

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)

FEBRUARY 20, 2019 CITY COUNCIL AGENDA MINUTES

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL AT THE FOLLOWING MEETING.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Strimling called the meeting to order at 5:30 P.M. (Councilor Thibodeau arrived during Order 156, Councilor Mavodones absent).

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

ANNUAL MEETING:

SPECIAL MEETING:

Motion was made by Councilor Costa and seconded by Councilor Batson to recess the meeting of the City Council and convene the Annual Meeting of the Corporator of the Portland Development Corporation.
Passage 7-0.

Special Meeting of the Corporator of Portland Development Corporation

Order 156-18/19 Amending the Portland Development Corporation By-laws - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair

Motion was made by Councilor Duson and seconded by Councilor Ray for passage.
Passage 8-0.

Order 157-18/19 Proposing Brownfields Assessment Program Guidelines, and Amending Guidelines for the Brownfields Revolving Loan Fund Program and the Brownfields Closeout Fund - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair

Motion was made by Councilor Duson and seconded by Councilor Cook or passage.
Passage 8-0.

Motion was made by Councilor Ray and seconded by Councilor Duson to adjourn the Annual Meeting of the Corporator of the Portland Development Corporation and reconvene the regular meeting of the City Council. Passage 8-0.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

February 4, 2019 Draft City Council Minutes.

Motion was made by Councilor Ray and seconded by Councilor Costa for approval of the February 4, 2019 City Council minutes.
Passage 8-0.

PROCLAMATIONS:

APPOINTMENTS:

Order 158-18/19 Appointing Members to Various Boards and Commissions - Sponsored by the Nominating Committee, Councilor Pious Ali, Chair

Motion was made by Councilor Ali and seconded by Councilor Costa for passage.
Passage 8-0.

CONSENT ITEMS:

LICENSES:

Order 159-18/19 Granting Municipal Officers' Approval of Austin Street Brewery LLC dba Austin Street Brewery LLC. Application for a Class III & IV FSE with Entertainment without Dancing and Outdoor Dining on Private Property at 109 Fox Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage.
Passage 8-0.

Order 103-18/19 Granting Municipal Officers' Approval of Pig Exchange, LLC dba Thirsty Pig. Renewal application for an Entertainment without Dance at 37 Exchange Street with the Condition of No Amplified Entertainment Outdoors - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Ray and seconded by Councilor Batson for passage. Passage 8-0.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

Resolution 10-18/19 Calling upon the United States Congress to Propose a Constitutional Amendment to Restore Fair Elections - Sponsored by Ethan K. Strimling, Mayor

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage. Passage 8-0.

UNFINISHED BUSINESS:

Order 96-18/19 Approving Purchase and Sale Agreement with Waterstone Properties Group, Inc. - Sponsored by the Economic Development Committee, Councilor Justin Costa, Chair.

Motion was made by Councilor Costa and seconded by Councilor Batson to postpone Order 96 to the April 8th City Council meeting. Passage 8-0.

Mayor Strimling took Order 151 out of order.

Order 151-18/19 Authorizing Adoption of Cultural Plan Update of 2018 - Sponsored by the Planning Board, Sean Dundon, Chair.

Motion was made by Councilor Dusen and seconded by Councilor Batson for passage. Passage 8-0.

Order 140-18/19 Amendment to Portland City Code Chapter 14 Re: Marijuana Medical and Adult Use Regulations - Sponsored by the Planning Board, Sean Dundon, Chair.

Motion was made by Councilor Cook and seconded by Councilor Ali to amend Order 140 by adding "Sec. 14-412. Approvals and required permits.

For purposes of Chapter 14, any approval issued for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility operated pursuant to 22 M.R.S. § 2421 et seq. shall be deemed to constitute approval for the same corresponding marijuana cultivating, manufacturing or testing facility use operating under 28 M.R.S. § 101 et seq. Notwithstanding the above, no marijuana cultivation facility, marijuana manufacturing facility, or marijuana testing facility may operate without the applicable state and City license."

Passage 8-0.

Motion was made by Councilor Ray and seconded by Councilor Cook to amend Order 140

Sec. 14-411. Marijuana Use Regulations

by deleting in section 2. after within " 200" and adding "300", in this same section striking out "nearest property line of the respective marijuana related use and" adding "the nearest outer wall of the building housing the marijuana cultivation, manufacturing, or testing facility" and finally adding to the same paragraph "If the marijuana related facility leases a room or suite of rooms within a building, including without limitation, individual units within a shopping mall, the nearest outer wall of the room or suite of rooms within which the facility is located shall constitute the nearest outer wall of the building housing that facility"

Passage 8-0.

Motion was made by Ray and seconded by Councilor Dusen to amend order 140 by striking out :

Sec. 14-47 Definitions.

Third paragraph starting with the word, " Accessory sales of incidental accessories are permitted, but no food or beverage that is not marijuana product may be sold on the premises." and by adding "A marijuana retail store may sell products in accordance with 28-B M.R.S.A. subsection 504 except that marijuana retail store may not sell products containing alcohol or tobacco. A marijuana retail store may not permit entry to a person under 21 years of age and must ensure that persons under 21 years of age do not enter its licensed premises. A marijuana retail store may not sell any item to a person under 21 years of age."

Motion was made by Councilor Thibodeau and seconded by Councilor Costa to amend the amendment by striking out "A marijuana retail store may sell products in accordance with 28-M-B M.R.S.A. subsection 504 except that a marijuana retail store may not sell products containing alcohol or tobacco. A marijuana retail store may not permit entry to a person under 21 years of age and must ensure that person under 21 years of age do not enter its licensed premises. A marijuana retail store may not sell any items to a person under 21 years of age. Passage of amendment to the amendment 8-0.

Motion was made by Councilor Ray and seconded by Councilor Cook for passage of the amendment as amended. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Ray to amend order 140 by adding at the end of the definition of a marijuana retail store: "A marijuana retail store shall not include a registered dispensary." Passage 8-0.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage as amended. Passage 8-0.

Order 150-18/19 Approving Two-Party Agreement between Portland and the Maine Department of Transportation Re: Washington Avenue Final Engineering and Construction - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage.

Passage 8-0

Order 152-18/19 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2020 Capital Improvement Program in an Amount not to Exceed \$40,100,000 - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair

Motion was made by Councilor Costa and seconded by Councilor Ray to amend Order 152 by striking "\$100,00. from Separated bike lanes and \$200,000.00 from Franklin Street Design Completion and construction". by adding "\$125,000.00 to the Traffic Signals Upgrade Program, 125,000 to sidewalk rehabilitation/accessibility and adding \$50,000 to pavement preservation. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Duson to amend Order 152 by Eliminates or reduces funding for several projects totaling \$1,020,000.00.

Motion was made by Councilor Cook and seconded by Councilor Duson to divide the amendment. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Ray to remove \$25,000 from the \$185,000 for Parking Meters.

Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Duson to remove \$200,000.00 for the State of Maine Room and Customer Service Areas A/C Installation in City Hall. Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Batson to remove \$25,000.0 for the Fort Allen Gazebo. Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Ray to remove \$50,000.00 from the Riverton Playground Replacement. Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Ray to remove \$200,000.00 from Dougherty Athletic Field. Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Ray to remove \$125,000.00 from Separated bike lanes. Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Ray to remove \$225,000.00 from Traffic Signals Upgrade Program. Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Cook and seconded by Councilor Duson to vote on "Removing \$60,000.00 for Public Art and \$60,000.000 from the Landbank" together. Passage 8-0.

Motion was made by Councilor Cook and seconded by Councilor Duson to remove \$60,000.000 for Public Art and \$60,000.00 from the Land Bank. Motion failed 1-7 (Duson, Ali, Costa, Ray, Thibodeau, Batson, Strimling).

Motion was made by Councilor Costa and seconded by Councilor Ray for passage of amendment as amended. Passage 8-0.

Motion was made by Councilor Costa and seconded by Councilor Thibodeau for passage as amended. Passage 7-1(Cook)

Order 153-18/19 Appropriating Bond Proceeds and Unassigned Fund Balance in an Amount not to Exceed \$42,100,000 for the City's Fiscal Year 2020 Capital Improvement Program - Sponsored by the Finance Committee, Councilor Nicholas M. Mavodones, Chair.

Motion was made by Councilor Costa and seconded by Councilor Ray to amend Order 153 by reallocating \$200,000 from Franklin Street Design Completion and Construction and reallocating \$100,000.00 Separated Bike Lanes to \$125,000.00 to Traffic Signal Upgrade Program, \$125,000.00 to Sidewalk Rehabilitation/Accessibility and \$50,000.00 to Pavement Preservation Program. Passage 8-0.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage as amended. Passage 7-1(Cook).

Order 154-18/19 Amendment to Portland City Code Chapter 12 Re: Abandoned Bicycles - Sponsored by Councilor Belinda Ray

Motion was made by Councilor Ray and seconded by Councilor Thibodeau for passage. Passage 8-0.

Order 155-18/19 Amendment to Portland City Code Chapter 12 Re: Expanding E-Card Program - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair.

Motion was made by Councilor Ray and seconded by Councilor Ali for passage. Passage 8-0.

ORDERS:

Order 160-18/19 Accepting the Donation of \$300,000 from Maine Medical Center - Sponsored by Jon P. Jennings, City Manager

Motion was made by Councilor Thibodeau and seconded by Councilor Batson for passage. Passage 8-0.

AMENDMENTS:

Order 161-18/19 Amendment to the Zoning Map Re: Section of Forest Avenue to Community Business B-2B - Sponsored by the Planning Board, Sean Dundon, Chair.

This is a first reading.

Order 162-18/19 Amendment to the Portland City Code Chapter 14 Re: Drive-throughs in the B-2, B-2b and B-2c Community Business Zones - Sponsored by the Planning Board, Sean Dundon, Chair

This is a first reading.

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

Councilor Cook made a comment regarding the meetings in July and August, she wondered if the meetings should be changed in the City Charter.

Motion was made by Councilor Costa and seconded by Councilor Ray to adjourn. Passage 8-0, 9:45 P.M.

A TRUE COPY.

Katherine L. Jones, City Clerk

EXECUTIVE SESSION: