

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 - APRIL 26, 2021

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

ZOOM INFORMATION:

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, 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 unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81516478955?pwd=NHhGckt3ZFE3bXp2NTYveUZSeG12Zz09>

Passcode: 571567

Or iPhone one-tap :

US: +13126266799,,81516478955#,,,,*571567# or +19292056099,,81516478955#,,,,*571567#

Or Telephone:

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

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

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International numbers available: <https://us02web.zoom.us/j/81516478955?pwd=NHhGckt3ZFE3bXp2NTYveUZSeG12Zz09>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Fish Pier Authority

**Order 206-20/21 Appointing Portland Fish Pier Authority Board Members -
Sponsored by Kate Snyder, Mayor**

Consistent with the Bylaws of the Portland Fish Pier Authority, the Portland City Council is requested to convene as the Corporator of the Portland Fish Pier Authority. At the meeting, the Council is requested to reappoint two Board members:

- Councilor Nick Mavodones as the Class A Board Member, representing the Portland City Council as nominated by the Mayor.
- Meredith Mendelson as the Class B Board member, representing the fishing industry as nominated by the Commissioner of the Maine Department of Marine Resources (DMR).

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft City Council Meeting minutes of April 5 and April 12, 2021

PROCLAMATIONS:

**Proc 11-20/21 Declaring April 2021 as Genocide Awareness and Prevention Month
- Sponsored by Pious Ali, Councilor**

**Proc 12-20/21 Recognizing April 2021 as Arab-American Heritage Month -
Sponsored by Pious Ali, Councilor**

CONSENT ITEMS:

Order 207-20/21 Accepting a Pedestrian Signal Pole Easement at 1210 Brighton Avenue from Portland Hotels, Inc. - Sponsored by Jon P. Jennings, City Manager

As part of improvements to Brighton Avenue, a pedestrian signal pole and portion of sidewalk had to be located out of the public right-of-way. The location of this easement is at 1210 Brighton Avenue (near the Riverside Street and Brighton Avenue intersection).

The City worked with the property owner, Portland Hotels, Inc., and our survey team to determine the limits of the easement. The property owner agreed to and signed the easement allowing for this installation. The Council is now asked to accept the easement as required by Code.

Order 208-20/21 Granting the Maine Department of Transportation a Temporary Construction License Re: Congress Square Intersection - Sponsored by Jon P. Jennings, City Manager

As part of phase one of the Congress Square Redesign project scheduled for 2021, improvements to and expansions of public sidewalks located adjacent to Congress Street and Congress Square are needed. In addition to sidewalk improvements, the project also involves installation of underground electrical conduit for the new signal equipment. The sidewalk improvements and new signal equipment are central to the dual objectives of the project as a whole: to improve efficiency and safety of the intersection and to expand and prioritize pedestrian access to and use of Congress Square. This work requires temporary construction access to a 1,123 square foot area at the edge of Congress Square.

Order 209-20/21 Appointing April D. Fournier to the Portland Public Art Committee - Sponsored by Kate Snyder, Mayor

This order appoints Councilor April Fournier as the City Council representative on the Portland Public Art Committee.

Five affirmative votes are required for passage of the Consent Calendar after public comment.

LICENSES:

Order 210-20/21 Granting Municipal Officers' Approval of City of Portland dba Troubh Ice Arena. Application for an Indoor Entertainment at 225 Park Avenue - Sponsored by Jon P. Jennings, City Manager

This is a new City application.

Five affirmative votes are required for passage after public comment.

Order 211-20/21 Granting Municipal Officers' Approval of J & B Food Services LLC dba Cheese Louise. Application for a Class I FSE at 363 Fore Street -

Sponsored by Jon P. Jennings, City Manager

These are new City and State applications. Location was previously Cheevitdee.

Five affirmative votes are required for passage after public comment.

Order 212-20/21 Granting Municipal Officers' Approval of Mosca LLC dba Wayside. Application for a Class I FSE with Outdoor Dining on Private Property at 747 Congress Street - Sponsored by Jon P. Jennings, City Manager

Five affirmative votes are required for passage after public comment.

Order 213-20/21 Granting Municipal Officers' Approval of The Coast Watch & Guiding Light Navigation Co Inc dba Portland Discovery Land and Sea Tours. Application for a Combined Entertainment License at 170 Commercial Street - Sponsored by Jon P. Jennings, City Manager

Applicant currently holds a Class I Vessel license with Combined Entertainment. Chapter 4 Sec 4-53 (2) requires a public hearing for all initial applications for a Combined Entertainment License.

Five affirmative votes are required for passage after public comment.

Order 214-20/21 Granting Municipal Officers' Approval of Fathom CC LLC dba Canopy Portland Waterfront. Application for a Class IA FSE with Indoor Entertainment and Outdoor Dining on Private Property at 9 Center Street - Sponsored by Jon P. Jennings, City Manager

These are new City and State applications.

Five affirmative votes are required for passage after public comment.

Order 215-20/21 Granting Municipal Officers' Approval of BW Stadium LLC dba Binga's. Application for a Class XI FSE with Outdoor Dining on Private Property at 949 Forest Avenue - Sponsored by Jon P. Jennings, City Manager

These are new City and State applications. Location was previously Maelily & Ryleigh's.

Five affirmative votes are required for passage after public comment.

Order 216-20/21 Granting Municipal Officers' Approval of Apres, LLC dba Apres. Application for a Class A Lounge with Combined Entertainment and Outdoor Dining on Private Property at 148 Anderson Street, with zoning conditional use limited to not more than 10% of beers produced offsite - Sponsored by Jon P. Jennings, City Manager

This license, if approved, will include the condition that the applicant can offer up to, but not more than, 10% of beers produced offsite.

Five affirmative votes are required for passage after public comment.

Order 217-20/21 Granting Municipal Officers' Approval of Bissell Brothers Brewing Co LLC dba Bissell Brothers. Application for a Class III & IV FSE with Outdoor Dining on Private Property at 38 Resurgam Place - Sponsored by Jon P. Jennings, City Manager

Five affirmative votes are required for passage after public comment.

Order 218-20/21 Granting Municipal Officers' Approval of Cellardoor Winery Inc dba Cellardoor Winery Portland. Application for a Winery On Premise License at 127 Middle Street - Sponsored by Jon P. Jennings, City Manager

This is a new City application.

Five affirmative votes are required for passage after public comment.

Order 219-20/21 Granting Municipal Officers' Approval of Experience Maine LLC dba Experience Maine Market. Application for a Class I FSE at 5 Commercial Street - Sponsored by Jon P. Jennings, City Manager

These are new City and State applications. This location was previously Rosemont Market.

Five affirmative votes are required for passage after public comment.

Order 220-20/21 Granting Municipal Officers' Approval of Vino Bodega, Inc dba Silly's. Application for a Class III & IV FSE with Outdoor Dining on Public Property at 68 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

These are new City and State applications. This location was previously Simply Vegan by Sillys.

Five affirmative votes are required for passage after public comment.

RESOLUTIONS:

Resolve 8-20/21 Adopting the Fiscal Year 2022 Annual Action Plan including appropriations For the Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program and Approving a Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidate Plan and 2019-2020 Annual Action Plan and Certifications Pertaining Thereto - Sponsored by Jon P. Jennings, City Manager

The 2021/2022 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 \$5,031,875:

- Community Development Block Grant ("CDBG") Entitlement Funds (\$1,902,454);
- Downtown TIF funding (\$120,000);

- Cotton St proceeds (\$20,000);
- HOME Program Grant, Program Income and Recapture (\$1,202,666);
- Lead Safe Housing Program Income (\$147,923);
- Local Housing Trust Fund (\$1,455,975);
- Emergency Solutions Grant (“ESG”) funds (\$164,857)

In addition, a substantial amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan will re-program \$524,669 in CDBG Cares Act funds (CDBG-CV3) and program \$1,004,425 in ESG Cares Act funds (ESG-CV2).

The CDBG Annual Allocation Committee reviewed all applications and made funding recommendations to the City Manager, who whose recommendations are enclosed and include recommendations for CDBG-CV3 and ESG-CV2 funding. The Housing & Economic Development Committee reviewed the Housing Program Budget at their meeting on February 2, 2021 and voted unanimously (4-0) to recommend City Council approval of the budget.

Revisions to the HomePort Program Guidelines are submitted as a communication item and will be included in the Annual Action Plan filed with the U.S. Department of Housing and Urban Development. Additional information can be found in the staff memo (enclosed).

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 FY22 are set for April 5 and April 26.

The first hearing on this item was held April 12, 2021. Five affirmative votes are required for passage after public comment.

Resolve 9-20/21 Endorsing a National, Revenue-Neutral Carbon Fee-and-Dividend Policy - Sponsored by Kate Snyder, Mayor

The Sustainability & Transportation Committee endorsed this resolution in support of a national, revenue-neutral carbon fee-and-dividend system at its meeting on February 17, 2021.

The proposed resolution advocates for a national, revenue-neutral carbon fee-and-dividend system and urges the Federal delegation from Maine to support its adoption.

Five affirmative votes are required for passage after public comment.

ORDERS:

Order 221-20/21 Approving Amendments to Loan Terms re: Iris Park Apartments

- Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing & Economic Development Committee met on March 16, 2021 and voted 0-4 against a staff recommendation to amend the terms of a loan to Iris Park Apartments, LP that requires a payment in lieu of taxes (PILOT) if the title to the property is transferred to a tax exempt organization.

In Fiscal Year 2004/2005, the City Council authorized the appropriation of \$250,000 to the IRIS Network as partial financing to develop 30 units of rental housing at 189 Park Avenue. The redevelopment project included the renovation of 15 existing units within the Baxter Building and 15 new units in an addition that was constructed; 14 one-bedroom units affordable at or below 50% area median income (AMI), 10 one-bedroom units affordable at or below 60% AMI, 4 two-bedroom units affordable at or below 50% AMI and 2 two-bedroom units affordable at or below 60% AMI. The funding was advanced as a 0% interest loan with payment deferred for 30 years, as set forth in a June 13, 2005 Loan Agreement and related documents between the parties (the "Loan Documents"). The City has affordability restrictions in place for a 90 year term (75 years remaining). The primary funding for the project was from the Low Income Housing Tax Credit Program administered by MaineHousing. The 15-year tax credit compliance period for this project is expiring. The limited partnership that was established for tax credit purposes is dissolving and the Iris Network, a non-profit entity, will be assuming ownership of the project. The Iris Network will be restructuring their loan terms with MaineHousing and they will be assuming the obligations under the City Loan Documents.

The City Loan Documents included a clause that if ownership of the premises is conveyed to a tax exempt organization, a payment-in-lieu of taxes equal to the property taxes assessed on the premises would be required.

The Iris Network is requesting a modification of this term to require a 25% payment in lieu of taxes (PILOT) if the title to the property is transferred to a tax exempt organization.

Five affirmative votes are required for passage after public comment.

Order 222-20/21 Approving the Agreement between the Maine Department of Transportation and the City of Portland Re: Veranda Street - Sponsored by Jon P. Jennings, City Manager

This Utility agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates the City to pay for 10% of the duct bank utility work that is located in the City of Portland, or an estimated \$16,111.00, in a project on Veranda Street. This is an increase of \$5,711 from an original agreement of \$10,400.

Five affirmative votes are required for passage after public comment.

Order 223-20/21 Receiving and Referring to the Finance Committee the City Manager's Fiscal Year 2022 Budget Estimate and Setting a Public Hearing Thereon - Sponsored by Jon P. Jennings, City Manager

Under this order the City Council receives the City Manager's proposed budget and refers it to the Finance Committee for review. The Finance Committee will review the budget starting on April 27th, at 5:00 p.m. via remote Zoom meeting.

The City Manager will present an overview of the budget followed by the Mayor's comments as required in the City Charter.

Budget materials are in the agenda packet.

A City Council workshop to discuss the Municipal Budget will be held on May 10th at the 5:00 p.m. remote Zoom meeting.

The first read of the FY22 Appropriation Resolve and Public Hearing will be May 17th at 5:00 p.m. via remote Zoom City Council meeting.

A Public Hearing will be at the remote Finance Committee meeting on May 20th at 5:00 p.m. via Zoom.

Final City Council action on the Municipal Budget will take place at the City Council meeting on June 7th, at 5:00 p.m. via remote Zoom meeting.

Five affirmative votes are required for passage after public comment.

Order 224-20/21 Accepting and Referring the Final Report of the Racial Equity Steering Committee to the Committee on Health & Human Services and Public Safety - Sponsored by Kate Snyder, Mayor

Five affirmative votes are required for passage after public comment.

Order 225-20/21 Accepting and Appropriating an Anonymous Donation of \$2,500 toward the Community Needs Fund - Sponsored by Jon P. Jennings, City Manager

This item accepts and appropriates an anonymous donation of \$2,500.00 from an anonymous individual in Falmouth, Maine, to be used as a way of giving back to the community through Police Department community programs.

With this funding, the Police Department will establish a Community Needs Fund. The purpose of this Fund is to support the assistance that officers currently provide, often using their own money, to help local youth and community members. Examples include buying a youth a pair of shoes or a jacket, or a community member a meal. Other uses of Community Needs funding will include support for youth- or community-oriented programs or events.

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

AMENDMENTS:

Order 226-20/21 Zoning Map Amendment Re: B-1 to B-2 in the Vicinity of Congress and Douglass Streets and Massachusetts Avenue - Sponsored by the Planning Board, Brandon Mazer, Chair

Big Donut, LLC, seeks a zoning map amendment to change the existing B-1 Neighborhood Business zone to a B-2 Community Business zone at 1217 Congress Street.

The subject property is located on the corner of Congress Street and Bolton Street and is 12,219 square feet in size. There are two existing structures at the site: a doughnut shop and a vacant gas station.

The Planning Board approved an expanded version of this zoning request on December 15, 2020. The approval included the entirety of properties located at 1183-1227 Congress Street, 50-52 Douglass Street, and 4-14 Massachusetts Ave, all of which which are currently zoned B-1.

The current B-1 zoning allows for small-scale, neighborhood-oriented commercial development. The proposed rezoning is intended to facilitate future development of a higher intensity than current zoning allows; while the applicant has not committed to a future development scenario as of this writing, future uses could potentially include a retail marijuana use oriented toward serving the caregiver community, a veterinary clinic, a pharmacy, or a number of other permitted B-2 uses that are consistent with the applicant's business plans.

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: