

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 1 - AUGUST 19, 2024 AT 4:00 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 visit <https://portlandme.portal.civicclerk.com/event/6491/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

4:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting-4:00pm, July 15, 2024
Special City Council Meeting-5:30pm, July 15, 2024

CONSENT ITEMS:

Order 29-24/25 Granting Municipal Officers' Approval of TIQA, LLC, dba TIQA. Application for Class XI Restaurant/Lounge with Outdoor Dining on Private Property at 327 Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 7/2/24. Previously existing establishment closed and is now reopening. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 30-24/25 Granting Municipal Officers' Approval of Belleflower Brewing LLC, dba Belleflower Brewing. Application for Class A Lounge with Combined Entertainment and Outdoor Dining on Private Property at 66 Cove Street - Sponsored by Danielle P. West, City Manager

Application was filed on 7/12/24. Existing establishment currently holds Brewery/Winery/Distillery license with combined entertainment and private outdoor dining upgrading to Class A Lounge. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 31-24/25 Granting Municipal Officers' Approval of Olive Cafe LLC, dba Olive Cafe. Application for Class I FSE at 127 Commercial Street - Sponsored by Danielle P. West, City Manager

Application was filed on 7/9/24. Existing food service establishment upgrading license to serve alcohol. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 32-24/25 Granting Municipal Officers' Approval of Sissle and Daughters LLC, dba Sissle and Daughters. Application for Class III & IV FSE at 634 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 7/17/24. Location was previously an auto repair shop. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 33-24/25 Granting Municipal Officers' Approval of Allagash Brewing Company, dba Allagash Brewing Company. Application for Class A Lounge with Combined Entertainment and Outdoor Dining on Private Property at 50 Industrial Way - Sponsored by Danielle P. West, City Manager

Application was filed on 7/26/24. Existing establishment currently holds Brewery/Winery/Distillery license with combined entertainment and private outdoor dining upgrading to Class A Lounge. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 34-24/25 Granting Municipal Officers' Approval of First Tracks Investments LLC, dba Oddfellahs. Application for Class A Restaurant/Lounge at 55 Market Street - Sponsored by Danielle P. West, City Manager

Application was filed on 7/29/24. New City and State applications.

The applicant, First Tracks Investments LLC, is also the operator of the Portland Regency Hotel. The concept for 55 Market is a sports bar, to include "in-person sports wagering," which will require a license from the Maine Department of Public Safety and is regulated by the Department of Public Safety's Gambling Control Unit.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 11-24/25 Approving and Authorizing City Manager to Execute the Amended and Restated Lease Agreement With DBH Portland, LLC, for use of Hadlock Stadium for the Portland Seadogs - Sponsored by the Housing and Economic Development Committee, Pious Ali, Chair

This item was reviewed by the Housing and Economic Development Committee at its May 7, 2024, meeting, at which time it voted 4-0 to forward this to the City Council with a recommendation for approval in substantially the form as being presented.

This Amended and Restated Lease Agreement is the result of negotiations with Diamond Baseball Holdings (DBH), the ownership team behind the Portland Sea Dogs, with guidance from the Council's Housing and Economic Development Committee, for continued operations at Hadlock Stadium and Field through September 30, 2038, with DBH to have an option to extend the term for an additional five (5) years thereafter. The current lease expires September 30, 2028. This extended lease would allow for DBH to invest up to \$10 Million in improvements to the stadium to address requirements of Major League Baseball for affiliated teams.

Please see the Financial Impact section, with this Amended and Restated Lease to increase the annual revenue to the City from \$200,000 to an anticipated \$400,000 to \$475,000 annually.

This item was postponed from the meeting on July 15 to allow additional time to finalize lease provisions requested by Major League Baseball.

Five affirmative votes are required for passage after public comment.

Order 19-24/25 Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Make 70 East Oxford Street an Affordable Housing Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee reviewed this item at its 6/25/2024 meeting and voted 3-1 (Sykes) to forward to the City Council with a recommendation of approval. City Council approval is needed to amend the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to remove a portion of 70 East Oxford Street for it to be its own free-standing Affordable Housing TIF District to support the proposed affordable housing project at that location. The proposed affordable housing project involves demolishing four existing ten-unit multi-family buildings located between Cumberland, Oxford, Mayo, and Boyd Streets (COMB Bock), and construct Phase 1 of a multi-phase project to redevelop the site. During Phase I, Portland Housing Development Corporation is proposing to construct a six-story, 55-unit housing building, with 50 affordable apartments for low-income households and 5 market rate units. These would be comprised of 5 studio, 15 one-bedroom, 16 two-bedroom, and 19 three-bedroom apartments.

This item must be read on two separate days. It received its first reading on July 15. Five affirmative votes are required for passage after public comment. 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 20-24/25 Designating and Adopting the Municipal Development Program for the 70 East Oxford Street Affordable Housing Development and Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (3-1) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation (PHDC) is proposing to demolish the four existing multifamily buildings containing 40 units of public housing located on the parcel of land bound by Cumberland Avenue, Oxford Street, Mayo Street, and Boyd Street (COMB Block) to create a six-story building of 55 mixed-income units with 50 affordable rental units for low income households at 70 East Oxford Street, also known as COMB Block Phase One. PHDC is requesting financial assistance from the City in the form of Affordable Housing Tax Increment Financing (AHTIF) to support the cashflow of the project. If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value currently estimated at an average of \$92,474 annually for 20 years.

The COMB Block Phase One project would include 33 units for households earning up to 50% of the area median income (AMI) (i.e. \$57,400 for three people), 17 units for households earning up to 60% of the AMI (i.e. \$68,850 for three people), and 5 units at market rate. The project would set aside 20% of units for Persons Experiencing Homelessness or persons who have disabilities, are victims of domestic violence, or have other special housing needs. The building would offer five (5) studio units, fifteen (15) one-bedroom units, sixteen (16) two-bedroom units, and nineteen (19) three-bedroom units.

PHDC is requesting two forms of financial assistance: (1) \$650,000 in Affordable Housing Development funding, and (2) Affordable Housing Tax Increment Financing (AHTIF). If approved, the AHTIF would be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at an annual average of \$92,474 with an estimated total of \$1,849,475 over 20 years 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 \$6,905,000 and current annual tax of \$99,501 at the current 24 FY millage rate. The remaining increased taxable value, currently estimated at a 20-year average of \$30,825 with an estimated total of \$616,492, would be non-captured general fund revenue.

This item must be read on two separate occasions. Five affirmative votes are required for passage after public comment. 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 21-24/25 Approving the COMB Block Affordable Housing Credit Enhancement Agreement with COMB Block Phase One, LP for the 70 East Oxford Street Affordable Housing Development and Tax Increment Financing District - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (3-1) to forward this item 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 occasions. Five affirmative votes are required for passage after public comment. 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 22-24/25 Appropriating \$650,000 from the Jill C. Duson Housing Trust Fund to Portland Housing Development Corporation, COMB Block Phase One, LP RE: 70 East Oxford Street - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

During a meeting held on June 25, 2024, the Housing and Economic Development Committee voted (3-1) to forward this item to the City Council with a recommendation for passage.

The description of the project along with backup documentation, can be found in the previous Order Designating and Adopting the Municipal Development Program for the Portland Housing Development Corporation (PHDC) project at 70 East Oxford Street, also known as the COMB Block. PHDC is requesting financial assistance from the City in the form of a loan in the amount of \$650,000 from the Jill C. Duson Housing Trust Fund with a term of 30 years at 0% interest.

This item must be read on two separate occasions. Five affirmative votes are required for passage after public comment. 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 24-24/25 Amendment to Portland City Code Chapter 9 RE: Peaks Island Council; Nomination and Appointment of Members; Procedural Requirements for Meetings - Sponsored by Danielle P. West, City Manager

This Order makes various amendments to the Peaks Island Council Ordinance related to nomination and appointment of members and procedural requirements for meetings, including allowing the appointment of Peaks Island Council members in the event that an election does not result in the election of a full seven member council.

This item must be read on two separate days. It received its first reading on July 15. Five affirmative votes are required for passage after public comment.

Order 28-24/25 Amendment to Portland City Code Chapter 6 RE: Short Term Rental Unit Registration Requirements - Sponsored by Housing and Economic Development Committee, Councilor Pious Ali, Chair

This order would approve certain amendments to the short term rental unit registration requirements in Chapter 6 of the City Code. At the July 2, 2024, Housing and Economic Development Committee meeting, the Committee voted 3-1 (Rodriguez) to forward proposed amendments to the City Council for approval. The amendments, which take effect January 1, 2026, include a requirement that booking services include a short term rental unit's registration number in all advertisements for a unit before accepting any charges; a requirement that the City publish the registration number and address of short term rental units on the City's website; a limitation on the number of non-owner occupied mainland short term rental units of 1.5% of the number of long term rental units in the City; a limitation of 40 non-owner occupied short term rental units on Peaks Island; a prohibition on new tenant occupied short term rental units; clarification that these new limitations do not apply to validly registered short term rental units that otherwise are in compliance with the city code; and other changes as set forth in the order.

These amendments do not affect portions of the code that were approved by a citizens initiative and may therefore be approved by the City Council without the need for a referendum. This item must be read on two separate days. It received its first reading on July 15. Five affirmative votes are required for passage after public comment.

Order 23-24/25 Setting an Election Date on an Amendment to the Portland City Code RE: an act to Amend Portland's Short Term Rental Unit Registration Requirements - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The public hearing for this Amendment is scheduled for the August 19, 2024 City Council meeting. Along with receiving public comment, the City Council will vote to set the election date of November 5, 2024 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act To Amend Portland's Short Term Rental Unit Registration Requirements amends the list of information required to register short term rental units in Portland.

This item must be read on two separate days. It received its first reading on July 15. Five affirmative votes are required for passage after public comment.

Order 25-24/25 Setting Election Date on an Amendment to Chapter 33 of the Portland City Code RE: an Act to Increase Portland's Minimum Wage - Sponsored by Councilor Regina Phillips, Councilor Anna Trevorow, Councilor Kate Sykes

The minimum wage in Portland was raised by citizen referendum in 2020 and cannot be amended for 5 years, except by referendum.

This item must be read on two separate days. It received its first reading on July 15. Five affirmative votes are required for passage after public comment.

Order 26-24/25 Setting Election Date on an Amendment to Chapter 33 of the Portland City Code RE: an Act to Eliminate Portland's Sub-Minimum Wage for Service Employees - Sponsored by Councilor Victoria Pelletier, Councilor Anna Trevorow, Councilor Kate Sykes

The minimum wage in Portland was raised by citizen referendum in 2020. The subminimum (tipped wage) was increased as a result. Amendments made by citizen referendum cannot be amended for 5 years, except by referendum.

This item must be read on two separate days. It received its first reading on July 15. Five affirmative votes are required for passage after public comment.

Order 27-24/25 Amendment to Portland City Code Chapter 17 RE: Repeal of Section 17-5 - Sponsored by Health and Human Services and Public Safety Committee, April Fournier, Chair

Repeal of section 17-5 of the Portland City Code, otherwise known as the "Cruising Ordinance," is presented for consideration by the City Council.

Section 17-5 of the Portland City Code was enacted in the 1990s and implemented restrictions on "cruising" by prohibiting a motor vehicle operator from driving past a traffic-control point three (3) times within a two-hour period in or around a posted "no

cruising" area. Since that time, the Portland Police Department has infrequently used this ordinance to intervene and prevent instances of commercial sexual exploitation, and conduct investigations of illegal drug sales. There are no indications the ordinance has been used to target any particular demographic group(s). However, the ordinance is infrequently used and staff do not believe its repeal would adversely impact public safety.

This item must be read on two separate days. It received its first reading on July 15. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 35-24/25 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code RE: An Act to Amend the City of Portland's Emergency Wage Provision - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the July 15, 2023 City Council meeting by Order 10-24/25. Along with receiving public comment, the City Council will vote to set the election date of November 5, 2024.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

EXECUTIVE SESSION:

ADJOURNMENT: