

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT (A/L)



SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

CITY COUNCIL MEETING - MAY 5, 2025

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.

<https://portlandme.portal.civicclerk.com/event/7609/media>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

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

ANNOUNCEMENTS:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Special City Council Meeting Minutes-April 28, 2025

PROCLAMATIONS:

Proclamation 33-24/25 Recognizing May 18 as National Asian American and Pacific Islander Day Against Bullying and Hate - Sponsored by Mark Dion, Mayor

Proclamation 34-24/25 Declaring May 5, 2025 Missing and Murdered Indigenous Women's Day - Sponsored by Mark Dion, Mayor

Proclamation 35-24/25 Recognizing May 12 to May 16, 2025 as National Police Week - Sponsored by Mark Dion, Mayor

CONSENT ITEMS:

Order 179-24/25 Declaring June 21, 2025 the Pride Portland! Parade and Festival - Sponsored by Danielle P. West, City Manager

Pride Portland would like to host their Parade & Festival again in Portland. The event will take place this year on June 21, 2025. There will be a parade down Congress Street, High Street and Park Avenue followed by a festival at Deering Oaks Park. The parade will start at 1:30pm and the festival will start at 1:30pm and conclude at 7pm. The

festival will consist of music, speakers, food trucks, non-food vendors and a beer garden.

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

Order 180-24/25 Granting Municipal Officers' Approval of GT Peaks LLC, dba Jones Landing. Application for Class I FSE with Outdoor Entertainment and Outdoor Dining on Private Property at 6 Welch Street - Sponsored by Danielle P. West, City Manager

Application was filed on 4/11/25. Change of ownership of an existing establishment.

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

BUDGET ITEMS:

THE CITY COUNCIL WILL HOLD A FIRST READ ON THE FISCAL YEAR 2026 SCHOOL BUDGET AT THIS COUNCIL MEETING (MAY 5, 2025) AND WILL ACCEPT PUBLIC COMMENT. THE SECOND READ AND A PUBLIC HEARING ON THE SCHOOL BUDGET WILL BE HELD ON MAY 19, 2025 AT 5:00 PM.

The City Council Finance Committee voted on April 29, 2025 to recommend passage of FY26 School Board Recommended Budget as presented by Superintendent Scallon in the amount of \$162,800,974.00. Passed (3-0).

Order 181-24/25 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2026 - Sponsored by Finance Committee, April Fournier, Chair

The following School Budget Orders are required by 20A M.R.S. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$107,918,121 as the amount determined by state law to be the minimum amount the City must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This order requires the city to raise \$88,191,157 as the city's contribution to the total cost of funding public education from K12 as described in the EPS law. The City's tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$153,703,807 will be \$125,019,522.

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

Order 182-24/25 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2026 - Sponsored by Finance Committee, April Fournier, Chair

Nonstate funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this

long-term debt was previously approved by the voters or the City Council.

This order appropriates \$414,168 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local only) funded school construction projects. The state no longer includes minor capital projects in this calculation. The \$414,168 is in addition to the funds appropriated as the EPS required local share (amount of the City's contribution to the total cost of funding public education from kindergarten to grade 12).

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

Order 183-24/25 Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2026 - Sponsored by Finance Committee, April Fournier, Chair

This order appropriates \$36,828,365 in additional city funds over and above regional Essential Programs and Services amount and the nonstate funded debt service amount.

This exceeds the EPS funding model by \$36,828,365 and is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

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

Order 184-24/25 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2026 - Sponsored by Finance Committee, April Fournier, Chair

This order is required by 20A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law.

This will be sent to the voters for approval at a citywide Referendum Election on June 10, 2025. \$127,225,989 of the \$162,800,974 would come from would come from property taxes.

This order does not provide money unless the other General Fund budget orders are passed.

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

Order 185-24/25 Appropriating and Raising Funds for Adult Education for Fiscal Year 2026 as required by the Maine Revised Statutes, Title 20-a M.R.S §8603-a(1) - Sponsored by Finance Committee, April Fournier, Chair

This order raises the sum of \$3,463,530 for Adult Education for Fiscal Year 2025-2026 and \$2,206,457 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

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

Order 186-24/25 To Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2026 - Sponsored by Finance Committee, April Fournier, Chair

This order raises and appropriates \$0 for the Food Service Program for Fiscal Year 2025-2026. The Portland School Department is authorized to expend any un-expended balances and additional, incidental or miscellaneous receipts in the interest and for the well-being of the food service program.

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

Order 187-24/25 Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2026 - Sponsored by Finance Committee, April Fournier, Chair

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved by the Portland Board of Education, subject only to approval by the City Council.

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

COMMUNICATIONS:

Communication 9-24/25 Committee Work Plans - by Mark Dion, Mayor

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

Communication 11-24/25 Regarding FY26 Municipal Budget Hearings - By Brendan O'Connell, Finance Director

The Public Hearing on the Fiscal Year 2026 Municipal Budget and Fiscal Year 2026 Appropriation Resolve originally scheduled for tonight's City Council Meeting has been postponed to the May 19, 2025 City Council Meeting.

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

RESOLUTIONS:

Resolve 9-24/25 Adopting the Fiscal Year 2025-2026 Annual Action Plan Including Appropriations for the Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Programs and Certifications Pertaining Thereto - Sponsored by Danielle P. West, City Manager

The 2025-2026 Housing and Community Development Program Annual Action Plan reports to the U.S. Department of Housing and Urban Development (HUD) a total estimated budget of \$7,830,113 (Community Development Block Grant ("CDBG") Entitlement Funds \$1,833,541; CDBG Contingency Funds \$142,545; \$120,000 Downtown TIF funding; \$20,000 Cotton St proceeds; HOME Program Grant \$839,923; Program Income and Recapture \$131,660; Lead Safe Housing Program Income \$122,744; local Housing Trust Fund \$863,559; HOME-ARP \$3,594,143; \$161,998 Emergency Solutions Grant ("ESG") funds).

The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations that will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted her funding recommendations to the Council. The Housing and Economic Development Committee reviewed the Housing Program Budget at their meeting on February 25, 2025, and voted unanimously (3-0) to recommend City Council approval of the budget.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan. Public hearings for FY25 are set for April 28 and May 5. People who wish to speak may do so once; they may not speak at both public hearings.

This item must be read on two separate days. It received its first reading and first public hearing on April 28, 2025. Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 174-24/25 Accepting and Appropriating a \$28,000 Gulf of Maine Research Institute Community Resilience Education Project Grant - Sponsored by Danielle P. West, City Manager

The order accepts and appropriates \$28,000 from the Gulf of Maine Research Institute to support the development of a project to educate the community about climate hazards and community adaptation and resilience strategies.

This item must be read on two separate days. It received its first reading on April 28. Five affirmative votes are required for passage after public comment.

Order 175-24/25 Approving the Collective Bargaining Agreement between The City of Portland and Portland Police Superior Officers Association, Fraternal Order of Police Lodge ME 109 - Sponsored by Danielle P. West, City Manager

This item approves a negotiated successor collective bargaining agreement between the City of Portland and the Portland Police Superior Officers Association, Fraternal Order of Police Lodge ME 109, for the period of January 1, 2025, through December 31, 2027. This proposal is presented after previously receiving guidance from the City Council executive sessions held on January 13 and March 31, 2025, and after having been approved by the Portland Police Superior Officers Association.

This item must be read on two separate days. It received its first reading on April 28. Five affirmative votes are required for passage after public comment.

Order 176-24/25 Accepting and Appropriating a \$5,995.00 Donation from Paul Rollins for the Police Department Dive Team - Sponsored by Danielle P. West, City Manager

If approved, this donation would be used to fund specialized equipment for the Portland Police Department's (PPD) Dive Team. Specifically, the donated funds would be used for the purchase of an Aqua Eye handheld sonar for the Dive Team's use. The Aqua Eye is a

handheld, all-weather device that uses sonar to identify anomalies in the water column that are consistent with a submerged body.

The Dive Team conducts search and recovery operations for victims of motor vehicle crashes, homicides, and other water-related deaths. The team also conducts searches for evidence in criminal investigations.

The donor, Paul Rollins, owner of Rollins Scuba Associates in South Portland, is the team's civilian administrator.

This item must be read on two separate days. It received its first reading on April 28. Five affirmative votes are required for passage after public comment.

Order 177-24/25 Extending for 180 Days the Moratorium on New Hotel Projects in the City of Portland Established by Order 77-24/25 - Sponsored by the Housing & Economic Development Committee, Pious Ali, Chair

On November 4, 2024, the City Council passed Order 77-24/25, which established a 180-day moratorium on new hotel projects. The moratorium expires on June 2, 2025. The moratorium was put in place following the Council's finding that the current hotel inclusionary zoning ordinance (the "Hotel IZ Ordinance") is inadequate to ensure sufficient affordable housing for hotel employees and to otherwise prevent a worsening of the housing crisis in Portland. As required by the moratorium order, the Housing and Economic Development Committee met on April 15, 2025, and considered a presentation by Planning staff for potential amendments to the Hotel IZ Ordinance and gave Planning staff guidance for further research on the matter and preparing draft amendments to the ordinance for the Planning Board's consideration. Staff anticipate presenting amendments to the Planning Board in June, which means that the moratorium will expire before the Planning Board and City Council have an opportunity to consider the proposed amendments. Because the problems that gave rise to the ordinance still exist (i.e. the Hotel IZ Ordinance is inadequate to ensure sufficient affordable housing for hotel employees) and because the City is making reasonable progress to alleviate the problem by actively pursuing changes to the ordinance in accordance with the order, the Housing and Economic Development Committee voted 4-0 to recommend that the Council extend the moratorium for an additional 180 days pursuant to 30-A MRS 4356(2).

This item must be read on two separate days. It received its first reading on April 28. Five affirmative votes are required for passage after public comment.

Order 178-24/25 Amendment to Portland City Code Chapters 15 and 30 Re: Vehicles for Hire - Sponsored by the Sustainability & Transportation Committee, Regina Phillips, Chair

On September 11, 2024, the Sustainability and Transportation Committee reviewed and recommended the attached revisions to Chapter 30. The proposed changes would require non-motorized and most motorized multi-seat bicycles used for commercial purposes to be licensed with the City.

This item must be read on two separate days. It received its first reading on April 28. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 188-24/25 Accepting and Adopting the 2025 Jill C. Duson Housing Trust Fund Annual Plan - Sponsored by the Housing & Economic Development Committee, Pious Ali, Chair

The Housing and Economic Development Committee held a public hearing on February 25, 2025, and voted 3-0 to recommend to the City Council approval of the *2025 Jill C. Duson Housing Trust Fund Annual Plan*.

The Annual Plan establishes the priorities for allocating Housing Trust Funds. The 2025 Plan would make available \$363,558 of the \$863,558 total housing trust fund balance for the development of affordable housing while maintaining a balance of \$500,000 in the fund.

Five affirmative votes are required for passage after public comment.

Order 189-24/25 Approving the 2025 Affordable Housing Development and Tax Increment Financing Application - Sponsored by the Housing & Economic Development Committee, Pious Ali, Chair

The Housing and Economic Development Committee met on February 25, 2025, and voted 3-0 to forward this item to the City Council with a recommendation for passage.

The City of Portland has made the development of affordable housing a priority, as identified in the City of Portland's 2022-2026 HUD 5-Year Consolidated Plan, City Council Common Goals, and the Comprehensive Plan. To accomplish this priority, the City issues the *Affordable Housing Development and Tax Increment Financing Application* for the allocation of city resources budgeted for the development of affordable housing. The application establishes the goals for distribution of funds and/or the designation of an affordable housing tax increment financing district.

The *Affordable Housing Development and Tax Increment Financing Application* is amended on an annual basis to reflect the City Council's housing policy goals. Since 2002, the City of Portland has utilized an annual application and/or RFP process for the allocation of city resources budgeted for the development of affordable housing. In 2013, with the approval of the City Council's Housing Committee, the current application format was implemented.

In addition to the above-mentioned annual amendments, this year the *Affordable Housing Development and Tax Increment Financing Application* proposes the following:

- Amend the Application requiring Planning Board approval of development projects (prior to submitting an Application);
- Amend the Application requiring Notice to Proceed notification from MaineHousing for projects requesting HOME and/or Housing Trust Funding;
- Amend the Application notifying Applicants that applications deemed incomplete would be informed of the status of their application along with the missing components. Applicants requesting an Affordable Housing TIF and applying for the 9% LIHTC from MaineHousing would be provided a deadline for resubmission; applicants provided the opportunity to redress their submission and

are still deemed incomplete would not be included in the priority funding requests for the 9% LIHTC program;

- Amend the Application notifying Applicants they will be responsible for reimbursing the City for all third-party legal and financial underwriting associated with Affordable Housing TIF requests.

Utilizing the *2025 Affordable Housing Development and Tax Increment Financing Application*, the City would make available an estimated \$878,481 (estimated HOME funding of \$514,923 + \$363,558 from the Jill C. Duson Housing Trust Fund) along with access to the City's Affordable Housing Tax Increment Financing Program. City staff would determine which funding source(s) is best for each project and then make funding recommendations to the Housing and Economic Development Committee and ultimately the City Council for final approval.

Five affirmative votes are required for passage after public comment.

Order 190-24/25 Accepting an Easement from the Portland Housing Development Corporation at 17 Riverton Drive for Pump Station and Drainage Installation - Sponsored by Michael Goldman, Corporation Counsel

This easement supports the City of Portland's infrastructure by formalizing access to maintain critical existing drainage systems and an existing pump station on land owned by the Portland Housing Development Corporation near 2 Riverton Drive. The easement is required as a condition of approval for Portland Housing's Riverton Park development, which includes the construction and rehabilitation of 182 affordable housing units.

Five affirmative votes are required for passage after public comment.

Order 191-24/25 Accepting an Easement from the Portland Housing Development Corporation at 17 Riverton Drive for a Public Sidewalk - Sponsored by Michael Goldman, Corporation Counsel

This easement supports the City of Portland's infrastructure by formalizing public access over new sidewalk areas on land owned by the Portland Housing Development Corporation near 2 Riverton Drive. The easement grants the City the right to install, maintain, and repair ADA-compliant sidewalks for pedestrian and non-motorized uses. These improvements will support connectivity between private development and the City's public right-of-way while promoting long-term pedestrian mobility. The easement is required as a condition of approval for Portland Housing's Riverton Park development, which includes the construction and rehabilitation of 182 affordable housing units.

Five affirmative votes are required for passage after public comment.

Order 192-24/25 Approving an Amendment to the Riverton Park Affordable Housing Development and Tax Increment Financing District RE: 2 Riverton Park - Sponsored by Michael Goldman, Corporation Counsel

The Housing and Economic Development Committee met on September 19, 2023, and voted (3-0, Dion absent) to forward this item to the City Council with a recommendation for passage. The Riverton Park Affordable Housing Development and Tax Increment Financing District was approved by the Portland City Council on November 13, 2023

(Order 55-23/24 and Order 58-23/24) and received a Certificate of Approval from MaineHousing on January 8, 2024.

Portland Housing Development Corporation, through Riverton Park LP, is proposing changes to the previously approved Riverton Park Affordable Housing Development and Tax Increment Financing District.

The previously approved development district includes a slightly different unit mix (130 units at or below 50% of the area median income, 34 units at or below 60% of the area median income and 18 units at 80% of the area median income), and the construction of a neighborhood center. The proposed affordable housing project would include the rehabilitation of 20 residential buildings and two non-residential buildings (an administration building and a resident service delivery building). The neighborhood center will not be constructed. The Declaration of Covenants needs to be amended to reflect the proposed new development program. The new development program will include 91 units at or below 50% of the area median income (\$64,900 for a family of four), 77 units at or below 60% of the area median income (\$77,900 for a family of four) and 14 units at or below 80% of the area median income (\$103,850 for a family of four).

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 193-24/25 Approving an Amended Credit Enhancement Agreement for the Riverton Park Affordable Housing and Tax Increment Financing District RE: 2 Riverton Park - Sponsored by Michael Goldman, Corporation Counsel

The Housing and Economic Development Committee met on September 19, 2023, and voted (3-0, Dion absent) to forward this item to the City Council with a recommendation for passage. The City Council approved the original Riverton Park Affordable Housing and Tax Increment Financing District on November 13, 2023.

This is a companion order to the order above.

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 194-24/25 Accepting and Appropriating a \$10,000 Donation from the Maine Community Foundation for an Asylum-Seeker Soccer Program at the City's Shelters - Sponsored by Danielle P. West, City Manager

If accepted, this order would appropriate a \$10,000 donation from the Maine Community Foundation to assist with the costs of a pilot program for an indoor soccer program for asylum seekers in the City's emergency shelters. Hearts of Pine will organize the soccer pickup games, while the City of Portland's Parks and Recreation Department will provide gym space for the games. Additionally, the City of Portland Shelter Program will recruit asylum seekers, transport them to the gym, and cover any associated costs. The goal is to launch the program in May 2025. The initial cost to start the program is \$10,000 for program development, equipment (jerseys, soccer balls, cones, speaker fees) and other expenses. The Spring gym rental fees are waived for the pilot. Should the program prove

to be successful, the total year-round program cost is estimated at \$40,000.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven affirmative votes. 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 195-24/25 Amendment to Portland City Code Chapter 14 RE: Institutional Overlay Zone for the University of New England Campus - Sponsored by the Planning Board, Brandon Mazer, Chair

On February 25, 2025, the Planning Board voted unanimously (5-0, Mazer recused, Silk absent) to recommend that the City Council adopt zoning map and text amendments to establish an Institutional Overlay Zone (IOZ) for the University of New England (UNE) campus and rezone the campus to B-2 Community Business and OS-P Open Space Preservation zones. The proposed amendments would create a uniform zoning designation across the entire UNE Portland campus, replacing the current mix of residential (RN-1 and RN-3), commercial (B-2), and industrial (I-M and I-H) zones with B-2 Community Business and OS-P Open Space Preservation, the latter of which would apply to portions of undeveloped land along the Capisic Brook. The City's major medical and higher education institutions are eligible to apply for IOZ designation, which is encouraged particularly when future development may be inconsistent with existing base zoning. These zoning changes aim to support the long-term evolution of the UNE campus by providing flexibility for academic spaces, residential housing, and publicly accessible open space to better serve students, faculty, staff, and visitors.

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

Order 196-24/25 Amendments to Zoning Map RE: B-2 Community Business, Open Space Preservation, and Institutional Overlay Zone for the University of New England Campus - Sponsored by the Planning Board, Brandon Mazer, Chair

This is a companion order to the order above.

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

Order 197-24/25 Amendment to Portland City Code Chapters 15 and 35 RE: Requirements for Marijuana Retail Licenses Offering Non-Alcoholic Beverages Prepared on-Site - Sponsored by Health & Human Services & Public Safety Committee, Anna Bullett, Chair

On April 15, 2025, the Health & Human Services and Public Safety Committee unanimously recommended to the City Council approval of Order 196, which would allow marijuana retail stores to prepare and sell non-alcoholic beverages on site. Currently, these retailers may only sell prepackaged food and drinks.

There are currently 38 licensed marijuana retailers in the City of Portland. To facilitate the co-location of marijuana retail and beverage preparation, City staff will need to increase training, food safety education, and inspections. A fiscal note that reflects the work required to effectively implement this change is included in backup materials.

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

EXECUTIVE SESSION:

ADJOURNMENT: