

Tuesday, April 16, 2024
CITY COUNCIL MEETING

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

A. OPENING OF THE MEETING

Subject : 1. Pledge / Roll Call
Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : A. OPENING OF THE MEETING
Type :

Public Content

POSITION PAPER OF THE CITY MANAGER

Subject : 2. Acceptance of Minutes from April 2, 2024
Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : A. OPENING OF THE MEETING
Type : Action, Minutes
Recommended Action : Motion to accept the minutes.

Public Content

File Attachments

[DRAFT - Minutes 4-2-24.pdf \(129 KB\)](#)

Motion & Voting

B. WORKSHOP DISCUSSION

Subject : 1. Future Use of Mahoney: Presentations from the South Portland Housing Authority and City Staff
Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : B. WORKSHOP DISCUSSION
Type : Discussion, Information

Public Content

POSITION PAPER OF THE CITY MANAGER

After the [March 14, 2024](#) workshop on the topic of future use of Mahoney, Council asked for additional information from the South Portland Housing Authority (SPHA) as to how they might re-purpose the Mahoney site for affordable housing, as well as the City Hall and Hamlin School sites should Mahoney end up being used as a combined City Hall. The Council also asked for more details from City staff on the proposal to consolidate services at the Mahoney site.

On Tuesday night, SPHA Director Mike Hulse and other SPHA officials will provide additional details on their conceptual plans. In addition, City staff will provide the same.

Where this is a workshop, no formal decisions will be made by the Council. Councilors and members of the public will be able to ask questions, and Councilors may offer comments if they so choose.

C. PETITIONS & COMMUNICATIONS

Subject :	1. Annual Reports from Planning-staffed Committees
Meeting :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	C. PETITIONS & COMMUNICATIONS
Type :	Reports

Public Content

POSITION PAPER OF THE CITY CLERK

Annual Report out from Planning Board, Comprehensive Plan Committee, and Affordable Housing Committee

File Attachments

[MEMO Council- CPC 2023 Annual Report.pdf \(124 KB\)](#)

[MEMO COUNCIL- AHC 2023 Annual Report.pdf \(238 KB\)](#)

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 :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	D. APPOINTMENT CALENDAR
Type :	Action
Recommended Action :	Motion to postpone items 1-13.

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/>

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 : Apr 16, 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 : Apr 16, 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 : Apr 16, 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 : Apr 16, 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 : Apr 16, 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 (Council Appointment), for a term that expires January 31, 2027. Passage requires majority vote.

Meeting : Apr 16, 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 #118-23/24 - Landcare Management Advisory Committee, Resident Member (Council Appointment), for a term that expires January 30, 2027. Passage requires majority vote.

Meeting : Apr 16, 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 : 9. ORDER #119-23/24 - Historic Preservation Committee, District Three (Pride), for an unexpired term that expires January 31, 2026. Passage requires majority vote.

Meeting : Apr 16, 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 : 10. ORDER #144-23-24 - Economic Development Committee, District Five (Tipton), for a term that expires March 23, 2027. Passage requires majority vote.

Meeting : Apr 16, 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.

Subject : 11. ORDER #160-23/24 - Affordable Housing Committee, Member, (Council Appointment), for an unexpired term that expires December 30, 2025. Passage requires majority vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

This vacancy is due to Elyse Tipton being elected to City Councilor. This may be filled by any resident of any district.

Subject : 12. ORDER #166-23/24 - Waste Reduction Committee, District Two (Coleman) for a term that expires May 4, 2027. Passage requires majority vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING

Category : D. APPOINTMENT CALENDAR

Type : Action

Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Susan Chase's term on the WRC is ending and she is not applying to serve a new three year term. This vacancy may be filled by any resident of the City.

Subject : 13. ORDER #167-23/24 - Waste Reduction Committee, At-Large (West) for a term that expires May 4, 2027. Passage requires majority vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : D. APPOINTMENT CALENDAR
Type : Action
Recommended Action : Motion to postpone.

Public Content

POSITION PAPER OF THE CITY CLERK

Lissa Bitterman's term on the WRC is ending. This vacancy may be filled by any resident of the City.

E. CONSENT CALENDAR

Subject : 1. ORDER #168-23/24 - Appointing Election Clerks for a two year term. Passage requires majority vote.
Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : E. CONSENT CALENDAR
Type : Action (Consent)
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

State Law [Title 21-A §503-A \(3\)](#) requires the municipal officers to appoint election clerks for a two year term every general election year. The list contains the names of all nominations received by April 1st. From this list, election clerks are scheduled before each election. Election clerks are paid \$14.15/hr and many opt to volunteer their time. Those interested in serving as an election worker can learn more about it at [this website](#).

The City is fortunate to have many dedicated election workers who make successful elections in South Portland possible.

File Attachments

[Election Workers for 2024-2026.pdf \(112 KB\)](#)
[ORDER #168.pdf \(109 KB\)](#)

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 #169-23/24 - Appointing Alice Kelley as Interim City Clerk and Registrar of Voters effective May 10, 2024. Passage requires majority vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action (Consent)

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

This order appoints Deputy City Clerk Alice Kelley as Interim City Clerk and Registrar of Voters, effective May 10, 2024, and to serve until a new City Clerk is hired and sworn into office. Alice Kelley holds her Certified Clerk of Maine (CCM) designation through MTCCA. She has worked in the City Clerk's office for 17 years and was appointed Deputy City Clerk in 2022.

File Attachments

[ORDER #169.pdf \(192 KB\)](#)

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 : 3. ORDER #170-23/24 - Authorizing the City Manager to enter into a contract with Google Workspace to supply Cloud-Based Email and Applications. Passage requires majority vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action (Consent)

Preferred Date : Apr 09, 2024

Absolute Date : Apr 16, 2024

Fiscal Impact : Yes
Dollar Amount : \$332,418.00
Budgeted : Yes
Recommended Action : Motion of passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

This City is planning to transition its email enterprise and various applications to a cloud-based service (Google) in the coming months. Not only is this a necessity due to the anticipated loss of technical support for the current Microsoft system, but it will also improve security, storage, archiving, and collaboration. Attached is a memo from IT Director Mike Dery with more details. Also attached is the proposal from DITO (representing Google) and a side-by-side comparison of the Google proposal and Microsoft proposal.

This is being brought to the City Council due to the cost of the contract, which is in excess of \$100,000, but it should be noted that funding is already budgeted in the IT operating budget.

Director Dery will be present to answer questions should the Council decide to remove this item from the Consent Calendar.

File Attachments

[Memo - IT Director - Cloud Transition.pdf \(579 KB\)](#)
[Google Workspace Proposal - DITO 3-28-2024.pdf \(1,009 KB\)](#)
[Google vs MS365 Comparison.pdf \(79 KB\)](#)
[ORDER - Google Workspace Contract.pdf \(335 KB\)](#)

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 #171-23/24 - Authorizing the City Manager to enter into a contract with Perkins Thompson for Corporation Counsel Legal Services. Passage Requires Majority Vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING

Category : E. CONSENT CALENDAR

Type : Action

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

On [March 19, 2024](#), the City Council awarded Bid #14-24 for Legal/Corporation Counsel Services to the law firm of Perkins Thompson. Since then, the Mayor and City Manager have worked to negotiate the attached contract. The contract delineates the scope of services, hourly rates, duration of their services, etc.

Note that similar to our prior corporation counsel (Jensen Baird), there are areas of law where Perkins Thompson is unable to provide service. These include: bond counsel, union negotiations, and tax increment finance (TIF) work. In the next agenda item, Council will be asked to appoint certain other law firms to provide those services.

Brandon Mazer from Perkins Thompson will be available to answer questions should the Council decide to remove this item from the Consent Calendar.

File Attachments

[Professional Services Agreement Perkins Legal Services - FINAL 041124.pdf \(146 KB\)](#)
[#14-24 Legal Services RFP.pdf \(652 KB\)](#)
[Perkins Thompson Proposal.pdf \(1,141 KB\)](#)
[Perkins Thompson PA - Statement of Policies \(P2275002x9F873\).PDF \(85 KB\)](#)
[ORDER - Perkins Thompson Contract.pdf \(334 KB\)](#)

Subject :	5. ORDER #173-23/24 - Amending ORDER #154-23/24 authorizing the City Manager to sign lease agreements for three new Electric Vehicles. Passage requires majority vote.
Meeting :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	E. CONSENT CALENDAR
Type :	Action (Consent)
Preferred Date :	Apr 16, 2024
Fiscal Impact :	Yes
Dollar Amount :	\$18,813.12
Budgeted :	Yes
Budget Source :	Code Enforcement Operating Budget
Recommended Action :	Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

On [March 19, 2024](#), the City Council authorized the City Manager to sign leases for three electric vehicles through Order #154-23/24. At that time, information provided by one of the dealerships, Bill Dodge, had factored in the Efficiency Maine discount into the lease price, unaware that we had already reached our limit of two discounts for leases with another dealer. As such, the City needed to cancel that lease and seek other solutions.

In seeking other options, the City learned that although we reached our two-vehicle annual limit on leasing vehicles, we can also get a discount from Efficiency Maine if we purchase the vehicle. Therefore, I recommend pursuing this alternative to maximize the available savings.

This order proposes an amendment to the previous order, substituting the lease of a Nissan Leaf with its purchase. Additionally, it entails adjustments to the fiscal note associated with this change. All other provisions of the order will remain in effect.

File Attachments

[MEMO - Matt Fitzgerald - Purchasing Agent.pdf \(513 KB\)](#)

[ORDER - Amending Lease Vehicle Order.pdf \(352 KB\)](#)

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)

G. PUBLIC HEARINGS AND ACTION

Subject :	1. ORDER #174-23/24- Granting Factory Outpost, LLC, of 575 Westbrook Street, a Class II Medical Marijuana Retail Store license. Passage requires majority vote.
Meeting :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	G. PUBLIC HEARINGS AND ACTION
Type :	Action
Recommended Action :	Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

This is a new establishment located where Goldfish Enterprises LLC d/b/a Casco Bay Cannabis Company currently exists. That business will be ending operations and this business will be operating from that location. The application was received by the City Clerk's office on March 11, 2024. A legal ad has been placed and there have been no objections from Police, Fire or Code Enforcement. The license will be issued following completion of final inspection and issuance of the Certificate of Occupancy as required.

The applicant has been notified of tonight's hearing and City staff recommends issuance of the business license.

File Attachments

[Factory Outpost, LLC.pdf \(1,572 KB\)](#)

[Ch 14-781 Standards for Denial \(Marijuana\).pdf \(76 KB\)](#)

[ORDER #174.pdf \(392 KB\)](#)

Motion & Voting

Motion for passage.

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

H. ACTION ON OLD AND NEW BUSINESS

Subject :	1. ORDINANCE #18-23/24 - Amending Chapter 23, "Streets & Sidewalks" to include Updates and Incorporation of Street Design Technical Manual. First reading. Passage requires majority vote.
Meeting :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	H. ACTION ON OLD AND NEW BUSINESS
Type :	Action (Consent)
Preferred Date :	Apr 16, 2024
Absolute Date :	Apr 16, 2024
Fiscal Impact :	No
Recommended Action :	Motion to approve.

Public Content

POSITION PAPER OF THE CITY MANAGER

In 2017, the Council adopted the Complete Streets policy, aimed at prioritizing the creation of roadways that offer a safe, inclusive, and convenient travel experience for all users. In 2022, the Sustainability department secured a \$50,000 grant to develop a comprehensive "Street Design Manual" and hired Toole Designs for the task. This manual serves as the City's definitive guide to complete streets, providing clarity on decisions regarding various uses of public ways, road classifications, and priority matrices for different street types. It encourages input from stakeholders and supports shifts in transportation modes within the City. Moreover, it equips Planning and Engineering staff with the necessary guidance for street design projects and will be accessible to residents. Importantly, this initiative aligns with the objectives outlined in the Complete Streets Policy.

The proposed amendments to Chapter 23 ("Streets and Sidewalks") primarily include removing references to sidewalk permits and reimbursements for sidewalk construction and relocating design and construction standards to the design manual. Chapter 24 ("Subdivisions") will also be affected by the incorporation of the manual and is next on the agenda.

A copy of the Complete Streets Policy is attached for your review, as is the draft of the Street Design Manual. If the first reading of this proposed amendment is approved tonight the second reading will take place on May 7, 2024.

Civil Transportation Engineer Lacey Kremer will be present to answer questions regarding this amendment request.

File Attachments

[Memo - Civil Engineer - Street Design Tech Manual.pdf \(184 KB\)](#)
[Complete Streets Policy.pdf \(111 KB\)](#)
[South Portland Street Design Manual Draft.pdf \(12,255 KB\)](#)
[Slides City Council First Read 2024-0416.pdf \(1,049 KB\)](#)
[ORDINANCE #18 - Chapter 23 Streets and Sidewalks.pdf \(399 KB\)](#)

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 #172-23/24 - Authorizing the City Manager to Enter Into Contracts with Various Legal Firms to Provide Legal Services Not Provided by Perkins Thompson. Passage Requires Majority Vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING

Category : H. ACTION ON OLD AND NEW BUSINESS

Type : Action

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

The prior agenda item seeks to authorize the City Manager to sign an agreement with Perkins Thompson for corporation counsel/legal services. As noted, there are three areas of legal service that the firm is unable to provide: bond counsel, union negotiations, and tax increment finance (TIF) work.

Three other firms bid on providing service to the City, though none of these other firms offered to provide corporation counsel service. When awarding the bid for corporation counsel services to Perkins Thompson, Council indicated an interest in continuing with existing legal firms for any services not covered by Perkins Thompson.

Currently, Bernstein Shur currently provides TIF services for the City. Alyssa Tibbetts from Jensen Baird provides both bond counsel and union negotiation services. Although Jensen Baird has indicated a desire and ability to continue providing these services, they did not submit a formal bid. Council will need to determine whether it wishes to continue with Jensen Baird in this regard despite this. There may be legal issues with awarding a service to a company that did not formally bid, although the risk is likely low.

The attached Order does four things, two of which will require Council to fill in additional information via the amendment process before final passage. This includes:

- 1- Reappointing Bernstein Shur as TIF counsel (Norman, Hanson, Detroy also proposed offering this service but Bernstein Shur is the incumbent);
- 2- Appointing or reappointing a firm as bond counsel (Jensen Baird is willing to continue providing this service, but did not bid. Council may wish to continue with Jensen Baird despite this, or award this service to one of the three other firms who bid on it: Bernstein Shur; Drummond Woodsum; or Norman, Hanson, Detroy);
- 3-Appointing or reappointing a firm for union negotiations (Jensen Baird is willing to continue providing this service but did not bid. Council may wish to continue with Jensen Baird despite this, or award this service to Bernstein Shur, the only other firm whose bid included such service).
- 4- Authorizing the City Manager to utilize any of the three other firms who bid as conflict counsel in the event Perkins Thompson is legally conflicted from providing legal service on a specific matter. (Again, Council may want to consider Jensen Baird even though they did not submit a bid).

Attached please find the proposal from the three firms.

File Attachments

[Norman Hanson Detroy Proposal.pdf \(1,282 KB\)](#)
[Drummond Woodsum Proposal.pdf \(1,815 KB\)](#)
[Bernstein Shur Proposal.pdf \(1,932 KB\)](#)
[ORDER - Legal Contracts.pdf \(336 KB\)](#)

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 :	3. ORDINANCE #19-23/24 - Amending Chapter 24, "Subdivisions" to include Updates and Incorporation of Street Design Technical Manual. First reading. Passage requires majority vote.
Meeting :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	H. ACTION ON OLD AND NEW BUSINESS
Type :	Action (Consent)
Preferred Date :	Apr 16, 2024
Absolute Date :	Apr 16, 2024

Fiscal Impact : Yes

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

In 2017, the Council adopted the Complete Streets policy, aimed at prioritizing the creation of roadways that offer a safe, inclusive, and convenient travel experience for all users. In 2022, the Sustainability department secured a \$50,000 grant to develop a comprehensive "Street Design Manual" and hired Toole Designs for the task. This manual serves as the City's definitive guide to complete streets, providing clarity on decisions regarding various uses of public ways, road classifications, and priority matrices for different street types. It encourages input from stakeholders and supports shifts in transportation modes within the City. Moreover, it equips Planning and Engineering staff with the necessary guidance for street design projects and will be accessible to residents. Importantly, this initiative aligns with the objectives outlined in the Complete Streets Policy.

The proposed amendments to Chapter 24 ("Subdivisions") primarily include removing references to sidewalk permits and reimbursements for sidewalk construction, and relocating design and construction standards to the design manual.

A copy of the Complete Streets Policy is attached for your review, as is the draft of the Street Design Manual. If the first reading of this proposed amendment is approved tonight the second reading will take place on May 7, 2024.

Civil Transportation Engineer Lacey Kremer will be present to answer questions regarding this amendment request.

File Attachments

[Memo - Civil Engineer - Street Design Tech Manual.pdf \(184 KB\)](#)

[Complete Streets Policy.pdf \(111 KB\)](#)

[South Portland Street Design Manual Draft.pdf \(12,255 KB\)](#)

[Slides_City Council First Read_2024-0416.pdf \(1,049 KB\)](#)

[ORDINANCE #19 - Chapter 23 Subdivisions.pdf \(1,573 KB\)](#)

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. ORDINANCE #20-23/24 - Amending Chapter 5, "Buildings," Article IV, "Floodplain Management" to adopt

updated FEMA floodplain maps, development standards, and procedures for floodplain management required by the NFIP. First reading. Passage requires majority vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : H. ACTION ON OLD AND NEW BUSINESS
Type : Action
Preferred Date : Apr 16, 2024
Absolute Date : May 07, 2024
Fiscal Impact : No
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY MANAGER

As a coastal community at risk to flooding, South Portland participates in the National Flood Insurance Program (NFIP). Administered by the Federal Emergency Management Agency (FEMA), the NFIP provides flood insurance protection to property owners in flood-prone areas located in enrolled communities, who are responsible for administering floodplain regulations that reduce local flood risks. In accordance with NFIP requirements, the City of South Portland has adopted a local floodplain management ordinance Chapter 5 (Buildings), Article IV ("Floodplain Management") of the Code of Ordinances which establishes a flood hazard development permit system and review procedures for development activities in designated flood hazard areas across the City.

South Portland is occasionally required by FEMA to revise its floodplain management ordinance to reflect best available flood hazard data and best practices for floodplain management in accordance with Section 1361 of the National Flood Insurance Act. On December 20, 2023, the City received a Letter of Final Determination (LFD) from the FEMA stating that all warranted changes to flood hazard determinations for South Portland had been completed and integrated into final revised versions of the Cumberland County Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs), which will go into effect on June 20, 2024.

In order to maintain its enrollment in the NFIP, the City must now adopt up-to-date local floodplain management regulations to reflect best available flood hazard data and best practices for floodplain management provided by FEMA. These changes must be completed by no later than June 20, 2024, to avoid the City's suspension from the program.

Ordinance #20-23/24 includes all necessary changes to South Portland's floodplain ordinance, Chapter 5 ("Buildings"), Article IV ("Floodplain Management"), required to maintain the City's compliance with Section 1361 of the National Flood Insurance Act and remain enrolled in the NFIP. These updates include changes to the City's procedures and standards for issuing flood hazard development permits for development within identified Special Flood Hazard Areas (SFHAs) across the City, as well as the adoption of the 2024 FIS and FIRMs as the basis of the City's floodplain management regulations. Additional housekeeping revisions to address formatting issues and resolve inconsistencies with the current Code of Ordinances are also included in the proposed ordinance amendments. All proposed changes have also been reviewed and recommended by staff at the Maine Floodplain Management program for adoption.

The 2024 "pending" FIRMs proposed for adoption display the new locations and extent of South Portland's Special Flood Hazard Areas determined by FEMA after multiple revisions to new versions of the City's current FIRMs (adopted in 1981 and 1985) since first proposed by FEMA in 2009. Approximately 411 parcels in South

Portland are located within Special Flood Hazard Areas shown on the 2024 FIRMs and will be subject to updated local floodplain management standards if the proposed Ch. 5 amendments are adopted.

PDF copies of the 2024 Pending FIRM panels and FIS report, as well as the 1981-85 "Effective" floodplain maps for the City are attached. A GIS map of the updated Special Flood Hazard Areas for South Portland can be accessed at www.bit.ly/fema2024, where property owners check if their parcel will be located within a Special Flood Hazard Area after June 20, 2024. Property owners can also use FEMA's [Flood Map Service Center](#) to find their property's current flood hazard determination prior to June 20, 2024. For more information about the National Flood Insurance Program, including how to acquire flood insurance and details regarding flood mapping, residents can visit FloodSmart.gov.

As a land use ordinance amendment, the proposed Ch. 5 amendments will require a public hearing, currently scheduled for the April 24, 2024 meeting of the Planning Board. If approved at a second reading, the City Council decision to amend Ch. 5 is subject to a 20-day appeal period, after which the ordinance will become law. As drafted, the updated ordinance will go into effect on June 20th, 2024 in alignment with the effective date of the 2024 Pending FIS and FIRMs.

A staff memo from the Planning Division regarding the proposed changes to Ch. 5 is attached. Community Planner Laura Berry will be present to answer questions about the proposed ordinance.

File Attachments

[Staff Memo - Ordinance #20-23.24 - Ch. 5 Art. IV FEMA Updates - 4.11.24.pdf \(209 KB\)](#)

[FEMA SouthPortland FloodHazardDeterminationLetter 12-20-23.pdf \(3,192 KB\)](#)

[ORDINANCE #20-23.24 - Ch. 5 Art. IV FEMA Updates - 4.16.24.pdf \(503 KB\)](#)

[Cumberland County Pending FIS - 2024.pdf \(35,766 KB\)](#)

[South Portland Pending FIRMs - 2024.pdf \(43,383 KB\)](#)

[South Portland Effective Flood Maps - 1981-85.pdf \(34,055 KB\)](#)

Subject : 5. ORDINANCE #21-23/24 - Amending Chapter 15, "Motor Vehicles and Traffic", regarding minimum continuous regulations of licensed Towing/Wreckers. First reading. Passage requires majority vote.

Meeting : Apr 16, 2024 - CITY COUNCIL MEETING

Category : H. ACTION ON OLD AND NEW BUSINESS

Type : Action

Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

The City of South Portland licenses Towing/Wreckers for the purpose of assisting the South Portland Police Department with crash and enforcement tows. There are currently only three licensed Towing/Wreckers. This amendment to Chapter 15 changes the requirements for licensed Towing/Wreckers to allow the storage and release facilities of licensees to be within the City **OR within 5 miles from the City line**, instead of a 5 mile radius from the point of South Portland City Hall:

Sec. 15-271. Minimum continuous regulations.

A. The following minimum regulations will be met on a continuous basis by all licensees:

(1) Licensees shall operate and maintain storage and release facilities within the city, or within ~~a radius of five~~ (5) miles from the city line ~~South Portland City Hall~~, as may be necessary for safe and proper conduct of towing activities.

A map showing the current radius marker (5 miles from the point of South Portland City Hall) is attached for reference. This change will allow more towing/wrecker companies that may have storage and release facilities on land further west (and presumably not in the ocean) to apply for a license to serve the Police Department for crash and enforcement related tows.

This change will not impact towing fees. Fees for Police tows are regulated in Chapter 15, and are as follows:

Sec. 15-273. Rates for services.

(a) The maximum rates for services regulated under this article shall be as follows:

(1) Crash tows: \$125.00 per tow.

(2) Tows other than crash tows: \$100.00 per tow.

A towing fee accrues when the vehicle is considered hooked to the wrecker, i.e., when the vehicle has been physically connected to the wrecker in some fashion.

(b) Recovery charges: Where a vehicle is off-road, submerged, rolled over or otherwise requires special equipment for retrieval before it can be towed, a charge of \$80 may be assessed in addition to the towing fee stated in (a). If the recovery takes longer than one hour, a rate of \$80.00 per hour after the first hour may be charged.

(c) Storage charges: \$30.00 per day, after 24 hrs.

(d) Vehicle release: When an owner requests release of the vehicle during night, weekend or holiday release hours as defined herein, an additional charge of \$25.00 may be assessed. If a vehicle is released outside of night, weekend or holiday release hours as defined herein, no charge shall be assessed for the release.

A memo from Police Chief Ahern is attached.

File Attachments

[Memo - Chief of Police.pdf \(580 KB\)](#)

[ORDINANCE #21.pdf \(202 KB\)](#)

[Map - 5 Mile Radius from City Hall.png \(266 KB\)](#)

Subject :	6. ORDER #175-23/24 - Affordable Housing Committee, Member, (Council Appointment), for an unexpired term that expires December 30, 2025. Passage requires majority vote.
Meeting :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	H. ACTION ON OLD AND NEW BUSINESS
Type :	Action
Recommended Action :	Motion to amend to insert the name of the appointed member, and motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

This vacancy is due to Elyse Tipton being elected to City Councilor. This at-large member position may be filled by any resident of any district and is appointed by the City Council. After a time for advertising the vacancy, a total of two applications are on file for the Council to consider. The applicants have been notified of tonight's meeting.

The Council may choose to amend the order this evening to appoint a member to fill the vacancy.

File Attachments

[Susan Henderson - Application.pdf \(58 KB\)](#)
[Keri Ouellette - Application.pdf \(218 KB\)](#)
[ORDER #175.pdf \(304 KB\)](#)

Subject : 7. ORDER #176-23/24 - Accepting miscellaneous donations.
Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : H. ACTION ON OLD AND NEW BUSINESS
Type : Action
Recommended Action : Motion for passage.

Public Content

POSITION PAPER OF THE CITY CLERK

Accepting miscellaneous donations made to the City of South Portland.

File Attachments

[ORDER #176.pdf \(211 KB\)](#)
[Memo - Donations.pdf \(385 KB\)](#)

I. CITIZEN DISCUSSION (PART II)

Subject : 1. Citizen Discussion
Meeting : Apr 16, 2024 - CITY COUNCIL MEETING
Category : I. 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.

J. COMMUNICATION FROM THE CITY MANAGER

K. COUNCILOR'S ROUND ROBIN

L. EXECUTIVE SESSION

M. ADJOURNMENT

Subject :	1. Adjourn
Meeting :	Apr 16, 2024 - CITY COUNCIL MEETING
Category :	M. ADJOURNMENT
Type :	Action
Recommended Action :	MOTION TO ADJOURN