

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
OCTOBER 1, 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, Palaver Strings

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) September 17, 2018 Draft Regular City Council Meeting Minutes

PROCLAMATIONS:

APPOINTMENTS:

Order 70-18/19 **Order Appointing Members to Various Boards and Committees –**
(Tab 2) **Sponsored by the Nominating Committee, Councilor Pious Ali, Chair.**

The Nominating Committee is making the following recommendations to the Various Boards and Committees.

Name	Board and Committee	Expiration
Bert Jongerden	Harbor Commission	12/31/2021
Daniel Haley	Harbor Commission	12/31/2021
Thomas Valleau	Fish Exchange C	10/31/2020
Nick Alfiero	Fish Exchange B	10/31/2020
Avis Leavitt	Fish Exchange A	10/31/2020
Eric Larsson	Zoning Board of Appeals	12/31/2021
Kathie Jacks	Board of Assessment Review	09/30/2020
Julia Tate	Historic Preservation Board	11/30/2021
Timothy Agnew	Portland Development Corporation	09/30/2021
Stephen Lovejoy	Portland Development Corporation	09/30/2021

Blaine Grimes	Portland Development Corporation	09/30/2021
James Dowd	Portland Development Corporation	09/30/2021
Laura Reading	Portland Development Corporation	09/30/2021
Jeffery Hicklin	Portland Development Corporation	09/30/2020
Samuel Martin	CDBG	09/30/2021

Five affirmative votes are required for passage after public comment.

**Order 71-18/19
(Tab 3)**

Order Appointing Keith Gautreau Chief of the Fire Department – Sponsored by Jon P. Jennings, City Manager.

This order appoints Keith Gautreau to the position of Fire Chief for the City of Portland’s Fire Department at the annual salary rate of \$122,791.50.

This order must be read on two separate days. This is its first reading. Staff is requesting that the second reading be waived, and this item be passed as an emergency in order to make it effective immediately. Seven affirmative votes are required to waive the second reading and also for passage as an emergency.

CONSENT ITEMS:

**Order 72-18/19
(Tab 4)**

Order Setting Time for Opening of Polls on November 6, 2018 Re: State and Local Elections - Sponsored by Katherine L. Jones, City Clerk.

Pursuant to 21-A M.R.S. §626, the hour of poll opening must be set by the municipal officers. This is done for every election. The polls open at 7:00 a.m. and close at 8:00 p.m.

Five affirmative votes are required for passage after public comment.

LICENSES:

**Order 73-18/19
(Tab 5)**

Order Granting Municipal Officers’ Approval of Atwater Holdings, LLC dba Sagamore Hill Lounge for a Class A Lounge with Outdoor Dining on Public Property at 150 Park Street. – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 9/5/2018. New City and State applications. This is a change of ownership in an existing business.

Five affirmative votes are required for passage after public comment.

**Order 74-18/19
(Tab 6)**

Order Granting Municipal Officers’ Approval of Sun Tiki Studios LLC dba Sun Tiki Studios LLC. Application for an Auditorium with Entertainment with Dance at 375 Forest Avenue – Sponsored by Michael Russell, Director of Planning and Inspections.

Application was filed on 9/6/2018. New City and State applications. Location was formerly Sun Tiki Tanning Salon.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Order 69-18/19 (Tab 7) 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. At the September 17, 2018 Council meeting this item was postponed to this meeting. Staff is requesting that this item be passed as an emergency in order to protect the public safety and welfare of the City of Portland. Seven affirmative votes are required for passage.

ORDERS:

Order 75-18/19 (Tab 8) Order Approving a Real Estate Option Agreement with Capricorn Products, LLC for the Sale of Lot 1 at Portland Technology Park – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on September 18, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

Approval of this order would move forward the sale of Lot 1, with 3.47 acres, located in the Portland Technology Park, for \$420,000 to Capricorn Products, LLC to support its location and retention in Portland. Company headquarters and laboratories are now located at 12 Rice Street, Portland.

At present, Patron’s Oxford Insurance Company is the first tenant in the Portland Technology Park. Three additional lots, including Lot 1, are served by public infrastructure and all utilities and are available for sale.

Five affirmative votes are required for passage after public comment.

**Order 76-18/19
(Tab 9)**

Order Authorizing the Assignment of a Portion of the McCauley Place Tax Increment Financing District Credit Enhancement Agreement to DC Baxter Woods LLC, DC Baxter Woods II LLC, and DC Baxter Woods III LLC - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on September 18, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

Changes in corporate entities are taking place to support the redevelopment of the Motherhouse Project and surrounding property located in the McAuley Place TIF District. This necessitates City Council approval to assign a portion of the McAuley Place TIF Credit Enhancement Agreement (CEA) which is permitted under the existing City Council approved CEA per Section 7.3.

The redevelopment project includes 88 total (66 with affordable restrictions and 22 market rate) units located in the Motherhouse; and 21 market rate residential units located between the Motherhouse and Baxter Woods.

Five affirmative votes are required for passage after public comment.

**Order 77-18/19
(Tab 10)**

Order Amending the Bayside Tax Increment Financing District to Increase Public Investment Options – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on September 18, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

Amendments to the Bayside Tax Increment Financing (TIF) District are proposed to maximize utilization of the TIF District revenue by adding more public investment options for use of TIF revenue, including, but not limited to, professional service costs; and workforce training funds.

The City staff proposed amendments do not involve credit enhancement agreements.

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

**Order 78-18/19
(Tab 11)**

Order Amending the Downtown Transit Oriented Development and Omnibus Tax Increment Financing District to Add More Public Investment Options and to Increase the Capture Rate – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on September 18, 2018 and voted to forward this item to the City Council with a recommendation for passage.

Amendments to the Downtown Transit Oriented Development Tax Increment Financing (TIF) District are proposed to maximize utilization of the TIF District revenue by adding more public investment options for use of TIF revenue, including, but not limited to shuttle service to downtown business; professional service costs; workforce training funds; and multi-modal surface and structured parking. A further amendment would increase the TIF District Annual Capture Rate from up to 22% to up to 100%.

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

**Order 79-18/19
(Tab 12)**

Order Amending the 2002 Waterfront Tax Increment Financing District to Increase Public Investment Options and to Add New Properties – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on September 18, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

Amendments to the Waterfront Tax Increment Financing (TIF) District and Growth area are proposed to maximize utilization of the TIF District revenue by adding more public investment options for use of TIF revenue, along with adding additional properties to expand the Waterfront TIF District, which properties can be seen on the map included in the Council packet. Additional investment options include, but are not limited to, multi-modal surface and structured parking; new publicly owned pier; economic development programs or events; environmental improvement projects; professional service costs; and dredge sediment disposal and CAD Cell Development.

The City staff proposed amendments do not involve credit enhancement agreements.

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

AMENDMENTS:

**Order 80-18/19
(Tab 12)**

**Amendment to Portland City Code Chapter 14 and Chapter 8
Re: Waterfront Development Growth Area – Sponsored by the
Economic Development Committee, Councilor Justin Costa, Chair.**

The Economic Development Committee met on September 18, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This is a companion Amendment to Order 79 above.

The amendments to the Waterfront Capital Improvement and Economic Redevelopment Zone and Ordinance are proposed to expand the future growth area for the Waterfront Tax Increment Financing (TIF) District from Casco Bay Bridge to include Sprague Energy.

Housekeeping and clarifying amendments to the ordinance are also proposed to align the ordinance with current practice and avoid confusion with other sections of the Land Use Code. To promote clarity within the ordinance and to avoid confusion with other sections of the Land Use Code, the amendments include changing the title of the program from Waterfront Capital Improvement and economic Redevelopment Zone and Ordinance to Waterfront Development Growth Area Ordinance.

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

**Order 81-18/19
(Tab 14)**

**Amendment to Zoning Map RE: Hope Avenue – Sponsored by the
Planning Board, Sean Dundon, Chair.**

On September 11, 2018 the Planning board met and voted 5-0 (Dundon and Silk Absent) to forward this item to the City Council with a recommendation for passage.

On September 11, 2018, the Planning Board voted unanimously, 5-0 (Dundon and Silk absent) to recommend to City Council adoption of the proposed map amendment to rezone a 14-acre parcel comprising 0 Hope Avenue and adjacent right-of-way to R-3 Residential, as requested by Estelle Estates, LLC. This map amendment would enable the development of a planned residential unit development with 27 duplexes (54 residential units) on currently undeveloped land off of Hope Avenue in the North Deering Neighborhood. The proposed development was conceived as part of a negotiated land conveyance agreement between the City and then property owners Lloyd Wolf and Robert Adam that brought 48-acres of land into the City of Portland's municipal limits and established the Presumpscot River Preserve.

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: