

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AGENDA
REGULAR CITY COUNCIL MEETING
MAY 7, 2018

The Portland City Council will hold a regular City Council Meeting at 5:30 p.m. in City Council Chambers, City Hall. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

Arts in the Chamber, Pihcintu Multicultural Choir Group

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) April 18, Draft 2018 Regular City Council Meeting Minutes

PROCLAMATIONS:

Proc 31-17/18 Proclamation Declaring May 19, 2018 Kids to Park Day – Sponsored
(Tab 2) by Mayor Ethan K. Strimling,

Proc 32-17/18 Proclamation Honoring Ryan Luce, Health and Human Services
(Tab 3) Department, Barron Center, as Employee of the Month for April 2018 –
Sponsored by Mayor Ethan K. Strimling.

Proc 33-17/18 Proclamation Recognizing Pihcintu Multicultural Choir Group
(Tab 4) – Sponsored by Councilor Pious Ali.

Proc 34-17/18 Proclamation Declaring May 2018 Revive Civility Month – Sponsored
(Tab 5) by Mayor Ethan Strimling, Councilor Pious Ali, Councilor Jill C.
Duson, Councilor Kimberly Cook, Councilor Belinda Ray, Councilor
Spencer Thibodeau, Councilor Nicholas M. Mavodones, Jr., and
Councilor Justin Costa.

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

BUDGET ITEMS.

MAYOR STRIMILING WILL MAKE HIS REMARKS ON THE FY19 MUNICIPAL BUDGET.

PUBLIC COMMENT WILL BE TAKEN AT THIS COUNCIL MEETING ON ALL SCHOOL BUDGET ORDERS. ACTION ON THE SCHOOL BUDGET ORDERS WILL TAKE PLACE ON MAY 14, 2018 AT 5:30 P.M.

**Order 200-17/18
(Tab 5)**

Order Approving State/Local EPS Funding Allocation for Public Education from Kindergarten to Grade 12 for Portland Public Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

Order 200-17/18 to Order 204-17/18 are orders required by 20-A M.R.S.A. §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 \$87,525,230 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 requires the city to raise \$70,198,565 as the city's contribution to the total cost of funding public education from K-12 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 \$111,797,612 will be \$89,222,327.

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

**Order 201-17/18
(Tab 6)**

Order Approving Non-State Funded School Construction Debt Service for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

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

This order appropriates \$597,496 for the annual payments on debt service previously approved by the voters or the City Council for non-state (local-only) funded school construction projects. The state no longer includes minor capital projects in this calculation.

The \$597,496 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. This is its first reading.

**Order 202-17/18
(Tab 7)**

Order Raising and Appropriating Additional Local Funds for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order appropriates \$16,729,169 in additional city funds over and above regional EPS amount and the non-state funded debt service amount.

This exceeds the EPS funding model by \$20,120,139 and funds the cost of city schools, Kindergarten-12, which are not covered by the state funding model established by the Essential Programs and Services Funding Act.

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

**Order 203-17/18
(Tab 8)**

Order Approving Total School Operating Budget for Portland Schools for Fiscal Year 2019 – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order is required by 20-A M.R.S.A. §15690(4)(A). It sets the School Budget required by state law. The total amount recommended for that budget is \$105,843,472.

That is the amount based on the budget submitted by the Portland Board of Public Education and would be sent to the voters for approval at a citywide Referendum Election on June 12, 2018. \$87,525,230 of the \$105,843,472 would come from property taxes, \$16,339,336 would come from state subsidy, and \$1,478,906 from other revenues. This amount may change as the Finance Committee will be voting on this budget on May 9, 2018.

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

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

**Order 204-17/18
(Tab 9)**

Order Appropriating and Raising Funds for Adult Education for Fiscal Year 2019 as Required by the Maine Revised Statutes, Title 20-A M.R.S. §8603-A(1) – Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Jr., Chair.

This order raises \$1,697,097 to support the Adult Education program and Food Service Program appropriates a budget for that program of \$2,391,137. The budgets for the Adult Education Program submitted by the Portland Board of Public Education are in addition to the \$105,843,472 proposed for the General Fund School Budget that must be submitted to the voters.

Under the City Charter, the Council must act on this school funding order, which is not part of the General Fund budget.

When the amounts for the Adult Education Program as submitted by the Portland Board of Public Education are added to the proposed General Fund School Budget, it leads to a total for FY2019 school budget programs of \$111,797,612.

The total school budget will come before the Council for approval as part of the annual Appropriation Resolve on May 21st.

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

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 198-17/18 Traffic Schedule Amendment Re: Section of Fore Street to Two-Hour
(Tab 10) Parking – Sponsored by Jon P. Jennings, City Manager.**

Fore Street, between Waterville Street and St. Lawrence Street, is two-way with unrestricted parking on both sides of the street, except during weekly street cleaning events. The requested Council action would adjust the Traffic Schedule from unrestricted parking to 2-hour parking on the north side of this Fore Street block. This would impact six parking spaces.

The development and activity along Fore Street has intensified recently and people in the neighborhood have requested shorter term parking to allow for more turnover.

This item must be read on two separate days. It was given a first reading on April 18. Five affirmative votes are required for passage after public comment.

**Order 199-17/18 Order Approving the Collective Bargaining Agreement with the
(Tab 11) American Federation of State, County, and Municipal Employees
 (AFSCME) Local 481-07 Supervisors – Sponsored by Jon P. Jennings,
 City Manager.**

City staff has reached a tentative three (3) year agreement with AFSCME Supervisors representing approximately 39 supervisors and foremen. The tentative agreement is within guidance received from Council on September 18, 2017 and additional guidance on February 21, 2018.

The parties have tentatively agreed to a three (3) year contract extension with general wage increases as follows:

2% effective retroactive to July 2, 2017
2% effective July 1, 2018 plus \$.60 per hour for eliminating stipends and rolling into the hourly wage
2% effective July 7, 2019 plus \$.20 per hour for overtime concessions

In addition the City has agreed to implement a longevity step at 12+ years upon Council vote of approval of the new contract.

This item must be read on two separate days. It was given a first reading on April 18. Five affirmative votes are required for passage after public comment.

ORDERS:

AMENDMENTS:

**Order 205-17/18
(Tab 12)**

Amendment to Portland City Code Chapter 14 Re: Conditional Uses in the R-3 and R-5 Zones – Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on April 17, 2018 and voted unanimously 6-0 (Silk recused) to forward this item to the City Council with a recommendation for passage.

The R-3 Residential zone is predominantly characterized by single-family neighborhoods, with limited neighborhood-serving institutions such as schools, places of assembly, markets, municipal uses, medical offices or hospitals and care facilities. These institutional uses are permitted on a conditional basis within the R-3. As neighborhood demographics and community needs shift, the need for such institutional uses becomes less apparent, or redundant.

The challenge inherent with these existing non-residential sites is that they are of a scale out of context with their adjoining neighborhoods, with significant available parking, utility infrastructure and building square footage. While these sites are suited for redevelopment to other institutional uses permitted under the R-3, there is limited demand for such uses and thus it is difficult to redevelop. In general, these institutional sites are well-suited to multi-family housing conversion, that use is prohibited within the R-3. Conversion of these facilities for housing is permitted in the R-5, but not in the R-3 zone.

Developers Collaborative Redevelopment, LLC, property owner of the former Reed School site, has requested a text amendment to the R-3 Residential zone to conditionally permit alteration of existing non-residential buildings in existence as of January 1, 1984 for multi-family residential uses. The text is based largely upon the similar conditional use language contained in the R-5 Residential zone and would be subject to both general and zone specific conditional use standards, as well as

increased oversight by either the Planning Board or Zoning Board of Appeals. The zone specific conditional use standards being proposed restrict the location of outside stairways and fire escapes, the placement of residential units within a given structure, residential unit density by means of a minimum lot area per dwelling unit requirement, placement and quantity of off-street parking, design, scale and contextuality of new additions, site configuration and screening of site features. Based upon discussions with the Planning Board, the minimum unit size standard found within the comparable R-5 conditional use was not carried over to the R-3 zone and is suggested for removal within the R-5.

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: