

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)

CITY COUNCIL MEETING - SEPTEMBER 20, 2021 AT 5:00 PM

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

ZOOM INFORMATION:

Due to the existence of an emergency or urgent issue the City Council will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>

Passcode: 206775

Or One tap mobile :

US: +13017158592,,85621497951#,,,,*206775# or +13126266799,,85621497951#,,,,*206775#

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: 856 2149 7951

Passcode: 206775

International numbers available: <https://us02web.zoom.us/j/khadnBmg9>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

Announcement by Kate Snyder, Mayor, regarding Katherine L. Jones' recognition as the 2021 "Clerk of the Year" by the Maine Town and City Clerks' Association

RECOGNITIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft September 8, 2021 City Council Meeting Minutes

PROCLAMATIONS:

Proclamation 5-21/22 Recognizing September 15 to October 15, 2021 as Hispanic Heritage Month - Sponsored by Pious Ali, Councilor

Proclamation 6-21/22 Recognizing September 20 to September 25, 2021 as National Clean Energy Week - Sponsored by Kate Snyder, Mayor

Proclamation 7-21/22 Recognizing September 27 to October 3, 2021 as Diaper Need Awareness Week - Sponsored by Kate Snyder, Mayor

Proclamation 8-21/22 Recognizing September 30, 2021 as the National Day of Remembrance for U.S. Indian Boarding Schools - Sponsored by April Fournier, Councilor

CONSENT ITEMS:

Order 49-21/22 Accepting the Donation of the former Casco Bay Creamery Shack from Doug Hassan - Sponsored by Jon P. Jennings, City Manager

Doug Hassan, d/b/a Casco Bay Creamery (CBC), leased land from the City near the Portland Ocean Terminal for three years, and his lease terminated October 31, 2019. Doug Hassan has made an application to donate his moveable ice cream shack, excluding its contents and the CBC sign, to the City.

This donation could be used for a number of purposes to benefit the public, including leasing to an organization or business. The shack is approximately an 8-foot octagon (see attached picture) and is set on posts, so it can be easily moved.

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

LICENSES:

Order 50-21/22 Granting Municipal Officers' Approval of A&P Pop Ups LLC, dba Jack's Twisted Mansion. Application for a Class 1 FSE with Indoor Entertainment at 156 State St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 7/27/21. New City and State applications. Location was previously Black Tie Catering. A Class A Restaurant (Class I) is a permitted use in the B-3 zone. The City Council approved a Zoning Map Amendment to change the zone of this property from R-6 to B-3 on September 8, 2021.

Five affirmative votes are required for passage after public comment.

Order 51-21/22 Granting Municipal Officers' Approval of XGP LLC, dba X-Golf Portland. Application for a Class XI Restaurant/Lounge at 101 York St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 8/27/21. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 52-21/22 Granting Municipal Officers' Approval of Wallace Project LLC, dba Maps. Application for a Class X Lounge at 64 Market St. - Sponsored by Jon P. Jennings, City Manager

Application was filed on 8/31/21. New City and State applications. Applicant currently holds Class III & IV FSE at this location.

Five affirmative votes are required for passage after public comment.

Order 53-21/22 Granting Municipal Officers' Approval of Maine Craft Distilling LLC dba Maine Craft Distilling. Renewal application for a Combined Entertainment License at 123 Washington Ave. - Sponsored by Jon P. Jennings, City Manager

A renewal application was filed on 8/11/2021 by Maine Craft Distilling LLC. The applicant currently holds a Class XI FSE with Combined Entertainment and Outdoor Dining on Private Property. Councilor Belinda Ray requested that the renewal be considered by the City Council.

Five affirmative votes are required for passage after public comment.

Written Public Comment

UNFINISHED BUSINESS:

Order 45-21/22 Traffic Schedule Amendment Re: Closing Dana, Wharf and Part of Milk Street to Through Traffic - Sponsored by Jon P. Jennings, City Manager

On August 31, 2021, the Housing & Economic Development Committee (HEDC) voted unanimously (4-0) to forward the proposal to close Dana Street, Wharf Street, and one block of Milk Street (between Market and Exchange) to through traffic to the full Council for approval.

These recommendations are part of Open Air Portland, a program developed to support increased pedestrian, bicycle, and business activity outdoors. Additional information, including information requested by HEDC on August 31, is included in the agenda packet.

In developing the program, staff collected feedback from various external stakeholders. Regarding the closure of Dana, Wharf, and part of Milk Street to vehicle traffic, 81% of respondents said it was a "good idea", 8% said it was a "bad idea", and 11% said they were "unsure". More survey results and program details are included in the backup materials.

This item must be read on two separate days. It received its first reading on September 8, 2021. Five affirmative votes are required for passage after public comment.

Order 46-21/22 Amendment to Portland City Code Chapter 25 Re: Parklet Fee Reduction - Sponsored by Jon P. Jennings, City Manager

On August 31, 2021, the Housing & Economic Development Committee unanimously voted (4-0) to forward the proposal to reduce parklet permit application fees to the full Council for approval.

This recommendation is part of Open Air Portland, a program developed to support increased pedestrian, bicycle, and business activity outdoors. This recommendation is also designed to help businesses during the economic uncertainty caused by COVID-19.

According to Chapter 25, the parklet permit application fee is \$5,520, which reflects the costs associated with the program administration (staff time, loss of parking revenue, etc.). During the pandemic and with the authority granted to him via a temporary Emergency Order, the City Manager temporarily reduced the fees to \$1,092 in recognition of the economic challenges facing small businesses.

To continue to support small businesses through their recovery, this item would amend Chapter 25 so that the fee associated with one parklet permit is \$3,000 and the fee for two parklet permits is \$5,000. This fee schedule will be evaluated annually to ensure the City can fully recoup the costs associated with program implementation.

In developing Open Air Portland, staff collected feedback from various external stakeholders. Businesses currently licensed to operate on parklets indicated that, if parklet fees were set at \$3,000 (for one) and \$5,000 (for two), 1/3 of them would continue to operate on a parklet; 1/3 would no longer continue to operate on a parklet; and 1/3 were unsure.

This item must be read on two separate days. It received its first reading on September 8, 2021. Five affirmative votes are required for passage after public comment.

Written Public Comment

Order 47-21/22 Accepting and Appropriating \$40,909.09 in Assistance to Firefighters Grant Funding from Federal Emergency Management Agency - Sponsored by Jon P. Jennings, City Manager

The Portland Fire Department was recently awarded Federal Emergency Management Agency (FEMA) funding of \$40,909.09 to support the work of a new, full-time mental health employee within the Fire Department. The local match for this grant is \$4,090.01 and is accounted for in the FY22 budget.

Specifically, this funding will support training, workshops, equipment and other services for the position. Per FEMA guidelines, funding must be accepted by September 25, 2021.

This item must be read on two separate days. It received its first reading on September 8, 2021. Five affirmative votes are required for passage after public comment.

Order 48-21/22 Order Declaring an Emergency - Sponsored by Kate Snyder, Mayor

After hearing from City of Portland public health officials at a workshop on September 8, 2021, the City Council called a special meeting on September 13, 2021 in order to

consider amending its emergency proclamation to, among other things, mandate the use of face coverings in public indoor spaces located in the City. Public health officials made it clear that critical care hospitalizations in Maine have reached their highest numbers for the entire period of the Covid-19 pandemic. And that this is happening despite a high county-wide rate of vaccinations and is primarily the result of the Delta variant's contagiousness. As a result, they, along with the United States Centers for Disease Control and Prevention officials and the Maine Center for Disease Control officials, all advise the use of all preventative measures, including the use of face coverings in public indoor spaces. It is hoped that these measures will succeed at stopping the relentless spread of Covid-19, especially among the immune-compromised and children under 12, who are not yet allowed to be vaccinated.

At the September 13, 2021 special meeting, the Council voted (8-1) to postpone their vote on the emergency proclamation to September 20, 2021 to gather additional information. Staff is requesting that this item be passed as an emergency. Seven votes are required for passage as an emergency following public comment.

Written Public Comment

ORDERS:

Order 54-21/22 Appointing Local Health Officer Bridget Rauscher Constable - Sponsored by Kate Snyder, Mayor

This order appoints Local Health Officer Bridget Rauscher constable for the 2021 calendar year. The appointment would authorize her to enforce the mask mandate under consideration in the Emergency Order 48-21/22.

This appointment is effective from the effective date of the order until 12:00 midnight, December 31, 2021, and is made pursuant to Portland City Code, Sections 2019 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of their duties, or to make arrests or issue parking tickets, except for the constables listed who work for the Parking Division and issue parking tickets as part of their job.

In order to authorize Ms. Rauscher to enforce the mask mandate, if adopted, staff is asking that this order be passed as an emergency. Seven affirmative votes are required for passage after public comment.

Order 55-21/22 Adopting the Western Promenade Historic Landscape Master Plan - Sponsored by Jon P. Jennings, City Manager

The Parks, Recreation and Facilities Department and the Historic Preservation Office of the Planning and Urban Development Department have partnered with the Friends of Western Promenade to prepare a Master Plan for the Western Promenade. The plan was reviewed by the Sustainability & Transportation Committee in May 2021.

Five affirmative votes are required for passage after public comment.

Order 56-21/22 Approving a Request for Proposals for the Sale and Development of the Thames Street Lot at Fore Street Connector - Sponsored by the Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing & Economic Development Committee (HEDC) met on August 31, 2021, and voted 4-0 to recommend to the City Council that it approve this proposed Request for Proposals (RFP) for sale of the remaining portion of the Thames Street property.

In 2018/2019, a portion of the Thames Street property was sold through a similar RFP process to support attracting the WEX Headquarters and a new parking garage with 83,000 square feet of commercial space (occupied by WEX and the Roux Institute) located at 100 Fore Street.

Staff's proposed approach, similar to the above, is to solicit proposals for the remaining portion of the Thames Street property (bounded by Mountfort Street right-of-way, Thames Street, the new Connector Road and adjacent to privately owned property which includes the VA Clinic and other tenants) through a public RFP process. HEDC and City Council will have final decision-making over any purchase and sale agreement related to the sale of this property.

Five affirmative votes are required for passage after public comment.

Order 57-21/22 Updating and Establishing Maintenance and Implementation Assessments for Portland Downtown for Fiscal Year 2021-2022 - Sponsored by Jon P. Jennings, City Manager

This Order updates the mill rate being used in the special assessment of property in the Portland Downtown (PD) District to \$0.57 per \$1,000 of property value (from \$0.54 per \$1,000 of property value). This update is necessary due to changes in property valuations since Order 299-21/22 was passed on July 19, 2021.

This change is also necessary to raise the funds for PD's FY2022 budget of \$1,036,500.

The Portland Downtown (PD) District was originally established by the City Council on March 16, 1992. Since then, each year in June, for the following fiscal year starting July 1st, City Council authorization to establish the PD District special assessment and approve the related documents is needed.

At the July 19, 2021, City Council meeting, three Orders were approved for PD for FY2022: (1) Adopting the Development Program for the PD; (2) Assessing Maintenance and Implementation Assessments in the PD District; and, (3) authorizing the Agreement for work to be done by PD and work to be done by the City.

Staff recommends that the first reading be waived and the measure passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

Order 58-21/22 Appropriating \$150,000 from the Housing Trust Fund to Developers Collaborative Predevelopment LLC Re: Phoenix at Danforth - Sponsored by the

Housing & Economic Development Committee, Councilor Spencer Thibodeau, Chair

The Housing & Economic Development Committee met on August 31, 2021 and voted unanimously (4-0) to forward this item to the City Council with a recommendation for passage.

Developers Collaborative is proposing to construct 30 units of affordable housing on a site it owns at 155 Danforth Street. 100% of the units will have income restrictions.

The City Council previously approved an Affordable Housing Tax Increment Financing District (Order 280-18/19 and Order 28-18/19) to renovate the existing building at 66 State Street and to construct 155 Danforth Street. \$299,999 in HOME subsidy financing was also approved by the City Council for 155 Danforth Street (Order 33-19/20).

This order appropriates \$150,000 from the Housing Trust Fund to Developers Collaborative for the affordable housing project called Phoenix at Danforth, located at 155 Danforth Street.

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

AMENDMENTS:

Order 59-21/22 Amendment to the Portland City Code Chapter 2 Re: Additional Senior Tax Relief - Sponsored by the Finance Committee, Nicholas Mavodones, Chair

The Finance Committee met on September 9, 2021 and voted 3-0 to forward this amendment to the full City Council for approval.

This Order would increase maximum P-STEP payments from \$900 to \$1,200 (matching State of Maine maximum payments) effective upon passage by the City Council. In FY22 only (the "bridge" year), maximum payments would be doubled for eligible applicants who own a homestead in the City and applied directly to property taxes due.

LD 1638 (An Act To Help Seniors and Certain Persons with Disabilities Remain in their Homes by Providing for the Deferral of Property Taxes) was signed into law by Governor Mills on July 19, 2021. Taxpayers who qualify for this program are eligible to defer their property taxes due until the sale of their homes at a later date. Under this program, the State of Maine will pay a municipality directly for any property taxes due, place a lien on the property, but not foreclose on the loan so the property taxpayer could remain in the home as long as necessary. This program is a win-win-win for the State, local municipality, and the property taxpayer. Unfortunately, due to the timing of the law passage, the program will not go into effect until the FY23 tax year (application period opens in January 2022 for FY23 tax bills), so it is not available for the current property tax year. For many low income seniors in Portland, an option for a "bridge program" for the upcoming tax year (FY22) which will assist them until the State deferral program goes into place is necessary. The most critical component of the bridge program is increasing the maximum payments available under the Portland Senior Tax Equity Program (P-STEP).

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: