

**COUNCIL MEETING
SEPTEMBER 6, 2022**

*NOTE: Due to COVID-19, this meeting was held in-person in the Council Chambers,
as well as virtually (via ZOOM),*

Mayor Casavant called the meeting to order at 6:01 p.m.

Roll Call: William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Norman Belanger, Liam LaFountain, Doris Ortiz, Marc Lessard

Amy Clearwater was excused.

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

Adjustments to the Agenda:

- Remove Order of the Day 2022.73
- Add Order of the Day 2022.76

Swearing-In: Deputy Fire Chief, Kenneth Thorpe

City Clerk Carmen Bernier administered the Oath, after which Deputy Thorpe's wife pinned him. Mayor Casavant offered words of gratitude to all the Fire Department personnel and their families for all their support and sacrifice.

Public Addressing the Council..(3 minute limit per speaker for up to 15 minutes):
One citizen shared his idea of promoting the bicycling culture in Biddeford.

Consideration of Minutes: **August 16, 2022**

Motion by Councilor Belanger, seconded by Councilor Mills to accept the minutes as printed.

Vote: Unanimous.

Orders of the Day:

2022.72

IN BOARD OF CITY COUNCIL..SEPTEMBER 6, 2022

BE IT ORDAINED by the City Council of Biddeford, Maine to amend the Code of Ordinances of the City of Biddeford as follows:

**Part III (Land Development Regulations), Article V (Establishment of Zones), Section 2
(General description of zones and allowed uses):**

- B. In order to promote condominium forms of housing and affordable housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts the density requirements may be relaxed as follows:
1. Redevelopment of existing structures:
 - a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 650 square feet of living space within an existing structure, provided the applicant present redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will **satisfy life/safety codes and** result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
 - b. 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.
 - c. An applicant ~~provided a density bonus for rental housing~~ shall enter into a **20-year** contractual agreement with the City of Biddeford requiring that at least thirty percent (30%) of the additional units **being created, with the minimum being one unit, shall** be leased **to households earning no more than 80% of the area median income (AMI) such that they do at a rate not to exceed 80% of the Fair Market Rent (FMR) per bedroom size, as established annually published by the U.S. Department of Housing and Urban Development (HUD) Biddeford Housing Authority.** The contractual agreement shall be **signed by the applicant, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits. Prior to receiving a Certificate of Occupancy, the applicant shall** recorded ~~the agreement~~ at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office **and Planning and Development Department, prior to the issuance of any building permits.** Rent restricted units will be annually monitored by the Planning and Development Department for contract compliance.
 2. Condominium conversions/development:

- a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1. above.
- 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.
- c. The applicant agrees that if the project is converted to condominiums said units shall not be sold for a price that exceeds 125% of the York County median home price affordable to median income households as set annually by HUD for the City of Biddeford.

Motion by Councilor Whiting, seconded by Councilor Mills to grant the first reading of the ordinance amendment.

Motion by Councilor LaFountain, seconded by Councilor Mills to amend the ordinance by removing the 20-year contractual agreement and making it in perpetuity.

Vote: 6/2; Councilors LaFountain and Mills in favor.
 Councilors Emhiser, Whiting, Grohman, Belanger, Ortiz and Lessard opposed.
 Amendment fails.

Vote on ordinance: Unanimous.

2022.74 **IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022**
BE IT ORDERED, that the Finance Director is authorized to create dedicated reserve accounts under the listed fund balance accounts, and transfer remaining funds from the FY 2022 Budget to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2022 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance

<u>Account Description</u>			<u>Amount</u>
Sidewalk Construction / Improvement			\$ 75,000.00
IT Computer Hardware			\$ 109,000.00
City Hall Improvements			\$ 50,000.00
Thatcher Brook Watershed			\$ 80,000.00
Munis Upgrade Planning			\$ 50,000.00
Mechanics Park River Wall Repair			\$ 200,000.00
New Furnace - PWD			\$ 75,000.00
Elm & Pearl Study			\$ 50,000.00
Lincoln St. Electric			\$ 150,000.00
Intern/Management Analysts			\$10,220.00
Grant Match Fund			\$8,571.00
			<u>\$ 857,791.00</u>

BE IT FURTHER ORDERED, that the City Manager be authorized to expend from the above dedicated reserves for expenses related to on-going project costs as approved in accordance with the Purchasing Code.

NOTE: The Finance Committee will consider this item at the September 6, 2022 meeting and vote on recommendation for approval by the City Council.

Motion by Councilor Whiting, seconded by Councilor Belanger to grant the order.
 Vote: Unanimous.

2022.75 **IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022**
QUESTION: Do you wish to have further considerations/discussions on recreational marijuana policy and ordinance language?

Motion by Councilor Whiting, seconded by Councilor Mills to continue consideration and discussions on recreational marijuana policies and ordinances.
 Vote: 7/1; Councilor Lessard opposed.
 Councilors Emhiser, Whiting, Grohman, Mills, Belanger, LaFountain and Ortiz in favor.
 Motion carries.

2022.76

IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to enter into an agreement with Sewall of Yarmouth, Maine for construction management services associated with the Pearl Street Reconstruction Project in an amount not-to-exceed \$150,000.

Funding Note: Funding for the project will be covered under the Inspection and Contingency funds (\$325,000) established for the Pearl Street Project.

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

Vote: 6/2; Councilors Lessard and Mills opposed.

Councilors Emhiser, Whiting, Grohman, Belanger, LaFountain and Ortiz in favor.

Motion carries.

Committee-of-the-Whole: Reapportionment of City Wards

Motion by Councilor Grohman, seconded by Councilor Belanger to move into Committee-of-the-Whole.

Vote: Unanimous.

Time: 7:04 p.m.

City Clerk Carmen Bernier explained that, per City Charter, the City must conduct a reapportionment of City Wards every ten years. The last time a reapportionment was completed was in 2014; however, with the recent State redistricting and the finalization of the 2020 Census information, this is appropriate timing to conduct the City's reapportionment. Carmen provided proposed changes to the Wards, with the major changes being moving from 216 Granite Street to the end, as well as all side streets in this section of Granite Street from Ward 3 to Ward 7. There is also a proposed change to move part of Alfred Street from Ward 5 to Ward 4.

Overall, the Council was in favor of the proposed changes.

Motion by Councilor Belanger, seconded by Councilor Lessard to move out of Committee-of-the-Whole.

Vote: Unanimous.

Time: 7:13 p.m.

Appointments:

IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Matthew Grooms
City Planner

to the *Tri-City Transit Committee*.

Motion by Councilor Mills, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

James Flint
360 South Street
Ward 6

to the *Historic Preservation Commission*, replacing Jessica Muise, for a term to expire December 2024.

Motion by Councilor Whiting, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...SEPTEMBER 6, 2022

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Gregg Shapiro
9 Horrigan Court
Ward 6

to the *Recycling & Waste Management Commission*, replacing Lisa Brunelle, for a term to expire December 2024.

Motion by Councilor Grohman, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
There were no comments from the public.

City Manager Report:

City Manager James Bennett announced that he received two notices of retirement today. The first is from long-tenured Police Chief Roger Beaupre. After a little over 50 years of public service, Roger will be officially retiring in January 2023.

The second notice of retirement comes from City Clerk Carmen Bernier. Carmen is another long-tenured employee with over 28 years of service to the City. Her official retirement date is October 6, 2022.

Other Business:

Councilor Lessard: reminded folks that school is back in session, so folks should be more careful when driving around the City.

Councilor Grohman: asked if next Tuesday's tentative Council Workshop is now confirmed in light of the two retirement notices rendered today. City Manager Jim Bennett confirmed that the Council should plan on a Workshop next Tuesday.

Councilor Whiting: announced that this coming Saturday, Sept. 10th is Hazardous Waste Day at Biddeford Public Works Department from 8:00 a.m. to noon for residents of Biddeford, Saco and Old Orchard Beach.

Council President Addressing the Council: Councilor Belanger expressed his sadness to see both Roger and Carmen leave the City's employment. He noted that the longevity of both of these employees speaks to the stability of the City.

Mayor Addressing the Council: Mayor Casavant also expressed his sadness with the departure of both Roger and Carmen; but is so very happy for both of them as they embark on the next chapters of their lives.

Mayor Casavant had the opportunity to visit the Lincoln Hotel this past Friday, and was stunned at the work that has been done there. He noted that the attention to detail in the renovations is incredible. He continues to be very excited about all the wonderful changes going on at the Lincoln Mill, as well as in other areas of the City.

Motion by Councilor Belanger, seconded by Councilor Whiting to adjourn.
Vote: Unanimous.

Time: 7:22 p.m.

Attest by: _____
Carmen J. Bernier, City Clerk