

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
JANUARY 3, 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) December 18, 2017 Regular City Council Meeting Minutes

PROCLAMATIONS:

Proc 19-17/18 **Proclamation Honoring Deborah Andrews – Sponsored by Mayor
(Tab 2) Ethan K. Strimling.**

Proc 20-17/18 **Proclamation Honoring Officer Martin Ney as Police Officer of the
(Tab 3) Month for November 2017 – Sponsored by Mayor Ethan K. Strimling.**

APPOINTMENTS:

CONSENT ITEMS:

Order 132-17/18 **Order Declaring April 22, 2018 the Portland 10-Miler Festival -
(Tab 4) Sponsored by Jon P. Jennings, City Manager.**

This order declares the Portland 10-Miler Festival to be held on Saturday, April 22, 2018. The Portland 10-Miler race starts and ends at Payson Park and utilizes the Back Cove Path, Baxter Boulevard, Eastern Promenade Trail, and some city streets. Payson Park grass triangle is the after race and festival area.

Part of the race proceeds will benefit the non-profit Spurwink Services, the organization sponsoring the Beer Garden area. Eight hundred runners are expected for the race. The race will start at 10:00 a.m.

Street closures are included in the agenda backup.

**Order 133-17/18
(Tab 5)**

Order Declaring June 23, 2018 the Shipyard Old Port Half Marathon Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares Saturday, June 23, 2018, the Old Port Half Marathon Festival. The race will start at 7:00 a.m. with after party events in the streets from 8:30 to 12:30 p.m. This is the 8th year the race has been held.

The race route for this year's race has been changed to alleviate some of the traffic congestion on Commercial Street, and after party events have been moved from the Ocean Gateway/Amethyst Park area to Moulton Street and Dana Street. The start and finish line for the race have also been moved to Fore Street from the Ocean Gateway area. City Staff have endorsed these changes.

As part of the after party events, two beer gardens (each 30 x 60') will be setup and be open from 8:30 a.m. – 12:30 p.m. A 21+ Beer Garden will be set up on a portion of Moulton Street, and another will be set up on Dana Street. The organizer will hire police officers for these areas. The Beer Gardens will be licensed as an expansion of currently licensed establishments' footprints (Moulton Street: Old Port Tavern; Dana Street: Amigos).

The Shipyard Old Port Half Marathon is a for-profit event; however, Habitat for Humanity of Greater Portland, Portland Trails and other non-profits in the area all benefit from the race proceeds.

Three thousand runners are expected and 2,000 spectators.

Street closures are included in the agenda backup.

**Order 134-17/18
(Tab 6)**

Order Declaring April 21, 2018 the Urban Runoff/Green Neighbor Family Festival – Sponsored by Jon P. Jennings, City Manager.

This order declares the 7th Annual Urban Runoff 5K Race and Green Neighborhood Family Festival to be held on Saturday, April 21, 2018. The Public Works Department works with the Cumberland County Soil & Water Conservation District to organize the events.

The Urban Runoff is a 5K race making use of Portland streets and the outer Evergreen Cemetery Trail. Race start is 9:00 a.m. Expected attendance is 700 runners. In order to start the race, a portion of Ludlow Street (both lanes: Columbia Rd. to Edgeworth Ave.) needs to be closed to vehicular traffic: 8:30 – 9:15 a.m. The finish line is on Stevens Avenue beside Deering High School (closed from approx. 7:00 – 11 a.m.).

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

LICENSES:

**Order 135-17/18
(Tab 7)**

Order Granting Municipal Officers' Approval of Bob's Goes Electric LLC DBA Bob's Clam Hut. Application for a Class III & Class IV FSE with Outdoor Dining on Private Property at 111 Cumberland Avenue – Sponsored by Michael Russell, Permitting & Inspections Director.

Application was filed on 12/5/2017. New City and State applications. Location was formerly 3 Buoys Restaurant.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

**Com 10-17/18
(Tab 8)**

Communication Re: Appointment of City Council Standing Committees for 2018 – Sponsored by Mayor Ethan K. Strimling.

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

**Com 11-17/18
(Tab 9)**

Communication Re: Maintenance at Ocean Avenue Landfill & Solar Project - Sponsored by Jon P. Jennings, City Manager.

By Order 39-16/17 passed on September 7, 2016, the City Council approved the negotiation of a power purchase agreement and related agreements for a solar array at now closed Ocean Avenue Landfill. An agreement with Revision Energy LLC was approved by Order 144-16/17 on February 22, 2017, and then amended by Order 283-16/17 on July 24, 2017 to be signed with Sunfill North, LLC.

In March, 2017, the Maine Department of Environmental Protection (MDEP) conducted an inspection of the landfill in light of the City's plan to install solar panels at the site. Issues reported from this inspection included mowing, installing fences and sampling, with the additional requirement that we test for methane gas, examine the depth of cover material in the area of the solar panel installation, complete a stormwater analysis, and grade the top of the landfill to promote positive stormwater runoff.

Sargent Corporation completed methane gas remediation system on December 13, 2017. Shaw Brothers added fill and regraded the surface where sections of the landfill needed regrading to allow stormwater runoff, which was also completed mid-December. Groundwater monitoring wells have been inspected and found in good condition. The City plans to perform regular testing at those wells, though not required by MDEP.

Mowing will be done two to three times a year. Additional tests will be done to determine the depth of cover material and remedy any problems.

Work to install the solar array is expected to be done in 2018 following the issuance of the final permit from MDEP.

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

Mayor Ethan Strimling will make a motion to suspend the rules to allow for public comment on the Solar Array.

**Com 12-17/18
(Tab 10)**

Communication Re: 2017 Housing Committee Report – Sponsored by the 2017 Housing Committee, Councilor Jill C. Duson, Chair.

At the November 29, 2017 meeting of the Housing Committee, members voted 2-0 to forward the 2017 Housing Committee Report to the City Council as a communication.

The City Council held a meeting on January 23, 2017 to develop key priorities and goals for the Council and its Committees. The end of the year report documents the Committee's work on the goals and priorities and makes it a part of the public record.

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

**Com 13-17/18
(Tab 11)**

Communication Re: Mayor's Recommendation for School Building Committee Appointees - Sponsored by Mayor Ethan K. Strimling.

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

RESOLUTIONS:

UNFINISHED BUSINESS:

**Order 69-17/18
(Tab 12)**

Order Accepting a Donation of Vacant Land in the Redlon Area and Placing that Land, City-Owned Land and land Acquired through Foreclosure of Unpaid Taxes into the Portland Land Bank– Sponsored by the Land Bank Commission.

It has been a goal of the Land Bank Commission to protect open space in the Redlon area of Portland where green space is a "park desert" (i.e., more than one-half mile to nearest park or trail), identified by 2014 Open Space Vision Plan as a priority area for open space/park/trail development along with environmental preservation.

At the Land Bank Commission meeting on September 14, 2017, it unanimously voted to recommend to the City Council to place the original larger list of properties in the Land Bank for protection of this green space in Redlon.

The Economic Development Committee voted 3-0 at a public hearing on September 19, 2017 to recommend to the City Council that the original larger list of properties be placed in the Land Bank.

The City Council held a public hearing on October 2, 2017 on this matter and voted to postpone action until October 16, 2017 to allow City staff time to report back on the housing potential of any of this property. At the October 16, 2017 City Council meeting, City staff requested postponement of this item to the January 3, 2018 City Council meeting to allow for staff to research legal issues associated with tax acquired properties.

Following City staff research on legal issues and recommendations, at the December 14, 2017 Land Bank Commission meeting it agreed with staff's recommendations to remove the redeemed/reacquired parcels 193-B-6 and 7, and 177-F-20, 21, and 22, and delay action on the proposed Cott donation pending further due diligence. The Commission also voted (5-3) to remove City owned parcels 177-F-19 and 177-F-23 from consideration of Land Bank designation at this time.

These changes require an amendment to the original order, which can be found in the backup material.

Public comment has been taken. Five affirmative votes are required for passage.

**Order 110-17/18
(Tab 13)**

**Amendment to Portland City Code New Chapter 34 Pesticide Use -
Sponsored by the Sustainability and Transportation Committee,
Councilor Spencer Thibodeau, Chair.**

On October 12, the Sustainability and Transportation Committee voted 3-0 to recommend the creation of the City of Portland Pesticide Ordinance that prohibits the use of synthetic pesticides for outdoor pest management on public and private property within the City of Portland. It provides limited exceptions that allow the use of otherwise prohibited pesticides in emergency situations and when an imminent threat to the health and welfare of the public exists. In other circumstances, it creates a process where persons who wish to apply a prohibited pesticide may apply for a waiver from a committee established to hear such requests. The committee may grant a waiver only if the request meets specific criteria.

The ordinance also creates an advisory committee tasked with assisting in the development of a robust education campaign to educate the public and retailers about land care practices that do not require pesticides and about organic alternatives to synthetic pesticides.

Provisions of the ordinance would be enforced by the City Manager or designee and violations could be subject to fines as described in Chapter 1 of the Portland City Code.

Staff has provided the Board of Pesticides Control with notice of this ordinance as well a copy of the text as required by statute.

This item must be read on two separate days. At the December 18, 2017 Council meeting this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

**Order 127-17/18
(Tab 14)**

Order Authorizing Special Council and Outside Boards and Commissions Appointments for 2018 - Sponsored by Mayor Ethan K. Strimling.

This order appoints City Councilors and City staff to various boards and commissions for 2018.

At the December 18, 2017 Council meeting, this item was postponed to this meeting.

Five affirmative votes are required for passage after public comment.

ORDERS:

**Order 136-17/18
(Tab 15)**

Order Authorizing City Manager to Enter into a Purchase and Sale Agreement with Ford Reiche for the Sale of City Property at 55 Portland Street – Sponsored by Councilor Pious Ali.

The Economic Development Committee met on November 28, 2017, and voted unanimously ((2-0) Councilor Thibodeau absent) to forward this item to the City Council with a recommendation for passage.

Under the direction of the City Council’s Economic Development Committee, staff negotiated a Purchase and Sale Agreement with Ford Reiche for the \$1.4 million sale of City property at 55 Portland Street, which property currently houses Public Works Administration. There will be a delayed closing on the property, which will be sold on or before December 31, 2018. This delayed closing will give City staff time to renovate 212 Canco Road to accommodate the administrative offices of Public Works to this location.

Mr. Reiche proposes to retain the building as office space with renovations for daylighting, various sized collaboration spaces, open work space environments, and energy efficient lights. Other necessary improvements would include:

- Separating mechanical services and vehicle circulation shared with the building at 44 Hanover Street;
- Updating parts of the façade and grounds;

- Modifying room configurations to the intended new use;
- Major renovation of flooring, ceilings, lighting; and
- Upgrades to restrooms.

These improvements, estimated at \$500,000-\$750,000, are intended to create modern Class B office space, which is needed on the peninsula. One or two tenants are expected to be small or mid-sized commercial operations. Estimated employee capacity would be 48.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

**Order 137-17/18
(Tab 16)**

Amendment to Zoning Map Amendment Re: 233 Anderson Street and Vicinity – Sponsored by the Portland Planning Board, Elizabeth Boepple, 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. This is its first reading.

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