

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)

REMOTE CITY COUNCIL MEETING - MAY 16, 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).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, 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://portlandmaine-gov.zoom.us/j/81813936988?pwd=V0FJNk51cEtwNEs1ZTNMUUdGMG5adz09>

Passcode: 112769

Or One tap mobile :

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Webinar ID: 818 1393 6988

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PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the draft May 2, 2022 City Council Meeting Minutes

Proclamation Recognizing Christopher Branch

PROCLAMATIONS:

Proclamation 18-21/22 Recognizing May 2022 as Foster Care Month - Sponsored by Victoria Pelletier, Councilor

APPOINTMENTS

Order 244-21/22 Appointing William Needelman a Class E Director of the Portland Fish Exchange - Sponsored by Danielle P. West, Interim City Manager

The City Manager of Portland nominates the Class E Director to the Board of directors of the Portland Fish Exchange. Ellen Sanborn, previously the Portland Finance Director, served as a Class E Director as the City Manager nominee for approximately 15 years, and the City Manager wishes to thank her for her years of service on the Board of the Portland Fish Exchange. She has performed invaluable service on this Board, from which she will resign in June.

William Needelman is the City Waterfront Coordinator and has many years of experience working with both nonprofit entities, the Portland Fish Pier Authority and the Portland Fish Exchange, and handling a wide variety of issues connected with the Portland waterfront.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL MUNICIPAL BUDGET ORDERS. COUNCIL ACTION ON THE MUNICIPAL BUDGET WILL TAKE PLACE ON JUNE 6, 2022 AT 5:00 P.M.

Order 245-21/22 Approving Fiscal Year 2023 Administrative Fees for the Police, Public Works, and Parks, Recreation & Facilities Departments - Sponsored by Danielle P. West, Interim City Manager

This order authorizes administrative charges in the Police Department, Public Works, and Parks, Recreation & Facilities.

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

Order 246-21/22 Authorizing the City Manager To Enter Into Certain Agreements To Implement the Fiscal Year 2023 Human Resources And Certain Fringe Benefits Budgets - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to standard agreements with providers of services for Fiscal Year 2023 to implement portions of the Human Resources, Pension, Employee Benefits (Including Health Insurance and Workers Compensation) and Liability Insurance budgets.

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

Order 247-21/22 Re: Fiscal Year 2023 Self-insured Liability Program - Sponsored by Danielle P. West, Interim City Manager

This order establishes the limit of the City's liability as \$400,000 as required by the Maine Tort Claims Act and states the City's commitment to "self-insure" for such

liability by approving funds for this purpose.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 6, 2022 to coincide with consideration of the Appropriation Resolve.

Order 248-21/22 Authorizing the Director of Parks, Recreation & Facilities to Set Fees and Enter Rental Agreements for City Facilities - Sponsored by Danielle P. West, Interim City Manager

This order would authorize the Director of Parks, Recreation & Facilities or their designee to sign rental contracts and set associated fees. This authorization is required annually.

Staff has historically set fees and signed rental agreements for City facilities such as Merrill Auditorium, the Portland Exposition Building and Ocean Gateway. These facilities host hundreds of events annually, and fees are determined based on the unique staffing levels and services they require.

The City's Legal Department has created a standard rental agreement. Any changes to the terms of standard agreement, other than pricing, are reviewed by legal prior to being changed.

Venues/programs overseen by this Department are run in a business-like manner and need the flexibility to offer specials and adjust pricing based on market conditions. This order will further reaffirm the practice of these fees being set administratively.

Five affirmative votes are required for passage after public comment. Staff is recommending that this item be postponed to the City Council meeting of June 6, 2022 to coincide with consideration of the Appropriation Resolve.

Order 249-21/22 Authorizing the City Manager to Enter into Certain Agreements to Implement Fiscal Year 2023 Health & Human Services Budget - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to enter into standard agreements and amendments to those standard agreements to receive reimbursement for services by the Health and Human Services Department. In addition, the City enters into agreements with service providers and landlords to provide services for department programs.

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

Order 250-21/22 Authorizing the City Manager to Accept Scholarship and Trust Donations and Bequests and to Enter into Trust Agreements - Sponsored by Danielle P. West, Interim City Manager

This order authorizes the City Manager to accept and appropriate existing and new scholarship trusts and to enter into standard form trust agreements as approved by Corporation Counsel.

Five affirmative votes are required for passage. Staff is recommending that this item be

postponed to the City Council meeting of June 6, 2022 to coincide with consideration of the Appropriation Resolve.

Order 251-21/22 Authorizing the Director of Parks, Recreation & Facilities to Accept Donations for Parks, Recreation & Facilities Department Funds and Programs - Sponsored by Danielle P. West, Interim City Manager

The Parks, Recreation & Facilities Department receives frequent donations for many of the programs it works on and with, like the Land Bank Fund, the Portland Youth Corps, and the Tree Trust. This order will allow the department director to accept donations as much as \$10,000 without needing to receive approval from the City Council.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 6, 2022 to coincide with consideration of the Appropriation Resolve.

Order 252-21/22 Authorizing Corporation Counsel to Undertake Civil Actions to Collect Delinquent Personal Property Taxes - Sponsored by Danielle P. West, Interim City Manager

This item will give Corporation Counsel a standing authorization to undertake civil actions to collect any delinquent personal property taxes that arise during the course of the fiscal year. Otherwise, it would be necessary for the City Council to specifically authorize each individual legal action. This general authorization will take the place of the case-by-case approach.

Five affirmative votes are required for passage. Staff is recommending that this item be postponed to the City Council meeting of June 6, 2022 to coincide with consideration of the Appropriation Resolve.

Order 253-21/22 Authorizing Non-Union Wage Adjustment - Sponsored by Danielle P. West, Interim City Manager

This Order authorizes the City Manager to utilize a 3.0% Cost of Living Adjustment (COLA) for pay adjustments for non-union employees and approves the new pay plan.

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

Order 254-21/22 Designating Fiscal Year 2023 Funds for Specific Island Services - Sponsored by Danielle P. West, Interim City Manager

The municipal budget includes \$42,670 for use on Peaks Island in addition to the funds used to pay for direct and indirect city services. Pursuant to a request from the Peaks Island Council these funds will be used as follows in FY23:

- Item A: Peaks Island Summer Bike Ticket Program \$500
- Item B: PI Needs-Based Boat Tickets \$3,000
- Item C: PI Portland Public Middle & High School Student Boat Passes \$4,500
- Item D: PI Full Time College Students (Portland Area) 3 Monthly Stickers \$450
- Item E: PI Children Attending Private Schools Vouchers \$400
- Item F: PI ITS (Island "Taxi"): Island Transportation System \$22,246
- Item G: PI PEAT (PI Environmental Team: Litter Removal) \$360

Item H: PI Administrative Expenses \$2,000
Item J: Brackett Church (Community Arts & Play Recreation Programs) \$1,600
Item K: Friends of Brackett Church (Brackett Cemetery Beautification) \$2,000
Item L: Peaks Island Collaborative (Island Non-Profit Organization Community Support Enhancement) \$857
Item M: Illustration Institute for Island Resident Programming \$1,500
Item N: Fifth Maine Museum Institute Program \$1,000
Item O: Peaks Island Children's Workshop (Kitchen Stove Replacement) \$2,257

TOTAL: \$42,670

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

Order 255-21/22 Appropriating \$3,200,000 in Assigned Fund Balance - Sponsored by Danielle P. West, Interim City Manager

This item authorizes \$3.2M in Assigned Fund Balance from the Debt Service Fund to be utilized to offset debt service payments due in FY23 related to the City's pension obligation bonds and the City's general obligation bonds issued in April 2022.

The use of these funds is part of a calculated tax rate management strategy developed by City Finance staff to shield local property taxpayers from nearly \$12M in tax levy increases over the next four fiscal years until the City's pension obligation bonds are retired in June 2026.

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

Order 256-21/22 Amendment to Portland City Code Chapters 5, 24, 25, and 28 Re: Various Fee Increases for Fiscal Year 2023 - Sponsored by Danielle P. West, Interim City Manager

Amends the following fees in Chapter 5-35(b):

Chapter 5	Description	Current Fee	Proposed Fee
Impoundment Fees			
<i>Sec. 5-35(b)</i>	Dog Impoundment Fee		
	1st Offense	\$20	\$55
	2nd Offense	\$40	\$75
	3rd/+ Offense	\$55	\$90

Amends the following fees in Chapter 24 in §24-72 and §24-84:

(a) The proposed sewer rate for July 1, 2022 is \$12.30 per hundred cubic feet (hcf), up from the July 1, 2021 rate of \$11.80 hcf.

Chapter 24	Description	Current Fee	Proposed Fee
Sewers			
<i>Sec. 24-72</i>	Sewer Sanitary Charges		
24-74(c)	Sewer User Fees	\$11.80/hcf	\$12.30/hcf

(b) The proposed stormwater rate for July 1, 2022 is \$7.50 per 1,200 sf of impervious surface area,

Chapter 24	Description	Current Fee	Proposed Fee
Stormwater			
<i>Sec. 24-84(a)</i>			
	Stormwater Service Charge	\$7.00 per 1,200 sf impervious surface area	\$7.25 per 1,200 sf impervious surface area

Amends the following fees in Chapter 25-27:

Chapter 25	Description	Current Fee	Proposed Fee
Street Occupancy			
<i>Sec. 25-27(a)(3)</i>	Vehicles, Equipment or Construction Materials		
	Parking Space Permit	\$30.00 per day	\$32.50 per day
	Sidewalk Permit	\$25.00 per day	\$27.50 per day
	Single Lane Closure Permit	\$100.00 per day	\$150.00 per day
	Street Closure Permit	\$250.00 per day	\$300.00 per day

Amends the following fees in Chapter 28-86:

Chapter 28	Description	Current Fee	Proposed Fee
Parking Meter Rates			
<i>Sec. 28-86</i>	*Downtown Area Parking Meter Rates		

	Change Only: All meters in the area bounded by Middle St, Pearl St., Commercial St., to Union St. and all of Commercial St		
	Parking Meter Rate per Hour	\$2.00/ hr	\$2.50/ hr

All fee increases are effective July 1, 2022. This item must be read on two separate days. This is its first reading.

Order 257-21/22 Fiscal Year 2022-2023 Appropriation Resolve - Sponsored by Danielle P. West, Interim City Manager

The Appropriation Resolve contains the City Manager's recommended budget for Fiscal Year 2023 for general municipal purposes in the amount of \$333,918,946. In addition, it contains the Portland Board of Education's FY2023 recommended budget of \$132,070,967.

The tax levy based upon the City Manager's recommended budget is \$96,586,918 and \$103,851,071 for the Portland Board of Education's recommended School Budget. The City Manager's budget recommendations for municipal purposes and the Portland Board of Education's recommended School Budget results in a combined tax levy of \$200,437,989 for Fiscal Year 2023.

The Appropriation Resolve also directs the Assessor of Taxes to assess a tax upon all real and personal property liable to be taxed as of April 1, 2022 and sets 30 Days after Tax Commitment 2022 as the tax due date, which may be paid in two installments due 30 Days after Tax Commitment 2022, and on March 17, 2023.

The delinquency rate of interest is set at 4.0% per year, and the abatement rate of interest is set at 0.0% per year.

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

THE CITY COUNCIL WILL HOLD A SECOND READ AND A PUBLIC HEARING ON THE FISCAL YEAR 2023 SCHOOL BUDGET AT THIS COUNCIL MEETING (MAY 16) AT 5:30 P.M. THE REFERENDUM ON THE SCHOOL BUDGET WILL BE HELD ON TUESDAY, JUNE 14, 2022.

Order 237-21/22 Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

The following School Budget Orders are required by 20A M.R.S. §15690 in order to comply with what is known as LD1, a set of state laws passed to control increases in property taxes.

This order provides \$74,181,155 as the amount determined by state law to be the minimum amount the city must appropriate in order to receive the full amount of state funding under the Essential Programs and Services Funding Act.

This order requires the city to raise \$74,181,155 as the city's contribution to the total cost of funding public education from K12 as described in the EPS law. The City's tax levy based on the budget submitted by the Portland Board of Public Education for the total for school budget programs of \$133,070,967 will be \$103,851,071.

This item must be read on two separate days. It received its first reading on May 2, 2022. Five affirmative votes are required for passage after public comment.

Order 238-21/22 Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

Nonstate funded debt service is the amount of money needed for the annual payments on the City's longterm debt for major capital school construction projects and portions of school construction projects that are not approved for state funding. The bonding of this longterm debt was previously approved by the voters or the City Council.

This order appropriates \$1,477,412 for the annual payments on debt service previously approved by the voters or the City Council for nonstate (local only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$1,477,412 is in addition to the funds appropriated as the EPS required local share (amount of the city's contribution to the total cost of funding public education from kindergarten to grade 12).

This item must be read on two separate days. It received its first reading on May 2, 2022. Five affirmative votes are required for passage after public comment.

Order 239-21/22 Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

This order appropriates \$26,318,715 in additional city funds over and above regional Essential Programs and Services amount and the nonstate funded debt service amount.

This exceeds the EPS funding model by \$26,318,715 and is needed to cover the School Department's costs that the state's funding model does not recognize or recognize fully, including costs to maintain class size; Special Education costs; Regular Instruction costs; Facilities Maintenance costs to address deferred maintenance; technology costs; transportation costs; professional development costs; debt service for pension obligation; and debt service capital renovation costs.

This item must be read on two separate days. It received its first reading on May 2, 2022. Five affirmative votes are required for passage after public comment.

Order 240-21/22 Approving Total School Operating Budget For Portland Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

This order is required by 20A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. On April 28, the City Council Finance Committee met and voted 3-0 to recommend a \$1,000,000 reduction in the school budget. It was hoped that American Rescue Plan Act funds would be available to make up the difference, though it is understood that decisions about specific expenditures or sources of other funds by the School Department are not approved by the Council. The amount recommended for approval by the Finance Committee is \$125,407,899.

That is the amount based on the budget submitted by the Portland Board of Public Education, less the reduction approved on April 28, 2022, and would be sent to the voters for approval at a citywide Referendum Election on June 14, 2022. \$100,977,282 of the \$125,407,899 would come from property taxes, \$21,517,550 would come from state subsidy, and \$2,913,067 from other revenues.

This order does not provide money unless the other General Fund budget orders are passed.

This item must be read on two separate days. It received its first reading on May 2, 2022. Six affirmative votes are required for passage after public comment.

Order 241-21/22 Appropriating and Raising Funds for Adult Education for Fiscal Year 2023 as required by the Maine Revised Statutes, Title 20-a §8603-a(1) – Sponsored by the Finance Committee, Mark Dion, Chair

This order appropriates \$2,637,938 for Adult Education for Fiscal Year 2022-2023 and raises the sum of \$1,869,211 as the local share with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

This item must be read on two separate days. It received its first reading on May 2, 2022. Five affirmative votes are required for passage after public comment.

Order 242-21/22 to Raise and Appropriate Local Funds for Food Service in the Portland Public Schools for Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

This order raises and appropriates \$4,578 for the Food Service Program for Fiscal Year 2022-2023. The Portland School Department is authorized to expend any unexpended balances and additional, incidental or miscellaneous receipts in the interest and for the well-being of the food service program.

This item must be read on two separate days. It received its first reading on May 2, 2022. Five affirmative votes are required for passage after public comment.

Order 243-21/22 Authorizing the Disposition of Any Additional State Subsidy Received for Portland Schools in Fiscal Year 2023 – Sponsored by the Finance Committee, Mark Dion, Chair

Disposition of Any Additional State Subsidy Received: In the event that Portland Public Schools receives more state education subsidy than the amount included in its budget, the City authorizes the Portland Board of Education to use all or part of the additional state subsidy to increase expenditures for school purposes in cost center categories approved

by the Portland Board of Education, subject only to approval by the City Council.

This item must be read on two separate days. It received its first reading on May 2, 2022. Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Com 22-21/22 Presenting the Preliminary Report of the Charter Review Commission - Sponsored by Danielle P. West, Interim City Manager

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

Com 23-21/22 Board of Harbor Commissioners for Portland Harbor Notice of Pilot Rate and Capital Construction Fee Increase - from Danielle P. West, Interim City Manager

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

Com 24-21/22 Administrative Policy re: the Collection and Publication of Written Public Comment - Sponsored by Danielle P. West, City Manager

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

RESOLVES

Resolve 12-21/22 Approving the City Council Code of Ethics - Sponsored by the Rules Committee, Councilor Andrew Zarro, Chair

The City Council Rules Committee met on April 11 and May 2, 2022, to review and revise a draft City Council Code of Ethics intended to address such issues as conflicts of interest and use of public resources. On May 2, 2022, the committee voted 4-0 to forward the attached Code of Ethics to the full Council for its approval.

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

ORDERS:

Order 258-21/22 Accepting Benjamin Way as a City Way - Sponsored by Danielle P. West, Interim City Manager

Benjamin Way has been constructed in accordance to City standards and the City has been provided a deed conveying the street in fee. Public Works has completed both preliminary and final inspections of the pavement, curbing, sidewalk, lighting, signage, storm drain, and sewer and has determined that Benjamin Way meets all technical standard requirements. This item accepts the street as a city street, which will entail regular maintenance and services such as winter maintenance and solid waste collection.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 259-21/22 Zoning Map Amendment for Riverton Park Campus from R-5 Residential to R-5a Residential and B-2 Community Business - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair.

On April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find the proposed zoning map amendment to be consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the Zoning Map amendment.

Portland Housing Development Corporation and Portland Housing Authority seek a zoning map amendment to rezone the Riverton Park Campus at 2 Riverton Drive from R-5 Residential to R-5a Residential and B-2 Community Business. Additional parcels along Forest Avenue and Riverside Street are included in the proposed map amendment in order to create a contiguous R-5a and B-2 zone.

The zoning map amendment would increase density allowing for additional residential and commercial development, including affordable housing development in a transit accessible location.

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

Order 260-21/22 Amendment to the Portland City Code Chapter 14 Re: Permitted and Conditional Uses in Residential Zones and Allowing Places of Assembly as a Conditional Use in the R-5a zone - Sponsored by The Portland Planning Board, Brandon Mazer, Vice-Chair

On April 12, 2022, the Planning Board unanimously voted 5-0 (Stanley, Barker recused) to find that the proposed text amendment to Section 6, Table 6-A to allow Places of Assembly as a conditional use in the R-5a zone and Section 7, Table 7-A to add a minimum lot area requirement for Places of Assembly in the R-5a zone is consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the text amendments.

This is a companion order to the Order above. Portland Housing Development Corporation and Portland Housing Authority seek a zoning text amendment to Section 6, Table 6-A, and Section 7, Table 7-A. The proposed text amendments would add Places of Assembly as a conditional use in R-5a zones with a minimum lot area requirement of one-half-acre for Places of Assembly of less than 10,000 square feet and a minimum lot size of one acre for Places of Assembly greater than 10,000 square feet. The proposed text amendments would facilitate the future development of a community center as part of the larger Portland Housing Authority renovation of the existing 141-unit Riverton Park campus.

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

Order 261-21/22 Amendment to the Portland City Code Chapter 35 Re: Panic Alarms and Retail License Revisions - Sponsored by Jen Thompson, Acting Corporation Counsel

Proposed revisions to subpart (a) of Ch. 35-36 (Security Requirements) would remove the requirement to maintain a door and window burglary alarm system at all fixed locations for a marijuana business. The provision retains a requirement for an intrusion alarm system that includes a panic button that can transmit its signal via City of Portland AES system directly to the City Dispatch Center. These changes address problems with false alarms and unnecessary costs.

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

ADJOURNMENT: