

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)

AUGUST 12, 2019 SPECIAL CITY COUNCIL AGENDA

The Portland City Council will hold a City Council meeting in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

SPECIAL CITY COUNCIL MEETING 4:00 PM

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the Draft Minutes for the July 15, 2019 Special City Council Meeting, the July 15, 2019 Regular City Council Meeting, and the July 23, 2019 Special City Council Meeting.

APPOINTMENTS:

Order 15-19/20 Appointing Constable for the Portland Public Library - Sponsored by Jon P. Jennings, City Manager.

This order appoints Portland Public Library Employee Kathleen Cleary as a constable. She would replace one of the Library's two constables, who was appointed last December for 2019 but is no longer working for the Library.

This appointment is effective until 12:00 midnight, December 31, 2019, and is made pursuant to Portland City Code, Sections 20-19 and 20-19.5. Constables are not allowed to carry a firearm, concealed or unconcealed, in the performance of duties, or to make arrests or issue parking tickets.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 16-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Deng M. Malual – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$613.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Deng. M. Malual.

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 17-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 5826(6) Re: Aaron Dansky – Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$1,565.70 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. Aaron Dansky.

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 of the Consent Calendar.

LICENSES:

Order 18-19/20 Granting Municipal Officers' Approval of Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion. Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street - Sponsored by Jon P. Jennings, City Manager.

Randall MacVane Post 142 dba Randall MacVane Post 142 American Legion.

Application for a Class IV/V Non Profit FSE with Outdoor Dining on Private Property at 54 Welch Street.

Application was filed on 7/10/2019. New City application. Applicant currently holds a Class IV/V Non Profit FSE.

Five affirmative votes are required for passage after public comment.

Order 19-19/20 Granting Municipal Officers' Approval of A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue - Sponsored by Jon P. Jennings, City Manager.

A&C Grocery LLC dba A&C Food Factory. Application for a Class III & IV FSE with Outdoor Dining on Private Property and Public Property at 131 Washington Avenue.

Application was filed on 7/11/2019. New City and State applications. Applicant currently holds a Food Service Establishment with Prep license.

Five affirmative votes are required for passage after public comment.

Order 20-19/20 Granting Municipal Officers' Approval of Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street - Sponsored by Jon P. Jennings, City Manager.

Connor Montello & Truman Leddy dba Maps. Application for a Class III & IV FSE at 64 Market Street.

Application was filed on 7/22/2019. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

Order 21-19/20 Granting Municipal Officers' Approval of Fraser Loring LLC dba Congress Bar and Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street.

Fraser Loring LLC dba Congress Bar and Grill. Application for a Class I FSE with Outdoor Dining on Public Property at 617 Congress Street.

Application was filed on 7/23/2019. New City and State applications. New owner of an existing business.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 190-18/19 Approving Two-Party Agreement between Maine Department of Transportation and Portland Re: Improvements to India Street - Sponsored by Jon P. Jennings, City Manager.

This agreement, between the Maine Department of Transportation (MaineDOT) and the City of Portland, obligates MaineDOT to mill and fill India Street, adjust the City's sanitary sewer manhole frames and covers, as necessary, update and/or install new pedestrian curb ramps to meet ADA requirements and all appurtenances when MaineDOT's contractor paves India Street. The agreement obligates the City to pay MaineDOT \$289,000.00, and pay an additional \$10,000.00 for manhole adjustments from a water resources fund.

This item must be read on two separate days. It received its first reading on March 18, 2019. On April 8, 2019, this item was given its second reading and postponed to June 17, 2019, and on June 17, 2019 it was postponed to August 12, 2019. Five affirmative votes are required for passage after public comment.

Order 277-18/19 Adopting the Bayside Transportation Master Plan - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

The Sustainability and Transportation Committee met in March and April 2018 and took up the Bayside Transportation Plan. The Committee voted 3-0 to forward this item to the City Council with a recommendation for passage.

This order adopts the Bayside Transportation Master Plan pursuant to the plan adoption process in Portland's Plan 2030.

The City conducted the multimodal and land use Bayside Transportation Master Plan, funded by the Portland Area Comprehensive Transportation System, to integrate and lay the groundwork for various public planning-project initiatives and private development activities in the fast-changing Bayside and East Bayside neighborhoods.

At the June 17, 2019 City Council meeting, this item was postponed to this meeting. Five affirmative votes are required for passage after public comment.

Order 11-19/20 Amendment to Portland City Code Chapter 30 Vehicles for Hire Re: Rental of Golf Carts- Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

The Sustainability and Transportation Committee met on June 19 and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This amendment will make changes to Chapter 30 Section 30-110 that will regulate golf cart rentals on Portland islands, requiring annual registrations and phasing out all but electric-powered golf carts by 2021.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

Order 12-19/20 Amendment to Portland City Code Chapter 8 Re: Report Requirements - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on June 18, 2019 and voted unanimously (4-0) to forward this item to the City Council for approval.

The concept of the replacement reports are an outcome of the Waterfront Central Zone amendments recently enacted by the City Council. The amendment would replace a deleted requirement to conduct an annual inventory of ground floor marine use within a portion of the Waterfront Central Zone – those portions of parcels lying outside of the so-called “Non Marine Use Overlay.”

This amendment replaces the “inventory” with two more comprehensive reporting requirements:

- Conducting a State of the Waterfront study and report every three to five years. The State of the Waterfront Report shall identify key indicators of economic health for marine industry: such as employment by industry, homeported commercial vessels by type, fish landings, freight volume, marine passenger volumes by type, and business activity value and trends; and,
- Preparing an annual Waterfront Development Report. The Waterfront Development Report shall highlight significant construction activity, permit volumes, case studies, and other development trends. The Waterfront Development Report may be used to support land use decision making and to inform thinking and actions on the efficacy and impacts of zoning and land use policy on the Waterfront. The Waterfront Development Report shall be presented to the Planning Board at Public hearing and presented to the City Council as a communication not less than once every calendar year.

The two reports are intended to track over time the effectiveness and impacts of City waterfront policies and ordinances. The results of such studies may be used to support processes including but not limited to allocation of Waterfront Tax Increment Financing program funds, Land Use ordinance amendments, capital budgeting, and outside grant funding applications. By better evaluating economic value and development activity, the City will have greater understanding of the strengths, weaknesses, and threats to the waterfront economy and will be better prepared to strengthen the waterfront as a home for traditional and emerging marine business.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

Order 13-19/20 Approving the Second Amendment to Conditional Rezoning Agreement C-55 Re: Luther Street Property on Peaks Island - Sponsored by the Planning Board, Sean Dundon, Chair.

On June 11, 2019, the Planning Board held a public hearing to consider a text amendment to the original Conditional Zone Agreement (CZA #CC-55) for the properties at 18, 22, and 26 Luther Street on Peaks Island. The proposed text amendments to the agreement will allow an affordable year-round accessory dwelling unit (ADU) to be added to each of the three existing affordable homes. The Planning Board voted unanimously (6-0, Silk absent) to find the proposed text amendments for Home Start and Volunteers of America to be consistent with the policies of Portland's Comprehensive Plan and consistent with the existing and permitted uses in the underlying IR-2 zone. The Board recommends to the City Council adoption of the proposed Text Amendments to the Conditional Rezoning Agreement for 18, 22, 26 Luther Street on Peaks Island.

This item must be read on two separate days. It was given a first reading on July 15, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 22-19/20 Setting a Public Hearing for Citizen Initiative Amendment to the Portland City Charter Re: Ranked Choice Voting for Municipal Officials - Sponsored by Katherine L. Jones, City Clerk.

Petitions for a charter amendment allowing ranked choice voting for municipal officials were submitted on August 2, 2019. The number of signatures required is 6,816. That number is required by Title 30-A M.S.R.A. sec. 2104 2(A) and is 20% of the votes in the last Gubernatorial Election. The total number of votes in that election was 34,082.

The City Clerk recommends that this order be approved and the date of the Public Hearing be set on September 4, 2019, although the certification process may not be complete by August 12, 2019, before consideration of this order.

At the time of the publication of the agenda, the verification process of the signatures in the submitted petitions had not yet been completed. If enough signatures are verified, the certification of the petitions will be posted as soon as that is done.

Five affirmative votes are required for passage after public comment.

Order 23-19/20 Setting a Public Hearing for Citizen Initiative Amendment to the Portland City Charter Re: Public Campaign Funding for Municipal Officials - Sponsored by Katherine L. Jones, City Clerk.

Petitions for a charter amendment for public funding for campaigns of municipal officials were submitted on August 2, 2019. The number of signatures required is 6,816. That number is required by Title 30-A M.S.R.A. sec. 2104 2(A), and is 20% of the votes in the last Gubernatorial Election. The total number of votes in that election was 34,082.

The City Clerk recommends that this order be approved and the date of the Public Hearing be set on September 4, 2019, although the certification process may not be complete by August 12, 2019, before consideration of this order.

At the time of the publication of the agenda, the verification process of the signatures in the submitted petitions had not yet been completed. If enough signatures are verified, the certification of the petitions will be posted as soon as that is done.

Five affirmative votes are required for passage after public comment.

Order 24-19/20 Appropriating \$870,000 in Donations in Support of Asylum Seekers - Sponsored by the Finance Committee, Nicholas M. Mavodones, Chair.

During the past several months an influx of asylum seekers has created an emergency situation within the City of Portland. Adequate funding within the Fiscal Year 2020 budget to allow the City to provide shelter, housing, and basic necessities for asylum seekers did not exist and a campaign was launched to solicit donations for this purpose. City staff, and now the City Finance Committee, have recommended that \$870,000 in donations to asylum seekers be appropriated by the City Council into the City's Health & Human Services budget, to be used specifically within Social Services for the sheltering, housing, and basic necessities of asylum seekers.

This item must be read on two separate days. This is its first reading. The second reading shall be on September 4, 2019.

**Order 25-19/20 Amending Order 244-18/19, Amendment to Portland City Code
Re: Various New Fees and Fee Increases For Fiscal Year 2020 in Chapters 3, 6, 15,
24, 25 and 28 - Sponsored by Councilor Kim Cook.**

This item proposes to change the effective date of the new license fees on brewery, distillery and winery manufacturing from July 1, 2019 until July 1, 2020. These new fees were proposed by the City Manager in his proposed budget and adopted by the City Council without amendment on May 20, 2019.

These new fees have caused concern in the brewery, distillery and winery business community. By pushing out the effective date of these new fees, the City Council will be able to examine the reason these fees were proposed by city staff and hear from small businesses impacted by these new fees before these fees go into effect.

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

4:30 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS: