

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 - NOVEMBER 15, 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](mailto: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:**

**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](http://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/85621497951?pwd=UFFoUHdtZldieU1vVms5eFB2L25ZZz09>**

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+13126266799,,85621497951#,,, \*206775#**

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### **PLEDGE OF ALLEGIANCE:**

### **ROLL CALL:**

### **ANNOUNCEMENTS:**

## **RECOGNITIONS:**

## **PRESENTATIONS:**

**State of the Schools Address - Emily Figdor, Chair, Portland Board of Public Education**

## **ANNUAL MEETING:**

### **Annual Meeting of the Corporator of the Creative Portland Corporation**

Pursuant to the Bylaws of Creative Portland (CP), the Portland City Council, as Corporator of Creative Portland, shall hold its annual meeting in the month of November each year or at a special meeting. This year's Annual Meeting Agenda includes:

1. Accepting CP FY2021 Activity and Financial Reports;
2. Appoint/reappoint Board Directors; and,
3. Transaction of other business as may be deemed necessary.

In addition to Creative Portland's signature programs, like First Friday Art Walk and Creative Portland Art Gallery, FY2021 notable accomplishments included:

1. The [Portland Artist Relief Fund](#) established in March 2020, raised over 95K total and disbursed awards to over 100 artists.
2. Creative Portland Website overhaul and [Creative Portland Cultural App](#) in development for Spring 2022 launch.
3. [Arts Banners for Public Health Campaign](#) - Interdepartmental City collaboration to install vibrant and impactful arts messaging throughout the City and on flagpoles, supported by a "Keep Maine Healthy" State grant.
4. The [Portland Arts & Culture Summit](#) September 2021 was postponed until 2022.
5. [Creative Bus Shelter Initiative](#): Installed the 4th shelter in May 2021 at the Portland Transportation Center. Received a second NEA Our Town Grant for the Creative Bus Shelter Initiative Round 2, with four additional public art installations projected in the summer of 2022.
6. [Fiscal Sponsorship program](#) - including Black-Owned Maine, Gulf of Maine Eco Arts, Arts at Greenwood Garden, Flukes and Speedwell Projects.

### **Order 90-21/22 Appointing Anne McGuire as a Director of the Creative Portland Corporation - Sponsored by Kate Snyder, Mayor**

Assistant City Manager Anne McGuire will be the City Manager's designee on the Board of Directors of the Creative Portland Corporation. She must be approved for this appointment by the Corporator in a Special Meeting.

Five affirmative votes are required for passage after public comment.

## **SPECIAL MEETING:**

### **Special Meeting of the Corporator of the Portland Development Corporation**

Pursuant to the bylaws of the Portland Development Corporation (PDC), the Portland City Council, as Corporator of the Portland Development Corporation, shall hold its

annual meeting in the month of September each year or at a special meeting.

This year's Annual Meeting Agenda includes:

1. Accepting, as a communication, the attached PDC FYE 2021 Activity and Financial Reports; and,
2. Transacting other business as may be deemed necessary.

*PDC FYE2021 Activity and Financial Reports*

For FYE 2021, the PDC invested just over \$1 Million Dollars in 88 businesses and economic development projects, which leveraged over \$20 Million in private sector funds associated with creating/retaining over 150 jobs. These investments included 3 commercial loans; 1 Brownfield grant and loan; 16 COVID-19 Loans; 66 COVID-19 Microenterprise Grants; and 2 COVID-19 Business Assistance Program Rehire Grants.

**Order 91-21/22 Appointing Directors to the Portland Development Commission - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair**

The Corporator is asked to postpone this order to December 15, 2021, because the Nominating Committee has not yet made appointment recommendations.

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

**Approval of the draft November 1, 2021 City Council Meeting Minutes.**

**PROCLAMATIONS:**

**CONSENT ITEMS:**

**Order 92-21/22 Accepting Watercolor Painting "#18 'City Hall, New'" from Artist R.N. Cohen - Sponsored by Danielle West, Interim City Manager**

R. N. Cohen has been painting pictures here in the downtown since graduating from Maine College of Art in 1970. His paintings include many of Portland's scenery and architecture, from Munjoy Hill, to Portland City Hall, to Hadlock Field to name a few.

Mr. Cohen's "#18 'City Hall, New'" is his view perspective from Exchange Street at Temple Street looking up at City Hall, painted in 2017, which he now wants to present to the City of Portland as a gift.

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

**LICENSES:**

**Order 93-21/22 Granting Municipal Officers' Approval of J & L Ventures, LLC, dba The Tavern. Application for a Class A Lounge at 123 Commercial Street - Sponsored by Danielle West, Interim City Manager**

Application was filed on 10/25/21. New City and State applications. Applicant currently holds a Class XI FSE at this location.

Five affirmative votes are required for passage after public comment.

**Order 94-21/22 Granting Municipal Officers' Approval of G&L Maine LLC, dba G & L Maine. Application for Class A Lounge with Outdoor Dining on Private Property at 211 Danforth Street - Sponsored by Danielle West, Interim City Manager**

Application was filed on 10/22/21. New City and State application. Location was previously Little Giant.

Five affirmative votes are required for passage after public comment.

**Order 95-21/22 Granting Municipal Officers' Approval of Dirty Dove LLC, dba Dirty Dove. Application for Class XI Restaurant/Lounge at 229 Congress Street - Sponsored by Danielle West, Interim City Manager**

Application was filed on 10/25/21. New City and State application. Location was previously Sip of Europe Cafe.

Five affirmative votes are required for passage after public comment.

**Order 96-21/22 Granting Municipal Officers' Approval of Hello Portland LLC, dba Regards. Application for Class I FSE at 547 Congress Street - Sponsored by Danielle West, Interim City Manager**

Application was filed on 10/22/21. New City and State application. Location was previously Emilitsa Restaurant.

Five affirmative votes are required for passage after public comment.

**Order 97-21/22 Granting Municipal Officers' Approval of Kenkev II, INC, dba PT's Showclub. Application for Class A Lounge with Indoor Entertainment and Nudity in Business at 200 Riverside Street - Sponsored by Danielle West, Interim City Manager**

Application was filed on 10/28/21. New City and State application. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

**COMMUNICATIONS:**

**Com 4-21/22 The Greater Portland Transit District's Fiscal Year 2022 Preliminary Budget and Municipal Assessments - Sponsored by Danielle West, Interim City Manager**

In accordance with 30-A-MRS §3516, the Greater Portland Transit District's Fiscal Year 2022 Preliminary Budget and Municipal Assessments is being submitted for review by the City Council. Formal Council action is not required.

If the City Council does not want to refuse the assessment, it must notify Metro of its refusal within thirty (30) calendar days of this submission. Since 2015, the Portland City

Council has neither formally reviewed nor acted on Metro's budget.

The submission has been reviewed by the City's Finance Director and Interim City Manager. Staff recommend that the Council does not refuse the assessment; additional feedback is provided in the backup materials.

**Com 5-21/22 Update on the status and methodology of the East Bayside Sound Study - Sponsored by Danielle West, Interim City Manager**

**UNFINISHED BUSINESS:**

**Order 88-21/22 Amendment to Portland City Code Chapter 15 Re: Emergency Shelter License Requirements - Sponsored by the Health & Human Services and Public Safety Committee, Tae Chong, Chair**

The Health & Human Services and Public Safety Committee met on September 28, 2021 and voted 2 - 0 (Ray absent) to recommend passage to the full Council.

The amendment would establish licensing requirements and enforcement provisions for emergency shelters to ensure the safety of clients and staff. These include a two-tier fee structure for small and large emergency shelters, a bed density cap of 300 beds within a one-mile radius, a 1,000-foot buffer zone between shelters, a day space requirement, and exemptions for pre-existing emergency shelters.

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

**Order 89-21/22 Amendment to the Portland City Code Chapter 18 Re: Bedford Park renamed Noyes Park - Sponsored by Danielle West, Interim City Manager**

This Order would rename Bedford Park Noyes Park in recognition of the family that originally donated the land to the City to create this park in 1927. This request was made by members of the Noyes family and is supported by City staff.

Staff research determined that the name "Bedford Park" began to be used in the 1950s, but their research did not determine why or how that change was made. Additional information on the history of this property and the research conducted by staff can be found in the accompanying staff memo.

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

**Written Public Comment**

**ORDERS:**

**Order 98-21/22 Accepting and Appropriating a \$50,000 Donation from the Friends of Congress Square - Sponsored by Danielle West, Interim City Manager**

Order to accept a financial donation of \$50,000 from the Friends of Congress Square to be used towards Congress Square Redesign Phase-B Construction.

The Congress Square Redesign project is a large-scale renovation of a major public space in the heart of the Portland Arts District. Phase I of the redesign includes reconfiguration of the intersection and sidewalks and is anticipated to begin in 2022. Phase II includes the completion of construction documentation building upon the Design Development work that was approved in 2018.

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

**Order 99-21/22 Approving the Collective Bargaining Agreement with the Police Superior Officers Benevolent Association for 2021 to 2023 - Sponsored by Danielle West, Interim City Manager**

Staff has reached a tentative agreement with the Police Superior Officers Benevolent Association (PSOBA) on a successor contract. The prior collective bargaining agreement expired December 31, 2020.

The PSOBA, which is comprised of 32 Police Lieutenants and Sergeants, has reached a tentative agreement with the City. The Administration is requesting a first reading on November 15, 2021. The tentative agreement is within the guidance received by the City Council on April 14, 2021.

The Union has ratified the tentative agreement and the Administration recommends your support for the agreement.

Terms of the Agreement include a three (3) year contract with general wage increases of 0% effective January 3, 2021; 2.0% effective January 2, 2022 and 2% effective January 1, 2023.

Other economic agreements are as follows:

**Effective January 3, 2021** – increase the first step of the Sergeants' pay scale to be 5% above the top step of the Detective pay scale (Retroactive) Also, the first step of the Lieutenant pay plan will be adjusted to be 7% above the top step of the Sergeant pay plan (Retroactive) (See attached pay plans) \* **\*These adjustments are to correct promotional inequities and to adjust for market rates**

**Article 4.3.2** – add Field Force Team to the part-time specialty list and increase the rate from \$30.00/week to \$40.00/week

**Article 5.5.2** – Administrative pay to increase by \$10.00 per week as follows:

Sergeants from \$70.00/week to \$80.00/week

Lieutenants from \$80.00/week to \$90.00/week

CID/Admin/Professional Standards Lieutenants from \$90.00/week to \$100

**Article 6.1** – add Juneteenth (June 19<sup>th</sup>) to the list of recognized City Holidays

**Article 7** – add Earned Paid Leave (EPL) language to the contract

**Article 10.1.1** Effective January 2, 2022, all officers enrolled in the MEPRS pension plan will move from the 2C plan to the 3C plan

**Article 10.1.3** Effective January 2, 2022, the City will increase the Employer contribution to the 401a retirement plan by 2.5%

The contract term is January 3, 2021 through December 31, 2023.

This item must be read on two separate days. Staff is requesting that the second reading be waived, which requires seven votes. Five affirmative votes are required for passage after public comment.

**Order 100-21/22 Approving a Purchase and Sale Agreement with AJ Holding Company, LLC for Units 6 and 7 in Portland Technology Park - Sponsored by the Housing & Economic Development Committee, Mayor Kate Snyder, Acting Chair**

The Housing & Economic Development Committee reviewed this at its November 2, 2021 meeting and voted (4-0) to forward it to the City Council for approval.

The proposed Purchase and Sale Agreement (PSA) has been negotiated to sell Units 6 and 7, located in the City-owned and developed Portland Technology Park (PTP), to AJ Holding Company, LLC, a/k/a Aroma Joe's, for a sale price of \$595,000. This PSA is presented for approval by the City Council and authorization of the City Manager to execute the PSA, as well as any other appropriate documents, for the property sale.

AJ Holding Company, LLC. is currently located in leased space at 352 Warren Avenue in Portland. The company is proposing to construct a new minimum 12,000 square foot building to use as its corporate headquarters and relocate from Warren Avenue.

Five affirmative votes are required for passage after public comment.

**Order 101-21/22 Amendment to Solar Array Fees - Sponsored by the Sustainability & Transportation Committee, Councilor Belinda Ray, Chair**

The Sustainability & Transportation Committee met on November 10, 2021 and voted 2-0 to recommend this revision to solar array fees.

Solar array fees are charged for solar panels on residential properties, which must meet building code requirements and are inspected by the Portland Permitting and Inspections Department. In this case, while the base fee is rising from \$50 to \$75 to be in compliance with the minimum fee set by the state, the fee for each additional kilowatt above 25 is decreasing from \$10 to \$1.00. This change is recommended by staff to promote the goal of Order 123-20/21, Approving One Climate Action and Adaptation Plan, to reduce greenhouse gases.

Five affirmative votes are required for passage after public comment.

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