



MINUTES

COMMUNITY DEVELOPMENT COMMITTEE

NOVEMBER 18, 2009

A meeting of the Portland City Council's Community Development Committee (CDC) was held on Wednesday, November 18, 2009, at 5:00 p.m. in Room 24, basement conference room at Portland City Hall. Present from the CDC was its Chair Councilor Cheryl Leeman and member Councilor Nicholas Mavodones; member Councilor Dan Skolnik could not be present. Present from the City staff were Associate Corporation Counsels Mary Costigan and Ann Freeman, Assistant City Manager Pat Finnigan, Business Development Representative Nelle Hanig, Public Buildings Director Bob Leeman, Economic Development Director Greg Mitchell, and Senior Executive Assistant Lori Paulette.

Item #1: Review and accept Minutes of previous meeting held on September 30, 2009.

On motion made and seconded, the Committee voted unanimously to accept the Minutes as published.

Item #2: Review and recommendation to City Council on entering into a lease with the Ready Seafood for space at the Maine State Pier

Note: Pursuant to 1 M.R.S.A. 405(6)(C) and 5 M.R.S.A. 13119—A, the Committee may go into executive session to review and discuss the terms of the Lease Agreement.

Mr. Mitchell said that for review is a commercial leasing opportunity for the Portland Ocean Terminal at the Maine State Pier with Ready Seafood. He then asked Nelle Hanig to describe the site plan on display.

Ms. Hanig said that in working with Bob Leeman, Public Buildings Director, this site plan shows that Ready Seafood would use 10,000 sq. ft. on the pier for its operations, with lobster deliveries taking place at the end of the pier. She then detailed areas of egress, office, parking for ten vehicles, and noted that there would be cooking area on the dock for approximately 25-30 pounds of lobster at a time.

Chair Leeman asked about the parking for ten vehicles, and Ms. Hanig indicated that Ready Seafoods has approximately 22 employees working in two shifts. Therefore, ten parking spaces are what they need for their employees.

Councilor Mavodones asked about impact on the public float. Mr. Leeman indicated that there would be no impact. Ms. Costigan added that the lease prohibits use of the public landing.

Chair Leeman asked if there was public comment on this item. There being none, the public comment session was closed.

Councilor Mavodones asked if the employees had TWIC cards, and Brendan Ready said that all employees are required to have them and they do.

Councilor Mavodones asked about truck traffic.

Mr. Ready said that they have two, 26' trucks. One truck leaves at 2:30 a.m. and is back at 8:00 a.m. Both then leave at Noon and are back at 8:00 p.m. This is the daily schedule.

Chair Leeman asked if there were further questions/comments, and there were none.

Chair Leeman then noted that this was a win/win for both Ready Seafood and the City, and she looks forward to this partnership on the Maine State Pier.

Councilor Mavodones agreed, noting that this was clearly a water-dependent use on the Pier and congratulated the Ready Brothers and their “Catch a Piece of Maine” program.

Mr. Mitchell noted that because of the termination provision, the Committee could either forward this directly to the City Manager for execution or to the City Council to authorize the City Manager to enter into the lease.

On motion made and seconded, the Committee then voted unanimously to forward the lease in substantially the form as presented to the City Council with a recommendation that it authorize the City Manager to execute same.

Item #3: Review and recommendation regarding the discontinuance of a portion of Oak Street.

Mr. Mitchell said that this being brought to the Committee for its consideration and reaction.

James Katsiaficas, legal counsel at Perkins Thompson for Lafayette Hotels, said that Lafayette Hotels purchased the Holiday Inn by the Bay in May 2009, and then purchased the Anthem parking garage shortly thereafter. So, for the first time, one entity owns both parcels, which is separated by a City street – Oak Street, although it is not a functioning City Street. There is the opportunity, with the discontinuance of that portion of Oak Street between Spring and Pleasant Streets, for improved safety and operations for both the Hotel and the Garage. Safety issues include pedestrians and bikes using this portion of Oak Street, together with tractor trailers make deliveries to the Hotel. He noted that cars park there, but they are employees of the Hotel so that these vehicles can be moved quickly for all emergencies.

Mr. Katsiaficas said that plans include improving event parking for both the Hotel and overflow for Civic Center events. The Hotel, with added parking, is now planning larger events.

Regarding that portion of Oak Street, Mr. Katsiaficas said that the City has not maintained it; the hotel has. In a discontinuance, the City could maintain an easement, but the Hotel would request the discontinuance with no easement. It is not passable as a City street. The City would be relieved of any obligation for the street.

Councilor Mavodones said that with the discontinuance, would there be any pedestrian access, and Mr. Katsiaficas said that there would not. Plans include constructing an elevator in that area.

Chair Leeman asked if there was any public comment.

Stephen Scharf asked if there were any public utilities under the street and, if so, would they be moved. Other than that, he had no issues with the discontinuance.

Mr. Katsiaficas there are some utilities and they would need to be provided with easements – electrical and telephone.

Chair Leeman asked if there was any further public comment. There being none, the public comment session was closed.

Councilor Mavodones asked if, procedurally, this goes to the Planning Board, and Mr. Mitchell said that it would need Planning Board review as there is a legal process with street discontinuances, but it would ultimately end with the Council. This Committee could provide a recommendation to the Council to authorize the discontinuance pending Planning Board review and approval.

Chair Leeman said that this discontinuance would make the two properties function better.

Councilor Mavodones made a motion to move this street discontinuance forward through the Planning Board and City Council with a recommendation that it be approved. This motion was then seconded and passed unanimously.

Chair Leeman then noted that the Committee would take Item #5 out of order at this time.

Item #5: Review and recommendation to the City Council on proposed amendments to the Rules for Disposition of Tax-Acquired Property

Lori Paulette said that as the staff supported Tax-Acquired Property Committee (TAPC) was reformulating, she and Ann Freeman met to go over the Rules as they were adopted by the City Council on October 18, 1999. In order for TAPC to move forward, it was decided that after ten years, the Rules needed to be updated and made clearer as to the steps to be taken in the disposition of tax-acquired property.

Ms. Paulette indicated that the Land Bank Commission has reviewed the amended rules, as has the Housing Committee. The Land Bank Commission had two suggested additional amendments. The first regards the time given for review and recommendation to TAPC of those properties it wants to retain in the Land Bank be either February 28 of each year or within 60 days of receipt of the new tax-acquired property listing. This listing is generated at the end of December each year by the Treasury office.

The second regards Land Bank Commission being part of the Department wide survey as noted in IV(1)(B).

The Housing Committee's concern regarded those properties that could be in a business zone but have residential uses allowed. The Housing Committee would want a review of that property, as well as the CDC.

Chair Leeman said that she would want to be sure steps were taken so as not to displace residents from their homes.

Ms. Freeman said that these Rules take into account that the City has already liened the property and foreclosed – which takes approximately 18 months. This process, once properties have been identified for potential disposition, would give the property owner another 60 days from the date of the letter from the City’s Treasurer notifying them that the City is preparing to sell the property and to contact the Treasurer for payment arrangements.

Chair Leeman noted that the Rules should include the State statutory language about foreclosures for clarity on timelines.

Chair Leeman asked about District Councilor notification about a sale in their district.

Lori Paulette said that the District Councilor is notified together with all City Departments during the City-wide survey to determine if the property is excess or not the City’s needs, whether there are neighborhood issues associated with the property, and whether conditions should be placed on a sale. (This survey is conducted when there is no response to the 60-day letter from the Treasurer.) So the District Councilor and all City Department are surveyed at the beginning of the disposition process when the property owner makes no attempt at redeeming the property.

Chair Leeman asked about Departments represented on TAPC, and Ms. Paulette indicated those to be Assessor, City Manager, Corporation Counsel, Economic Development, Finance, Planning and Urban Development/Housing and Neighborhood Services Division, and Public Services.

Chair Leeman asked if there was public comment on this item.

Stephen Scharf said that these rules now include City-controlled property, as well as tax-acquired property. He noted that for the 500-foot radius notification, that the measuring start at the property line of the subject property. Mr. Scharf then noted Section III(1)(7), “Residential properties may be sold to create opportunities for affordable ownership or rental housing.” He suggested that “may” be changed to “shall”.

Chair Leeman asked if there any further public comment, and there was none.

Chair Leeman agreed with the suggestion of measuring for the 500-foot notification at the property line, as did Councilor Mavodones. The Committee disagreed with the suggestion to change “may” to “shall”.

Councilor Mavodones said that with the District Councilor being notified as indicated at the beginning of the disposition process, he would be fine with moving these forward, with the Statutory language inserted, as well as measuring for the 500-foot radius at the property line.

On motion made and seconded, the Committee then voted unanimously to forward these Rules to the City Council, adding the State statutory language on foreclosures, and measuring for the 500-foot notification at the property line, with a recommendation that they be approved.

Item #4: Executive Session Item: Pursuant to 1 M.R.S.A. 405(6)(C) and 5 M.R.S.A. 13119—A, the Committee will go into executive session to review and discuss sale negotiations related to City-owned property on Riverside Street.

On motion made and seconded, the Committee then voted unanimously at approximately 5:50 p.m. to go into executive session pursuant to 1 M.R.S.A. 405(6)(C) and 5 M.R.S.A. 13119—A to review and discuss sale negotiations related to City-owned

property on Riverside Street. At approximately 6:10 p.m., the Committee came out of executive session and the meeting then adjourned.

Respectfully submitted,

Lori Paulette