

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 15, 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:

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

PROCLAMATIONS:

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| Proc 12-18/19
(Tab 2) | Proclamation Recognizing Charlie Eschbach – Sponsored by Mayor Ethan K. Strimling. |
| Proc 13-18/19
(Tab 3) | Proclamation Honoring Officer Daniel Rose as Officer of the Month for August 2018 – Sponsored by Mayor Ethan K. Strimling. |
| Proc 14-18/19
(Tab 4) | Proclamation Honoring Thomas Jarvais, Parking Division, as Employee of the Month for September 2018 – Sponsored by Mayor Ethan K. Strimling. |
| Proc 15-18/19
(Tab 5) | Proclamation Recognizing Italian Heritage Month 2018 – Sponsored by Councilor Pious and Co-Sponsored by Councilor Brian Batson, Councilor Spencer Thibodeau, Councilor Jill C. Duson, and Mayor Ethan K. Strimling. |
| Proc 16-18/19
(Tab 6) | Proclamation Recognizing Latino/Hispanic Heritage Month 2018 – Sponsored by Councilor Pious Ali and Co-Sponsored by Councilor Justin Costa, Councilor Spencer Thibodeau, Councilor Jill C. Duson, Mayor Ethan K. Strimling, and School Board Member Roberto Rodriguez. |

APPOINTMENTS:

**Order 82-18/19
(Tab 7)**

Order Appointing Directors of the Portland Widows’ Wood Society for the 2018-2019 Term – Sponsored by Jon P. Jennings, City Manager.

The Portland Widows’ Wood Society provides assistance to needy Portland residents who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors to the Portland Widows’ Wood Society for the 2018-2019 term:

Nancy English
Henry Donovan
Everett Ingalls
Cyrus Hagge
John Knox
Thomas Pierce
Cheryl Hallett

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

**Order 83-18/19
(Tab 8)**

Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Bladimir Perez – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$696 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Bladimir Perez.

The money was seized during a drug investigation conducted by the M.D.E.A. in conjunction with the Portland Police Department. The money will be deposited into the Portland Police Department’s drug investigation account. The money is used to offset the costs of drug investigations, such as drug analysis, drug purchases, covert surveillance, surveillance equipment, drug training and protective gear, such as body armor. The money may also be used to support the department’s Law Enforcement Addiction Advocacy Program.

Five affirmative votes are required for passage after public comment.

LICENSES:

**Order 84-18/19
(Tab 9)**

Order Granting Municipal Officers’ Approval of Mainely Burgers LLC dba Mainely Booze. Application for a Qualified Caterer at 108 St. John Street – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 9/12/2018. New City and State applications. The owners currently operate a commissary kitchen at this location.

Five affirmative votes are required for passage after public comment.

**Order 85-18/19
(Tab 10)**

Order Granting Municipal Officers' Approval of Root Wild LLC dba Root Wild. Application for a Brewery with Outdoor Dining on Private Property at 135 Washington Avenue – Sponsored by Michael Russell, Director of Permitting and Inspections.

Application was filed on 9/19/2018. New City application.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 4-18/19
(Tab 11)**

Communication Re: Portland Parks Commission Report – Sponsored by the Portland Parks Commission – Dory Waxman, Chair.

The Parks Commission met on September 6, 2018 and voted unanimously to forward the October 2016 to May 2018 Portland Parks Commission Report to the City Council with a recommendation for passage.

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

**Com 5-18/19
(Tab 12)**

Communication Re: Annual Tax Increment Financing Report – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on September 4, 2018 and voted 2-0 (Councilor Thibodeau absent) to forward this item to the City Council as a Communication.

City Tax Increment Financing (TIF) Policy requires the preparation and presentation of an annual TIF district activity report. The FYE2018 TIF Annual Report represents the sixth year of reporting.

Highlights of this year's Report notes City Council TIF actions during FY2018. This includes:

The City Council passed five items relating to TIFs, specifically:

A. The City Council adopted a revised TIF Policy, included in the Report.

- B. The Downtown Transit Oriented Development (TOD) and TIF District was amended to take out a property from the District, 58 Boyd Street, so that that property could then be its own freestanding Affordable Housing TIF District.
- C. Approved an Affordable Housing TIF District for 58 Boyd Street for a term of 30 years (FY2019 through FY2048), with 50% capture to the Developer and 50% into the City's General Fund. This District supports the development of a 55 unit, mixed income, multi-family rental apartment building. TIF revenues will be used by Developer to pay for operating costs for the project.
- D. Approved an Affordable Housing TIF District for Deering Place, located at 61 Deering Street and 510 Cumberland Avenue, for a term of 30 years (FY2019 through FY2048), with 75% capture to the Developer and 25% into the City's General Fund. This Affordable Housing TIF District supports the development of 75 units of residential rental housing. TIF revenues will be used by Developer to pay for operating costs for the project.
- E. Approved adding parcels to the Waterfront TIF District as there are two projects under construction in the District that would provide additional TIF revenue, approximately \$490,000 annually, as well as additional tax sheltering savings at approximately \$145,000 annually. Those projects are the WEX office construction project at Hancock and Thames Streets, and the mixed use development at Union Wharf which includes office, restaurants, food court, and open market.

The Report also has a table showing the past six-year trend, as well as an Appendix which lists all the current TIFs and the activity numbers associated with them.

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

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 77-18/19
(Tab 13)**

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. It was given a first reading on October 1, 2018. Five affirmative votes are required for passage after public comment.

**Order 78-18/19
(Tab 14)**

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 3-0 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. It was given a first reading on October 1, 2018. Five affirmative votes are required for passage after public comment.

**Order 79-18/19
(Tab 15)**

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 Contained Aquatic Disposal Cell Development.

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

This item must be read on two separate days. This item must be read on two separate days. It was given a first reading on October 1, 2018. Five affirmative votes are required for passage after public comment.

**Order 80-18/19
(Tab 16)**

**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. It was given a first reading on October 1, 2018. Five affirmative votes are required for passage after public comment.

**Order 81-18/19
(Tab 17)**

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

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. It was given a first reading on October 1, 2018. Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 86-18/19
(Tab 18)**

Order Approving Option to Extend Northeast Air North Apron Lease to June 30, 2056 - Sponsored by Jon P. Jennings, City Manager.

The Portland International Jetport is requesting approval to provide an option to extend the term of Northeast Air's north apron lease such that it coincides with Northeast Air's primary ground lease at the Portland International Jetport.

Northeast Air is a longstanding Fixed Base Operation (FBO) at the Jetport. As an FBO, Northeast Air provides aircraft fueling, maintenance, deicing, and other aviation services as outlined in the Jetport's minimum standards. Under this request the term of Northeast Air's north apron FBO lease will have a new option for extension through June 30, 2056. The basic terms of the lease are as follows:

- **Term:** Provide a new option to extend the term of the existing lease by approximately 20 years from August 11, 2036 through June 30, 2056.
- **Rate:** Northeast Air will continue to pay ground rent and 2% of gross receipts excluding aircraft sales/leasing, sales of aircraft parts and accessories, charter flights, or fixed rent from subtenants approved by the City.
- **Full Service FBO:** Northeast Air must continue operating as a full service FBO with staffing, hours, and facilities that meet the requirements outlined in the Portland International Jetport's Minimum Standards throughout the lease term.

Northeast Air has been an FBO in good standing at the Portland International Jetport for decades. Making the terms of the leases issued to Northeast Air coincide allows for a seamless integrated operation of the north apron general aviation facilities.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

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