

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
SEPTEMBER 17, 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, Portland Laureate Linda Aldrich

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) September 5, 2018 Draft 5:30 P.M. Regular City Council Meeting Minutes

PROCLAMATIONS:

- | | |
|----------------------------------|---|
| Proc 7-18/19
(Tab 2) | Proclamation Honoring Linda Aldrich as Portland's Poet Laureate – Sponsored by Mayor Ethan K. Strimling. |
| Proc 8-18/19
(Tab 3) | Proclamation Recognizing Childhood Cancer Awareness Month - Sponsored by Mayor Ethan K. Strimling. |
| Proc 9-18/19
(Tab 4) | Proclamation Recognizing the 75th Anniversary of the Portland Housing Authority – Sponsored by Mayor Ethan K. Strimling. |
| Proc 10-18/19
(Tab 5) | Proclamation Honoring the Portland Community Free Clinic – Co-Sponsored by Councilor Belinda Ray, Councilor Justin Costa, Councilor Kim Cook, Councilor Spencer Thibodeau, Councilor Jill C. Duson, Councilor Nicholas M. Mavodones, Jr., Councilor Pious Ali, and Mayor Ethan K. Strimling. |
| Proc 11-18/19
(Tab 6) | Proclamation Honoring Jason Chan, Health and Human Services Department, Social Services Division, as Employee of the Month for September 2018 – Sponsored by Mayor Ethan K. Strimling. |

APPOINTMENTS:

CONSENT ITEMS:

LICENSES:

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

**Resolve 1-18/19
(Tab 7)**

Resolution Opposing Federal Preemption of Local Pesticide Ordinances – Co-Sponsored by Councilor Spencer Thibodeau, Councilor Nicholas M. Mavodones, Jr., Councilor Jill C. Duson, Councilor Justin Costa, Councilor Belinda Ray, Councilor Pious Ali, and Mayor Ethan K. Strimling.

The United States House of Representatives and the United States Senate have passed farm bills with differing language and are reconciling them in a conference committee. Language in the House version of the bill contains language that would restrict the ability of local jurisdictions to pass regulations on pesticides that are stricter than Federal rules. This resolution expresses opposition to preemption of local ordinances and authorizes the Mayor and Chair of the Sustainability and Transportation Committee to send a letter to the Chairs and ranking members of the Reconciliation Committee, as well as the Maine Legislative Delegation.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

**Order 67-18/19
(Tab 8)**

Amendment to Portland City Code Chapter 6 Re: Short Term Rentals – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

The Housing Committee met on July 31, 2018 and voted unanimously (2-0, Cook absent) to forward this item to the City Council with a recommendation for passage.

Chapter 6, Article VI of the City Code governs the registration of both long term and short term rentals, and § 6-151(a)(1) requires that rental units must be registered and renewed annually.

The ordinance imposes a cap on mainland, non-owner occupied short term rental units, limiting the number of registered units in the City to 300. Section 6-154 describes the allocation of registrations for non-owner

occupied mainland short-term rental units as on a “first come, first registered basis,” but also provides that “The City Manager or his or her designee may institute a lottery process at his or her discretion.”

The proposed amendment to § 6-154 adds an “automatic right to renew” for registered mainland, non-owner occupied short term rental units that renew prior to January 1. It also clarifies that the lottery process will only be used to choose applicants off a waitlist once the 300 cap is met. If an existing registration is not renewed by January 1, the applicant would forfeit his or her automatic right to renew. However, registration would still be available if the 300 cap had not been met or if the application was chosen off the waitlist.

If the non-owner occupied mainland short-term rental unit registrations are not automatically renewed, there is the possibility, as the short-term rental industry grows, that valid registered units may not receive renewal under the current first-come, first-registered process or under the lottery process. This change gives owners certainty about their ability to continue operating, so long as they renew in a timely fashion.

This item must be read on two separate days. It was given a first reading on September 5, 2018. Five affirmative votes are required for passage after public comment.

**Order 68-18/19
(Tab 9)**

Amendment to Zoning Map, B-6 Building Height Overlay and Building Envelopes Map Re: 100 Fore Street – Sponsored by the Planning Board, Sean Dundon, Chair.

The Planning Board met on August 14, 2018 and voted 5-0 (Austin Smith absent, Lisa Whited recused) to forward this item to the City Council with a recommendation for passage.

The applicant, 100 Fore Street LLC, has applied for a zoning map amendment to allow for building heights up to 55 feet in order to support a mixed-use site containing structured parking wrapped by office and retail uses. On August 14, 2018, the Planning Board voted to recommend a zoning map amendment to the *B-6 Building Height Overlay & Building Envelopes* map (Height Overlay), changing maximum heights for 100 Fore Street, as well as additional changes for clarity and in response to changed conditions in the area since the Overlay has been implemented. Changes proposed to the Height Overlay include the following, limited to the building envelope where 100 Fore Street is located: a proposal to allow building heights of 45 feet with extensions to 55 feet; height to be measured from average grade rather than from the floodplain; height limits of 35’ for a depth of 40’ near Fore Street (currently 35’ for a depth of 100’); change to the remainder of the single parcel with the floodplain measurement requirement to 45ft maximum height from average grade.

Changes that impact the full Height Overlay include: removal of the westernmost building envelope, which is now superseded by the India Street Form Based Code; no-build areas replaced with view protection splays and street extension areas; and reduction of a 65 ft. maximum height building envelope with 35 ft. maximum height.

This item must be read on two separate days. It was given a first reading on September 5, 2018. Five affirmative votes are required for passage after public comment.

**Order 69-18/19
(Tab 10)**

Amendment to the Portland City Code Chapter 17 Re: Moratorium on Medical Marijuana Retail Stores, Medical Marijuana Testing Facilities, and Medical Marijuana Manufacturing Facilities - Sponsored by Jon P. Jennings, City Manager.

This agenda item proposes a temporary moratorium on new marijuana caregiver retail stores, manufacturing facilities, and testing facilities to give the City time to implement zoning, licensing, and other regulatory ordinances to minimize any potential adverse impacts from their operation in the City. This moratorium will not impact legally existing caregiver operations in the City.

This item must be read on two separate days. It was given a first reading on September 5, 2018. Five affirmative votes are required for passage after public comment.

ORDERS:

AMENDMENTS:

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