

ETHAN K. STRIMLING (MAYOR)
BELENDIA 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
FEBRUARY 5, 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:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

PROCLAMATIONS:

**Proc 21-17/18 Proclamation Honoring Angela Calvo, Fire Department, as
(Tab 1) Employee of the Month for December 2017 –Sponsored by Mayor
Ethan K. Strimling.**

APPOINTMENTS:

CONSENT ITEMS:

**Order 144-17/18 Order Authorizing Waterfront Concert Festivals Presented by
(Tab 2) Waterfront Concerts, LLC on the Maine State Pier and Approving
Contracts and Permits Therefor – Sponsored by Jon P. Jennings, City
Manager.**

The Public Assembly Facilities Department is requesting approval to maintain holds and confirmations through their office, for the Waterfront Concerts in 2018 similar to the process currently used for events at their other facilities.

Each concert will fall under the same guidelines enforced by the City of Portland (Parks, Recreation & Facilities Management). Administrative control over the usage of the Maine State Pier would be maintained.

This provision is being requested so Waterfront Concerts can more actively market the Maine State Pier as a viable option for artists looking for summer outdoor concerts in Maine. This would apply only for the 2018 outdoor concert season.

This Council Order will allow the Recreation & Facilities Management Department the flexibility to manage the potential events presented by Waterfront Concerts for the 2018 Summer Season. Following the 2017 Concert Series, Staff feels it has been a positive experience and a good working relationship. Waterfront Concerts will continue to work closely with the City, Casco Bay Ferries, Ready Seafood and other existing businesses on improving the overall operation and coexisting in the area of the Maine State Pier. Efforts were made and will continue to be made in minimizing sound levels, and adhering to the determined curfew (which was demonstrated throughout the 2017 series). Included in the agenda backup is detail from the 2017 season referencing noise complaints received via Police Department, e-mail, and phone.

**Order 145-17/18
(Tab 3)**

Order Declaring May 13, 2018 the Portland Sea Dogs Mother's Day 5K Race Festival – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the Portland Sea Dogs Mother's Day 5K Race to be held on Sunday May 13, 2018. The formation of runners and start time will be on Park Avenue in front of the Expo and the Ice Arena. The start time of the race is 9:15 a.m.

Race route and street closures are included in the agenda backup.

**Order 146-17/18
(Tab 4)**

Order Declaring June 21 to June 23, 2018 the 2018 Greek Heritage Food Festival – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the 2018 Greek Heritage Food Festival to be held on June 21, 22, and 23, 2018 on Holy Trinity Greek Orthodox Church grounds and a portion of Pleasant Street in front of the church. The hours of the Food Festival are 11:30 a.m. to 9:30 p.m.

**Order 147-17/18
(Tab 5)**

Order Declaring June 23, 2018 the Allagash Street Fair Festival – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the Allagash Street Fair Festival to be held on Saturday June 23, 2018 from 1:00 p.m. to 6:00 p.m. The Festival will use Industrial Way, as well as the adjacent businesses grounds.

Street closures are included in the agenda backup.

Five affirmative votes are required for passage of the Consent Calendar.

LICENSES:

**Order 148-17/18
(Tab 6)**

Order Granting Municipal Officers' Approval of Maine Lobster Shack. Application for a Class I FSE with Outdoor Dining on Private Property at 425 Fore Street – Sponsored by Michael Russell, Director of Permitting and Inspections Department.

Application was filed on 1/2/2018. New City and State Applications. Applicant was granted a Class III & Class IV License on June 19, 2017 and is applying to upgrade to Class I.

Five affirmative votes are required for passage after public comment.

**Order 149-17/18
(Tab 7)**

Order Granting Municipal Officers' Approval of Rising Tide Brewing Company LLC DBA Rising Tide Brewing Company LLC. Application for a Class III & IV FSE with Entertainment without Dance limited to 16 hours per week and Outdoor Dining on Private Property at 103 Fox Street – Sponsored by Michael Russell, Director of Permitting & Inspections Department.

Application was filed on 1/5/2018. New City and State applications. Applicant currently holds a Brewery with Entertainment without Dance limited to 16 hours per week and Outdoor Dining on Private Property.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 14-17/18
(Tab 8)**

Communication Re: Appointments to the Dr. Martin Luther King Recognition Task Force – Sponsored by Mayor Ethan K. Strimling.

This Communication appoints the following persons to the Dr. Martin Luther King Recognition Task Force:

Blanca Santiago
Dawud Ummah
Regina Phillips
Merita McKenzie
Daniel Minter
Danielle Conway
Councilor Pious Ali, Chair

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

**Com 15-17/18
(Tab 9)**

Communication Re: City Ordinance 17-113 – Sponsored by Mayor Ethan K. Strimling.

On November 5, 2013, Portland voters supported the passage of a City ordinance which allows the possession of up to 2.5 ounces of marijuana by adults age 21 and older. Section 17-113 went into effect on December 6, 2013. The ordinance allows for the possession of marijuana in a public place, but it prohibits the use of marijuana in public and the furnishing of or trafficking in the drug. Section 17-116 requires the Mayor to report to the City Council annually as to the implementation and enforcement of the ordinance.

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

RESOLUTIONS:

**Resolve 7-17/18
(Tab 10)**

Resolution Opposing Oil and Gas Offshore Drilling Off the Coast of Maine – Sponsored by Mayor Ethan K. Strimling, Councilor Kim Cook, Councilor Pious Ali, Councilor Justin Costa, Councilor Jill C. Duson, Councilor Nicholas M. Mavodones, Jr., Councilor Spencer Thibodeau, Councilor Brian E. Batson, and Councilor Belinda S. Ray.

While under the previous president's administration offshore drilling for gas and oil was not allowed off the East Coast, the federal government under President Donald Trump is considering a new program that would allow that. More than one hundred and forty other coastal town and city governments have voted to oppose offshore drilling for gas and oil exploration on the Outer Continental Shelf near their localities. On Maine's own coastline, the subject of artists and the year-round destination of international and local visitors, the importance of keeping the ocean pristine is undebatable. At the same time, the risk of pollution and harm to aquatic life from offshore drilling are well known.

By this resolve, the Portland City Council would be put on record opposing offshore gas and oil drilling off the coast of Maine. The Resolve would be submitted to the Bureau of Ocean Energy Management in the Department of the Interior, which is accepting comment in the process of considering changes to the leasing program for oil and gas drilling off the coast of the United States.

Five affirmative votes are required for passage after public comment.

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

UNFINISHED BUSINESS:

**Order 127A-17/18
(Tab 11)**

Order Authorizing Appointments to the Greater Portland Transit District for 2018 – Sponsored by Mayor Ethan K. Strimling.

This order appoints the following individuals to the Greater Portland Transit District for the calendar year 2018.

Mayor Ethan Strimling
Councilor Belinda Ray
Councilor Pious Ali
Jetport Director Paul Bradbury
Finance Director Brendan O'Connell

At the January 3, 2018, City Council meeting this item was postponed to the next meeting. Five affirmative votes are required for passage after public comment.

**Order 137-17/18
(Tab 12)**

**Amendment to Zoning Map Re: 233 Anderson Street and Vicinity
– Sponsored by the Portland Planning Board, Sean Dundon, Chair.**

On December 6, 2017, the Planning Board met and unanimously voted 5-0 (Stanley absent; Morrissette recused) to forward this item to the City Council with a recommendation for passage.

The proposed map amendment was requested for a parcel at 233 Anderson Street by the applicant 2 Walnut, LLC. to change the zoning from Low Impact Industrial (I-Lb) to Neighborhood Business (B1b).

The current zoning for the applicant's vacant lot is split between the two zones and the applicant is seeking to have the entire parcel under the B-1b designation in order to develop a mixed-use development that would potentially include multi-family housing.

The Board recommended expanding the map amendment to include a portion of land owned by the State of Maine to avoid leaving a sliver of Ilb immediately north of the applicant's parcel.

This item must be read on two separate days. It was given a first reading on January 3, 2018. Five affirmative votes are required for passage after public comment.

**Order 141-17/18
(Tab 13)**

**Amendment to Portland City Code Chapter 14 Re: Interim Planning
Overlay District – Sponsored by the Planning Board, Sean Dundon,
Chair.**

The Planning Board met on January 8, 2017 and voted unanimously to forward this item to the City Council with a recommendation for passage.

On December 18th the City Council implemented a moratorium on new development applications and demolitions for the R-6 on Munjoy Hill, with a provision that interim review standards would be implemented within 65 days of the moratorium's effective date of December 4, 2017. The demolition moratorium remains in effect for the remaining 115 days, but applications for new Level I, Level II, and Level III site plan applications, as well as amendments to prior approvals, submitted after implementation of the Interim Planning Overlay District (IPOD) could be accepted for review under the interim standards.

The IPOD introduces dimensional and design standards that are in addition to any other standards applicable to new development in the R-6 zone. The proposed changes are based on trends identified in the course of an audit of development activity and trends in the R-6 zone, and includes changes to height, setbacks, parking placement, rooflines, rooftop appurtenances, and building materials. The interim standards are intended to provide more contextually appropriate new design, allow development to proceed, and form the basis for long-term changes in the zone.

Over the course of the remaining 115 days of the moratorium, staff will continue to investigate suitable amendments and/or additional tools to address concerns about demolitions and the character of new development on Munjoy Hill. Stakeholder outreach will be included throughout the process.

The R-6 Moratorium states that implementation of an interim ordinance shall be in place for the final 115 days of the 180 moratorium, which went into effect as of December 4. February 5 is the final meeting date to meet this deadline; therefore, this order contains an emergency enactor.

This item must be read on two separate days. It was given a first reading on January 31. Seven affirmative votes are required for passage as an emergency after public comment.

**Order 142-17/18
(Tab 14)**

Amendment to Zoning Map Re: Munjoy Hill Interim Planning Overlay District – Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on January 8, 2017 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The R-6 Moratorium states that implementation of an interim ordinance shall be in place for the final 115 days of the 180 moratorium, which went into effect as of December 4. February 5 is the final meeting date to meet this deadline; therefore, this order contains an emergency enactor.

This item must be read on two separate days. It was given a first reading on January 31. Seven affirmative votes are required for passage as an emergency after public comment.

**Order 143-17/18
(Tab 15)**

**Amendment to Portland City Code Chapter 2 Administration
Re: Civil Service – Sponsored by the Health and Human Services
and Public Safety Committee, Councilor Belinda S. Ray, Chair.**

The Health and Human Services and Public Safety Committee met on January 22, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The proposed changes to the Civil Service Ordinance are intended to ensure that the hiring and promotion processes for the Police and Fire Departments are up to date and reflect current practices while meeting the needs of both the departments and the unions.

This item must be read on two separate days. It was given a first reading on January 31. Staff is requesting emergency passage of this order. Seven affirmative votes are required for passage as an emergency after public comment.

ORDERS:

**Order 150-17/18
(Tab 16)**

Order Re-Establishing the Dr. Martin Luther King Recognition Task Force – Sponsored by Mayor Ethan K. Strimling.

On March 27, 2017 the City Council created the Dr. Martin Luther King Recognition Task Force (Order 173-16/17) to consider how the life and legacy of Dr. Martin Luther King may be best acknowledged and recognized in the form of renaming a street, park or similarly situated public space. The order included a sunset date of December 31, 2017. The Task Force requires additional time to complete its work and requests that the City Council re-establish the Task Force and requires a report to the City Council by May 31, 2018.

Five affirmative votes are required for passage after public comment.

**Order 151-17/18
(Tab 17)**

Order Approving the Agreement between Portland and Maine Department of Transportation Re: Paving Allen Avenue from Summit Street to Washington Avenue and Auburn Street – Sponsored by Jon P. Jennings, City Manager.

The City Council is being asked to approve a two-party agreement that will allow Maine Department of Transportation and the City to construct the Allen Avenue paving project in 2018.

Approving and signing this agreement would confirm the City's intent to construct this project, pay 25% of the total project cost for paving Allen Avenue, and pay 100% of the cost to pave Washington Avenue between Allen Avenue and Auburn Street (330 ft.) and Auburn Street between Washington Avenue and Chapman Street (410 ft.)

The estimated total project cost to pave Allen Avenue is \$425,000. The City's 25% share would be \$106,250. The estimated additional cost to pave Washington Avenue and Auburn Street is \$170,000, which would be paid entirely by the City.

The total estimated City of the project cost is \$276,250.

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

**Order 152-17/18
(Tab 18)**

Order Approving the Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Paving Cumberland Avenue from Elm Street to State Street – Sponsored by Jon P. Jennings, City Manager.

The City Council is being asked to approve a three-party partnership agreement that will allow Portland Area Comprehensive Transportation System, Maine Department of Transportation and the City to move ahead with plans to pave Cumberland Avenue between Elm Street and State Street in 2019.

Approving and signing this agreement would confirm the City's intent to undertake this project and pay 25% of the total cost. The estimated total project cost is \$397,100. The City's 25% share would be \$99,275.

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

**Order 153-17/18
(Tab 19)**

Order Approving the Agreement between Portland, Portland Area Comprehensive Transportation System and Maine Department of Transportation Re: Paving Danforth Street from High Street to Vaughan Street - Sponsored by Jon Jennings, City Manager.

The City Council is being asked to approve a three-party partnership agreement, which would allow Portland Area Comprehensive Transportation System, Maine Department of Transportation, and the City to move ahead with plans to pave Danforth Street between High Street and Vaughan Street in 2019.

Approving and signing this agreement will confirm the City's intent to undertake this project and pay 25% of the total project cost. The estimated total project cost is \$706,600. The City's 25% share would be \$176,650

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

AMENDMENTS: