

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
ANDREW J. ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

REMOTE CITY COUNCIL MEETING - FEBRUARY 22, 2021

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM INFORMATION:

The Portland City Council will hold a meeting on Wednesday, February 22, 2021 at 5:30 PM. This meeting will take place remotely using Zoom. Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403- A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be un-muted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88385312427?pwd=aGUzQ1NQZzVUNm5xUEExQNmgzdVhJdz09>

Passcode: 515332

Or iPhone one-tap :

US: +13017158592,,88385312427#,,,,*515332# or +13126266799,,88385312427#,,,,*515332#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 883 8531 2427

Passcode: 515332

International numbers available: <https://us02web.zoom.us/j/88385312427?pwd=aGUzQ1NQZzVUNm5xUEExQNmgzdVhJdz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft February 1, 2021 City Council Meeting Minutes

LICENSES:

Order 167-20/21 Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street - Sponsored by Jon P. Jennings, City Manager

Granting Municipal Officers' Approval of Belleflower Brewing Company, LLC dba Belleflower Brewing Company. Application for a Brewery with Outdoor Dining on Private Property and Combined Entertainment at 66 Cove Street.

Application was filed on 1/21/2021. New City applications.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 26-20/21 Presentation of the Racial Equity Steering Committee's Interim Report - Sponsored by Councilor Pious Ali and Lelia DeAndrade, Co-Chairs

At the January 4, 2021 Council meeting, the City Council amended Resolve 1 to grant the Racial Equity Steering Committee an additional three months to complete its work.

The Council requested that an interim report on the Committee's work be presented to the Council at its second meeting in February 2021.

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

UNFINISHED BUSINESS:

Reconsideration of Order 126B-20/21 Designating Munjoy Hill Historic District and Amending the Map of Historic Districts - Sponsored by the Planning Board, Brandon Mazer, Chair

On February 1, 2021, the City Council considered Order 126-20/21 designating an area of Munjoy Hill as a local Historic District and six structures outside the proposed district as individual local landmarks. The Council voted to bifurcate the original Order 126-20/21, separating the landmark and historic district designations, then amended (by removing 21 Sheridan Street from consideration) the landmark designation portion of the item and approved the designation of 101-107 Congress, 7 Lafayette, 8-12 Montreal, 51 Monument, and 28 Waterville as individual landmarks. The City Council voted 4-5 (Fournier, Mavodones, Ali, Zarro, Chong) not to approve the designation of a Munjoy Hill Historic District.

Councilor Zarro, who voted in the majority, has requested that the historic district designation, here numbered Order 126B-20/21, be reconsidered pursuant to Rule 19 of the Council Rules of Procedure.

Five affirmative votes are required to reconsider this item.

If reconsideration is approved, Councilor Zarro has requested that this item be postponed to April 5, 2021 to allow for additional research and discussion.

Order 163-20/21 Amendment to Portland City Code, Chapter 14 Re: Self-Storage Conditional Use in B-3 Downtown Business Zone - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

At a public hearing on December 15 2020, the Planning Board unanimously found (5-0; 2 recused) that the proposed zoning text amendment (self-storage as a conditional use) is consistent with the Comprehensive Plan for the City of Portland.

NewHeight Redfern LLC seeks a text amendment to the B-3 Downtown Business Zone. The proposed text amendment would add self-storage as a conditional use to the B-3 zone.

The applicant seeks to pursue a large, mixed use development on the Mercy Hospital campus, including congregate care and intermediate care facilities. The adaptive reuse of the existing buildings includes the proposal to incorporate a self-storage use. While the B-3 downtown business zone allows high density multifamily housing, it does not permit intermediate care facilities or self-storage.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

Order 164-20/21 Amendment to Zoning Map Re: R-6 to B-3 at 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

At a public hearing on December 15 2020, the Planning Board unanimously found (5-0; 2 recused) that proposed zoning map amendment (from R-6 to B-3) is consistent with the Comprehensive Plan for the City of Portland.

This is a companion order to the Order above. NewHeight Redfern LLC seeks a zoning map amendment to facilitate development at 102, 120, and 148 State Street. The zoning map amendment would rezone twelve parcels from R-6 to B-3 zone.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

Order 165-20/21 Amendment to Downtown Height Overlay Map Re: 148 State Street - Sponsored by the Portland Planning Board, Brandon Mazer, Chair

At a public hearing on December 15 2020, the Planning Board unanimously found (5-0; 2 recused) that proposed amendments to the Downtown Height Overlay map is consistent with the Comprehensive Plan for the City of Portland.

This is a companion order with the orders above. NewHeight Redfern LLC seeks an amendment to the Downtown Height Overlay Map. The Downtown Height Map would add twelve B-3 parcels and designate heights for those parcels.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

Order 166-20/21 Adopting the Council Rules of Procedure for 2021 - Sponsored by the Ad Hoc Rules Committee, Councilor Spencer Thibodeau, Chair

This amendment reflects changes discussed by the Ad Hoc Rules Committee at their January 22, 2021 meeting.

This amendment includes the following changes:

- Moving (i) City Council meetings to 5PM and (ii) the annual, inaugural meeting of the Council from 12:00 PM to 5:30 PM (possibly joining the Council and School Committee inaugurations);
- Allowing Councilors to sponsor Proclamations that are not considered "standing" (i.e. occurring annually, etc.);
- Allows the presiding officer of Council meetings to call the question when it is under debate;
- Limits Councilors' remarks to five minutes during the deliberation of any item or amendment, with the opportunity to request five additional minutes;
- Provides certainty to Council agenda items by setting the public comment period of the Council meeting from 6:00 PM - 7:00 PM at each Council meeting, while also giving the Council the ability to reopen the public comment period after considering agenda items.

At its final meeting on February 8, 2021, the Ad Hoc Rules committee voted to revise the meeting time of the December Inaugural Meeting to 6:00 p.m., and that amendment to the rules is in the back up material. The Rules were otherwise approved as originally proposed.

This item must be read on two separate days. It received its first reading on February 1, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 168-20/21 Granting a Park Encroachment License at 46 Western Promenade - Sponsored by Jon P. Jennings, City Manager

On November 5, 2020, the Parks Commission voted 5-0 (Butcher abstaining) to approve the license with the addition of language defining "maintenance" for approval by the City Council. On December 9, 2020, the Land Bank Commission voted unanimously (9-0) to recommend the park encroachment license for approval by the City Council.

The residential property at 46 Western Promenade is bounded on the east by a small portion of Western Promenade Park. For many decades, there have been numerous park encroachments originating from 46 Western Promenade, including a driveway.

This license would allow only the driveway and anything necessary to maintain the driveway to remain in place and to be maintained at the expense of the owners of 46 Western Promenade. In return, the City will receive \$20,000 in payment for park improvements in Western Promenade Park. An enclosed memo describes the process by which that amount was determined by staff.

Seven (7) affirmative votes are required for passage after public comment, pursuant to Portland City Code Section 2-43(c)(1).

Order 169-20/21 Accepting the 2020 Land Bank Commission Annual Report - Sponsored by Jon P. Jennings, 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 170-20/21 Amending the Portland Tax Increment Financing Policy -
Sponsored by the Housing & Economic Development Committee, Councilor
Spencer Thibodeau, Chair**

The Housing and Economic Development Committee met on January 19, 2021 and voted unanimously (4-0) to recommend approval of these proposed changes by the City Council.

In 2017, the City Council amended the City's Tax Increment Financing (TIF) Policy to allow the maximum average percentage of 75% of captured revenue to be returned to a developer of an affordable housing project. The change was implemented to support projects competing for Low Income Housing Tax Credits (LIHTC). The tax credit application process, administered by MaineHousing, includes a scoring matrix that awards up to 4 points for projects receiving property tax relief. Points are awarded on a tiered approach based on the percentage and length of property tax relief. The LIHTC application process is very competitive. The City's willingness to provide tax increment financing is one way the City can support projects competing for this resource. It was assumed that only projects competing for LIHTC would request this level of TIF financing. The city is now seeing projects not eligible for LIHTC, requesting City assistance through an Affordable Housing TIF. As a result, staff is proposing several changes to the terms for credit enhancement agreements.

Proposed changes are highlighted here and are included in the attached red-lined version of the TIF policy.

(1) Add a definition of affordable, that matches the definition used in other city programs, such as Inclusionary Zoning, as noted below;

Affordable means that the percentage of income a household is charged in rent and other housing expenses including utilities, or must pay in monthly mortgage payments (including real estate taxes, mortgage insurance, condominium/HOA fees, insurance and utilities), does not exceed 30% of a household's gross income, or other amount established in city regulations that does not vary significantly from this amount.

(2) Require the term of the TIF to match the length of affordability of the project.

(3) Other minor clarifying revisions, for example updating the name of the City Department responsible for providing annual TIF reports.

Five affirmative votes are required for passage after public comment.

Order 171-20/21 Accepting and Appropriating Two Donations Totaling \$85,000 to the Dougherty Field Skatepark Expansion Project - Sponsored by Jon P. Jennings, City Manager

This order accepts and appropriates two donations totaling \$85,000 to the Dougherty Field Skatepark Expansion project.

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

Order 172-20/21 Accepting and appropriating a \$20,000 Donation from the Portland Parks Conservancy for the Portland Youth Corps - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a \$20,000 donation from the Portland Parks Conservancy for the Portland Youth Corps, a collaborative program of the Parks, Recreation and Facilities Department (PRF) , the Portland Parks Conservancy (PPC), and Maine Audubon.

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

Order 173-20/21 Accepting and Appropriating a \$20,000 Donation for Improvements at East End Beach - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates a \$20,000 donation from the Friends of the Eastern Promenade for a series of improvements to expand public access for small boat launching (kayak, canoe, stand up paddleboard) at East End Beach.

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

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS: