

**COUNCIL MEETING
NOVEMBER 9, 2017**

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., Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

Victoria Foley was excused.

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

There were no adjustments to the agenda.

Public Hearing: Liquor License Application: Louis Pizza – 42 Franklin Street

The Chair opened the Public Hearing at 6:01 p.m.

There were no public comments.

The Public Hearing was closed at 6:01 p.m.

Consideration of Liquor License: Louis Pizza – 42 Franklin Street

Motion by Councilor McCurry, seconded by Councilor Ready to recommend the issuance of a liquor license to Louis Pizza.

Vote: Unanimous.

Presentation: Downtown Task Force – Submittal of Final Report

Downtown Task Force Chair, Bruce Benway went through a PowerPoint presentation which outlined the mission, function and the formal recommendations of the Task Force to the City Council. A copy of the report can be found on the City's website, as well as on file in the City Clerk's Office.

Presentation: FY19 CIP

City Manager Jim Bennett gave an overview of the FY19 CIP, as prepared by City Staff and with the City Manager's recommendations. Mr. Bennett reminded the Council that the proposed CIP is not funded, but more of a guideline to the Council for future budgets. A copy of the FY19 CIP can be found on the City's website, as well as on file in the City Clerk's Office.

Consideration of Minutes: October 17, 2017

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

Vote: Unanimous.

Orders of the Day:

2017.117

IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017

BE IT ORDERED, that the City Council of the City of Biddeford does here approve contracting with P & G Masonry Restoration, Inc. of Old Orchard Beach, Maine for masonry wall repairs and foundation repairs at the Biddeford Police Department located at 39 Alfred Street, Biddeford in the amount of \$36, 300.00. Funds for this project are partially budgeted in the Police Department Building Maintenance & Repair account, 21146-60450.

NOTE: The Finance Committee will consider this item at their November 9, 2017 meeting and make a recommendation to the full Council.

Motion by Councilor Ready, seconded by Councilor Lessard to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to amend the funding of the project by funding \$12,500 out of the building maintenance account and the rest of the expense out of CIP.

Vote on amendment: Unanimous.

Vote on order, as amended: Unanimous.

2017.118 **IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017**

BE IT ORDERED, that the City Council of the City of Biddeford does here approve the purchase of replacement TASERS, or Conducted Electrical Weapons (CEW) from Axon Enterprises, Inc. of Scottsdale, Arizona for the Biddeford Police Department; with a total purchase price of \$67,071.90. This purchase is funded as follows: \$37,519.00 from a Federal JAG Grant, and the remaining \$29,552.90 to be funded through CIP.

Axon Enterprises, Inc. is the exclusive manufacturer of the TASER unit, and the purchase will be factory direct.

NOTE: The Finance Committee will consider this item at their November 9, 2017 meeting and make a recommendation to the full Council.

Motion by Councilor Ready, seconded by Councilor Lessard to grant the order.

Motion by Councilor McCurry, seconded by Councilor Ready to amend the funding of this purchase by taking \$16,300 from Asset Forfeiture and \$13,250.90 out of CIP.
Vote on amendment: Unanimous.

Vote on order, as amended: Unanimous.

2017.119 **BOARD OF CITY COUNCIL..NOVEMBER 9, 2017**

BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$1,442.00 in U.S. Currency, or any portion thereof, and; \$47,010.00 in U.S. Currency, or any portion thereof, on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case.CR-16-656. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 3119-40576.

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

2017.114 **IN BOARD OF CITY COUNCIL..OCTOBER 17, 2017**

BE IT ORDERED that the City Council does hereby request the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding proposed amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table B (Dimensional Requirements):

Zoning District	Minimum Lot Size, Square Feet Per Unit A			
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer
MSRD-2	2,000 <u>B</u>	N/A	N/A	N/A

- B. ~~(Reserved)~~In order to promote higher quality housing facilities and condominium forms of housing in certain Zoning Districts and/or areas the minimum density requirements may be relaxed as follows:
- Redevelopment of rental housing:
 - Prior to the effective date of this amendment, and thereafter each new fiscal year, no later than August 15 of that fiscal year, the City Assessor shall determine the median quality grade rating (e.g., “Average”, “Average +10”, “Good”, etc.) for the applicable zoning district.
 - If a property is proposed for redevelopment/renovation and is currently at or below the established fiscal year quality grade rating according to the City Assessor’s records and it will redeveloped/renovated in such a manner as to bring

the quality grade rating above the established median, the minimum density shall be based on one (1) residential unit for every six-hundred and fifty (650) square feet of existing “living space” as defined on the City Assessing Department’s current tax records.

- c. In order to receive this density bonus, an applicant must provide complete redevelopment/renovation plans to the Code Enforcement Officer who will in turn coordinate the review of such plans with the City Assessor. Prior to the Code Enforcement Officer allowing the density bonus, the City Assessor shall certify in writing that the redevelopment/renovation project presented will result in a quality grade rating above the established median when complete. If the project is provided a density bonus the Code Enforcement Officer shall document the allowable density and number of units in writing for the Code Enforcement Office files.
 - d. An applicant provided a density bonus for rental housing shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as certified resulting in a quality grade rating above the established median in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.
 - e. At the completion of the project and prior to the issuance of any Occupancy Permits the City Assessor shall certify in writing that the project was substantially completed as originally certified and that the facility is now classified as having a grade rating above the established median.
2. Condominium conversions/development:
- a. If a property is proposed for redevelopment/renovation into condominiums the minimum density shall be based on one (1) residential unit for every six-hundred and fifty (650) square feet of existing “living space” as defined on the City Assessing Department’s current tax records.
 - b. An applicant provided a density bonus for condominiums shall enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the density bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits.

Motion by Councilor McCurry, seconded by Councilor Swanton to remove the order from the table.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Swanton to table the order until the next council meeting (so that Councilor Foley can be a part of the discussion).

Vote: Unanimous.

Committee-of-the-Whole: Façade Improvement Ordinance

Motion by Councilor McCurry, seconded by Councilor Ready to move into Committee-of-the-Whole.

Vote: Unanimous.

City Planner Greg Tansley gave an overview of the Façade Improvement program and showed some examples of façade improvements that have been completed within the downtown.

Councilors offered their comments and recommendations for moving forward.

Motion by Councilor McCurry, seconded by Councilor Ready to move out of Committee-of-the-Whole.

Vote: Unanimous.

2017.120

IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017

BE IT ORDERED that the City Council does hereby request the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding proposed amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table B (Dimensional Requirements):

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Height, Feet	
	Water, No Sewer	Water, No Sewer	Sewer, No Water	Neither Water or Sewer	Water and Sewer	Water or Sewer	Neither Water or Sewer	From Major Road	From Other Road	Side	Rear	Stories	Feet
R-2, single-	40,000 4,500	N/A	N/A	N/A	75 45	N/A	N/A	40 25	25 15	10 5	10 5	3	35
R-2,	7,500	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35
R-2,	5,000	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35
R-2, all	40,000	N/A	N/A	N/A	100	N/A	N/A	40	25	10	10	3	35

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

2017.121 **IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into a contract with Wright-Pierce for the RiverWalk Preliminary Design Work, for a total cost of \$194,568; (\$169,568 for project, \$10,000 for out of pocket reimbursements and \$15,000 for contingency);, all to be funded from the Rte 111-Mill Redevelopment Municipal Development and Tax Increment Financing District.

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

2017.122 **IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby instruct City Staff to proceed over the next year to discontinue the use of the Hills Beach Fire Station, located on Hills Beach Road, and ~~eventually turn the building over to the Hills Beach Association~~ work with the Hills Beach Association to make recommendations for future use of the property.

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

Motion by Councilor Seaver, seconded by Councilor Lessard to amend the order by replacing the last part of the sentence with, “work with the Hills Beach Association to make recommendations for future use of the property.”
Vote: Unanimous.

Vote on order, as amended: 7/1; Councilor McCurry opposed.
Councilors Swanton, St. Cyr, Quattrone, Belanger, Ready, Seaver and Lessard in favor.
Motion carries.

2017.123 **IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the establishment of an Ambulance Special Revenue Fund.

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

Appointments:
IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby re-appoint:

Roch Angers
26 Cathedral Oaks Drive
Ward 6

to the *Biddeford Housing Authority* with a term to expire December 2022.

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

IN BOARD OF CITY COUNCIL..NOVEMBER 9, 2017
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Issiah Smith
63 Western Ave, Apt. 1
Ward 6

to the *Recreation Commission* with a term to expire December 2022.

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

City Manager Report:

City Manager James Bennett recognized that with Veterans' Day coming up this weekend, it is worth noting that Biddeford is one of the only City Halls that proudly displays Flags representing all of the United States Armed Services.

Public Addressing the Council...(3 minute limit per speaker; 30 minute total time limit)
There were no public comments.

Other Business:

Councilor Lessard: thanked Staff and all who have worked on the Façade Ordinance. He is eager to see this continue to move forward.

Councilor Lessard stated that it might be time to consider bundling a few of the major City building projects into one Bond Issue and get that out to the voters.

Councilor Ready: thought the Downtown Task Force gave a great presentation at this meeting and is grateful for the work they have done. His hope is that the City and Council now act on the Task Force recommendations.

Councilor Swanton: explained that he does not typically vote in favor of any acceptance of asset forfeiture money from criminal cases; however, he voted in favor of the money transfer at this meeting because it was finally explained to him where those funds come from and why the City is eligible to receive them.

Councilor McCurry: gave a heads up of some Workshops that the Council will want to consider having; namely for 1) CIP; 2) Marijuana Regulations; 3) Labor Contracts; and 4) Public Access.

Councilor Belanger: said that he and his wife attended the Mayoral Gala a few weeks ago and had a great time. He thanked all those who were involved in the organization of the Gala.

Council President Addressing the Council: Councilor McCurry thanked all those who went out and voted on Tuesday, November 7th. He offered congratulations to all the elected and re-elected officials.

With Veterans' Day coming up on Saturday, Councilor McCurry thanked all the Veterans for their service to our country.

Mayor Addressing the Council: Mayor Casavant thanked City Clerk, Carmen Morris and the Staff and Ward Workers who worked to prepare and conduct Tuesday's Municipal General Election.

Motion by Councilor McCurry, seconded by Councilor Swanton to adjourn.

Vote: Unanimous.

Time: 8:04 p.m.

Attest by: _____
Carmen J. Morris, City Clerk