

**COUNCIL MEETING
DECEMBER 4, 2018**

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: Michael Swanton, John McCurry, Jr. , Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

The Council, and all who were present, recited the Pledge of Allegiance.

Mayor Casavant asked for a moment of silence for the recent passing away of former President George W. Bush.

Adjustment to the Agenda:

- Order 2018.139 has been revised

*Public Hearing: **Liquor License – Maine Repertory Theater, LLC***

The Chair opened the public hearing at 6:01 p.m.

There were no public comments.

The Chair closed the public hearing at 6:01 p.m.

*Consideration of **Liquor License: Maine Repertory Theater, LLC***

Motion by Councilor Ready, seconded by Councilor McCurry to recommend the issuance of a State Liquor License to Maine Repertory Theater, LLC.

Vote: Unanimous.

*Presentation: **Homelessness Initiatives – Seeds of Hope***

Seeds of Hope Director, Shirley Bowen and McArthur Library Director, Jeff Cabral gave a PowerPoint presentation on the present day realities of homelessness within our community. Seeds of Hope has been working with numerous local organizations and agencies to address specific issues of homelessness in Biddeford and are working toward possible resolutions. The City is being asked to “come to the table” and be a part of the on-going discussion and offer support for initiatives.

Consideration of Minutes: **November 20, 2018**

Motion by Councilor McCurry, seconded by Councilor Swanton to accept the minutes as printed.

Vote: Unanimous.

Orders of the Day:

2018.137

IN BOARD OF CITY COUNCIL...DECEMBER 4, 2018

ORDERED, that the Biddeford Municipal Officers do hereby designate the Planning Board as the Comprehensive Plan *Planning Committee* in accordance with 30-A M.R.S. § 4324.

Motion by Councilor Belanger, seconded by Councilor McCurry to grant the order.

Councilor Ready stated that he will support this order as long as there is an outreach strategy outlined, which includes public hearings on the different parts of the Comprehensive Plan. City Manager, Jim Bennett assured the Council that an outreach strategy will be outlined and brought before the Council.

Vote on order: Unanimous.

2018.138

IN BOARD OF CITY COUNCIL...DECEMBER 4, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby RESCIND Order 2018.83, which was for the authorization of a One Ton Dump Truck with Plow from O’Connor Motor Sales. {The amount approved was not to exceed \$51,466.00}

NOTE: O’Connor Motor Sales informed the City that GM stopped the production of the style truck that had originally been bid on and approved.

Motion by Councilor Ready, seconded by Councilor McCurry to approve the rescission of Order 2018.83.
Vote: Unanimous.

2018.139 **IN BOARD OF CITY COUNCIL.....DECEMBER 4, 2018**
BE IT ORDERED, that the City Manager be authorized to purchase a 2019 Ford F-350 dump truck as per bid of December 4, 2018 (the “Equipment”) from Arundel Ford (the “Vendor”) and may pay the Vendor an amount not to exceed \$50,800.00 (before discounts valued at \$5,000.00) for the Equipment as follows:

The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;

The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$50,800.00;

The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$50,800.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;

The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and

The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on December 4, 2018 and vote to recommend it to the City Council for approval. The purchase of this item is included in the FY19 CIP budget.

Motion by Councilor Ready, seconded by Councilor McCurry to grant the order.
Vote: Unanimous.

2018.140 **IN BOARD OF CITY COUNCIL...DECEMBER 4, 2018**
BE IT ORDERED, by the City Council of the City of Biddeford that the following fee structure be adopted for the municipal lots designated as Alfred Street Parking Lot, Downtown Parking Lot, Franklin Street Parking Lot, Federal Street Parking Lot, Foss Street Parking Lot, Gas House Parking Lot, Washington Street Parking Lot, and Wastewater Parking Lot to be programmed into parking permit kiosks as follows:

<u>Implementation</u>	<u>05/01/19</u>	<u>11/01/18</u>
Short-term hourly rate:	\$ 2.00/hour	\$ 1.00/hour
Long-term (Mon-Fri. 7:00 a.m. to 6:00 p.m.):	\$ 50.00/month	\$30.00/month
Long-term (6:00 p.m. to 7:00 a.m. – all day Sat/Sun):	\$ 35.00/month	\$20.00/month
Long-term (24/7):	\$ 65.00/month	\$40.00/month
Winter Parking Ban	\$ 5.00/storm	\$ 2.00/storm
Dedicated Parking Space	\$100.00/month	\$75.00/month

NOTE: The Downtown Committee reviewed this Order and voted to recommend passage by the City Council.

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant the order.
Vote: 7/2; Councilors Seaver and Quattrone opposed.
Councilors Swanton, McCurry, St. Cyr, Clearwater, Belanger, Ready and Lessard in favor.
Motion carries.

2018.141

IN BOARD OF CITY COUNCIL...DECEMBER 4, 2018

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Appendix A – Rules of the City Council, is amended by adding or deleting to read as follows:

Sec. A-5 Rule 5: Committees.

- a. The following shall be the standing committees of the City Council: Personnel; Capital Projects/Operations; Policy; Finance; Public Safety; and Downtown Committee.
[Amended 8-19-2014 by Ord. No. 2014.79]
- b. (Reserved)^[1]
[1] *Editor's Note: Former Subsection b, which provided for the establishment of the Finance Committee was repealed 2-4-2014 by Ord. No. 2014.10. For current provisions, see now Subsection a. Prior provisions setting forth the composition for the Coordinating Committee, were repealed 11-4-2010 by Ord. No. 2010.118.*
- c. The Capital Projects/Operations and Policy Committees shall consist of a chairperson, two Council members and two citizens. The two citizen members shall be appointed by the Mayor and confirmed by the Council. No citizen member may be a chairperson.
[Amended 2-4-2014 by Ord. No. 2014.10]
- d. The Personnel Committee shall consist of a chairperson who shall be a City Councilor and three Council members. There shall be no citizen members on the personnel committee.
- ~~d.e.~~ The Downtown Committee shall consist of the mayor, four five councilors, and a member of the Downtown Development Commission. The Downtown Development Commission member shall serve as a non-voting member except in the absence of a full time voting member. A chairperson shall be selected from the voting members.
- ~~e.f.~~ (Reserved)^[2]
[2] *Editor's Note: Former Subsection e, regarding the membership of the Public Safety Committee, was repealed 3-21-2017 by Ord. No. 2017.27.*
- ~~f.g.~~ The Council committees are subagents of the full Council which is the sole governing body of the City of Biddeford. The committees are delegated various functions by the full Council and are to provide recommendations upon which the full Council will act except where otherwise specified. The committees will examine the appropriate subject matter before them, collect the facts pertaining thereto and make a report which will recommend what action, if any, should be taken by the full Council. Additionally, each committee may take whatever action specifically authorized by the Charter, ordinance, or state law.
- ~~g.h.~~ In general, the committees shall have the following subject matter before them:
 - (1) ^[3]Finance Committee. The duties of the Finance Committee are set forth in the City Charter.
[3] *Editor's Note: Former Subsection f(1), Coordinating Committee, was repealed 11-4-2010 by Ord. No. 2010.118.*
 - (2) Personnel Committee. The Personnel Committee will investigate matters pertaining to employment matters with the City of Biddeford. It shall review the salaries of department heads and the City Manager. In the event of a termination hearing, for cause, it shall serve as a fair hearing authority before whom an impartial hearing shall take place involving the subject municipal employee.
[Amended 2-4-2014 by Ord. No. 2014.10; 1-5-2016 by Ord. No. 2016.2]
 - (3) Capital Projects/Operations Committee. The Capital Projects/Operations Committee shall establish a five-year plan for implementation of major capital improvements in the City. It shall review matters involving the Public Works Director, Public Works Department and public property issues. This committee shall review the City's claims issues, insurance issues, making appropriate recommendations to the full Council when necessary. It shall coordinate with the Capital Projects Committee when necessary if issues involve the use of capital improvements within the City.
[Amended 1-5-2016 by Ord. No. 2016.2]
 - (4) Policy Committee. The Policy Committee shall be responsible for establishing and recommending ordinance language, Code revisions, (except for Chapter 42, Motor Vehicles and Traffic, and all other matters and ordinances that relate to Public Safety) and City policy to the full Council. The Policy Committee shall coordinate with the City Planner and the Code Enforcement Officer regarding the amendment, establishment and/or update of the City's land use

ordinances.^[4]
[Amended 8-19-2014 by Ord. No. 2014.79]

[4] *Editor's Note: Former Subsection g(5), Public Safety Committee, which immediately followed, was repealed 3-21-2017 by Ord. No. 2017.27.*

(5) Downtown Committee. The Downtown Committee shall be responsible for reviewing matters affecting the City of Biddeford's downtown, including but not limited to, downtown improvement initiatives, collaborating with external agencies and businesses on downtown improvement projects, all minor garage design feature decisions, and is delegated as the Parking Authority with powers limited to those defined in Sec 42-8.

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h.i. Each committee meeting is a public proceeding as defined in 1 M.R.S.A. § 402(2). Each committee may hold executive sessions pursuant to the conditions and limitations expressed in 1 M.R.S.A. § 405. Should a committee vote, in public, to proceed into executive session, only those members of the committee shall be present in the executive session.

Motion by Councilor Ready, seconded by Councilor McCurry to grant the amendment to Rules of the Council.
Motion was withdrawn.

Councilor McCurry requested to be taken off the Downtown Committee; therefore, allowing the Councilor from Ward 5 to be a full voting member.

2018.142 IN BOARD OF CITY COUNCIL...DECEMBER 4, 2018
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the closure of City Hall on December 24, 2018 from 8:00 a.m. to noon. All affected employees will be expected to use earned time for the four hours.

NOTE: City Hall is typically only open on Christmas Eve for half a day (8:00 a.m. to noon).

Motion by Councilor Clearwater, seconded by Councilor Belanger to grant the order.
Vote: 4/5; Councilors Lessard, Ready, Quattrone, St. Cyr and McCurry opposed.
Councilors Seaver, Belanger, Clearwater and Swanton in favor.
Motion fails.

Appointments:

IN BOARD OF CITY COUNCIL...DECEMBER 4, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

Thomas Bryand
456 Pool Street
Ward 1

to the *Airport Commission*, for a term to expire in December 2021.

Motion by Councilor McCurry, seconded by Councilor Swanton to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...DECEMBER 4, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-designate:

Councilor Amy Clearwater
to a full voting member on the *Downtown Committee*.

Motion by Councilor McCurry, seconded by Councilor Ready to confirm the re-designation.
Vote: Unanimous.

Public Addressing the Council...(3 minute limit per speaker; 30 minute total time limit):
A few citizens addressed their concerns about the parking management plan to the Council.

City Manager Report:

City Manager, James Bennett had the following comments:

- (1) City Offices and Departments are engaged in an office decorating competition, and many of the City’s offices and departments are really starting to look festive. He did stress that all the decorating is being done at the expense of the employees.
- (2) Federal and State government offices will be closed December 5th as a day of mourning for the funeral of former President George W. Bush. Also, some Maine communities have opted to close their municipal offices for the day; however, Biddeford will be open to serve the citizens.

Other Business:

Councilor Lessard: noted that there seems to be a trend toward a recession; however, he doesn’t expect that a true recession will happen until after the 2020 Presidential election. He brings this up now as a warning to folks that the next downturn of the economy is coming and the City needs to budget accordingly.

Councilor Seaver: offered a clarification that the courthouses will be open on December 5th even though the State Offices will be closed.

Councilor Seaver commented on how beautiful the downtown lighting is and thanked all the volunteers who worked to put up the lights and decorations.

Councilor Ready: is interested in working with Seeds of Hope on the homelessness initiative, as long as the Council will back the efforts of this group.

Councilor Clearwater: echoed Councilor Ready’s comment. She would like to see the City do something about housing affordability and diversity within the City.

Council President Addressing the Council: Councilor McCurry clarified that on-street parking on the downtown streets is still free, which means that folks can still frequent the downtown businesses and park for no fee. That said, he is prepared to consider selling the downtown lots and allowing them to be privatized.

Mayor Addressing the Council: Mayor Casavant called attention to the back wall in the Council Chambers where the Biddeford Hall of Fame has installed plaques recognizing citizens “Preserving the Past to Inspire the Future.”

On the parking issue, he explained that decisions have to be made, keeping in mind, all the different types of people vying for downtown parking: tenants, business owners, downtown business employees and customers. Finding the right balance has been a challenge, and one that the Council will continue to work through.

Mayor Casavant went on to counter that the vote from a few years ago to ban parking meters in the downtown never mentioned anything about parking lots, and seems as though it was only intended for on-street parking.

He feels that the current parking management plan and paid parking in the parking lots is necessary for the future of a parking garage, which he feels is essential for the continued expansion of the downtown. He realizes that this is not a black and white issue; but more like a puzzle with different pieces that need to be put together to make sense.

Motion by Councilor McCurry, seconded by Councilor Quattrone to adjourn.
Vote: Unanimous. Time: 7:33 p.m.

Attest by: _____
Carmen J. Morris, City Clerk