in the Cumberland County HOME Consortium. The Cumberland County HOME Consortium will soon be entering the last year of its fifth three-year Consortium contract period. The current Consortium agreement is due to expire on June 30, 2024. Each member of the Consortium must confirm their participation in the next three-year term and notify HUD by June 30, 2024.

Five affirmative votes are required for passage after public comment.

Order 188-22/23 Moving the Polling Place for District 2 Precinct 2 from the Portland Exposition Building to the Troubh Ice Arena for the June 13, 2023 Municipal Election - Sponsored by Ashley Rand, City Clerk

This item would move the polling place for District 2 Precinct 2 from the Portland Exposition Building to the Troubh Ice Arena for the June 13, 2023 General Municipal Election. This change is necessary due to the current use of the Portland Exposition Building as a temporary emergency shelter.

Five affirmative votes are required for passage after public comment.

Order 189-22/23 Approving the Agreement between the Maine Department of Transportation, Portland Area Comprehensive Transportation System, and Portland re: Improvements to Preble Street Extension - Sponsored by Danielle P. West, Interim City Manager

This project is part of the Municipal Partnership Initiative (MPI) Program, under which the City administers the project and typically receives 50% funding from the state MPO. By signing the partnership agreement, the City is enabled to proceed with the project, with Portland Area Comprehensive Transportation System (PACTS) obligated to pay 49% and the City obligated to pay for 51% of the original estimated project cost. The City share is estimated to be \$409,000, which was included in the FY24 Capital Improvement Plan approved by the Council on March 20, 2023.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

EXECUTIVE SESSION:

ADJOURNMENT: