

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**  
**JULY 16, 2018**

The Portland City Council will hold a regular City Council Meeting at 6:00 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, Creative Portland Presents a “Sizzle” Reel  
Highlighting the Cultural Life of Portland**

**APPROVAL OF MINUTES OF PREVIOUS MEETING:**

(Tab 24)                      June 18, 2018 Draft Regular City Council Meeting Minutes

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

**PROCLAMATIONS:**

**APPOINTMENTS:**

**CONSENT ITEMS:**

**LICENSES:**

**BUDGET ITEMS:**

**COMMUNICATIONS:**

**RESOLUTIONS:**

Resolve 1-18/19              Resolution Approving Public Finance Authority Revenue Bond

(Tab 25)

**Financing for Cedars Nursing Care Center, Inc. and JHA Assisted Living, Inc. – Sponsored by Danielle West-Chuhta, Corporation Council.**

Cedars Nursing Care Center, Inc. and JHA Assisted Living, Inc. (collectively, “The Cedars”) are undertaking a major renovation to its assisted living, nursing home and memory care facility in Portland. The Cedars intends to finance the project with a tax-exempt bond issued by a Wisconsin-based conduit bond issuer called Public Finance Authority (“PFA”).

The Internal Revenue Code requires that a bond issue to be issued by an out-of-state agency must obtain a local approval of the bond issue. The City Council approval satisfies this requirement of the Code.”

The memorandum in the back up material provides additional background information. The City will not be required to take any further action with respect to the bond issue and will not need to enter into any transaction documents.

This renovation was reviewed by the Planning Board, and the site was conditionally approved in April 2018.

Five affirmative votes are required for passage after public comment.

**UNFINISHED BUSINESS:**

**Order 266-18/19  
(Tab 26)**

**Order Amending the Bayside Tax Increment Financing District to Support the Establishment of an Affordable Housing District for the 178 Kennebec Street Elderly Affordable Housing Project – Sponsored by the Economic Development, Councilor Justin Costa, Chair.**

The Economic Development Committee met on June 19, 2018, and voted unanimously (3-0) to forward this item to the City Council with a recommendation for approval.

The proposal is for the commercial ground floor to remain in the Bayside TIF at 100% TIF capture with no Credit Enhancement Agreement. The upper floors will be subject to a new Affordable Housing TIF District.

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

**Order 267-18/19  
(Tab 27)**

**Order Designating 178 Kennebec Street Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic**

**Development Committee, Councilor Justin Costa, Chair.**

At a joint meeting held on June 5, 2018, both the Housing Committee (3-0) and the Economic Development Committee (3-0) voted to forward this item to the City Council with a recommendation for passage.

Maine Workforce Housing (MWH) is proposing to construct 46 1-bedroom units for seniors (55+) on a site located at 178 Kennebec Street. MWH is requesting financial assistance from the City in the form of an Affordable Housing TIF (AHTIF) to assist with the project. If approved, the AHTIF financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at an average \$96,305 annually over 30 years.

The developer has requested two forms of financial assistance.

(1) HOME funds request: \$400,000; At their June 27, 2018 meeting the Housing Committee did not recommend HOME funding for this project.

(2) Tax Increment Financing request: If approved, the Affordable Housing TIF financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at a 30-year annual average of \$96,305, with an estimated total of \$2,889,164 in captured revenue returned to the developer to off-set project operating costs. The proposed project will be taxable, with an estimated annual assessment of \$4,300,000 and estimated annual tax of \$93,095. The remaining increased taxable value will be general fund revenue. TIF projections and proposed district map are included in the backup to this memo. Maine Workforce Housing is proposing to construct 46 1-bedroom units for seniors (55+). The development will include:

178 Kennebec Street		
1-Bedroom Units (46)	at or below 40% area median income	0
	at or below 50% area median income	15
	at or below 60% area median income	21
	Market Rate	10
Total Units		46

As stated in the developer's application, the project:

*"...includes ground-level retail and/or artist studio space with 46 units of housing on the upper floors. The housing will be rental; all 1-bedroom units, set aside for households whose head of household is aged 55+.*

*"We expect the income mix targeted for this development will be 22% market rate, and 78% affordable (aimed at those at or below 60% of the*

*area median income), creating economic diversity both in the building and in the neighborhood.”*

The developer will submit an application with MaineHousing's Low Income Housing Tax Credit (LIHTC) program contingent upon a reduction in operating costs through a tax increment financing program that provides for a minimum of 75% of the projects annual property tax revenue to be returned to the developer. The LIHTC application is extremely competitive. Often, without the City's willingness to provide tax increment financing for an affordable housing development project, the developer is not competitive in the LIHTC application.

The Housing and Community Development Division works with an independent consultant who performs third party underwriting reviews of requests for all City funding requests. The third party analysis is attached. The report indicates that the developer is well positioned to secure the remaining financing needed to move forward with this project and has the financial capacity to keep the development process moving forward.

It is important to note that the initial underwriting has been done based on other funding sources that are anticipated but have yet to be secured. While significant progress has been made towards securing these financing sources, the final development budget and operating pro forma will need to be reviewed and analyzed to confirm the appropriateness of the funding recommendation noted below. With that being said, the third party report makes the following recommendations:

Affordable Housing TIF financing through a Credit Enhancement Agreement at 75% of the increased assessed value for 30 years.

The Housing and Community Development (HCD) Division, reviewed and underwrote the 178 Kennebec Street project as a 46 1-bedroom units for seniors (55+). The financial proforma submitted by the developer described a 46-unit project. The developer has indicated their desire to increase the number of units to 51, which would include 16 units affordable at or below 50% of the area median income, 24 units affordable at or below 60% of the area median income and 11 units at market rate. An updated project underwriting will be available prior to the Council meeting.

This item must be read on two separate days. It was given a first reading on June 18, 2018. Five affirmative votes are required for passage after public comment.

**Order 268-18/19  
(Tab 28)**

**Order Approving and Authorizing the City Manager to Enter into The Credit Enhancement agreement with 100 Parris Street, LP – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.**

At a joint meeting held on June 5, 2018, both the Housing Committee (3-0) and the Economic Development Committee (3-0) voted to forward this item to the City Council with a recommendation for passage.

This is a companion order to Order 267-17/18 above.

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

**Order 269-18/19  
(Tab 29)**

**Order Designating 977 Brighton Avenue Apartments Affordable Housing Development District and Tax Increment Financing District and Adopting the Municipal Development Program for the District – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.**

At a joint meeting held on June 5, 2018, both the Housing Committee (3-0) and Economic Development Committee (3-0) voted to forward this item to the City Council with a recommendation for passage.

Avesta Housing Development Corporation (AHDC) is proposing to construct 40 1-bedroom units for seniors (55+) on a site they own located at 977 Brighton Avenue. AHDC is requesting financial assistance from the City in the form of an Affordable Housing Tax Increment Financing (AHTIF) to assist with the project. If approved, the AHTIF financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value currently estimated at an average \$65,150 annually over 30 years.

AHDC has requested two forms of financial assistance.

(1) HOME funds request: \$300,000; At their June 27, 2018 meeting the Housing Committee voted 3-0 to recommend HOME funding in the amount of \$300,000 for this project.

(2) Tax Increment Financing request: If approved, the Affordable Housing TIF financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at a 30 year annual average of \$65,150, with an estimated total of \$1,954,486 in captured revenue returned to the developer to off-set project operating costs. The proposed project will be taxable with an estimated annual assessment of \$3,200,000 and estimated annual taxes of \$69,280. The remaining increased taxable value will be general fund revenue. TIF projections and proposed district map are included in the backup to this memo.

The development will include:

977 Brighton Avenue		
1-Bedroom Units (40)	at or below 50% area median income	24
	at or below 60% area median income	10
	Market Rate	6
Total Units		40

Eight (8) units will have project based rental assistance. As stated in the developer's application:

*"The 0.73 acre site currently contains a single-family home and a garage, both of which will be demolished and cleared prior to construction. The project consists of one 4-story building, placed at the front of the property so as to create maximum active street frontage. There will also be a parking lot of 32 cars and an external gathering area or patio for residents. Vegetative screening will be used to create a level of privacy for residents."*

The developer will submit an application with MaineHousing's Low Income Housing Tax Credit program contingent upon a reduction in operating costs through a tax increment financing program that provides for a minimum of 75% of the projects annual property tax revenue to be returned to the developer.

The Housing and Community Development Division works with an independent consultant who performs third party underwriting reviews of requests for all City funding requests. The third party analysis is attached. The report indicates that the developer is well positioned to secure the remaining financing needed to move forward with this project and has the financial capacity to keep the development process moving forward.

It is important to note that the initial underwriting has been done based on other funding sources that are anticipated but have yet to be secured. While significant progress has been made towards securing these financing sources, the final development budget and operating pro forma will need to be reviewed and analyzed to confirm the appropriateness of the funding recommendation noted below. With that being said, the third party report makes the following recommendations:

AH TIF financing through a Credit Enhancement Agreement at 75% of the increased assessed value for 30 years.

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

**Order 270-18/19  
(Tab 30)**

**Order Approving and Authorizing the City Manager to Enter into the Credit Enhancement Agreement with Avesta 977 Brighton LP – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair, and the Economic Development Committee, Councilor Justin Costa, Chair.**

At a joint meeting held on June 5, 2018, both the Housing Committee (3-0) and the Economic Development Committee (3-0) voted to forward this item to the City Council with a recommendation for passage.

This order is a companion to Order 269-17/18 above.

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

**ORDERS:**

**Order 19-18/19  
(Tab 31)**

**Order Placing a Referendum Question on November 6, 2018, Municipal Ballot Re: Formation of the Greater Sebago Education Alliance – Sponsored by Katherine L. Jones, City Clerk.**

The Portland Board of Education respectfully requests the City Council to place the following question before the voters on the November ballot, as required by 20-A M.R.S. § 3805(3):

Do you favor the formation of a regional service center pursuant to an Interlocal Agreement for the Greater Sebago Education Alliance, as approved by the governing bodies of the parties thereto and the Commissioner of the Department of Education?

Five affirmative votes are required for passage after public comment.

**Order 20-18/19  
(Tab 32)**

**Order Appropriating \$130,000 for Middle School Math Curriculum Expansion and Materials for the Portland Public Schools – Sponsored by Jon P. Jennings, City Manager.**

During the FY2017 budget process, the Chief Academic Officer (CAO) budgeted approximately \$150,000 for a new middle school math curriculum. The CAO resigned their position at the end of FY2016 and an Interim CAO was named. Due to the temporary nature of their position, the Interim CAO did not want to purchase a middle school math curriculum and wanted to wait until a permanent CAO was hired. Unfortunately, the funds lapsed to unassigned fund balance at the end of the fiscal year.

The Superintendent and Staff did highlight to the Board that we would be requesting the use of these funds at a later date and did let them know that it would require City Council approval.

On May 1, 2018 the Assistant Superintendent for Teaching and Learning/Chief Academic Officer, recommended the purchase of a curriculum from Open Up Resources. The materials and cost of professional development for the first year is a minimum of \$97,500 but could be up to \$130,000 depending on how many teachers are included in the initial training. In her memo to the Board, the Assistant Superintendent of Teaching and Learning noted that we would like to use the FY2017 funds budgeted for this purpose.

Therefore, Portland Public Schools staff, including the Superintendent, Executive Director of Budget & Finance, and the Assistant Superintendent of Teaching and Learning, would like to request the approval from the City Council to use \$130,000 of unassigned fund balance, specifically budgeted for in FY2017, to purchase Open Up Resource's math curriculum.

This order will be considered by the Finance Committee before the August 13, 2018 City Council meeting.

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

**Order 21-18/19  
(Tab 33)**

**Order Approving Three-Party Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Allen Avenue between Pennell Avenue and Yale Street - Sponsored by Jon P. Jennings, City Manager.**

Approving and signing this agreement between Portland Area Comprehensive Transportation System, Maine Department of Transportation, and the City of Portland would confirm the City's intent to undertake this project and pay 50% of the total project cost. The estimated total project cost is \$367,500. The City's 50% share would be \$183,750. A copy of the fully executed agreement will be returned to the City and become the City's "notice to proceed" with this project.

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

**Order 22-18/19  
(Tab 34)**

**Order Approving the Acceptance and Appropriation of Brownfields Cleanup Fund Grant – Sponsored by Jon P. Jennings, City Manager.**

This order accepts and authorizes the appropriation of \$500,000 in Environmental Protection Agency (EPA) Supplemental Brownfields Revolving Loan Funds (RLF) grant funds, with the exception that the funds will become available on October 1, 2018. These funds will supplement the City's Brownfield RLF which was recapitalized last year with an \$800,000 EPA grant, allowing the provision of greater assistance for remediation of Brownfields sites in Portland.

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

**Order 23-18/19  
(Tab 35)**

**Traffic Schedule Amendment Re: Unrestricted to Metered Parking on India and Fore Streets – Sponsored by Jon P. Jennings City Manager.**

This order amends the Traffic Schedule to change the west side of India Street, between Middle Street and Newbury Street, from unrestricted to two-hour metered parking.

This would result in four metered parking spaces on this block of India Street. This action would also amend the Traffic Schedule to change the south side of Fore Street between India Street and Hancock Street, from No Parking Anytime to two-hour metered parking, resulting in nine metered parking spaces on this block of Fore Street.

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

**Order 24-18/19  
(Tab 36)**

**Traffic Schedule Amendment Re: Unrestricted Parking to No Parking Portions of Washington and Allen Avenues – Sponsored by Jon P. Jennings, City Manager.**

This order amends the Traffic Schedule in certain locations on Washington Avenue and Allen Avenue to facilitate and extend transportation improvements along both corridors in conjunction with resurfacing and signal work scheduled for the 2018 construction season.

The proposed schedule changes would impact 130 parking spaces on Washington Avenue and 80 parking spaces on Allen Avenue. Graphics are included in the agenda backup.

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

**Order 25-18/19  
(Tab 37)**

**Order Appropriating Home Investment Partnerships Program Funds in the Amount of \$200,000 to the Avesta Housing Development Corporation Re: Deering Place – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.**

The Housing Committee met on June 5, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

Avesta Housing Development Corporation (AHDC) is proposing to renovate and construct a seventy-five (75) unit mixed-income rental housing development on a site they own located at 61 Deering Street and 510 Cumberland Avenue. AHDC is requesting additional financial assistance from the City in the form of a HOME Loan in the amount of \$200,000. In November 2017, Avesta Housing Development Corporation (AHDC) received a commitment of \$300,000 in HOME funding and approval of TIF Credit Enhancement Agreement (75% of the increased taxable value over 30 years, average of \$147,981/year) for this project. The project was awarded Low Income Housing Tax Credits in March of this year.

The developer is seeking additional HOME funding to ensure that the project can move forward. The HOME loan request is detailed in this memo.

The Deering Place project will include:

Deering Place 510 Cumberland Avenue & 61 Deering Street		
Efficiency Units (15)	at or below 40% area median income	0
	at or below 50% area median income	9
	at or below 60% area median income	0
	Market Rate	6
1-Bedroom Units (38)	at or below 40% area median income	0
	at or below 50% area median income	14
	at or below 60% area median income	0
	Market Rate	24
2-Bedroom Units (9)	at or below 40% area median income	5
	at or below 50% area median income	4
	at or below 60% area median income	0
	Market Rate	0
3-Bedroom Units (13)	at or below 40% area median income	8
	at or below 50% area median income	5
	at or below 60% area median income	0
	Market Rate	0
Total Units		75

As stated in the developer's application:

*“Deering Place will combine the redevelopment of two under-utilized parking lots and the rehabilitation of an existing mixed-use building to create a mixed-income, contextually-appropriate residential community with 75 units and enhanced amenities. The project will include a mix of affordable and market rate units, making it possible to preserve and add affordable units as well as ensure the long term viability of the project. The scope of work includes a rehab and expansion of 510 Cumberland Avenue (“Building A”) and the construction of a new building at 61 Deering Street (“Building B”). Upon completion, there will be a total of 75 apartments, of which 62 will be newly constructed units and 15 will meet handicapped accessible standards.”*

In total, the development will include 75 apartment units, ranging in size from efficiency to 3 bedrooms. It will include a community room, a telemedical room, laundry facilities in each building, and 64 parking spaces. The project will serve a mixed income population, with 32 market rate units and 48 affordable units. Thirteen units will continue to serve households at 40% of AMI, per the existing affordability restriction with Maine Housing. The remaining 35 affordable units will serve households at 50% AMI.

The Housing and Community Development Division works with an independent consultant who performs third party underwriting reviews of requests for City HOME funding. The third party analysis is included in the agenda backup.

The report indicates that the developer is an experienced developer and has the financial capacity to keep the development process moving forward.

It is important to note that the initial underwriting has been done based on other funding sources that are anticipated but have yet to be secured. While significant progress has been made towards securing these financing sources, the final development budget and operating pro forma will need to be reviewed and analyzed to confirm the appropriateness of the HOME funding recommendation.

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

**Order 26-18/19  
(Tab 38)**

**Order Appropriating Home Investment Partnerships Program Funds in the Amount of \$300,000 to the Avesta Housing Development Corporation Re: 977 Brighton Avenue Apartments - Sponsored by the Housing Committee, Jill C. Duson, Chair.**

The Housing Committee met on June 27, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

Avesta Housing Development Corporation (AHDC) is proposing to construct 40 1-bedroom units for seniors (55+) on a site they own located at 977 Brighton Avenue. The development will include:

977 Brighton Avenue		
1-Bedroom Units (40)	at or below 50% area median income	24
	at or below 60% area median income	10
	Market Rate	6
<b>Total Units</b>		<b>40</b>

Eight (8) units will have project based rental assistance. As stated in the developer's application:

*"The 0.73-acre site currently contains a single-family home and a garage, both of which will be demolished and cleared prior to construction. The project consists of one 4-story building, placed at the front of the property so as to create maximum active street frontage. There will also be a parking lot of 32 cars and an external gathering area or patio for residents. Vegetative screening will be used to create a level of privacy for residents."*

AHDC has requested two forms of financial assistance.

(1) HOME funds request: \$300,000, 0% interest rate loan, deferred for 30 years.

Total City HOME Investment of \$300,000/unit - \$7,500.

Total City HOME Investment of \$300,000/affordable unit = \$8,824.

(1) Affordable Housing Tax Increment Financing (AHTIF). The AHTIF request was presented as first read on the June 18 council agenda and as a second read with council action on the July 16 council agenda. If approved, the Affordable Housing TIF financing will be provided through a Credit Enhancement Agreement at 75% of the increased taxable value, currently estimated at a 30-year annual average of \$65,150, with an estimated total of \$1,954,486 in captured revenue returned to the developer to off-set project operating costs. The proposed project will be taxable with an estimated annual assessment of \$3,200,000 and estimated annual taxes of \$69,280.

The remaining increased taxable value will be general fund revenue. TIF projections and proposed district map are included in the backup to this memo.

The Housing and Community Development Division works with an independent consultant who performs third party underwriting reviews of requests for City HOME funding. The third party analysis is attached. The report indicates that the developer is an experienced developer and has the financial capacity to keep the development process moving forward.

It is important to note that the initial underwriting has been done based on other funding sources that are anticipated but have yet to be secured. While significant progress has been made towards securing these financing sources, the final development budget and operating pro forma will need to be reviewed and analyzed to confirm the appropriateness of the initial HOME funding recommendation noted below.

The third party underwriting report makes the following recommendations:

Subject to availability of funding, a HOME loan in the amount of no more than \$300,000, at zero percent interest, deferred for 30 years.

The HOME Affordable Housing Development Application made funding available in the amount of \$1,080,174. The City received four applications requesting \$1,741,540 in funding.

The staff recommendation to the Housing Committee did not include HOME funding for the project at 977 Brighton Avenue. The staff recommendation to the Housing Committee included funding for Deering Place at an additional \$200,000, Front Street at \$510,174 and 178 Kennebec Street at \$370,000.

The Housing Committee voted to recommend HOME funding for Deering Place at an additional \$200,000, Front Street at \$580,174, 178 Kennebec Street at \$0 and 977 Brighton Avenue at \$300,000.

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

**Order 27-18/19  
(Tab 39)**

**Order Appropriating Home Investment Partnership Program Funds in the Amount of \$580,174 to the Portland Housing Development Corporation Re: Front Street – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.**

The Housing Committee met on June 27, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

Portland Housing Development Corporation is requesting HOME funding to assist in the re-development of affordable family rental housing on Front Street. The developer is proposing to demolish and re-develop the existing 50 units of housing and add an additional 61 units of mixed-income rental housing.

The development will include:

Front Street		
1-Bedroom Units (29)	at or below 50% area median income	7
	at or below 50% area median income PBV	11
	Market Rate	11
2-Bedroom Units (38)	at or below 50% area median income	19
	at or below 50% area median income PBV	7
	Market Rate	12
3-Bedroom Units (27)	at or below 50% area median income	5
	at or below 50% area median income PBV	19
	at or below 60% area median income	3
4-Bedroom Units (13)	at or below 50% area median income PBV	13
5-Bedroom Units (4)	at or below 50% area median income PBV	4
Total Units		111

This project is seeking 4% Low Income Housing Tax Credit and tax-exempt debt with Maine Housing. It will not proceed on the same timetable as the other three proposals who will be seeking 9% Low Income Housing Tax Credits. The developer has engaged in significant public outreach in the East Deering Neighborhood. A neighborhood meeting was held on November 7, 2017 and the Planning Board held a workshop on November 14, 2017. The Planning Department has made significant commitments to the neighborhood to ensure that the design of the project is contextual to the neighborhood. To ensure these commitments are met, staff is recommending funding for this project.

The Housing and Community Development Division works with an independent consultant who performs third party underwriting reviews of requests for City HOME funding. The third party analysis is attached. The report indicates that the developer is an experienced developer and has the financial capacity to keep the development process moving forward.

It is important to note that the initial underwriting has been done based on other funding sources that are anticipated but have yet to be secured. While significant progress has been made towards securing these financing sources, the final development budget and operating pro forma will need to be reviewed and analyzed to confirm the appropriateness of the initial HOME funding recommendation noted below.

The HOME Affordable Housing Development Application made funding available in the amount of \$1,080,174. The City received four applications requesting \$1,741,540 in funding.

The staff recommendation to the Housing Committee included HOME funding for Deering Place at an additional \$200,000, Front Street at \$510,174, 178 Kennebec Street at \$370,000 and 977 Brighton Avenue at \$0.

The Housing Committee voted to recommend HOME funding for Deering Place at an additional \$200,000, Front Street at \$580,174, 178 Kennebec Street at \$0 and 977 Brighton Avenue at \$300,000.

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

**Order 28-18/19  
(Tab 40)**

**Order Placing Charter Amendment on November 6, 2018, Municipal Ballot Re: 42-Day Finance Reports Required for Municipal Candidates – Sponsored by Councilor Belinda Ray.**

Currently, municipal candidates for public office are required to file just two campaign finance reports in the ten months prior to a November election: one in mid July, and one eleven days before the election.

At the state level, candidates for public office are required to file these two reports as well as a 42-day pre-election campaign finance report.

While state law exempts municipal candidates from the 42-day pre-election campaign finance reporting requirement, municipalities are free to enact additional requirements beyond what is mandated in state law. In the interest of ensuring transparency and openness in government at all levels, it makes sense for candidates for municipal office to meet the same reporting requirements as candidates for state office.

To add this reporting requirement for Portland municipal candidates, an amendment to the City Charter is required. The proposed amendment would add the following language (underlined below) to the City Charter:

## **Article IV**

### **Section 11. State election laws applicable.**

The laws of the state in Title 21-A of the Revised Statutes relating to the qualifications of electors, registration, the manner of voting, the duties of election officials, and all other particulars in respect to preparation for conducting and managing elections, so far as they may be applicable, shall govern all municipal elections in the City of Portland, except as otherwise provided herein.

In addition to the reports required for municipal candidates by Title 21-A of the Maine Revised Statutes, 42-day pre-election reports must be filed by municipal candidates no later than 11:59 p.m. on the 42nd day before the date on which a general election is held and must be complete as of the 49th day before that date.

Nothing in this charter shall prohibit the use of electronic or revised voting methods and procedures to the extent authorized by state and/or federal law. (Referenda 11/4/08).

Because this amendment does not make a change to the City's governance structure as outlined in the City Charter, it can be made at the Council level subject to voter approval. This amendment does not require the formation of a Charter Commission or the opening of the Charter.

This amendment does not contain any provisions that are prohibited by the federal or state constitution or the general laws of the State of Maine (see 30-A M.R.S. section 2103(5)(D) and 2104(5)(B)).

If approved by the Council, this amendment will be put to voters for approval at the November 2018 election.

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

**Order 29-18/19  
(Tab 41)**

**Order Placing Charter Amendment on November 6, 2018, Municipal Ballot Re: Immigrant Voting – Sponsored by Councilor Pious Ali and Mayor Ethan K. Strimling.**

Currently, legal immigrants, refugees and asylees in Portland, who are also legal residents of the city, are not allowed to vote in municipal elections. This, despite the fact that many have children in our schools, almost all pay income, sales and/or property taxes, and many have lived in our city for years as they await the federal bureaucracy to grant citizenship.

In the interest of enhancing residential participation in municipal affairs and ultimately making Portland a more welcoming city to our newest immigrants, refugees, and asylees, it makes sense to expand voting rights to all legal residents.

To add this allowance an amendment to the City Charter is required. The proposed amendment would add the following language to the City Charter:

#### **Article IV**

##### Section 12. Qualification to vote

Any other provision in this charter notwithstanding, legal immigrants who are residents of Portland and 18 years old or older on the date of any municipal election shall be allowed to register to vote and vote in municipal elections. In order to register, a legal immigrant shall provide proof of identity, age and residency, pursuant to title 21-A and legal status according to standards established by the city clerk. Such persons shall not have the right to run for and hold an elected municipal office.

Because this amendment does not make a change to the City's governance structure as outlined in the City Charter, it can be made at the Council level subject to voter approval. This amendment does not require the formation of a Charter Commission or the opening of the Charter (see legal opinion from Corporation Counsel, Gary Wood, August 18, 2010, which is included the agenda backup).

If approved by the Council, this amendment will be put to voters for approval at the November 2018 election.

This amendment does not contain any provisions that are prohibited by the federal or state constitution (see legal opinion from Corporation Counsel, Gary Wood, August 18, 2010, which is included in the agenda backup).

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

#### **AMENDMENTS:**

**Order 30-18/19  
(Tab 42)**

**Amendment Zoning Map Re: 1000, 1002/1004, and 1020 Congress Street – Sponsored by the Planning Board, Sean Dundon, Chair.**

The applicant, 1006 Congress LLC, requested a zoning map amendment for a 19,800 sq. ft. property at 1006 Congress Street, which is located at the corner of Congress and Westfield Streets. The parcel is in the Industrial-Low Impact IL zone. The requested map amendment is to change the zoning from IL to Business Community B-2.

The site is surrounded by I-L to the south, Residential R-6 to the west and north and B-2 on the eastern side. The majority of the buildings within the R-6 areas are multifamily buildings.

At the workshop on May 17, 2018, the Planning Board considered the request and recommended advertising an expanded area of B-2 along Congress Street for consideration at the public hearing. The expanded area included the surrounding properties at 1000, 1002/1004, and 1020 Congress Street (see map below), which would connect to the larger B-2 area in Libbytown. The rezoning to the B-2 zone would allow a wide range of commercial uses not allowed in the IL zone, such as retail, restaurants, neighborhood center and general businesses and professional offices.

On June 26, 2018, the Board held a public hearing and voted unanimously (5-0, Eaton and Whited absent) to recommend to City Council the zoning map amendment from Industrial-Low Impact IL zone to Business Community B-2 zone for the parcels at 1000, 1002/1004, 1006, and 1020 Congress Street.

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

**Order 31-18/19  
(Tab 43)**

**Amendment to Chapter 24 Sewers Re: Industrial Pretreatment Program Transfer to Portland Water District – Sponsored by Danielle West-Chuhta, Corporation Counsel.**

In early April, the City Manager and the Portland Water District (PWD) executed a memorandum of understanding (MOU) documenting a plan to transfer responsibility for the administration and management of the Industrial Pretreatment Program (IPP) from the City to PWD. This transfer of responsibility is in line with the arrangement that PWD has with Westbrook and Gorham. The MOU contemplated changes to the City's Code of Ordinances to effectuate the shift of responsibility to PWD. Those proposed revisions to Chapter 24 are now being presented to the Council for its consideration. If these amendments to Chapter 24 are approved, the shift contemplated by the MOU will take effect.

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

**Order 32-18/19  
(Tab 44)**

**Amendment to Portland City Code Chapter 6 Re: Rental Housing Advisory Committee – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.**

The Housing Committee met on June 5, 2018 and voted unanimously (3-0) to forward this item to the City Council with a recommendation for passage.

The Housing Committee voted to recommend changes to the structure and duties of the Rental Housing Advisory Committee which is created under Chapter 6 Buildings and Building Regulations, Article XI, Tenant Housing Rights, Section 6-225, Rental Housing Advisory Committee.

The following recommended changes are from the May 23 meeting of the Housing Committee:

The Committee shall be comprised of nine (9) members, including  
three (3) members who are landlords  
three (3) members who are tenants  
one (1) member who is not a landlord or a tenant  
one (1) member experienced in legal rights/interest of tenants nominated by Pine Tree Legal Assistance

one (1) member with experience in legal rights/interests of landlords nominated by the Southern Maine Landlord Association

All members of the Committee shall be residents of the City of Portland and shall serve staggered terms set by City Council order.

- All members will be appointed by the City Council.
- The Southern Maine Landlord Association will submit one name for consideration for the landlord representative positions.
- Pine Tree Legal Assistance will submit one name for the tenant representative positions.
- The Committee will be co-chaired by one (1) Landlord representative and one (1) Tenant representative as agreed to by the members of the Committee.
- The City's Planning and Urban Development Department, through the Housing and Community Development Division, will be the staff liaison to the Rental Housing Advisory Committee, attend all meetings and keep the minutes of the Committee.

The Committee shall meet not less than quarterly and shall undertake the following duties:

1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues.
2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

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