

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - DECEMBER 18, 2023 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, 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 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/6495/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

RECOGNITIONS:

Recognizing Portland Police Officer David Shertz, Fire Lieutenant Michael Casey, firefighters Jacob Garrison, Ronald Giroux and Dan Verrill, fire boat members Lieutenant David Crowley and firefighters Torin Hultz and Patrick Hourihane, and civilian Manny Kourinos - Mark Dion, Mayor

Recognizing Apex Racket and Fitness for 50 Years in Business - Mark Dion, Mayor

Recognizing the life and contributions of Lado Lodoka - Pious Ali, Councilor and Regina Phillips, Councilor

PRESENTATIONS:

State of the Schools - Portland Board of Public Education, Sarah Lentz, Chair

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Inaugural City Council Meeting - December 4, 2023 6:00PM

Special City Council Meeting - December 4, 2023 6:30PM

APPOINTMENTS:

Order 88-23/24 Appointing Constables for 2024 - Sponsored by Danielle P. West, City Manager

This order appoints constables from multiple City Departments, SP Plus Corporation staff at the Jetport Parking Garage, and the Portland Housing Authority for the 2024 calendar year:

- Fire Department constables are responsible for the issuance of citations authorized by the City Code of Ordinances Chapter 10 and Fire Prevention Laws.
- Permitting and Inspections Department constables enforce City Code provisions for business licensing, rental housing, building, electrical and plumbing codes.
- Department of Parks, Recreation, and Facilities constables enforce dogs at large violations in parks, playgrounds and cemeteries, as well as failure to dispose of animal waste (Chapter 5 of City Code).
- Police Department constables issue citations for violations of various City ordinances, including, for example, harboring a dangerous dog and smoking in city parks.
- Portland Housing Authority property managers are responsible for lease enforcement, including serving legal documents in eviction cases. In accordance with Maine law, certain documents can only be served by a Constable or Sheriff.
- Parking Control Officers are made constables to be allowed to issue parking tickets and court summons for contested parking tickets.

These appointments are effective from 12:01 a.m. on January 1, 2024 until 12:00 midnight, December 31, 2024, and are 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, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

Five affirmative votes are required for passage after public comment.

Order 89-23/24 Authorizing Special Council and Outside Board and Commission Appointments for 2024 - Sponsored by Mark Dion, Mayor

This order appoints City Councilors and City staff to various boards and commissions for 2024.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 20-23/24 Calendar Year 2023 Accomplishments of the Housing & Economic Development Committee - Housing & Economic Development Committee, Pious Ali, Chair

This item is a communication for the Mayor and City Council on a report of the Housing and Economic Development Committee's (HEDC) accomplishments during calendar year 2023. HEDC reviewed this report at its November 14, 2023, meeting and voted 4-0 to forward it as a communication to the City Council.

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

Communication 21-23/24 Regarding the City of Portland Administrative Banner Policy - Jessica Grondin, Director of Communications and Digital Services

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

Communication 22-23/24 Regarding the 2024 Council Common Goals - Mark Dion, Mayor

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

Communication 23-23/24 Statement by the Land Bank Commission regarding encampments - Mark Dion, Mayor

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

Communication 24-23/24 Statement by the Portland Parks Commission regarding encampments - Mark Dion, Mayor

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

UNFINISHED BUSINESS:

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. It received its first reading on October 16, 2023, and was postponed at the request of staff to December 18, 2023. Five affirmative votes are required for passage after public comment.

Order 80-23/24 Approving the First Amendment and Restated Purchase and Sale Agreement with Lambert Woods North LLC Re: 622 Auburn Street, Portland, and 0 Gray Road, Falmouth - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

On October 24, 2023, the Housing and Economic Development Committee voted (4-0) to recommend the City Council enter into the First Amendment and Restate Purchase and Sale Agreement for City-owned property at 622 Auburn Street, and 0 Gray Road, Falmouth.

On May 10, 2022, the City entered into a Purchase and Sale Agreement with Maine Cooperative Development Partners for a limited equity cooperative affordable housing development at 622 Auburn Street, and 0 Gray Road, Falmouth.

Originally, Maine Cooperative Development Partners proposed creating limited equity cooperative housing units (“Co-ops”) at the 622 Auburn and 0 Gray Road site. All of the homes would have been permanently affordable for households earning at or up to 100% AMI. The scope of the project has changed. Maine Cooperative Development Partners (MCDP) has assigned its rights under the Original Purchase and Sale Agreement to Lambert Woods North LLC (the Buyer). The LLC is comprised of Maine Cooperative Development Partners, and Preservation of Affordable Housing in a 50/50 partnership. Lambert Woods North LLC is now proposing to create 72 units of Low Income Housing Tax Credit (LIHTC) rental housing affordable at 60% of the area median income.

At the request of staff, this item was postponed on December 4, 2023 so that it may be considered with the following companion items. Five affirmative votes are required for passage after public comment.

Order 81-23/24 Designating the Lambert Woods North Affordable Housing Development and Tax Increment Financing District and Adopting the Municipal Development Program for the District - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on October 24, 2023, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage conditioned upon the final underwriting recommendation and evidence of site control.

Lambert Woods North, LLC is proposing construction of six buildings composed of two three-story flats consisting of 10 units each, and four three-story rowhouses (two rowhouses would have 16 units, one rowhouse would have 12 units, and the final rowhouse would have 8 units) for low-income households at 622 Auburn Street. Lambert Woods North LLC is requesting financial assistance from the City in the form of Affordable Housing Tax Increment Financing (AHTIF) to assist with the cost of the project. If approved, the AHTIF financing would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value currently estimated at an average of \$123,504 annually over 30 years.

The project would include 34 one-bedroom, 10 two-bedroom, and 28 three-bedroom units. All of the units would be reserved for households earning at or below 60 AMI (i.e. \$56,800 for two people). The property would integrate bus shelters for the 9A and 9B buses, lighted sidewalks, community space, a playground, and community gardens. The building would meet or exceed Portland's Green Building Ordinance.

This is a companion order to the above.

This item must be read on two separate days. It received its first reading on December 4, 2023. Five affirmative votes are required for passage after public comment.

Order 82-23/24 Approving the Lambert Woods North Affordable Housing Credit Enhancement Agreement with Lambert Woods North LLC - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on October 24, 2023, the Housing and Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

This is a companion order to the above.

This item must be read on two separate days. It received its first reading on December 4, 2023. Five affirmative votes are required for passage after public comment.

Order 83-23/24 Appropriating \$1,500,000 from the Jill C. Duson Housing Trust Fund to Maine Cooperative Development Partners LLC RE: Dougherty Commons Condominiums - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on November 14, 2023, the Housing & Economic Development Committee voted (4-0) to forward this item to the City Council with a recommendation for passage.

Maine Cooperative Development Partners LLC (MCDP) is proposing to construct a two-story, four-unit condominium townhouse building, and a three-story 16 unit condominium rowhouse building (for a total of 20 condominiums) on the city-owned property located at 43 & 91 Douglass Street. The City Council approved the amended Purchase and Sale Agreement for the city-owned property during their 11-13-23 Council meeting. This housing proposal is one part of a three-part residential housing development at 43 & 91 Douglass Street.

The Dougherty Commons Condominium project would include 20 units affordable for households earning up to 100% AMI. The total bedroom count is; 8 one-bedroom and 12 three-bedroom condominium units.

The chart below shows the maximum income allowable for each unit type and household size based on a maximum sale price of \$260,000 for a one-bedroom unit, and \$325,000 for a three-bedroom unit.

One Bedroom Condo	Maximum Household Income
1 person	\$83,650
2 person	\$95,500
Three Bedroom Condo	Maximum Household Income
3 person	\$107,550
4 person	\$119,500
5 person	\$127,750
6 person	\$137,187

This item must be read on two separate days. It received its first reading on December 4, 2023. Five affirmative votes are required for passage after public comment.

Order 84-23/24 Amendment to Zoning Map Re: B-2 Community Business for 182 Woodford Street Rear and 186 Woodford Street - Sponsored by the Planning Board, Brandon Mazer, Chair

On October 10, 2023, the Planning Board unanimously voted (4-0; Smith & Murphy Absent; Silk Recused) to recommend a zoning map amendment changing 186 Woodford Street (Parcel: CBL 124 J005001) from an existing R-5 Residential zone, B-1 Neighborhood Business zone, and B-2 Community Business zone to a B-2 Community Business zone. In addition, the Planning Board is recommending to change the zoning at 182 Woodford Street Rear (Parcel: CBL 124 J021001) from an R-5 Residential zone to B-2 Community Business zone. 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 Community Housing of Maine (CHOM) to facilitate the redevelopment of the former Woodfords Church Parish building and the construction of a new building, which would create 80 affordable housing units within Woodford's Corner, a priority node identified in the Comprehensive Plan.

This item must be read on two separate days. It received its first reading on December 4, 2023. Five affirmative votes are required for passage after public comment.

Order 85-23/24 Amendment to Portland City Code Chapter 14 Re: Conformance with LD 2003 - Sponsored by the Planning Board, Brandon Mazer, Chair

On October 24, 2023, the Planning Board unanimously recommended a set of zoning text amendments to the City Council (7-0) to comply with the requirements of LD 2003.

LD 2003, or *An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, was signed into law in April 2022. The law's intent is to remove local regulatory barriers to housing production in Maine by requiring that municipalities adopt standards around affordable housing, residential uses, and accessory dwelling units within their local codes of ordinances. State rule-making was published in April 2023, and the law was amended in June 2023 to provide additional clarity around certain provisions.

The implementation deadline for communities in which ordinances may be enacted by municipal officers is January 1, 2024. The proposed amendments as recommended by the Planning Board include changes to Articles 3, 6, 7, 18, and 19 of the city's land use code.

This item must be read on two separate days. It received its first reading on December 4, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 86-23/24 Accepting and Appropriating an Anonymous \$5,000 Donation for Those In Need - Sponsored by Danielle P. West, City Manager

This item accepts and appropriates an anonymous donation of \$5,000 from a family in Falmouth, Maine, to be used as a Secret Santa giveaway by the Police Department to those in need.

This donation has been given to and accepted by the City for this purpose since 2020.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes, so that the funds can be distributed during the holiday season. Staff also requests that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

AMENDMENTS:

Order 87-23/24 Amendment to Zoning Map Re: R-5 Residential for 921 Ocean Avenue, 410, 422 & 426 Presumpscot Street - Sponsored by the Planning Board, Brandon Mazer, Chair

On October 24, 2023, the Planning Board unanimously voted (7-0) to recommend a zoning map amendment changing 921 Ocean Avenue (CBL 418A A005001), 410, 422 & 426 Presumpscot Street (CBLs 418A A004001, 418A A008001 & 418A A007001) and Parcel 418A A006 from an R-3 Residential zone to a R-5 Residential zone. 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 Christopher Lee of Backyard ADUs to facilitate the development of a Planned Residential Unit Development (PRUD) on 921 Ocean Avenue, 422 & 426 Presumpscot Street, and Parcel 418A A006 with approximately 40 to 50 dwelling units.

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

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.

On October 16, 2023 this item was referred to the Legislative and Nominating Committee for review.

On November 21, 2023, the Legislative and Nominating Committee meeting and voted 3-0 (Ali Absent) to refer this item back to City Council for approval.

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

EXECUTIVE SESSION:

ADJOURNMENT:

