

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**  
**MARCH 5, 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) February 21, 2018 Special City Council Meeting Minutes

**PROCLAMATIONS:**

Proc 25-17/18 Proclamation Honoring Officer Jonathan Lackee as Police Officer  
(Tab 2) of the Month for January 2018 – Sponsored by Mayor Ethan K. Strimling.

Proc 26-17/18 Proclamation Honoring Nelle Hanig, Economic Development  
(Tab 3) Department, as Employee of the Month for January 2018 – Sponsored by Mayor Ethan K. Strimling.

Proc 27-17/18 Proclamation Honoring Moore Middle School Students – Sponsored by  
(Tab 4) Councilor Justin Costa.

**APPOINTMENTS:**

**CONSENT ITEMS:**

Order 162-17/18 Order Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and  
(Tab 5) 5826(6) Re: Justin Neves – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$ 720.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Justin Neves.

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.

**Order 163-17/18  
(Tab 6)**

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

This order authorizes the City Council to approve the transfer of \$2,150.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Jeffrey Jackimocz.

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.

**Order 164-17/18  
(Tab 7)**

**Order Declaring July 28, 2018 the 16<sup>th</sup> Annual Greater Portland Festival of Nations – Sponsored by Jon P. Jennings, City Manager.**

This order declares Saturday, July 28, 2018, the 16th Annual Greater Portland Festival of Nations, a festival of music, crafts and cuisine from around the world to be held at Deering Oaks Park, 11:00 a.m. - 7:00 p.m.

Admission is free. Refreshments, crafts, artwork, and other items will be for sale. The festival is held rain or shine.

The Farmers Market is held in Deering Oaks Park on Saturdays. For just the date of the festival, they will move their setup to Bowling Green Lane so that setup for the Festival of Nations can take place at the Bandstand and along Farmers Market Road. The Friends of Deering Oaks Park have reviewed and endorsed the festival.

**Order 165-17/18  
(Tab 8)**

**Order Declaring August 4, 2018 the Picnic Craft Fair Festival – Sponsored by Jon P. Jennings, City Manager.**

This order declares Saturday, August 4, 2018 the Picnic Craft Fair Festival to be held at Lincoln Park from 11:00 a.m. to 6:00 p.m.

The festival will showcase over 100 artists who will sell handmade products. There is no admission fee to the festival. Friends of Lincoln Park have endorsed the event.

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

**LICENSES:**

**Order 166-17/18  
(Tab 9)**

**Order Granting Municipal Officers' Approval of Elsmere Portland LLC dba Elsmere BBQ and Wood Grill. Application for a Class XI Restaurant/Lounge with Outdoor Dining on Private Property at 476 Stevens Avenue – Sponsored by Michael Russell, Director of Permitting and Inspections Department.**

Application was filed on 2/9/2018. New City and State applications. Location was formerly Sianos.

Five affirmative votes are required for passage after public comment.

**Order 167-17/18  
(Tab 10)**

**Order Granting Municipal Officers' Approval of Cumberland County & Global Spectrum, L.P. dba Cross Insurance Arena. Application for a Civic Auditorium with Entertainment with Dance at 1 Civic Center Square – Sponsored by Michael Russell, Director of Permitting and Inspections Department.**

Application was filed on 2/13/2018. New City and State Applications. This is a change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

**BUDGET ITEMS:**

**COMMUNICATIONS:**

**Com 16-17/18  
(Tab 11)**

**Communication Re: 2018/2019 Work Plan Associated with Portland's Economic Development Growth – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

The Economic Development Committee voted 3-0 on February 20, 2018 to forward the 2018/2019 Work Plan to the City Council as a communication.

In an effort to support collaboration of many partners involved in supporting Portland's economic growth, the 2018/2019 Work Plan is presented as a communication item for the City Council. Partners working with the City on the Work Plan include:

- Creative Portland
- Portland Community Chamber of Commerce
- Portland Downtown
- Visit Portland

The 2018/2019 Work Plan includes many items, for example, supporting public policy initiatives and identifying funding opportunities which address substance use disorder, panhandling, housing insecurity, ADA compliant infrastructure; creation of ‘mini-score card’ to provide limited set of metrics on important economic indicators; review ordinances related to outside seating, street vendors, sound, and trash storage; continue to educate the community on the “Case For Growth”; engagement with academic institutions for business and career opportunities; engage immigrant community in existing business networking opportunities; and support the growth of the City’s Office of Economic Opportunity. Other areas of emphasis include workforce development, business recruitment, transportation opportunities, and tourism.

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

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

**Communication Re: Fiscal Year Ending 2017 Tax Increment Financing District Annual Report – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

The Economic Development Committee voted 3-0 on February 20, 2018 to forward the Fiscal Year Ending 2017 Tax Increment Financing District Annual Report to the City Council as a communication.

The City Tax Increment Financing (TIF) Policy requires the preparation and presentation of an annual TIF district activity report. The FYE2017 TIF Annual Report represents the fifth year of reporting.

Highlights of this year’s report notes City Council TIF actions during FYE2017. This includes:

- Approval of the ImmuCell TIF District for a term of 12 years in support of its expansion at 45 Evergreen Drive to construct a two-story, 12,625 sq. ft. production facility for its Mast Out drug development for treatment of mastitis in lactating dairy cows;
- Referring possible TIF Policy amendments to the Economic Development Committee for review and recommendation back to the Council (post FY2017 – the City Council approved the amended TIF Policy at its November 20, 2017 meeting, which Amended TIF Policy is an attachment to the FY2017 Report); and,
- Authorizing the assignment of the McAuley Place TIF District CEA from McAuley Place at Baxter Woods to Retirement Community, Inc.,

to Sea Coast at Baxter Woods Associates, Inc. and Motherhouse Associates, LP.

The Report also has a table showing the past five-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 161-17/18  
(Tab 13)      Order Amending the 2002 Waterfront Tax Increment Financing District by Adding the WEX Project Site and the Union Wharf Project Site to the District – Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.**

The Economic Development met on February 6, 2018 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

On March 18, 2002, the Portland City Council approved the ten-year Waterfront TIF District at 1% capture the first year, followed by 100% capture for the remaining nine years, for the City to retain increased property tax revenue for specified municipal public infrastructure investment. This was followed by an amendment by the City Council on June 7, 2010, for the purposes of:

- Extending the term by 20 years, through FY2032, at the 100% capture rate;
- Reducing the number of TIF investment options;
- Authorize the use of Credit Enhancement Agreements (CEA) within the Waterfront Central Zone; and,
- Established a Sub-District and authorize a CEA with the Developer in furtherance of the Cumberland Cold Storage Project at the specified capture rates.

At this time, there are currently two projects under construction in the Waterfront TIF District that could provide additional TIF revenue for the District as of April 1, 2018, particularly 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.

In adding these parcels to the Waterfront TIF District, the City would realize additional tax sheltering savings at approximately \$145,000 yearly for the duration of the District, over and above the estimated \$220,000 annual tax sheltering savings the District now supports.

Additional TIF proceeds for municipal use with the added TIF districts would produce an estimated \$495,000 annually, over and above the current estimated annual TIF proceeds at \$540,000.

It is noted that later this year City staff intends to recommend adding additional waterfront properties to the TIF District located on Portland's East and West End.

This item must be read on two separate days. It was given a first reading on February 21. Five affirmative votes are required for passage after public comment.

**ORDERS:**

**Order 168-17/18  
(Tab 14)**

**Order Setting Public Hearings on Fiscal Year 2019 Annual Action Plan and Appropriations for Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program – Sponsored by Jon P. Jennings, City Manager.**

As required by the Department of Housing and Urban Development approved, citizen participation process, Public Hearings are held each spring to consider the City's Housing and Community Development Program (CDBG) proposal for the ensuing year. The CDBG Annual Allocation Committee, appointed by Council, reviewed each application and made funding recommendations. The Committee is given an opportunity to make a presentation to the Council at this meeting, and citizens may comment on the City's annual plan for the use of CDBG, HOME and Emergency Solutions Grant funds.

Public hearings will be held on March 19, 2018 and on April 18, 2018 at a City Council Meeting held at 5:30 p.m., both in Portland City Hall Council Chambers, 389 Congress Street.

Five affirmative votes are required for passage after public comment.

**Order 169-17/18  
(Tab 15)**

**Order Amending Traffic Schedule Re: Unrestricted to Time-Restricted Parking on Kennebec Street – Sponsored by Jon P. Jennings, City Manager.**

Kennebec Street, between Forest Avenue and Brattle Street, is one-way with 12 on-street parking spaces. The requested Council action would change the Traffic Schedule to make the north side of Kennebec Street, from approximately 175 feet east of Forest Ave to the opposite of Brattle Street, from unrestricted to 30-minute parking. This would apply to ten of the twelve parking spaces; the two closest to the Century Plaza driveway are already 30-minute spaces.

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

**AMENDMENTS:**

**Order 170-17/18  
(Tab 16)**

**Amendment to Portland City Code Re: Text Amendments to Division 9. B-1 and B-1b Neighborhood Business Zones – Sponsored by the Planning Board, Sean Dundon, Chair.**

The Planning Board met on February 13, 2018 and voted unanimously to forward this item to the City Council with a recommendation for passage.

The B-1 and B-1b Neighborhood Business zones are intended to foster mixed-use development in its traditional form, with residential uses located over ground-floor commercial spaces. Under the current ordinance, this form is maintained in off-peninsula locations by tying the density of ground-floor residential units to the adjacent or nearest residential zone and by increasing the permitted density for residential units located above ground level. While effective, this regulatory strategy is somewhat incompatible with fair housing laws which require that residential projects of four or more units provide ADA accessible ground-floor units where no elevator exists, or make all units and common spaces accessible in a building where an elevator does exist.

Given the zone's transitional role between residential neighborhoods and commercial districts, lot sizes are typically small, and the scale and scope of projects permitted is necessarily and appropriately limited. As a result of site conditions and both market and regulatory constraints, the installation of an elevator for universal building access in small-scale mixed-use projects is oftentimes challenging if not cost prohibitive, thus requiring a ground-floor residential unit. Under current standards, this required unit severely impacts the number of units permitted above ground floor which is contrary to both the City's Comprehensive Plan and to the purpose statement of the B-1 and B-1b zones.

In response to this incongruity, the staff is proposing amendments to the B-1 and B-1b zones in an effort to establish less prescriptive regulatory standards that still facilitate the types of mixed-use development traditionally sought for these zones. Given that the city's zoning does not supersede state and federal fair housing requirements, the approach being proposed is to offer acceptable outlets for providing ground-floor units while still maintaining activated street frontages.

Under this proposal, these units would be permitted as either live/work units, permissible within any location on the ground floor, or as straight residential units, permitted in ground-floor locations where a minimum depth of 25 feet along the principal street frontage is maintained for active commercial uses.

In order to effectively accommodate these uses, the staff is proposing to remove onerous restrictions on ground-floor units and establish a new fixed-rate density requirement for all residential units in off-peninsula locations based upon the existing upper-floor ratio.

In order for final Certificates of Occupancy be issued for this project at 50 Stevens Avenue, staff is requesting that the second reading be waived and the order be passed as an emergency. Seven affirmative votes are required to waive the second reading. Emergency enactment requires seven affirmative votes after public comment.

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