

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

MARK N. DION (5)
APRIL FOURNIER (A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY COUNCIL MEETING - JANUARY 3, 2022 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:

This meeting will take place remotely using Zoom.

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/82805568760?pwd=b3N6azJHZldnSVNSUXBvYU9mSzYxUT09>

Passcode: 535147

Or One tap mobile :

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

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+1 253 215 8782 or +1 346 248 7799

Webinar ID: 828 0556 8760

Passcode: 535147

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the December 20, 2021 City Council Minutes

PROCLAMATIONS:

Proclamation 12-21/22 Recognizing January 17, 2021 as Martin Luther King, Jr., Day - Sponsored by Kate Snyder, Mayor

LICENSES:

Order 126-21/22 Granting Municipal Officers' Approval of Mitr LLC, dba Mitr. Application for Class I FSE at 1281 Congress Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 12/7/21. New City and State applications.

Five affirmative votes are required for passage after public comment.

Order 127-21/22 Granting Municipal Officers' Approval of ZEL & Co., dba The Chadwick Bed and Breakfast. Application for Class IV/V at 140 Chadwick Street - Sponsored by Danielle West, Interim City Manager

Application was filed on 12/13/21. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 128-21/22 Granting Municipal Officers' Approval of 425 Fore St Suite 500 LLC, dba Paper Tiger. Application for Class I FSE with Outdoor Dining on Private Property at 425 Fore Street, Suite 104 - Sponsored by Danielle West, Interim City Manager

Application was filed on 12/13/21. New City and State applications. Location was previously Maine Lobster Shack.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 124-21/22 Repealing the Declaration of an Emergency - Sponsored by Danielle West, Interim City Manager

This item would repeal the City of Portland's State of Emergency. The current Emergency Order was passed to allow all City of Portland public meetings to take place remotely. Since its passage, all public bodies (including the City Council and Council committees) have individually adopted the Council's Remote Participation Policy. This policy, in combination with Maine's Freedom of Access Act, allows hybrid and, when warranted, fully remote meetings. In short, the Emergency Order is no longer needed to

allow for public meetings to be conducted remotely. Without the Emergency Order in place, the Council and its committees (as well as all other City boards and commissions) will need to make a determination regarding remote participation on a meeting-by-meeting basis.

The City of Portland will determine when City Hall and other public buildings will reopen to the public based on logistics and the most recently available health data. As of December 27, 2021, for the State of Maine, the Maine CDC was reporting a 7-day average of 752.3 new cases of COVID-19. The 7-day average percentage of hospital emergency room visits for COVID-19 like illness was 9.1% of all emergency room visits. The 7-day average of new hospitalizations for COVID-19 was 3.3 hospitalizations per day. On December 28, 2021, there were 330 individuals hospitalized, 110 in critical care and 56 on a ventilator. Fifty-eight out of 323 adult critical care beds were available and 8 out of 61 pediatric critical care beds were available. The US CDC classified Cumberland County as high transmission with a case rate of 344.40 cases per 100,000 for the period of December 21, 2021 - December 27, 2021, despite more than 88% percent of the population over the age of 5 being vaccinated.

At the December 20, 2021 City Council meeting a motion was passed (6-3) to postpone Order 124-21/22 to the January 3, 2022 City Council meeting. Public comment was taken at the December 20, 2021 City Council meeting, and no further public comment will be taken on this item. Five affirmative votes are required for passage.

Written Public Comment for Order 124-21/22

Order 125-21/22 Accepting and Appropriating a \$9,940 grant from the State of Maine Department of Agriculture, Conservation and Forestry - Sponsored by Danielle West, Interim City Manager

Portland Forestry Division has been awarded a \$9,940 Project Canopy Community Forestry Assistance Grant by the Urban and Community Forestry section of the Catalog of Federal Domestic Assistance (CFDA).

This award will be matched by the City. This grant money and matching funds will go toward implementing the Portland Tree Canopy Assessment Project, with specific work to include analyzing our existing tree canopy and strategizing ways to increase our canopy coverage percentage. The project would explore the makeup of our existing tree inventory and search for new tree planting locations. The finished product would give us a road map to go forward with new tree planting initiatives and help ensure local and equitable climate resiliency.

This item must be read on two separate days. It received its first reading on December 20, 2021. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 129-21/22 Accepting the Charlotte Meaney-Bleier Award for Service at Portland High School Trust Agreement - Sponsored by Danielle P. West, Interim City Manager

This Trust is funded by a generous contribution by Samuel Bleier, who has already created several other awards given to graduating students from Portland High School. The Charlotte Meaney-Bleier Award for Service Trust will pay for annual \$1,000 awards to a student (or students if funding allows more than one) who show exceptional community spirit. Charlotte Meaney-Bleier was Mr. Belier's late wife, who was born in Germany in 1927 and grew up during the difficult years of Nazi power. Her education ended when her high school in Aachen was bombed during World War II. She came to the U.S. in 1946, married, and raised four children and, simultaneously, also graduated from college and earned two Master's Degrees in mathematics and statistics. Later she taught math at West Point Prep and Monmouth College in New Jersey.

The Portland High School committee that decides scholarships and other awards would choose the annual recipient of this award, too.

Five affirmative votes are required for passage after public comment.

Order 130-21/22 Appointing Local Health Officer Bridget Rauscher Constable - Sponsored by Councilor Andrew Zarro

This is a companion order to the Amendment to Portland City Code Chapter 17 Re: Face Covering Mandate on this agenda. The City's Local Health Officer, Bridget Rauscher, is by this order appointed constable and given the authority to issue violations of the ordinance requiring face coverings in the Amendment.

Seven affirmative votes are required for passage as an emergency after public comment.

AMENDMENTS:

Order 131-21/22 Amendment to Portland City Code Chapter 17 Re: Face Covering Mandate - Sponsored by Councilor Andrew Zarro

Following extensive public comment and discussion by the Council during the December 20 meeting, this item proposes the adoption of a face covering mandate. It is modeled almost entirely on language recently adopted by Burlington, Vermont, with minor changes aimed at tailoring it to Portland's existing practices around COVID-19 (e.g. it does not adopt capacity restrictions in the same way that Burlington's ordinance does) and fitting it within the City's Code of Ordinances.

Critical care hospitalizations in Maine have reached some of the highest numbers for the entire period of the Covid-19 pandemic, and this is happening despite a high county-wide rate of vaccinations and is primarily the result of the delta and now omicron variants' contagiousness. As a result, state health officials, along with the United States Centers for Disease Control and Prevention officials and the Maine Center for Disease Control officials, 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 slowing the relentless spread of Covid-19, especially among the immune-compromised and children under 5, who are not yet allowed to be vaccinated.

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.

Written Public Comment for Order 131-21/22

Order 132-21/22 Amendment of Portland City Code Chapter 14 Re: Eastern Waterfront Port Zone Marina Food Service - Sponsored by the Planning Board, Brandon Mazer, Chair

On November 23, 2021, the Planning Board voted 5-0 that the proposed zoning text amendment was consistent with the Comprehensive Plan for the City of Portland.

Portland Foreside Development Company is requesting to amend the Waterfront Chapter (Article 10) of the Land Use Code to permit limited restaurant and food service uses where associated with a marina within the EWPZ. The proposed amendments would limit the overall floor area of such use to 1,000 square feet, and limit any outdoor components of the use to within 100 feet of the marina office building. This amendment would also remove the existing prohibition on restaurants and food service uses within 25 feet of the pier edge.

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: