

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)

SEPTEMBER 16, 2019 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.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

Arts in the Chamber - Maine Suffrage Centennial: United We Bloom & Women in History

ANNUAL MEETING:

SPECIAL MEETING:

Special Meeting of the Corporator of the Portland Development Corporation - Sponsored by Mayor Ethan K. Strimling.

The City Council is the Corporator of the Portland Downtown Corporation.

A special meeting of the Corporator will be held by the City Council on September 16, 2019, at 5:30 p.m. in City Council Chambers regarding discontinuing Portland Development Corporation Economic Development Plan Implementation Program.

Order 45-19/20 Discontinuing Portland Development Corporation's Portland Economic Development Plan Implementation Program - Sponsored by Jon P. Jennings, City Manager.

The Portland Development Corporation's (PDC) Board met on August 22, 2019, to consider discontinuing or modifying the Portland Economic Development Plan Implementation Program (PEPIP), with the result being a recommendation to the City Council, in a 8-0 vote, to discontinue the Program.

PEDPIP was launched in December 2011, just after the Portland Economic Development Vision and Plan was adopted by the City Council in November of that year. The intention of the grant/match program was to incent non-profits and City agencies to help implement the Vision and Plan. It has been funded through the PDC's unrestricted Urban Development Action Grant loan funds and, to date, the PDC has approved just under \$470,000 in grants. At this time, more than seven years after the launch, the program has served its purpose in helping to facilitate the implementation of the primary objectives of the August 2011 Vision and Plan to stimulate private sector investment and growth.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the September 4, 2019 Draft City Council Meeting Minutes.

PROCLAMATIONS:

Proclamation 1-19/20 Honoring Barber Foods/Tyson Foods During Welcoming Week, September 14-23, 2019 - Sponsored by Mayor Ethan K. Strimling, Mayor.

Proclamation 2-19/20 Recognizing Portland, Maine as a Welcome City - Sponsored by Mayor Ethan K. Stimling.

APPOINTMENTS:

Order 46-19/20 Appointing Constables for 2019 for the Department of Public Safety - Sponsored by Jon P. Jennings, City Manager.

The Police Department is requesting that police cadets Brendan Castillo and Nicholas Noyes be appointed as constables.

These appointments are effective until 12:00 midnight, December 31, 2019, and are 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 their duties, or to make arrests or issue parking tickets, unless that is one of the person's duties.

The Police Department is requesting this order be passed as an emergency so that these police cadets may perform constable duties as soon as possible. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

Order 47-18/19 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 58626(6) Re: James Earles - Sponsored by Jon P. Jennings, City Manager.

This order authorizes the City Council to approve the transfer of \$1,118.00 in forfeited assets from the State of Maine to the City of Portland from the case of the State of Maine v. James Earles.

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 48-18/19 Approving Municipal Officers' Approval of Old Port Pizza Bar LLC dba Pat's Pizza. Application for a Class XI FSE at 30 Market Street - Sponsored by Jon P. Jennings, City Manager.

Old Port Pizza Bar LLC dba Pat's Pizza. Application for a Class XI FSE at 30 Market Street.

Application was filed on 8/26/2019. New City and State applications. New owners of an existing business.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 1-19/20 Fiscal Year End 2019 Tax Increment Financing Annual Report - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee met on September 3, 2019, and voted unanimously (4-0) 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. Highlights of this year's Report notes City Council TIF actions during FY2019. This includes:

- A. Approved an Affordable Housing TIF District for 977 Brighton Avenue to support a rental housing project with 40 units for 55+ year old people;
- B. Approved amending the Bayside TIF to support establishment of an Affordable Housing TIF District, located at 178 Kennebec Street, for 55+ year old people in a rental housing project;
- C. Approved an Affordable Housing TIF District, located at 178 Kennebec Street, to support the development of a 51-unit for 55+ year old people;
- D. Amendments to the three area-wide TIF Districts – Bayside, Downtown Transit Oriented District (TOD), and Waterfront to include funding for workforce training;
- E. The Downtown TOD TIF District also was amended to increase the capture rate from up to 22% to up to 100%; and,
- F. The Waterfront TIF District was amended twice during FY2019.

It is noted that three (3) TIF District Credit Enhancement Agreements (CEAs) expired at FYE2019, which included Holt Hall, Riverwalk/Ocean Gateway, and Baxter Library.

Beginning with FY2020, there are active TIF Districts with CEAs including:

- A. Five (5) active Commercial TIF District CEAs;
- B. One (1) active commercial TIF CEA for an affordable housing development, known as the McAuley TIF District; and,
- C. Eight (8) active Affordable Housing TIF District CEAs.

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:

Resolution 3-19/20 For Portland to be the Metro Regional Coalition's Third Community to Participate in Opioid Prevention Work - Sponsored by Mayor Ethan K. Strimling.

Opioid abuse and its consequences have caused great suffering in the United States in recent years. In 2017, the State of Maine saw more opioid-related deaths than most of the other states in the country. The Greater Portland Council of Governments and its Metro Regional Coalition (MRC), comprised of Cape Elizabeth, Falmouth, Gorham, Portland, Scarborough, South Portland, and Westbrook, have worked together to amplify county-wide efforts to reduce opioid misuse through peer learning, community scans, workshops with elected officials and municipal leaders, and public forums.

In 2018, working with public health consultants, GPCOG and the MRC developed a workshop for municipal leaders and elected officials called "Communities Addressing Addiction & Opioid Misuse." This workshop is designed to help municipal leaders and elected officials gain a better understanding of the root causes of opioid use disorder as well as evidence-based strategies for addressing the issue. The workshop also includes a facilitated discussion to assist municipal leaders identify the steps their communities have already taken to address opioid misuse and addiction and what future policies and practices could be implemented to further address these issues.

To date, two MRC members (Falmouth and Gorham) have participated in the workshop and have been very pleased with the process. By this resolve, the City Council agrees that Portland will be third community to participate in this workshop.

Five affirmative votes are required for passage after public comment.

Resolve 4-19/20 Opposing the Federal Communication Commission Order Changing the Definition of the Franchise Fee - Sponsored by Mayor Ethan K. Strimling.

The Federal Communications Commission (FCC) has ordered that deductions to the franchise fee paid to local and state franchising authorities including Portland may include the fair market value of any costs of franchise requirements, among other changes to the definition of franchise fee. That would substantially reduce the annual fee paid to the City and many other local authorities. The City has joined a coalition of other municipalities in opposition to the FCC order.

By this Resolve, the City Council joins its voice in support of continued action in opposition to this FCC order.

Five affirmative votes are required for passage after public comment.

ORDERS:

Order 49-18/19 Extending an Option Agreement with Capricorn Products LLC for the Sale of Lot 1 at Portland Technology Park- Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee meet on September 3, 2019, and voted unanimously (4-0) to forward this item to the City Council for approval.

Phase I infrastructure, including the road and stubbed utilities, was completed at the Portland Technology Park in October of 2013 with federal grant public infrastructure assistance from the United States Department of Commerce Economic Development Administration. One tenant, Patron's Oxford Insurance, constructed a 19,000 square foot office building on Lot 4 that was completed in July, 2017. Three additional lots are available for sale.

The City and Capricorn Products LLC entered into an Option to Purchase Real Estate on October 11, 2018, for Lot #1 at Portland Technology Park. The Option expires October 11, 2019.

In June of this year, Nittobo America, a subsidiary of Nittobo Boseki, Co., LTD, a Japanese company, purchased Capricorn Products LLC's membership interest and now is the 100% owner of the LLC, while Capricorn Products LLC remains the operating company. Capricorn Products LLC is requesting a twelve-month extension on the Option, through October 10, 2020, in order to evaluate the site, design the building and review feasibility of the project and location.

Capricorn Products LLC is a primary manufacturer and supplier of bulk immune-diagnostic raw materials to in-vitro diagnostic, biotechnology, and veterinary diagnostic test kit manufacturers based in Europe, Asia, and the Americas.

Five affirmative votes are required for passage after public comment.

Order 50-19/20 Approving the Purchase and Sale Agreement between Portland and Kennebec Crossing, LLC Re: Somerset Street Extension Project - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

The Economic Development Committee reviewed this item at its September 3, 2019, meeting and voted unanimously (4-0) to forward this to the City Council for approval.

This Order approves the Purchase and Sale Agreement with Kennebec Crossing, LLC. In partnership with the Maine Department of Transportation, funding has been secured for the construction of a realignment project in the area of Bayside that terminates a section of Kennebec Street from Elm Street to Hanover Street and reopens a section of Somerset Street from Elm Street to Hanover Street. This project is a share of several Utility, Community Development Block Grant and Portland Public Works projects all being done in the Preble, Somerset and Kennebec Streets area. Construction for this project is anticipated to begin in the spring of 2020.

Staff is requesting this Order be passed as an emergency due to construction schedules. Seven affirmative votes are required for passage as an emergency after public comment.

UNFINISHED BUSINESS:

Order 42-19/20 Regarding Citizen Initiative Amendment to the Portland City Charter for Public Campaign Funding - Sponsored by Katherine L. Jones, City Clerk.

Petitions for a proposed charter amendment for public funding for campaigns of municipal officials were submitted to the City Clerk's office on August 2, 2019. The Certification process has been completed, and the Clerk has deemed that the petitions were sufficient since the required amount of signatures (i.e. at least 20% of the number of votes cast in the municipality at the last gubernatorial election) were obtained by the petitioners. See 30-A M.S.R.A. sec. 2102(2).

Due to the significant nature of the proposed charter amendment, it has been determined that this proposal constitutes a revision to the charter, and a Charter Commission must therefore be constituted. The required ballot question about whether or not the voters would like to constitute such a Commission has been included in the agenda back-up materials for your review.

At the September 4, 2019, the statutorily required public hearing was held for this item. At that same meeting, this item was postponed to September 16, 2019. Five affirmative votes are required for passage.

Order 44-19/20 Designating 17 Structures on or Adjacent to Forest Avenue as Historic Landmarks and Amending the Map of Designated Historic Resources - Sponsored by Jon P. Jennings, City Manager.

The Planning Board met on July 24, 2019, and voted 6-0 to forward this item to the City Council with a recommendation for passage.

The Historic Preservation Board is recommending that seventeen 17 historic structures on or adjacent to Forest Avenue be designated as individual landmarks under the provisions of Portland's historic preservation ordinance. Properties recommended for landmark designation are as follows: 309, 330, 331, 343, 355, 364, 495, 501, 517, 525, 533, 617, 630, 643-651, 648 and 660 Forest Avenue; and 536 Deering Avenue.

All of the buildings, located between the I-295 interchange and Woodfords Corner, are thematically related in that they represent key chapters in Forest Avenue's late 19th and early 20th century development, particularly its era as a street car line serving the emerging suburban neighborhoods around it as well as the period when this section of Forest Avenue was known as "Auto Row" due to its concentration of first-generation auto showrooms, garages and auto supply businesses. The Historic Preservation Board's recommendation is based on findings that each of the buildings meet the historic preservation ordinance's minimum criteria for designation.

Designation of Forest Avenue's key historic structures is pursuant to a number of expressed goals and strategies included in the City's recently adopted Comprehensive Plan, Portland's Plan 2030. In the Plan, Woodfords Corner is identified as a priority node warranting enhancement in order to better serve neighborhood needs. The Plan identifies Forest Avenue as a priority corridor where additional planning measures are recommended to discourage typical suburban commercial development patterns and attract quality mixed-use, higher density growth. The Plan also recommends ongoing identification and designation of important historic assets, particularly in off-peninsula areas, and highlights historic preservation as an effective economic development tool. By preserving and enhancing Forest Avenue's key historic assets, the corridor's unique identity will be retained and the positive urban design characteristics exhibited by the identified historic structures will serve as a model for new development.

Landmark designation does not run counter to the City's goal of encouraging additional mixed-use, higher density growth along Forest Avenue. As is made clear in the cover document accompanying the recommended landmark designations and in the individual building descriptions themselves, the subject properties may be more intensively developed in the future, either through the construction of additional floors set back from the building façade and/or removal of noncontributing rear portions of the building for redevelopment. This preservation approach has been used effectively in numerous communities with designated one-or two-story historic auto showrooms.

This item must be read on two separate days. It was given a first reading on September 4, 2019. Five affirmative votes are required for passage after public comment.

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