

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)

SPECIAL CITY COUNCIL MEETING - FEBRUARY 26, 2024 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.

To watch the meeting remotely, please join via Zoom at <https://portlandmaine-gov.zoom.us/j/81228590486?pwd=WXlQVG1qdWhvMUpxcTNndUdid2Z2UT09> or visit <https://portlandme.portal.civicclerk.com/event/6497/media>

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 Minutes-February 5, 2024

PROCLAMATIONS:

**Proclamation 16-23/24 Recognizing James Beard Foundation Award Nominees -
Sponsored by Mark Dion, Mayor**

APPOINTMENTS:

**Order 123-23/24 Appointing Troy Moon to the Landcare Management Advisory
Committee - Sponsored by Danielle P. West, City Manager**

This order appoints Sustainability Director Troy Moon to the Landcare Management Advisory Committee (formally named Pesticide) as the City Manager's appointee. This is an annual appointment.

Five affirmative votes are required for passage after public comment.

**Order 124-23/24 Appointing Members to Various Boards & Committees -
Sponsored by the Legislative/Nominating Committee, Mayor Mark Dion, 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>
+*Wendy Harmon	CDBG	9/30/2025
+*Stephen Charles Von Vogt	Harbor Commission	12/31/2025
+Avery Kamila	Landcare Management Advisory Commission	3/31/2027
+Michael Scrameyer	Landbank Commission	6/30/2027
David Silk	Planning Board	2/28/2027
Austin Smith	Planning Board	2/28/2027
Timothy Smith	Police Citizen Review Subcommittee	3/31/2027
Anne Hardcastle	Police Citizen Review Subcommittee	3/31/2027
+*Allison Gibbs	Portland Public Art	6/30/2025
+Kristen Carreras	Rent Board	3/31/2027
+*Matthew Lax	Rent Board	3/31/2025
+Christopher Moore (District 3)	Rent Board	3/31/2027
+*Caleb Roebuck (District 4)	Rent Board	3/31/2026
+*Anne-Laure Razat (At- Large)	Rent Board	3/31/2026
+*Erika Connolly	Fair Hearing Officer	11/30/2024
+*Laura Burden	Zoning Board of Appeals	12/31/2025
+*Rob Keefe	Zoning Board of Appeals	12/31/2024

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.

CONSENT ITEMS:

Order 125-23/24 Declaring June 9, 2024 the Resurgam Music Festival - Sponsored by Danielle P. West, City Manager

The Maine Academy of Modern Music will present its third annual Resurgam Music Festival on Portland's waterfront, Amethyst Park, Moon Tide Park, Ocean gateway and Ocean Gateway Parking lot and a small portion of the queuing lanes on Sunday June 9th 2024. Resurgam is an inclusive community minded music and arts festival that will showcase Portland's creativity and youth. This event is free and open to the public.

Order 126-23/24 Declaring July 11 to August 3, 2024 the Shakespeare in the Park Festival - Sponsored by Danielle P. West, City Manager

The Fenix Theatre Company has requested use of Deering Oaks Park so that they may bring back their annual summer performances to Portland for the 16th season. This summer's production will be Shakespeare's "Love Labour's Lost." The City's Parks, Recreation & Facilities Management Department is a co-sponsor of the

performances. The performances will run Thursday, Friday & Saturday evenings from July 11th through August 3rd 2024 (*performance will be held on Wednesday July 24th to accommodate Festival of Nations on Saturday, July 27th 2024).

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

LICENSES:

Order 127-23/24 Granting Municipal Officers' Approval of Highroller LLC, dba Highroller Lobster Co. Application for Extension of On-Premise License Privileges at 104/106 Exchange Street - Sponsored by Danielle P. West, City Manager

Application was filed on 1/26/24. This is an existing establishment that is expanding their dining/drinking space into 106 Exchange St. Establishment currently holds Class I FSE. New State application. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 128-23/24 Granting Municipal Officers' Approval of Blue Lobster Urban Winery LLC, dba Blue Lobster Urban Winery. Application for Class A Lounge with Outdoor Dining on Private Property at 200 Anderson Street, Unit 1 - Sponsored by Danielle P. West, City Manager

Application was filed on 1/29/24. This is an existing establishment upgrading classification. Establishment currently holds B/W/D On-Premise Consumption with Outdoor Dining on Private Property. New City and State application.

Five affirmative votes are required for passage after public comment.

Order 129-23/24 Granting Municipal Officers' Approval of Argenta Brewing Company LLC, dba Argenta Brewing Company. Application for Outdoor Dining on Private Property at 82 Hanover Street, Suite 6- Sponsored by Danielle P. West, City Manager

Application was filed on 1/26/24. This is an existing establishment adding outdoor dining. Establishment currently holds B/W/D On-Premise Consumption. New City and State applications.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 118-23/24 Appropriating \$1,200,000 from the Jill C. Duson Housing Trust Fund to 45 Dougherty, LP - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

In October 2022, the City Council approved the establishment of an Affordable Housing Tax Increment Financing District and Credit Enhancement Agreement for the project located on a portion of city-owned property at 43 and 91 Douglass Street. MaineHousing issued a Certificate of Approval for the district in March 2023. The project, known as 45 Dougherty, will consist of 63 units of rental housing, all of which will be affordable to households earning at or below 60% of the area median income (\$56,820 for a 2-person household or \$70,980 for a 4-person household). The number of affordable units in the

project has increased since the City Council approved the TIF District and Credit Enhancement Agreement. The original proposal included 17 units at market rate. The project will contain 35 one-bedroom units, 18 two-bedroom units and 10 three-bedroom units.

As the developers moved through the process of securing funding, finalizing construction plans and obtaining construction bids, they ran into significant pricing related issues which resulted in a \$2.4 million gap in the project budget. After an extension review of the project, which included value engineering reductions, they identified a \$1.2 million funding gap. The developer contacted the other project funding partners, MaineHousing and Evernorth (equity investor), who indicated that it was unlikely that they would be able to provide additional funding for the project. If the developer is able to locate other funding sources, through programs such as Efficiency Maine, the amount of city financing would be reduced.

City funding in an amount up to \$1,200,000 would be provided through an allocation of funds from the American Rescue Plan Act (ARPA) through the Jill C. Dusen Housing Trust Fund. The terms will be a 30-year payable loan, paid through a percentage of available annual cash flow. Details of the terms are noted in the Background section of the memo to the city council.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

Order 119-23/24 Approving the Planning Study Grant Agreement Between the Maine Department of Transportation and Portland re: Franklin Street Plan - Sponsored by Danielle P. West, City Manager

The City of Portland is partnering with the Maine Department of Transportation (MaineDOT) to update the Franklin Street Master Plan, which was adopted by the City Council in 2015. The project will address significant changes along and in proximity to Franklin Street in the time since the original master plan, add a land use element to the project, and include a robust public engagement process. Similar to the master plan, this project will also look at the entire length of Franklin Street from Exit 7/Marginal Way to Commercial Street. The project will bring the design to a 20% design level, allowing for applications for federal funding for final design and construction.

MaineDOT has significant interest in the future transportation design and function of Franklin Street and has offered to participate financially in this phase of work, matching our funds at the 50% level (up to \$150,000) through its Village Partnership Initiative (VPI) program. Following execution of the VPI agreement, staff will issue a Request for Qualifications for consultant services.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

Order 122-23/24 Amendment to Portland City Code Chapter 18 re: Addition of Thomas Park and North Deering Park - Sponsored by Regina Phillips, City Councilor

This amendment to City Code Chapter 18 adds two new parks to Section 18-11, the section of the City Code that lists all of the city parks. Staff is asking that North Deering

Park be included. It has already been added to the Land Bank in a different section. This order is a companion order to the item below.

This item must be read on two separate days. It received its first reading on February 5, 2024. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 130-23/24 Naming City Land at Lowell, Congress, and Burnham Streets Thomas Park - Sponsored by Dannielle P. West, City Manager

If approved, this order would name a parcel of city land bounded by Lowell St., Congress St., and Burnham St. Thomas Park. This order is a companion order to the item above.

Five affirmative votes are required for passage after public comment.

Order 131-23/24 Accepting the Portland Public Art Committee Fiscal Year 2023 Annual Report and Fiscal Year 2024 Budget Plan - Sponsored by Danielle P. West, City Manager

At its monthly meeting on November 15, 2023, the Portland Public Art Committee recommended the FY23 Annual Report and FY24 Budget Plan to the Portland City Council.

Five affirmative votes are required for passage after public comment.

Order 132-23/24 Accepting the 2023 Annual Land Bank Report - Sponsored by Danielle P. West, City Manager

The Portland Land Bank Commission is required by City Ordinance to submit an annual report that details the commission's activity over the past year, its yearly budget, and a registry of conservation properties.

Five affirmative votes are required for passage after public comment.

Order 133-23/24 Accepting the 2023 Annual Parks Commission Report - Sponsored by Danielle P. West, City Manager

The Parks Commission is responsible for submitting an annual report to the city council regarding the state of the city's parks and public grounds.

Five affirmative votes are required for passage after public comment.

Order 134-23/24 Approving the City's Resignation as Trustee of the Kotzschmar Memorial Trust and the Appointment of Friends of Kotzschmar Organ as Successor Trustee - Sponsored by Michael Goldman, Corporation Counsel

The City currently serves as Trustee of the Hermann Kotzchmar Memorial Trust Fund. The purpose of the Trust is to provide music scholarships to eligible young musicians in Portland. Friends of Kotzchmar Organ is a Maine nonprofit corporation organized for the purpose of maintaining and presenting the Kotzchmar Memorial Organ, which is installed in Merrill Auditorium. If approved, this Order would allow the City to resign as Trustee and assent to the appointment of Friends of Kotzschmar Organ as Successor Trustee of the Trust. It would further authorize the Office of Corporation Counsel to file the appropriate petition in Cumberland County Probate Court to achieve this result.

Five affirmative votes are required for passage after public comment.

Order 135-23/24 Accepting and Appropriating a \$50,000 Bequest from the Franklin Lawrence II Estate for Evergreen Cemetery Maintenance - Sponsored by Danielle P. West, City Manager

In his last will and testament, Franklin Lawrence II, left Evergreen Cemetery of Portland, Maine a sum of \$50,000 to be used for its maintenance fund.

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

Order 136-23/24 Accepting and Appropriating a \$25,000 Grant from the Maine Community Foundation for Western Cemetery Improvements - Sponsored by Danielle P. West, City Manager

The Stewards of Western Cemetery, acting in the interest of the cemetery, have applied for and been awarded a \$25,000 grant from the Maine Community Fund. The grant and subsequent, privately raised funds are intended to fund several improvements to Western Cemetery including but not limited to:

- Construction of a tool house on a location approved by the Parks, Recreation, and Facilities Department and the Historic Preservation Board.
- Installation of a water source to aid in ongoing restoration efforts.
- Relocation of an existing flag pole to make way for the proposed tool house.
- Efforts to bring access to the cemetery into compliance with ADA standards.
- A historically appropriate fence along the Western Prom boundary of the cemetery.

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

AMENDMENTS:

Order 137-23/24 Amendment to Portland City Code Chapter 9 Re: Peaks Island Council Nomination Petition Deadlines - Sponsored by Ashley Rand, City Clerk

This item will align the filing of nomination petitions and acceptance of nomination for Peaks Island Council to the Charter Changes that were made to Article IV. Elections, Section 6. The Charter amendment was sent to voters in November 2023 and approved. This ordinance amendment will allow the Peaks Island nomination petitions to be the same.

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

EXECUTIVE SESSION:

ADJOURNMENT: