

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)

MARCH 4, 2019 CITY COUNCIL AGENDA

The Portland City Council will hold a Regular City Council meeting at 5:30 p.m. in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

RECOGNITIONS:

Arts in the Chamber, Dinah Minot, Artistic Director, Hear Here Recap

PRESENTATIONS:

ANNUAL MEETING:

SPECIAL MEETING:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

PROCLAMATIONS:

APPOINTMENTS:

Order 163-18/19 Appointing Long Creek Watershed Management District Directors Curtis Bohlen and Douglas Roncarati - Sponsored by Jon P. Jennings, City Manager

The Long Creek Watershed Management District (LCWMD) was created by Inter-local agreement among the municipalities of South Portland, Portland, Westbrook and Scarborough for the purpose of implementing the Long Creek Watershed Restoration Plan. The agreement was executed in August 2009. There are up to 16 Governing Board members of the LCWMD. The By-laws call for two (2) positions on the Board of Directors to be representatives from the City of Portland.

The City of Portland's two Board of Directors positions have been consistently held by a representative from the City and a representative from a local nonprofit agency. Doug Roncarati, Stormwater Coordinator at the Department of Public Works, serves as the municipal representative and Curtis Bohlen, Director of the Casco Bay Estuary Partnership, serves as the nonprofit representative. Both are seeking reappointment to the LCWMD Board of Directors. If approved, Douglas Roncarati's term would expire on February 15, 2021 and Curtis Bohlen's term would expire on October 21, 2021.

Five affirmative votes are required for passage after public comment.

CONSENT ITEMS:

Order 164-18/19 Declaring July 27, 2019 the 17th Annual Greater Portland Festival of Nations - Sponsored by Jon P. Jennings, City Manager

This order declares Saturday, July 27, 2019 the 17th Annual Greater Portland Festival of Nations. This festival at Deering Oaks Park showcases Maine's ethnic diversity with music, crafts, and cuisine.

Order 165-18/19 Declaring August 3, 2019 the Picnic Craft Fair Festival - Sponsored by Jon P. Jennings, City Manager

This order declares Saturday, August 3, 2019 as the Picnic Craft Fair Festival, (with a rain date of Sunday, August 4, 2019). Lincoln Park will be filled with 100 plus crafters selling their wares to attendees.

Order 166-18/19 Declaring August 25, 2019 the Pet Rock in the Park 2019 Festival - Sponsored by Jon P. Jennings, City Manager

This order declares Sunday, August 25, 2019 the Pet Rock in the Park 2019 Festival. Deering Oaks Park will be filled with music, booths from local animal shelters and pet stores, and a variety of food from restaurants and food trucks.

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

LICENSES:

Order 167-18/19 Granting Municipal Officers' Approval of Black Tie Inc. dba Black Tie Company @PMA Application for a Class I FSE at 7 Congress Square - Sponsored by Jon P. Jennings, City Manager

Black Tie Inc. dba Black Tie Company @PMA. Application for a Class I FSE at 7 Congress Square.

Application was filed on 2/8/2019. New City and State applications. Change of ownership of an existing business.

Five affirmative votes are required for passage after public comment.

Order 168-18/19 Granting Municipal Officers' Approval of General Gardens LLC dba Flood's Application for a Class I FSE at 747 Congress Street - Sponsored by Jon P. Jennings, City Manager

General Gardens LLC dba Flood's. Application for a Class I FSE at 747 Congress Street.

Application was filed on 2/5/2019. New City and State applications. Location was previously Bolster, Snow & Co.

Five affirmative votes are required for passage after public comment.

Order 169-18/19 Granting Municipal Officers' Approval of The Sustainability Lab dba Fork Food Lab Application for a Class III & IV with Outdoor Dining on Private Property at 72 Parris Street - Sponsored by Jon P. Jennings, City Manager

The Sustainability Lab dba Fork Food Lab. Application for a Class III & IV with Outdoor Dining on Private Property at 72 Parris Street.

Application was filed on 2/1/2019. Applicant currently holds a Class III & IV license.

Five affirmative votes are required for passage after public comment.

Order 170-18/19 Granting Municipal Officers' Approval of Sun Tiki Studios LLC dba Sun Tiki Studios LLC Application for an Auditorium with Entertainment with Dance and After Hours Entertainment at 375 Forest Avenue - Sponsored by Jon P. Jennings, City Manager

Sun Tiki Studios LLC dba Sun Tiki Studios LLC. Application for an Auditorium with Entertainment with Dance and After Hours Entertainment at 375 Forest Avenue.

Application was filed on 2/4/2019. New City application. Applicant currently has a pending Auditorium with Entertainment with Dance.

Five affirmative votes are required for passage after public comment.

Order 171-18/19 Granting Municipal Officers' Approval of Marshview LLC dba Brewery Extrava Application for a Brewery with Entertainment without Dance and Outdoor Dining on Private Property at 66 Cove Street - Sponsored by Jon P. Jennings, City Manager

Marshview LLC dba Brewery Extrava. Application for a Brewery with Entertainment without Dance and Outdoor Dining on Private Property at 66 Cove Street.

Application was filed on 2/5/2019. New City application. Location was previously a mechanical contractor.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

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.

In 2016, the City Council supported Councilor Ray's motion to have the Planning Board consider a zoning map amendment from the current Community Business B-2 zone and the Residential R-5 zone to the Community Business B-2b zone. The referral asked the Planning Board for a recommendation on whether the B-2b, which promotes a more urban form and limits drive-throughs, is a more appropriate zone for this area.

The Planning Board considered the Council Request and held the public hearing on March 22, 2016. The Planning Board voted (6-1, Whited opposed) to recommend to City Council the adoption of the zoning map amendment to rezone a portion of Forest Avenue to Community Business B-2b. Lisa Whited opposed the map amendment, preferring a holistic solution to addressing auto related businesses and for transforming Forest Avenue. The majority of the members supported the map amendment and agreed with Ms. Whited that further analysis of the B-2 zones and drive-throughs was warranted. The Board's recommendation for the drive-through text amendments to the B-2 zones are coming forward concurrently with the recommended map amendment. The text amendments would re-introduce the drive-through use in the B-2b zone, subject to the use being associated with the bank or pharmacy in a minimum of a 3 story building with the majority of the upper floors in residential use (a minimum of 3 dwelling units).

This item must be read on two separate days. It received its first reading on February 20, 2019. Five affirmative votes are required for passage after public comment.

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

The Planning Board unanimously recommends adoption of text amendments to the B-2, B-2b and B2c zones to allow bank and pharmacy drive-throughs in all B-2 zones, but only when they are in developments that include upper story housing. Currently, drive-throughs associated with permitted uses are allowed in B-2 and B-2c as a conditional use, but no drive-throughs are allowed in the B-2b zone. This proposed amendment would allow drive-throughs in all of these zones, but only in multiple story buildings with housing above. Specifically, the proposed text amendments revise the B-2 Table of Uses to limit drive-throughs to those associated with a pharmacy or banking facility in the three B-2 zones as a conditional use. A proposed footnote in the Use Table clarifies that drive-throughs are not permitted for restaurant, bakery or other food or beverage service uses. The conditional use standards for drive-throughs are revised to only permit a drive-through (associated with a bank or pharmacy) in a building of 3 or more stories where a majority of the upper stories is devoted to 3 or more dwelling units. Screening, location of drive-throughs, and stacking capacity for safe pedestrian and vehicle circulation on and off site are included in the location standard and the other existing 5 standards are retained.

This item must be read on two separate days. It received its first reading on February 20, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 172-18/19 Approving Federal Aviation Administration Airport Improvement Program Grants - Sponsored by Jon P. Jennings, City Manager

The Federal Aviation Administration issues grants to fund eligible safety and capacity projects at airports nationwide through the Airport Improvement Program (AIP). This program is funded through federal taxes on commercial air fares and on aviation fuel taxes. The amount of entitlement funding allocated to each airport is based on the annual number of enplaned commercial passengers the airport handled in the prior calendar year. This year the Portland International Jetport has AIP entitlement funding totaling \$3.93 million based upon 925,903 enplaned passengers in 2017. In addition to entitlement funding the Jetport is also seeking AIP discretionary funding of \$3.74 million in federal fiscal year 2019. Two projects have been planned this year which include: the construction of Taxiway B to connect Runway 36 to 29; and the expansion of the terminal aircraft apron to provide an additional aircraft deicing pad, aircraft hold area, and aircraft overnight parking. These projects will be procured under two construction contracts with a total engineer estimated cost for both projects of \$8.52 million.

The AIP funding amount for these projects of \$7.67 million is 90% of the total cost for the project. The balance of \$850,000 is covered locally through the Jetport's operating budget and through state funding of up to 5% of project costs.

Five affirmative votes are required for passage after public comment.

Order 173-18/19 Setting Public Hearings on Fiscal Year 2020 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 under our Housing and Urban Development-approved citizen participation process, Public Hearings are held each spring to consider the City's Housing and Community Development Program proposal for the ensuing fiscal year. The Community Development Block Grant (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, 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 18, 2019 and April 8, 2019 at City Council meetings 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 174-18/19 Authorizing Finance Director To Accept Donations For The Portland Community Support Fund - Sponsored By Jon P. Jennings, City Manager

Currently the City Council is required to accept donations to the City. This order authorizes the Finance Director to accept donations for the Community Support Fund on behalf of the Council. Donations received will be brought forward for formal appropriation at a later date, likely during the budget process.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

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

EXECUTIVE SESSION: