

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)

The agenda has been revised to include reconsideration of Order 37-23/24.

CITY COUNCIL MEETING - OCTOBER 16, 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).

The City Council will conduct this meeting in-person from Council Chambers, located on the second floor of City Hall. Public comments may only be submitted in person or in writing.

To view this meeting remotely, please visit the live-stream at <https://portlandme.portal.civicclerk.com/event/6493/media>.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

Recognizing Joshua Chard as 2024 Maine Teacher of the Year - Kate Snyder, Mayor

Congratulating Troy Moon, City of Portland Director of Sustainability, on being recognized as a 2023 Infrastructure Trailblazer - Andrew Zarro, Councilor

ANNUAL MEETING:

Annual Meeting of the Corporator of the Portland Fish Exchange

Pursuant to the bylaws of the Portland Fish Pier Exchange (PFEX), the Portland City Council, as Corporator of the Portland Fish Exchange shall hold its annual meeting.

This year's Annual Meeting Agenda includes:

1. Receiving as a communication the attached Portland Fish Exchange 2023 Summary of Activity and year to date Financial Statement;
2. Re-appointment of two sitting directors (Class A Director, Robert Odlin and Class B Director, Tim Merrill)
3. Transacting other business as may be deemed necessary.

Order 46-23/24 Appointing Directors to the Board of the Portland Fish Exchange - Sponsored by Kate Snyder, Mayor

If passed, this item would appoint the following individuals to the Board of the Portland Fish Exchange (PFX):

<u>Name</u>	<u>PFX Seat</u>	<u>Expiration of Term</u>
Robert Odlin	Seat A	10/31/2025
Timothy Merrill	Seat B	10/31/2025

Five affirmative votes are required for passage after public comment.

Annual Meeting of the Corporator of the Fish Pier Authority

Pursuant to the bylaws of the Portland Fish Pier Authority (PFPA), the Portland City Council, as Corporator of the Portland Fish Pier Authority shall hold its annual meeting.

This year's Annual Meeting Agenda includes:

1. Receiving as a communication the attached Portland Fish Pier Authority 2023 Summary of Activity and Financial Statement;
2. Transacting other business as may be deemed necessary.

SPECIAL MEETING:

Annual Meeting of the Corporator of the Portland Development Corporation

Pursuant to the bylaws of the Portland Development Corporation (PDC), the Portland City Council, as Corporator of the Portland Development Corporation, shall hold its annual meeting in the month of September each year or at a special meeting.

This year's Annual Meeting Agenda includes:

1. Receiving as a communication the attached PDC FYE 2023 Activity and Financial Reports;
2. Appointment of Directors
3. Transacting other business as may be deemed necessary.

Order 47-23/24 Appointing Directors to the Board of the Portland Development Corporation - Sponsored by Kate Snyder, Mayor

If passed, this item would appoint the following individuals to the Board of the Portland Development Corporation (PDC):

<u>Name</u>	<u>Expiration of Term</u>
Kierston Van Soest	9/20/2026
Nathan Henry	9/30/2026

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting- October 2, 2023

PROCLAMATIONS:

Proclamation 10-23/24 Honoring the Life of Heather Brown and her Contributions to the City of Portland - Sponsored by Kate Snyder, Mayor

Proclamation 11-23/24 Recognizing October 2023 as Hate Crime Awareness Month - Sponsored by Pious Ali, Councilor

APPOINTMENTS:

Order 48-23/24 Appointing Members to the Clean Elections Review Board and the Zoning Board of Appeals - Sponsored by the Legislative/Nominating Committee, Mayor Kate Snyder, Chair

If passed, this order would appoint the following individuals to various boards and commissions:

<u>Name</u>	<u>Board or Committee</u>	<u>Expiration of Term</u>
Phil Steele	Clean Elections Review Board	6/30/2024
Andrew Weaver	Zoning Board of Appeals	12/31/2024

Staff request that this order be passed as an emergency to allow the appointees to begin work immediately. Seven affirmative votes are required for passage as an emergency after public comment.

Order 49-23/24 Appointing Directors of the Widows' Wood Society for the 2023-2024 Term - Sponsored by Danielle P. West, City Manager

The Portland Widows' Wood Society provides heating and utility bill assistance to needy Portland residents who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors of the Portland Widows' Wood Society for the 2023-2024 term:

John Knox
Nancy English
Henry Donovan
Cyrus Hagge
Thomas Pierce
Cheryl Hallett
Desiree Lester
Sheba Brown
Alex Pringle

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 50-23/24 Granting Municipal Officers' Approval of Karl Silander, dba The Bayou Kitchen. Application for Class 1 FSE at 543 Deering Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 9/19/23. Existing food establishment is adding alcohol service. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 51-23/24 Granting Municipal Officers' Approval of Oxbow Brewing Company LLC, dba Oxbow Brewing Company. Application for extension of Class A Lounge with Outdoor Dining on Private Property at 49 Washington Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 9/19/23. New City and State applications. Expansion of premises of existing establishment. Establishment currently holds a Class A Lounge at current location.

Five affirmative votes are required for passage after public comment.

Order 52-23/24 Granting Municipal Officers' Approval of Will & Girl LLC, dba Thistle and Grouse. Application for Class XI Restaurant/Lounge at 10 Cotton Street - Sponsored by Danielle P. West, City Manager

Application was filed on 9/26/23. New City and State applications. Location was previously Rivalries.

Five affirmative votes are required for passage after public comment.

Order 53-23/24 Granting Municipal Officers' Approval of MGT Portland LLC, dba Mesa Grande Taqueria. Application for Class I FSE at 140 Fore Street - Sponsored by Danielle P. West, City Manager

Application was filed on 9/27/23. New City and State applications. Location was previously used a warehouse.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 14-23/24 Regarding temporary, overnight emergency shelter during hazardous winter weather - Kristen Dow, Director of Health & Human Services

UNFINISHED BUSINESS:

Reconsideration of Order 37-23/24 Declaring a State of Limited Emergency at 654 Riverside Street - Sponsored by Danielle P. West, City Manager

In response to the significant number of unsheltered individuals in the City of Portland, public health and safety hazards existing at encampments, and the imminent threat of further danger to those individuals' health and safety in the coming winter season, this order would allow the City Manager to temporarily increase the number of beds available at the City of Portland Homeless Services Center (654 Riverside Street) by 50.

At the October 2, 2023 Council meeting, a motion to approve this item failed (4-5). Subsequently, the Council voted to postpone the item indefinitely (5-4). At the request of Councilor Regina Phillips, the item has been placed on the October 16, 2023 agenda for reconsideration. (Councilor Phillips voted in the majority in opposition to the motion to approve, as required by Rule 19 for reconsideration.)

In order to reconsider, the Council must first reconsider the indefinite postponement approved on October 2, 2023, and must then reconsider the main motion. Five affirmative votes are required to allow reconsideration.

Five affirmative votes are required for passage of Order 37. In accordance with Council rules, no public comment is required in addition to the public comment received at the Council's October 2, 2023 meeting.

Order 32-23/24 Authorizing Loans in the Amount of \$1,684,816 from the School Revolving Renovation Fund and the Issuance of the City's General Obligation Bonds Therefore - Sponsored by Danielle P. West, City Manager

This order authorizes and the companion order below appropriates funding from partially forgivable loans from the State of Maine School Revolving Renovation Fund ("SRRF"). These projects have already been approved by the City Council in prior year City Capital Improvement Plans and these loans will reduce overall cost of these projects to City taxpayers due to the element of principal forgiveness and lower debt service costs.

This item must be read on two separate days. It received its first reading on September 6, 2023. At the September 18, 2023 meeting, it was postponed to October 2, 2023. On October 2, 2023, it was postponed to October 16, 2023 for noticing purposes.

In accordance with the City of Portland Charter (Article VII, Sec. 11), any order authorizing the issuance of bonds must be approved by a vote of at least seven (7) members of the City Council. Seven affirmative votes are required for passage after public comment.

Order 33-23/24 Appropriating \$1,684,816 in Loan Proceeds from the School Revolving Renovation Fund for School Renovation Projects - Sponsored by Danielle P. West, City Manager

This is a companion order with the order above, appropriating \$1,684,816 authorized from the School Revolving Renovation Fund.

This item must be read on two separate days. It received its first reading on September 6, 2023. At the September 18, 2023 meeting, it was postponed to October 2, 2023. On October 2, 2023, it was postponed to October 16, 2023 for noticing purposes.

Five affirmative votes are required for passage after public comment.

Order 40-23/24 Approving the Commercial Property Assessed Clean Energy Agreement between Efficiency Maine Trust and Portland - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

This is a companion order to Order 41, Amendment of Portland City Code Chapter 6 (below).

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this agreement to the City Council for approval.

This Commercial Property Assessed Clean Energy program (C-PACE) allows commercial property owners to fund clean energy projects with property liens that are paid off upon the sale of the property. If approved by Council, this agreement between Efficiency Maine Trust and Portland allows Efficiency Maine Trust to administer the program established by Order 41 (below).

On October 2, 2023, this item was postponed to October 16, 2023 so that it may be considered at the same time as Order 41. Five affirmative votes are required for passage after public comment.

Order 41-23/24 Amendment of the Portland City Code Chapter 6 Re: Commercial Property Assessed Clean Energy of C-PACE - Sponsored by the Sustainability and Transportation Committee, Councilor Andrew Zarro, Chair

This is a companion order to Order 40 (above).

The State of Maine has enacted legislation allowing municipalities to adopt a Commercial Property Assessed Clean Energy (C-PACE) program in order to promote investment in energy efficiency and clean energy projects within their jurisdictions. The statute requires participating municipalities to adopt a local authorizing ordinance in order to move forward. This order meets that requirement and authorizes staff to move forward with implementing a local C-PACE program.

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this ordinance to the City Council for approval.

This item must be read on two separate days. It received its first reading on October 2, 2023. Five affirmative votes are required for passage after public comment.

Order 42-23/24 Amendment of the Portland City Code Chapter 28 Re: City Parking Regulations - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this ordinance to the City Council for approval.

This amendment updates definitions in Chapter 28 of the City Code (Parking) (Crosswalks, Electric Vehicles, Prolonged Parking, resident motor vehicle) and changes to the towing ordinance to require people who have three or more unpaid tickets to pay their unpaid tickets before their towed vehicle can be released. It also creates a \$500 penalty for tampering or attempts to remove a parking boot.

This item must be read on two separate days. It received its first reading on October 2, 2023. Five affirmative votes are required for passage after public comment.

Order 43-23/24 Amendment of the Traffic Schedule Re: Metered To Non-Metered (Two-Hour) Parking on Forest Avenue, Chestnut Street, and Marginal Way - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this ordinance to the City Council for approval.

This traffic schedule amendment removes 31 low-producing parking meters on lower Forest Avenue, lower Chestnut Street, and Marginal Way, and replaces them with signage for two-hour parking.

This item must be read on two separate days. It received its first reading on October 2, 2023. Five affirmative votes are required for passage after public comment.

Order 44-23/24 Amendment of Chapter 35 Re: Delivery of Adult-use Marijuana and Marijuana Products by Authorized Licensees - Sponsored by the Health & Human Services and Public Safety Committee, Councilor April Fournier, Chair

The Health & Human Services and Public Safety Committee met on September 19, 2023 and voted 3-0 to forward these amendments to the City Council for approval.

This request from Permitting & Inspections Director Jessica Hanscombe would amend Chapter 35 of the City Code based on new legislation at the state level, which requires municipalities to allow delivery of adult-use marijuana and marijuana products.

An additional amendment to Chapter 35, proposed by Councilor Anna Trevorrow, is also included for consideration.

This item must be read on two separate days. It received its first reading on October 2, 2023. Five affirmative votes are required for passage after public comment.

Order 45-23/24 Amendment to the Portland City Code Chapter 2 Re: Qualification for Land Bank Commission Members and Addition of North Deering Park - Sponsored by Ashley Rand, City Clerk

The various boards and committees struggle to fill vacant spots. Amending the Land Bank Commission rules will help with recruitment efforts to fill vacancies. Vacancies are posted in the paper as well as online, but we still are not receiving enough applications to fill spots. Right now the Land Bank Commission requires a member from each district as well as At-Large members to be on the board. This vacancy was advertised, but no one from a district that was needed applied. Amending this would allow for positions to be advertised for each district, but when no applicants apply from the vacant district seat, candidates from the same district may be appointed.

This amendment also adds North Deering Park to the list of Land Bank parcels, after it was placed in the Land Bank by Order 98-22/23 approved on November 14, 2023.

This item must be read on two separate days. It received its first reading on October 2, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 54-23/24 Approving Parking Violation Waiver Fees - Sponsored by the Sustainability & Transportation Committee, Councilor Andrew Zarro, Chair

The Sustainability & Transportation Committee met on September 13, 2023 and voted 2-0 (Pelletier absent) to forward this ordinance to the City Council for approval.

This order adds parking violation waiver fees, including fees for parking in bicycle lanes, non-electric vehicles parked at EV charging stations, and unregistered motor vehicles.

Five affirmative votes are required for passage after public comment.

Order 55-23/24 Designating and Adopting the Municipal Development Program for the Riverton Park Affordable Housing Development and Tax Increment Financing District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on September 19, 2023, the Housing and Economic Development Committee voted (3-0) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHDC) is proposing to rehabilitate 21 residential buildings with approximately 123 two-story residential townhomes, and the construction of a four-story elevator-assisted building with 59 rental units for low-income households at Riverton Park. PHDC is requesting financial assistance from the City in the form of Affordable Housing Tax Incremental Financing (AHTIF) to support the cashflow of the project. If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 50% of the increased taxable value currently estimated at an average of \$172,987 annually over 20 years.

The Riverton Park Redevelopment and Rehabilitation project (182 units in total) would include 130 units at 50% AMI (i.e. \$47,350 for two people), 25 units at 60% AMI (i.e. \$56,800 for two people), 16 units at 80% AMI (i.e. \$75,700 for two people), and 11 market rate units. The total bedroom count is; 8 studio, 13 one-bedroom, 36 two-bedroom, 69 three-bedroom, 30 four-bedroom, 20 five-bedroom, and 6 six-bedroom apartments.

Rehabilitation includes the demolition of the existing administrative building and the redevelopment of a larger Neighborhood Center to provide space for the Boys & Girls Club, Portland Housing Study Center, and a Teen Center.

PHDC is requesting two forms of financial assistance: \$1,500,000 in Affordable Housing Development funding, and Affordable Housing Tax Increment Financing (AHTIF). If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 50% of the increased taxable value, currently estimated at an annual average of \$172,987, with an estimated total of \$3,459,750 in captured increased assessed value tax revenue returned to the project/developer to support the cash flow of the project. The proposed project would be taxable with an estimated annual assessment of \$20,514,320 and estimated annual tax of \$142,329 at the current 23FY millage rate. The remaining increased taxable value, currently estimated at a 20-year average of \$172,987 with an estimated total of \$3,459,750 would be non-captured general fund revenue.

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

Order 56-23/24 Approving the Credit Enhancement Agreement with Riverton Park LP - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on September 19, 2023, the Housing and Economic Development Committee voted (3-0) to forward this time to the City Council with a recommendation for passage.

This is a companion order to the order above.

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

Order 57-23/24 Appropriating \$589,897 in HOME Investment Partnership Program Funds to Portland Housing Development Corporation RE: Riverton Park -

Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on September 19, 2023, the Housing and Economic Development Committee voted (3-0) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHDC) is proposing to rehabilitate 21 residential buildings with approximately 123 two-story residential townhomes, and the construction of a four-story elevator-assisted building with 59 rental units for low-income households at Riverton Park. PHDC is requesting a loan in the amount of \$589,897 of HOME funding with a term of thirty (30) years at 3% interest, interest accrual and payment deferred for 6 years, then payable out of cashflow capped at \$75,000/year.

The Riverton Park Redevelopment and Rehabilitation project (182 units in total) would include 130 units at 50% AMI (i.e. \$47,350 for two people), 25 units at 60% AMI (i.e. \$56,800 for two people), 16 units at 80% AMI (i.e. \$75,700 for two people), and 11 market rate units. The total bedroom count is; 8 studio, 13 one-bedroom, 36 two-bedroom, 69 three-bedroom, 30 four-bedroom, 20 five-bedroom, and 6 six-bedroom apartments.

Rehabilitation includes the demolition of the existing administrative building and the redevelopment of a larger Neighborhood Center to provide space for the Boys & Girls Club, Portland Housing Study Center, and a Teen Center.

PHDC is also requesting additional financial assistance in the form of \$910,103 in Housing Trust funding, and Affordable Housing Tax Increment Financing (AHTIF). The AHTIF and Housing Trust funding requests are being considered in the items below.

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

Order 58-23/24 Appropriating \$910,103 in Housing Trust Fund to Portland Housing Development Corporation RE: Riverton Park- Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on September 19, 2023, the Housing and Economic Development Committee voted (3-0) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHDC) is proposing to rehabilitate 21 residential buildings with approximately 123 two-story residential townhomes, and the construction of a four-story elevator-assisted building with 59 rental units for low-income households at Riverton Park. PHDC is requesting a loan in the amount of \$910,103 in funding from the Jill C. Duson Housing Trust Fund with a term of thirty (30) years at 3% interest, interest accrual and payment deferred for 6 years, then payable out of cashflow capped at \$75,000/year.

The Riverton Park Redevelopment and Rehabilitation project (182 units in total) would include 130 units at 50% AMI (i.e. \$47,350 for two people), 25 units at 60% AMI (i.e. \$56,800 for two people), 16 units at 80% AMI (i.e. \$75,700 for two people), and 11 market rate units. The total bedroom count is; 8 studio, 13 one-bedroom, 36 two-bedroom, 69 three-bedroom, 30 four-bedroom, 20 five-bedroom, and 6 six-bedroom

apartments.

Rehabilitation includes the demolition of the existing administrative building and the redevelopment of a larger Neighborhood Center to provide space for the Boys & Girls Club, Portland Housing Study Center, and a Teen Center.

PHDC is also requesting additional financial assistance in the form of \$589,897 in HOME funding, and Affordable Housing Tax Increment Financing (AHTIF). The AHTIF request is being considered in the items below.

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

Order 59-23/24 Accepting and Appropriating a \$100,000 Grant from The Glickman Foundation - Sponsored by Danielle P. West, City Manager

This item would accept and appropriate a \$100,000 grant from The Glickman Foundation in support of the expansion of the Natural Helpers Program, administered by the City's Office of Economic Opportunity (OEO).

Specifically, this grant award will fund the Program's expansion from a four-day training to a four-month fellowship, covering costs related to operations, continued education, and cohort networking/events.

The Natural Helpers Program is based on national best practices designed to improve the inclusivity of government services and programs. It relies heavily on a partnership between the City and community leaders to help connect minority communities to resources in order to achieve a working, sustainable lifestyle in Portland.

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

Order 60-23/24 Accepting and Appropriating a \$45,200 grant from the Governor's Office for Policy, Innovation, and the Future - Sponsored by Danielle P. West, City Manager

If approved, this order would accept and appropriate grant funding in support of the City of Portland Electrify Everything! Program, scheduled to launch in early 2024.

The upcoming iteration of Electrify Everything! will promote building electrification and energy efficiency. These grant funds will support the development of written and video educational materials in seven different languages.

In addition, it will also support the City of Portland's Energy Benchmarking Program, which requires certain property owners to track their monthly energy and water use. Funds will be used to provide up to 50 eligible building owners with access to Clearly Energy's BEAM Building Optimizer Toolkit, which will provide customized recommendations for efficiency projects based on their building data.

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

AMENDMENTS:

Order 61-23/24 Zoning Map Amendment to B-2b Community Business for the area of land around the intersection of Washington Avenue, Bates Street and Veranda Street - Sponsored by the Planning Board, Brandon Mazer, Chair

On September 12, 2023, the Planning Board unanimously voted (6-0; Barker absent) to recommend a zoning map amendment from RP Residence Professional to B-2b Community Business for the applicant's parcels at CBL's 429 J01101 and 429 J006001 and 25 adjacent parcels zoned RP Residence Professional, B-2 Community Business and R-5 Residential including CBLs 429 I001001, 429 I005001, 429 I006001, 429 I007001, 429 J004001, 429 J003001, 429 J002001, 166 G015001, 166 G011001, 166 F003001, 429 C004001, 429 C006001, 429 C007001, 429 H030001, 429 H031001, 429 H047001, 429 H046001, 429 H029001, 429 H028001, 166 F006001, 166 F005001, 429 J010001, 429 J007001, 429 J005001, 429 C006001. The Planning Board found the proposed zoning map amendment to be consistent with the Comprehensive Plan for the City of Portland.

The proposed zoning map amendment application was submitted by Troy Huynh to facilitate the development of a mixed-use building with ground floor retail and residential units above at 17 and 25 Bates Street. The expanded zoning boundary would bring several parcels currently legally nonconforming into conformity with zoning. In addition, the B-2b zone would allow uses and densities more compatible with the applicant's site and surrounding neighborhood and will create opportunities for significant amounts of housing and space for job growth.

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

EXECUTIVE SESSION:

ADJOURNMENT: