

Tuesday, March 19, 2024
CITY COUNCIL MEETING

Meeting Begins: 6:30 P.M.
Location: City Hall Council Chambers

A. EXECUTIVE SESSION AT 5:00 PM

Subject : 1. Executive Session Pursuant to 1 M.R.S.A. §405(6)(A) to conduct City Manager's annual performance evaluation. Three-fifths (3/5s) Vote of Councilors Present and Voting Required to Enter Executive Session.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : A. EXECUTIVE SESSION AT 5:00 PM

Type : Action

Recommended Action : Executive Session Pursuant to 1 M.R.S.A. §405(6)(A) to conduct City Manager's annual performance evaluation.

Public Content

POSITION PAPER OF THE CITY MANAGER

EXECUTIVE SESSION TO BEGIN AT 5:00 P.M. Executive Sessions are not open to the public.

The regular meeting will begin at 6:30 P.M.

B. OPENING OF THE MEETING

Subject : 1. Roll Call

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : B. OPENING OF THE MEETING

Type :

Public Content

Subject : 2. Acceptance of Minutes from March 7, 2024

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : B. OPENING OF THE MEETING

Type : Minutes

Public Content

File Attachments

C. PETITIONS & COMMUNICATIONS

Subject : 1. Update on Four Day Work Week Pilot
Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : C. PETITIONS & COMMUNICATIONS
Type :

Public Content

POSITION PAPER OF THE CITY MANAGER

Please see the attached update on the six month pilot of a four day work week that began last August and impacted numerous City departments/facilities. As noted in the memo, for a variety of reasons, I have opted to make this change permanent.

This is purely an update only for the Council. No action is being requested nor is any required. Thank you.

File Attachments

[Memo - City Council re Four Day Work Week Pilot Results w Attachments - City Manager Morelli.pdf \(1.794 KB\)](#)

D. APPOINTMENT CALENDAR

Subject : 1. ORDER #118- 21/22 - Transit Advisory Committee, District Five (Tipton), for an unexpired term that expires September 30, 2025. Postponed since January 4, 2022. Passage requires majority vote.
Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : D. APPOINTMENT CALENDAR
Type : Action
Recommended Action : Motion to postpone items 1-12.

Public Content

POSITION PAPER OF THE CITY CLERK

Becky Johnson has moved from the district and resigned. This vacancy must be filled by a resident of District 5.

Qualified and interested persons are encouraged to apply at:<https://onboard.southportland.org/apply/>

Motion & Voting

Motion to postpone items 1-12.

Motion by Misha Pride, second by Misha Pride.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 2. ORDER #15-22/23 - Transit Advisory Committee, District Three (Pride), for a term that expires September 30, 2026. Postponed since August 2, 2022. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Luis Ventura has moved from the district and resigned. This vacancy must be filled by a resident of District 3.

Qualified and interested persons are encouraged to apply at:<https://onboard.southportland.org/apply/>

Subject : 3. ORDER #52-23/24 - Board of Assessment Review, District Five (Tipton), for an unexpired term that expires December 31, 2026. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Brad Fox has resigned. This seat must be filled by a resident of District Five who has lived in the City for at least three consecutive years.

Subject : 4. ORDER #53-23/24 - Community Development Advisory Committee, District Four (Riley), for an unexpired term that expires January 15, 2025. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Abby Peck has resigned.

Subject : 5. ORDER #71-23/24 - Open Space Acquisition Committee, District Four (Riley), for an unexpired term that expires September 30, 2026. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Christine Thomas has resigned.

Subject : 6. ORDER #107-23/24 - Economic Development Committee, District Four (Riley), for an unexpired term that expires March 23, 2025. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

This position is vacant due to member Steve Riley being elected as Councilor.

Subject : 7. ORDER #108-23/24 - Landcare Management Advisory Committee, NOFA/Landscape Professional, for a term that expires January 31, 2027. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Addy Smith resigned; this position is now vacant and to be filled preferably by a NOFA /Landscape Professional. No applications are currently on file.

Subject : 8. ORDER #109-23/24 - Public Arts Committee, Youth Representative, for a term that expires March 22, 2024. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

This seat is vacant and may be filled by a youth member. There are no applications currently on file.

Subject : 9. ORDER #118-23/24 - Landcare Management Advisory Committee, Resident Member (Council Appointment), for a term that expires January 30, 2027. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Andrew Capelluti's term expired.

Subject : 10. ORDER #119-23/24 - Historic Preservation Committee, District Three (Pride), for an unexpired term that expires January 31, 2026. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR
Type : Action
Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Doreen Gay, former Chair of the HPC, has resigned.

Subject : 11. ORDER #144-23-24 - Economic Development Committee, District Five (Tipton), for a term that expires March 23, 2027. Passage requires majority vote.
Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : D. APPOINTMENT CALENDAR
Type : Action
Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Maranatha Mishkin's term has ended.

E. CONSENT CALENDAR

Subject : 1. ORDER #32-23/24 - Open Space Acquisition Committee, District At-Large (West) appointing LIBBI PAMPHREY for a term that expires September 30, 2026. Passage requires majority vote.
Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : E. CONSENT CALENDAR
Type : Action (Consent)
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

Dan Hogan's term expires September 30, 2023. He is not seeking re-appointment.

Councilor West is requesting to appoint Gayle (Libbi) Pamphrey to fill the term.

File Attachments

[ORDER #32.pdf \(89 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 2. ORDER #136-23/24 - Comprehensive Plan Committee, District Three (Pride), appointing ELENI RICHARDSON for an unexpired term that expires September 30, 2026. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action

Recommended Action : Motion for passage.

Public Content

Rob Liscord has resigned. Mayor Pride is requesting to appoint Eleni Richardson to fill the unexpired term.

Good evening Mayor Pride and Clerk Skully,

Please accept this email as my notice of resignation from the District 3 seat on the Comprehensive Plan Committee. I have separately emailed Chair Peter Stanton and staff contact Eli Ruben to let them know.

As I indicated to them both, my law practice is in the area of housing and community economic development. As a result, I expect that as the CPC work progresses into these next stages, attorney professional ethics would likely require me to recuse myself from many decisions impacting the very issues that drew me to the CPC in the first place (housing and neighborhood development) so as to avoid either the appearance of or an actual conflict of interest.

It is really important to me that I am able to continue to fully engage in the many discussions that the city is having in these areas, and I have concluded that the best way for me to do so is as a resident and as an advocate and not in the neutral role of a committee member. My intention is to continue to be engaged, but I will need to do so in a different capacity.

For these reasons, I think it is appropriate for me to step down from the CPC effective immediately.

Respectfully Submitted,

Rob

--

Robert M. Liscord*he/him/his*

File Attachments

[ORDER #136.pdf \(81 KB\)](#)

Subject : 3. ORDER #145-23/24 - Economic Development Committee, District Two (Coleman), appointing JOEL OUELLETTE for a term that expires March 23, 2027. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action (Consent)

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

Joel Ouellette was appointed to fill an unexpired term earlier this year. That term is ending; this appointment is for a new full 3 year term.

File Attachments

[ORDER #145.pdf \(81 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 4. ORDER #146-23/24 - Economic Development Committee, District One (Cohen), appointing RYAN HAMILTON for a term that expires March 23, 2027. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR
Type : Action (Consent)
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

Ryan Hamilton was appointed to fill an unexpired term earlier this year. That term is ending; this appointment is for a new full 3 year term.

File Attachments

[ORDER #146.pdf \(81 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 5. ORDER #147-23/24 - Planning Board, District Three (Pride), appointing RICHARD CROWLEY for a term that expires April 1, 2027. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

Richard Crowley has served on the Planning Board since June 2022. This appointment is for a new 3 year term.

File Attachments

[ORDER #147.pdf \(90 KB\)](#)

Subject : 6. ORDER #148-23/24 - Board of Assessment Review, District Three (Pride), appointing PAUL CLOUTIER for a term that expires March 15, 2027. Passage requires

majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : E. CONSENT CALENDAR
Type : Action (Consent)
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

Paul Cloutier is the current Chair of the Board. Mayor Pride is requesting his appointment for a new 3 year term.

File Attachments

[ORDER #148.pdf \(178 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 7. ORDER #149-23/24 - Award of Bid #10-24 to On the Line, Inc. of Bangor, ME, in the amount of \$70,599.15 for pavement marking (line striping) throughout the City. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : E. CONSENT CALENDAR
Type : Action (Consent)
Preferred Date : Mar 19, 2024
Absolute Date : Mar 19, 2024
Fiscal Impact : Yes
Dollar Amount : \$65,000.00
Budgeted : Yes
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

The Council is being asked to award Bid #10-24 to On the Line, Inc. of Bangor, ME, in the amount of \$70,599.15 for pavement marking (line striping) throughout the City.

The bid for the work was emailed, advertised, and posted to the City's website, however, only one bid was received.

[Chapter 2, Section 2-162\(5\)\(b\)](#)(Formal Bidding - Award of Bid)of the City's Code of Ordinances requires City Council approval for any item that does not receive at least three bids.

Attached is a memo from Purchasing Agent Matt Fitzgerald along with the bid response documents. A memo from Public Works Director Melissa Hutchins is also attached for your reference. Director Hutchins will be available for questions should the Council decide to remove this item from the Consent Calendar.

File Attachments

[Memo - Purchasing Agent - Bid 10-24.pdf \(71 KB\)](#)

[Memo - Public Works Director.pdf \(291 KB\)](#)

[Bid 10-24 Pavement Markings On the Line.pdf \(67 KB\)](#)

[ORDER - Award of Bid #10-24.pdf \(101 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject :	8. ORDER #150-23/24 - Award of Bid #11-24 to Pratt & Sons, Inc. for the Evans Street sidewalk replacement. Passage requires majority vote.
Meeting :	Mar 19, 2024 - CITY COUNCIL MEETING
Category :	E. CONSENT CALENDAR
Type :	Action (Consent)
Preferred Date :	Mar 19, 2024
Absolute Date :	Mar 19, 2024
Fiscal Impact :	Yes
Dollar Amount :	\$223,245.00
Budgeted :	Yes

Budget Source : CIP Sidewalk Repairs

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

This item is brought forward to authorize the award of Bid #11-24 to Pratt & Sons, Inc., of Mechanic Falls, ME for the Evans Street sidewalk replacement. The work includes replacing the existing sidewalk and making ADA improvements. The Maine Department of Transportation will further improve Evans Street by paving the section of failed roadway as part of its WIN project.

The bid was advertised, emailed, and mailed to vendors. The City received two bids of \$223,245 and \$382,362. The lowest responsive bid of \$223,245 was from Pratt & Sons, Inc. and it meets specifications.

[Chapter 2 - Section 2-162](#) (Formal Bidding Procedure) requires Council to approve all bids over \$100,000. Council is also required to award all bids where less than three bids are received.

Attached is a memorandum from Public Works Director Melissa Hutchins on this item. Director Hutchins will be available to answer questions should the Council choose to remove this item from the Consent Calendar.

File Attachments

[Memo - Public Works Director - Bid 11-24 Evan St Sidewalk.pdf \(302 KB\)](#)

[Plan Set - Bid 11-24 Evans Street.pdf \(4,111 KB\)](#)

[Bid Results - Pratt and Sons - Evans St..pdf \(464 KB\)](#)

[Bid Results - Gorham Sand & Gravel - Evans St.pdf \(424 KB\)](#)

[ORDER - Award of Bid #11-24.pdf \(102 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 9. ORDER #151-23/24 - Award of Bid #13-24 to Labrecque Construction for Time and Materials Contract for Concrete Sidewalk Repairs. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action (Consent)

Preferred Date : Mar 19, 2024

Absolute Date : Mar 19, 2024
Fiscal Impact : Yes
Budgeted : Yes
Recommended Action : Motion to approve.

Public Content

POSITION PAPER OF THE CITY MANAGER

The Council is being asked to award Bid #13-24 to Labrecque Construction of Portland, ME, for time and materials required related to on-call sidewalk repair services. Since this is an on-call service there is no dollar amount associated with the award, however, there is an estimated amount of \$75,000 which would be funded from the Public Works Sidewalk Maintenance account if services are required.

The bid for the work was emailed, advertised, and posted to the City's website, but only one bid was received.

[Chapter 2, Section 2-162\(5\)\(b\)](#) (Formal Bidding - Award of Bid) of the City's Code of Ordinances requires City Council approval for any item that does not receive at least three bids.

Attached is a memo from Purchasing Agent Matt Fitzgerald along with the bid response documents. A memo from Public Works Director Melissa Hutchins is also attached for your reference. Director Hutchins will be available for questions should the Council decide to remove this item from the Consent Calendar.

File Attachments

[Memo - Purchasing Agent - Bid 13-24.pdf \(71 KB\)](#)
[Bid 13-24 Labrecque Construction.pdf \(3,640 KB\)](#)
[Memo - Public Works Director.pdf \(292 KB\)](#)
[ORDER - Award of Bid #13-24.pdf \(101 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 10. ORDER #152-23/24 - Amending the Traffic Schedules for Stop Signs and Yield Signs. Passage requires majority vote.
Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : E. CONSENT CALENDAR
Type : Action (Consent)

Preferred Date : Mar 19, 2024
Absolute Date : Mar 19, 2024
Fiscal Impact : No
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

[Chapter 15](#) of the City's Code of Ordinances establishes the following Traffic Schedules, which can be amended from time to time by the City Council by Order:

- Schedule 1: One-Way Streets
- Schedule 2: Through Streets
- Schedule 3: No Parking
- Schedule 4: Limited Parking
- Schedule 5: Stop Signs
- Schedule 6: Restricted Access Ways
- Schedule 7: Yield Signs
- Schedule 8: Speed Zones
- Schedule 9: Truck Routes
- Schedule 10: Prohibiting Trucks in Excess of Three-Quarter Ton
- Schedule 11: Left Turn Only Intersections
- Schedule 12: Right Turn Only Intersections
- Schedule 13: No Buses
- Schedule 14: No Truck Parking
- Schedule 15: Curb Loading Zones
- Schedule 16: Bus Stops and Tax Stands
- Schedule 17: [Unknown]
- Schedule 18: Tow-Away Zones

This item is brought forward to amend Schedule 5 (Stop Signs), by adding two new stop sign locations, one on Woodmoor Road making this a three-way stop intersection, and one on Kingston Street, making this a four-way stop intersection.

Traffic Specialist Officer Rocco Navarro has assessed these specific intersections and agrees making them a four-way stop and three-way stop respectively, is the safest course of action. Public Works Director Melissa Hutchins is also recommending the installation of the signs.

This item will also update Schedule 7 to reflect the removal of stop signs at the rotary located at Cottage Road, Ocean Street, and E Street, which were recently replaced with yield signs to conform with [State Law](#).

The City sent notices to residents on and within 500 feet of the intersections at Woodmoor and Kingston where the signs are proposed to inform them of tonight's vote. Attached are the addresses to where notices were sent. Due to the multitude of people who use the rotary, a notification was posted to the City's website.

Director Hutchins will be available at Tuesday's meeting to answer questions should this item be removed from the Consent Calendar.

File Attachments

[Memo - Public Works Director.pdf \(401 KB\)](#)

[Aerial Photo - Roundabout Cottage at Ocean at E.pdf \(223 KB\)](#)

[Aerial Photo - Strout at Kingston.pdf \(281 KB\)](#)

[Aerial Photo - Woodmoor at Greeley.pdf \(252 KB\)](#)

[Kingston Stop Sign.pdf \(35 KB\)](#)

[Woodmoor Stop Sign.pdf \(39 KB\)](#)

[Traffic Schedule Stop and Yield Signs Edited.pdf \(75 KB\)](#)

[Stop Signs Woodmoor & Kingston Abutter Letter.pdf \(146 KB\)](#)

[ORDER - Traffic Schedule.pdf \(108 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 11. ORDER #153-23/24 - Setting the date of public hearing for the Proposed FY25 Budget on April 2, 2024. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

Sec. 502 of the [City's charter](#) requires the City Manager to submit the annual budget proposal no later than the third Monday in March. This year that is March 18, 2024. In addition, Sec. 504 of the charter requires the Council to set a public hearing on the budget at the meeting where the budget and budget message are submitted. Since the Council does not meet on Mondays, this means that Council must vote on a hearing date at its meeting on March 19, 2024. Traditionally, Council has set the hearing for its first meeting in April. As such, the attached Order would set April 2, 2024 at the public hearing date for the FY25 budget.

As an FYI, here is the draft workshop schedule for departments to discuss their operating and capital budgets before Council:

April 9 Budget Workshop #1

1. School
2. City Clerk
3. Water Resource Protection/Street Openings
4. Bus Service
5. IT
6. SPCTV

7. Code Enforcement
8. Economic Development
9. Planning
10. Sustainability
11. Library
12. Parks, Rec, Waterfront, Golf Course
13. Review/Confirm Parking Lot Items

April 23 Budget Workshop #2

1. Fire/Dispatch
2. Police
3. HR/Benefits
4. Social Services/GA
5. Facilities/Energy
6. Public Works
7. Finance/Assessing
8. City Council
9. Executive
10. Legal
11. Other Health, Contingency/Reserves, Liability Insurance, Debt Service, County Tax
12. Review/Confirm Parking Lot Items

A third and final budget workshop will be held on May 14, 2024 to discuss all items in the "Parking Lot". The Council votes on the School portion of the budget on May 7, with the School budget referendum held on June 11, 2024. Council votes on the remainder of the budget on June 25, 2024.

File Attachments

[ORDER #153.pdf \(133 KB\)](#)

Subject :	12. ORDER #154-23/24 - Authorization for the City Manager to sign lease agreements for three new Electric Vehicles. Passage requires majority vote.
Meeting :	Mar 19, 2024 - CITY COUNCIL MEETING
Category :	E. CONSENT CALENDAR
Type :	Action (Consent)
Preferred Date :	Mar 19, 2024
Absolute Date :	Mar 19, 2024
Fiscal Impact :	Yes
Dollar Amount :	\$14,634.00
Budgeted :	Yes
Budget Source :	Operating Budget
Recommended Action :	Motion for passage

Public Content

POSITION PAPER OF THE CITY MANAGER

Last December, the City issued an RFP for leasing three electric vehicles (EVs), with one going to Code Enforcement, one going to the Assessor's Office, and one going to the Facilities Department, all to replace expired lease agreements of vehicles currently held. No bids were received, so as allowed by the City's Purchasing Ordinance, the Purchasing Agent reached out to area dealers for quotes. Based on this, he was able to secure a 2024 Nissan Leaf for Code Enforcement (3 years, \$9,000), a 2024 Hyundai Ionic for Assessing (3 years, \$2,943), and a 2024 Hyundai Ionic for Facilities (3 years, \$2,711). NOTE: the lower prices for the latter two items are due to rebates from Efficiency Maine, which caps such rebates at two per year per municipality.

[Section 2-162 of the City's Code of Ordinances](#) requires City Council approval to awards bids when the City does not receive at least three responses. I recommend approval.

File Attachments

[MEMO - EV Leases - Purchasing Agent.pdf \(92 KB\)](#)

[#08-24 Invitation to Bid - Lease of Electric Vehicles 2024.pdf \(473 KB\)](#)

[ORDER - Electric Vehicle Leases.pdf \(105 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 13. ORDER #155-23/24 - Authorizing the City Manager to sign an agreement with the Simonton Cove Condominium Association regarding access to Willard Beach. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action (Consent)

Preferred Date : Mar 19, 2024

Fiscal Impact : No

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

On [June 6, 2023](#), the City Council accepted the Willard Beach Master Plan. While the acceptance does not commit the Council to supporting any of the specific recommendations, the plan does call for the closing of all private beach access over dunes, in order to better protect the dunes. One group - the Simonton Cove Condominium Association - objected to closure of their path and after meeting with this group staff felt that an

arrangement could be worked out that protects the dunes while continuing to allow members of the association beach access via the path. As such, the Order approved by Council last June was crafted to allow the group access for the remainder of 2023 while a longer term agreement could be worked out between the City and the Association.

Attached please find an agreement signed by the Association. Council is being asked to authorize the City Manager to also sign the agreement. This agreement has been reviewed by Corporation Counsel.

File Attachments

[Simonton Cove Association - Willard Beach Path Agreement.pdf \(4,707 KB\)](#)

[ORDER - Simonton Cove Condominium Association - Willard Beach Access.pdf \(102 KB\)](#)

Consent

Passage of consent items requires majority vote.

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Richard Matthews.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

F. CITIZEN DISCUSSION (PART I)

Subject :	1. Citizen Discussion
Meeting :	Mar 19, 2024 - CITY COUNCIL MEETING
Category :	F. CITIZEN DISCUSSION (PART I)
Type :	Discussion

Public Content

Members of the public will be given up to **3minutes** to speak on any item on or off the agenda during Citizens Discussion Part I. Members of the public who spoke on any agenda item (including workshops) will not be able to speak on that item again during this time. Members who spoke during Citizen Discussion Part I will not be able to speak during Citizen Discussion Part II.

G. ACTION ON OLD AND NEW BUSINESS (Part I)

Subject :	1. ORDER #156-23/24 - Accepting the Recommendation from the Public Arts Committee for a Permanent Rwandan Monument at Mill Creek Park. Passage Requires Majority Vote.
Meeting :	Mar 19, 2024 - CITY COUNCIL MEETING
Category :	G. ACTION ON OLD AND NEW BUSINESS (Part I)
Type :	Action

Recommended Action :

Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

On [November 30, 2021](#), the Council voted to create a Public Arts Committee (PAC), which promotes and develops artistic and cultural activities and initiatives that advance the City's quality of life and vibrancy. At the [February 6, 2024](#) meeting, the Council adopted a [Policy on Artwork and Monuments on City Property](#), which calls for the PAC to review all submissions for monuments and art in public spaces.

On March 4, 2024, the PAC reviewed a request from Rosemarie DeAngelis for a memorial to be placed within a City park that would recognize the genocide against the Tutsi people in Rwanda in 1994. (See attached application and graphic depicting the location). The Rwandan population that resides in the City would pay for this monument's creation and installation, which is proposed to be placed in Mill Creek Park. The committee deemed that the request met the criteria outlined in the new policy and is recommending the placement of the monument. A memo from the PAC Chair James LaPlante is attached for your review.

NOTE: As part of this process, various staff reviewed this request. There were no concerns from a public safety perspective, nor were there concerns with the monument interfering with City operations. In addition, the proposed monument and location conform to City ordinances.

Pursuant to the new policy, the Council may now accept the recommendation of the PAC or it may decline to do so. The Order has been crafted in the affirmative. The applicant has been invited to the meeting should Council have questions.

File Attachments

[Memo - Rwandan Monument Proposal - PAC Chair LaPlante.pdf \(71 KB\)](#)

[Application - Rwandan Monument.pdf \(197 KB\)](#)

[2024 - RD Rwanda Monument graphic.pdf \(8,613 KB\)](#)

[ORDER - Approval of Rwandan Monument.pdf \(101 KB\)](#)

Motion & Voting

Motion for passage.

Motion by Elyse Tipton, second by Rachael Coleman.

Final Resolution: Motion Passes

In Favor: Misha Pride, Rachael Coleman, Elyse Tipton, Natalie West

Opposed: Linda Cohen, Steven Riley, Richard Matthews

Subject : 2. ORDER #157-23/24 - Accepting the Recommendation from the Public Arts Committee for a Temporary Public Art Display Along a Portion of the Greenbelt. Passage Requires Majority Vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : G. ACTION ON OLD AND NEW BUSINESS (Part I)

Type : Action

Recommended Action : Passage of Order.

Public Content

POSITION PAPER OF THE CITY MANAGER

On [November 30, 2021](#), the Council voted to create a Public Arts Committee (PAC), which promotes and develops artistic and cultural activities and initiatives that advance the City's quality of life and vibrancy. At the [February 6, 2024](#) meeting, the Council adopted a [Policy on Artwork and Monuments on City Property](#), which calls for the PAC to review all submissions for monuments and art in public spaces.

On March 4, 2024, the PAC reviewed a request from SPACE for a temporary art installation to be placed along the Greenbelt walkway in the Broadway and Clemons areas during April and May 2024. (See attached application and graphic depicting the location). SPACE will cover all costs related to this installation and the artist will monitor the piece for damage and repairs if needed. The committee deemed that the request met the criteria outlined in the new policy and is recommending the placement of the art project. A memo from the PAC Chair James LaPlante is attached for your review.

NOTE: As part of this process, various staff reviewed this request. There were no concerns from a public safety perspective, nor were there concerns with the artwork interfering with City operations. In addition, the proposed artwork and location conform to City ordinances.

Pursuant to the new policy, the Council may now accept the recommendation of the PAC or it may decline to do so. The Order has been crafted in the affirmative. The applicant has been invited to the meeting should Council have questions.

File Attachments

[Memo - SPACE Re-Site Proposal Recommendation - PAC Chair LaPlante.pdf \(71 KB\)](#)

[Application - SPACE Re-Site Project.pdf \(251 KB\)](#)

[SPACE Re-Site Conceptual Location.pdf \(3,218 KB\)](#)

[SPACE Re-Site Conceptual Drawing.pdf \(1,119 KB\)](#)

[ORDER - Approval of SPACE Public Art Display.pdf \(101 KB\)](#)

Motion & Voting

Motion for passage.

Motion by Natalie West, second by Linda Cohen.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject :	3. ORDINANCE #17-23/24 - Amending Chapter 5, "Buildings", for the Adoption of Commercially Property Assessed Clean Energy (C-PACE). Passage requires majority vote.
Meeting :	Mar 19, 2024 - CITY COUNCIL MEETING
Category :	G. ACTION ON OLD AND NEW BUSINESS (Part I)
Type :	Action
Fiscal Impact :	No
Budgeted :	No
Recommended Action :	Passage of the proposed C-PACE Ordinance on first reading.

Public Content

POSITION PAPER OF THE CITY MANAGER

As noted in the attached memo from Sustainability Director Julie Rosenbach, in 2021 the Maine Legislature passed a bill enabling a Commercial Property Assessed Clean Energy program (C-PACE). The rules governing this program were finalized by the State in 2023.

The purpose of the C-PACE program is to accelerate the installation of energy efficiency and renewable energy improvements in commercial properties by improving the terms of financing for such improvements. Under this program, property owners borrow from a lender to pay for the upfront costs of energy efficiency or renewable energy improvements. However, the C-PACE law allows this borrowing to be secured by a property tax assessment with an associated lien on the property. This feature allows for longer repayment terms, lower interest rates, and a transfer of the repayment obligations to subsequent owners if desired.

The City currently has a PACE program available for residential properties and Council is now being asked to extend the program to commercial, industrial, and multi-family properties. To do so, South Portland must adopt a C-PACE ordinance not materially different from Efficiency Maine's model ordinance. We must also enter into an agreement with Efficiency Maine establishing them as South Portland's program administrator. In addition, once projects are proposed, the City Council must approve each on a case-by-case basis.

Council is being asked to approve the first read of the ordinance. If Council approves this, at the second reading Council will also be asked to approve the agreement with Efficiency Maine. (NOTE: This item was scheduled for a workshop but Council authorized it to come directly to a first read.)

Director Rosenbach and James Neal, Senior Program Manager for Finance Initiatives at Efficiency Maine, will be present to provide additional information and answer questions.

File Attachments

[CC Memo C-PACE Ordinance Sustainability Director 3-19-24.pdf \(222 KB\)](#)
[ORDINANCE #17 - Ch 5 C-Pace Ordinance for first reading 03-19-24.pdf \(136 KB\)](#)

Motion & Voting

Passage of the first reading.

Motion by Linda Cohen, second by Rachael Coleman.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Motion to take this item out of order.

Motion by Natalie West, second by Rachael Coleman.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

H. PUBLIC HEARINGS AND ACTION

Subject :

1. ORDINANCE #14-23/24 - Amending Chapter 27, "Zoning," regarding a moratorium to establish regulations to

Mobile Home Parks. Passed first reading on February 20, 2024. Passage requires five (5) affirmative votes. ROLL CALL VOTE.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : H. PUBLIC HEARINGS AND ACTION
Type : Action
Preferred Date : Feb 20, 2024
Fiscal Impact : No
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

Council is being asked to consider placing a moratorium on land use activity pertaining to development which would result in the construction of a mobile home park or modular home subdivision. This moratorium will allow staff and City officials time to plan and manage any upcoming proposed development of such housing.

A memo from Corporation Counsel Sally Daggett is attached with more details regarding this request for a moratorium. More information can also be found in the recitals ("whereas") in the attached ordinance.

This item passed first reading without amendment on [February 20, 2024](#). The Planning Board voted on March 13, 2024 in favor of the moratorium by a vote of 6-0. If the second reading is passed tonight the ordinance will be in effect in 20 days.

Corporation Counsel Sally Daggett will be present should Council have further questions on this matter.

File Attachments

[MEMO - Corporation Counsel.pdf \(25 KB\)](#)

[ORDINANCE #14-CH 27 Moratorium re Mobile Home Parks.pdf \(112 KB\)](#)

Motion & Voting

Motion for passage.

Motion by Natalie West, second by Linda Cohen.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 2. ORDINANCE #15-23/24 - Amending Chapter 8, "Fire Protection and Prevention", regarding sprinkler requirements in new one- and two-family dwelling units. Substitute Ordinance passed first reading on March 7, 2024. ROLL CALL VOTE. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : H. PUBLIC HEARINGS AND ACTION

Type : Action
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

On February 13, 2024, City Council considered two workshop requests from [Councilor Cohen](#) and the [Affordable Housing Committee](#) related to amendments that would scale back the City's residential sprinkler ordinance requirements. Councilors supported skipping a workshop and bringing forward these ordinance amendments for a first read as soon as practicable.

The amalgamation of these two proposals was put forward for a vote on [March 7, 2024](#). This combined amendment removes the sprinkler requirement for one- and two-family dwelling units, and defines an Accessory Dwelling Unit (ADU) as a one-family dwelling, thus making those exempt as well. Dwellings with three or more units would continue to require sprinkling.

At the workshop, Councilor West also requested an alternative ordinance be considered that would exempt one-family dwelling units - including ADUs - but still require two-family units (and larger) to be sprinkled. This proposal was also included in the Council packet on March 7, 2024.

Council opted to pass the substitute ordinance at first reading.

For some history on the residential sprinkler ordinance: On [November 19, 2019](#), Council held a workshop at the request of the Fire Department to discuss updating Chapter 8, "Fire Protection and Prevention" of our Code of Ordinances. This included several amendments, including a requirement for all new one- and two-family dwelling units to become sprinkled, and for existing one- and two-family dwellings where renovations resulted in more than 50% of the initial square footage being added. (Only dwelling units of three or more were required at the time). Council agreed to move forward with this request, and on [July 7, 2020](#), gave final approval to these amendments. Over the next year, Council made several modifications to the ordinance, including delaying the implementation date and ultimately removing the requirement for sprinkling existing residences that perform renovations resulting in additions totaling more than 50% of the gross floor area.

For reasons articulated during the workshops and prior discussions on this matter in 2019, 2020, and 2021 - and as outlined in the attached memo and documents provided by Fire Chief Phil Selberg - City staff still support the existing sprinkler requirements. We understand the inherent cost increase associated with sprinklers and how that can potentially conflict with the Council's goal of creating more housing, so ultimately this is a trade-off question for the Council as to which direction it wishes to lean into: potentially more housing creation due to less restrictions, or enhanced fire safety.

If the second reading is approved tonight the ordinance will be in effect in 20 days.

Chief Selberg and Planning Director Milan Nevajda will be present for this discussion.

File Attachments

[ORDINANCE #15 re Ch 8 Sprinklers as passed first reading 03-07-24.pdf \(89 KB\)](#)

Motion & Voting

Motion for passage.

Motion by Linda Cohen, second by Steven Riley.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Natalie West

Opposed: Richard Matthews

Subject : 3. ORDER #158-23/24 - Granting Running Hill Senior Care LLC d/b/a The Grande at South Portland, 25 Country Club Road, a Restaurant with Liquor license. New owners of an existing business. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : H. PUBLIC HEARINGS AND ACTION

Type : Action

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

This is an existing business located within Harbor Chase Assisted Living facility at 25 Country Club Road. As required a legal ad has been placed. There have been no objections from the public or Fire, Police, or the City's Health Inspector. The business primarily serves residents of the facility.

Chapter 14 Sec 8 Standards for Denial are attached. City staff recommends approval of the license, which will be issued following final inspection and issuance of the State liquor license.

File Attachments

[ORDER #158.pdf \(132 KB\)](#)

[Application - The Grande at South Portland.pdf \(938 KB\)](#)

[Ch 14-8 Standards for Denial.pdf \(82 KB\)](#)

Motion & Voting

Motion for passage.

Motion by Richard Matthews, second by Steven Riley.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Subject : 4. ORDER #132-23/24 - Public Hearing and action on FPL Energy Cape Station waiver request for oil storage tanks at 6 Ocean Street. Reconsidered and postponed on February 20, 2024. Passage requires majority vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : H. PUBLIC HEARINGS AND ACTION

Type : Action

Recommended Action : Public hearing and action on ORDER #132-23/24.

Public Content

POSITION PAPER OF THE CITY CLERK

On February 6, 2024, the City Council held a public hearing on waiver request of FPL Energy Cape Station to construct oil storage tanks located at 6 Ocean Street. At that meeting, a vote was taken to deny the waiver request (4-3; Cohen, Matthews, Riley opposed) with findings of fact to be drafted and voted upon at the February 20 meeting.

At the February 20, 2024 meeting, the City Council was to act on the findings of fact drafted by Corporation Counsel titled ORDER #132-23/24 (Attachment 1) related to the February 6th decision to deny the waiver request. Councilor West proposed a SUBSTITUTE ORDER #132-23/24 (Attachment 2). Corporation Counsel advised the City Council that if SUBSTITUTE ORDER #132-23/24 is to be considered, a motion to reconsider ought to be made and the public hearing be reopened. A motion to reconsider denial of the waiver request was made and passed (5-2; Cohen and Matthews opposed) and a motion to postpone further action and reopen the public hearing on March 19 was made and passed (5-2; Cohen and Matthews opposed).

This evening, the Mayor will reopen the public hearing and any new/additional information may be presented during the public hearing. The Council will deliberate and then act on the waiver request.

During this process, the Council sits in quasi-judicial capacity and may only consider information presented during the public hearing.

Attachments include all material referenced at the February 6 and February 20 meetings, as well as emails received and sent by City staff and Councilors on the topic between 2-1-24 and 3-14-24 (Attachment 12).

Note: On March 18, the City Council received the attached memo from Cape Station LLC (Attachment 13).

File Attachments

- [1 - Draft ORDER #132 denying waiver request \(drafted by Corporation Counsel\).pdf \(74 KB\)](#)
- [2 - Draft SUBSTITUTE ORDER #132 denying waiver request \(drafted by Councilor West\).pdf \(126 KB\)](#)
- [3 - Memo to Council dated 2-1-24 from Corporation Counsel.pdf \(134 KB\)](#)
- [4- Waiver Application from FPL Energy Cape Station dated 12-18-23.pdf \(6,049 KB\)](#)
- [5 - Memo to Council dated 1-29-24 from FPL Energy Cape Station.pdf \(140 KB\)](#)
- [6 - ISO-NE Letter to City of South Portland re Blackstart Program 12-21-23.pdf \(564 KB\)](#)
- [7 - Email - ISO NE Blackstart Program.pdf \(159 KB\)](#)
- [8 - Notice to FPL-Cape Station Abutters 01-19-24.pdf \(199 KB\)](#)
- [9 - ORDER #132 - DRAFT from 2-6-24 meeting.pdf \(191 KB\)](#)
- [10 - Memo to Council dated 2-16-24 from FPL Energy requesting reconsideration.PDF \(194 KB\)](#)
- [11 - 13 emails of Public Comment Received to Councilors and accepted into the record on 2-6-24.pdf \(909 KB\)](#)
- [12 - Additional emails between 2-1-24 and 3-14-24.pdf \(1,425 KB\)](#)
- [13 - 2024.03.16 FPL Response to Substitute Order Environmental Aspects.pdf \(99 KB\)](#)
- [FINAL - SUBSTITUTE ORDER #132 denying waiver request \(drafted by Councilor West\).pdf \(196 KB\)](#)

Motion & Voting

Adoption of SUBSTITUTE ORDER #132-23/24, as amended.

Motion by Natalie West, second by Rachael Coleman.

Final Resolution: Motion Passes

In Favor: Misha Pride, Rachael Coleman, Elyse Tipton, Natalie West

Opposed: Linda Cohen, Steven Riley, Richard Matthews
Amendment to revise the notice of hearing as stated by Councilor West.

Motion by Natalie West, second by Rachael Coleman.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Elyse Tipton, Natalie West

Opposed: Steven Riley, Richard Matthews

I. ACTION ON OLD AND NEW BUSINESS (Part II)

Subject : 1. ORDER #159-23/24 - Awarding of Bid #14-24 for Legal /Corporation Counsel Services. Passage Requires Majority Vote.

Meeting : Mar 19, 2024 - CITY COUNCIL MEETING

Category : I. ACTION ON OLD AND NEW BUSINESS (Part II)

Type : Action

Recommended Action : Motion to Approve the Order

Public Content

POSITION PAPER OF THE CITY MANAGER

The City of South Portland currently contracts with the law firm of Jensen Baird to provide most of our needed legal services, including that of Corporation Counsel. Charter Sec. 231 requires Council to appoint a Corporation Counsel "for an indefinite term" and that this person/firm shall head the City's legal department. Since 2008, the City's primary attorney through Jensen Baird has been Sally Daggett. The City utilizes other firms when there are conflicts or when specialized legal knowledge is required, such as for our tax increment finance (TIF) work, where we utilize Bernstein Shur attorneys, for example.

On January 4, 2024, Jensen Baird gave notice to the City that it would no longer be able to serve as Corporation Counsel due to the departure of Attorney Daggett on March 22, 2024. On [February 4, 2024](#), Council authorized the issuance of a Request for Proposals (RFP) for legal services. This RFP was crafted with maximum flexibility for City Council, in that responses could be provided that covered all (or most) of the types of legal services that the City requires, or that only covered one or more specialized areas. In addition, the RFP let potential respondents know that the City Council reserved the right to hire an in-house counsel and contract out only for those services that are unable to be provided for in-house.

The City received four RFP responses from Bernstein Shur, Drummond Woodsum, Norman Hanson Detroy, and Perkins Thompson. See attached. According to Purchasing Agent Matt Fitzgerald, all bids meet minimum requirements and are in order for consideration by Council. Below is a brief summary of each proposal (in alphabetical order). For reference, the City pays Jensen Baird \$140/hr for paralegal services and \$225/hr for attorney services. We pay other firms varying (usually higher) amounts for their specialized services.

- **Bernstein Shur's** proposal is not for full Corporation Counsel services and includes three areas: 1) Personnel matters, labor negotiations, and union matters; 2) Bond counsel services; and 3) TIF services. The rates range from \$175/hour for a paralegal, to \$315/hr for an associate, to \$415/hr for a shareholder. This represents between a 40% and 84% increase over Jensen Baird rates.
- **Drummond Woodsum's** proposal is not for full Corporation Counsel services and includes seven areas: 1) Conflict work; 2) Special projects on general government and land use matters; and 3) Labor and employment advice, including investigations; 4) Litigation; 5) Public finance and bond counsel; 6) Real estate; and 7) Environmental and energy. The rates range from \$175/hr for a paralegal to \$295/hr for other attorneys. This represents a 31% increase over Jensen Baird rates.

- **Norman Hanson Detroy's** proposal contemplates the City hiring an in-house counsel and hiring out for specialized services. Their proposal includes 11 areas: 1) General government; 2) Land use and planning/code enforcement; 3) Labor and employment law; 4) Real estate transactions; 5) Contract preparation and review; 6) Tax assessing and exemptions; 7) Litigation; 8) Collections/bankruptcy; 9) Environmental; 10) Bond counsel; and 11) TIF. The rates range from \$175/hr for paralegal, to \$210/hr for associates, to \$275/hr for members (for bankruptcy the rate is \$400/hr). This represents between a 7% decrease and 22% increase over Jensen Baird rates.
- **Perkin's Thompson's** proposal is the only one that appears to be for full Corporation Counsel services and references nine areas: 1) General government, including advice to City officials, employees, and committees; 2) Property taxation and finance; 3) Personnel; 4) Code enforcement/land use/zoning; 5) Environmental issues; 6) Civil litigation, 7) Real estate, 8) Risk management, and 9) Contracts. The rates range from \$150/hr for paralegal to \$225 for all attorneys. This represents the same attorney rate as Jensen Baird.

Please review each proposal for more detailed information about the services proposed.

City Council also asked for information from staff as to how much in-house legal counsel services would cost, should Council opt to return to that format. This type of arrangement is rare in Maine, as only two communities (Portland and Bangor) are known to have in-house counsel. Even so, these communities still contract out for certain legal services, which South Portland would continue to need to do if we reverted to in-house counsel. Attached please find a memo from a working group that outlines what this would look like for South Portland. In summary, the City would need to:

- Hire three staff: a primary attorney (\$150,000/yr + benefits), an associate attorney (\$110,000/yr + benefits), and a paralegal/administrative assistant (\$59,000/yr + benefits). Total wage/benefit cost estimate: \$382,800 (includes benefits)
 - These attorneys likely would cover contracts, FOAA requests, general government, ordinance prep/review, Planning Dept reviews, litigation, and real estate matters. They may also be able to cover labor and employment issues.
- Allocate annual operating costs of \$16,500 for things like office supplies, travel/training, etc.
- House these staff in the basement of City Hall as there are no other spaces available. Estimated fit up cost: \$30,000 (one-time)
- Outside legal counsel likely would still need to be retained for at least the following areas: 1) collections /bankruptcy, 2) environmental/regulatory, 3) bond counsel, and 4) TIF counsel. It's possible outside representation also would still be necessary for certain litigation and labor/employment law. Estimated cost: \$100,000
- **TOTAL COST FOR IN-HOUSE: \$529,300 (\$499,300 without the one-time office fit-up cost)**

For reference, over the past five years, the City has paid the following amounts to various law firms (including Jensen Baird) for all legal services (excluding the Portland Pipeline lawsuit costs):

- FY 2024 (thru February): \$189,005 (projected \$324,009)
- FY 2023: \$366,762
- FY 2022: \$317,150
- FY 2021: \$307,588
- FY 2020: \$293,673

Tonight the City Council is being presented with two Orders to choose from. The first contemplates you awarding Corporation Counsel services to one of the firms (in reality, Perkins Thompson since they are the only one who specifically proposed serving in such a capacity). The Council could then further amend the Order to to assign a specific firm or firms to handle specialized services not covered by the selected firm. The second, alternate Order instructs the Mayor to work with City staff to advertise for the three in-house legal positions recommended in the staff memo, and to eventually come back with a recommendation, including firm (s) to hire for services that cannot be covered by in-house counsel.

File Attachments

[Memo - Legal Services RFP - Purchasing Agent Fitzgerald.pdf \(14 KB\)](#)
[#14-24 Legal Services RFP.pdf \(652 KB\)](#)
[Bernstein Shur Proposal.pdf \(1,932 KB\)](#)
[Drummond Woodsum Proposal.pdf \(1,815 KB\)](#)
[Norman Hanson Detroy Proposal.pdf \(1,282 KB\)](#)
[Perkins Thompson Proposal.pdf \(1,141 KB\)](#)
[Memo - In-House Legal Counsel Costs - Various City Staff.pdf \(135 KB\)](#)
[ORDER - Award of Bid #14-24.pdf \(101 KB\)](#)
[ALTERNATE ORDER - Award of Bid #14-24.pdf \(101 KB\)](#)
[ADOPTED ORDER - Award of Bid #14-24 as passed 3-19-24.pdf \(164 KB\)](#)

Motion & Voting

Motion for passage of Bid #14-24, as amended.

Motion by Linda Cohen, second by Natalie West.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Motion to amend the order to insert the name of Brandon J. Mazer in the first blank, and PERKINS THOMPSON in the second blank.

Motion by Linda Cohen, second by Rachael Coleman.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

Motion to amend the amendment to insert the name of Brandon J. Mazer in the first blank, and PERKINS THOMPSON in the second blank.

Motion by Natalie West, second by Elyse Tipton.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West

J. CITIZEN DISCUSSION (PART II)

Subject : 1. Citizen Discussion
Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : J. CITIZEN DISCUSSION (PART II)
Type : Discussion

Public Content

Members of the public will be given up to **3minutes** to speak on any item on or off the agenda during Citizens Discussion Part II. Members of the public who spoke on any agenda item (including workshops) will not be able to speak on that item again during this time. Members who spoke during Citizen Discussion Part I will not be able to speak during Citizen Discussion Part II.

K. COMMUNICATION FROM THE CITY MANAGER

L. COUNCILOR'S ROUND ROBIN

M. EXECUTIVE SESSION

N. ADJOURNMENT

Subject : 1. Adjourn
Meeting : Mar 19, 2024 - CITY COUNCIL MEETING
Category : N. ADJOURNMENT
Type : Action
Recommended Action : MOTION TO ADJOURN

Motion & Voting

MOTION TO ADJOURN at 9:30pm

Motion by Misha Pride, second by Misha Pride.

Final Resolution: Motion Passes

In Favor: Misha Pride, Linda Cohen, Rachael Coleman, Steven Riley, Elyse Tipton, Richard Matthews, Natalie West