

**SPECIAL COUNCIL MEETING
SEPTEMBER 1, 2020**

Mayor Casavant called the meeting to order at 5:45 p.m.

Executive Session: 1 MRSA 405(6)(A)...Personnel Matter

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

Vote: Unanimous.

Time: 6:08 p.m.

**COUNCIL MEETING
SEPTEMBER 1, 2020**

*NOTE: Due to COVID-19, this meeting was held virtually (via ZOOM),
and was live streamed on the City's website*

Mayor Casavant called the meeting to order at 6:10 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Adjustments to the Agenda:

- Remove Order 2020.67
- Add Order of the Day: 2020.78) Approval/Extension of City Manager Contract

Public Hearing: Municipal Bond Referendums for November 3, 2020 Municipal Referendum Election

- ***\$10,000,000 for Separating and Improving the City's Storm and Sanitary Sewer Systems***
- ***\$10,000,000 for Miscellaneous Infrastructure and Building Improvements/Repairs***

The Chair opened the Public Hearing at 6:11 p.m.

A number of citizens spoke in support of the Bond Referendums.

The Public Hearing was closed at 6:21 p.m.

Consideration of Minutes: **August 18, 2020**

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

Vote: Unanimous.

Second Readings:

{For a copy of the Council Orders and first readings, see the Council Meeting Minutes of August 18, 2020}

2020.72) Approval/\$10,000,000 for Sewer/CSO Work Bond Referendum for November 3, 2020 Municipal Referendum Election

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the Bond Referendum to send to the voters for approval at the November 3, 2020 Election.

Motion by Councilor St. Cyr, seconded by Councilor Quattrone to amend the referendum language by decreasing the amount to \$7,500,000; and further to include \$2,500,000 to be used as matching funds.

Vote: 3/6; Councilors Quattrone, St. Cyr and Lessard in favor.

Councilors Emhiser, McCurry, Clearwater, Belanger, Ready and Ortiz opposed.

Motion to amend fails.

Vote on referendum language as originally proposed: 8/1; Councilor St. Cyr opposed.

Councilors Emhiser, McCurry, Quattrone, Clearwater, Belanger, Ready, Ortiz and Lessard in favor. Motion carries.

2020.73) Approval/\$10,000,000 for Miscellaneous Infrastructure and Building Improvements/Repairs Bond Referendum for November 3, 2020 Municipal Referendum Election

Motion by Councilor Clearwater, seconded by Councilor Belanger to grant the second reading of the Bond Referendum to send to the voters for approval at the November 3, 2020 Election.

Motion by Councilor St. Cyr, seconded by Councilor McCurry to amend the referendum language by decreasing the amount to \$5,000,000; with \$3,000,000 for improvements to roads, sidewalks and drainage system, and \$2,000,000 for improvements to City Hall building.

Vote: 3/6; Councilors McCurry, St. Cyr and Lessard in favor.

Councilors Emhiser, Quattrone, Clearwater, Belanger, Ready and Ortiz opposed.

Motion to amend fails.

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the referendum language to propose the following options:

- \$0
- \$4,000,000
- \$8,000,000
- \$12,000,000

Vote: 2/7; Councilors St. Cyr and Lessard in favor.

Councilors Emhiser, McCurry, Quattrone, Clearwater, Belanger, Ready and Ortiz opposed.

Motion to amend fails.

Motion by Councilor Belanger, seconded by Councilor McCurry to amend the referendum language to propose \$7,500,000, with \$3,750,000 for improvements to roads, sidewalks and drainage system, and \$3,750,000 for improvements to City Hall building and other City buildings.

Vote: 7/2; Councilors St. Cyr and Ready opposed.

Councilors Emhiser, McCurry, Quattrone, Clearwater, Belanger, Ortiz and Lessard in favor.

Motion to amend carries.

Vote on bond referendum, as amended: 7/2; Councilors St. Cyr and McCurry opposed.

Councilors Emhiser, Quattrone, Clearwater, Belanger, Ready, Ortiz and Lessard in favor.

Motion carries.

Orders of the Day:

2020.76 IN BOARD OF CITY COUNCIL...SEPTEMBER 1, 2020

BE IT ORDERED, that the City Manager be authorized for the construction of a lean-to on the salt shed at Public Works Department as per quote on August 13, 2020 from Park Lane Construction (the “Vendor”) and may pay the Vendor an amount not to exceed \$46,000.00. Also to allow the Public Works department to use the remaining balance (\$19,000.00) to enclose the sides and install doors.

NOTE: The Finance Committee will review this item on September 1, 2020 and vote to recommend it to the City Council for approval. The funds for this project are in the reserve account 22004-60942 in the amount of \$65,000.00.

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

Vote: Unanimous.

2020.77 IN BOARD OF CITY COUNCIL...SEPTEMBER 1, 2020

BE IT ORDERED that the City Council does hereby request the Planning Board to conduct research, hold a Public Hearing, and make recommendations to the City Council regarding proposed amendments to allow residential uses in the Industrial-3 (I-#) Zone as contemplated below.

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

e. Industrial Zones

I-3: Is a gateway zone for a major entrance to the City, as such, appearance of structures and properties is a major consideration in the Planning Board's review process. Land use proposals in this area must meet more stringent design and landscaping standards; facades of new or rehabilitated structures shall be of brick or stone, other materials may be considered on a case-by-case basis; residential styled structures may be allowed on a case-by-case basis. The general zone allows a mixture of commercial and industrial uses. Exterior storage and display is prohibited except on those parcels of land that abut Pomerleau Street but do not abut either Barra Road or Alfred street (Route 111). Residential uses are not permitted on the ground floor or first floor of any building or structure. Residential uses are also not permitted above off-street parking lots or facilities.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

- KEY:
- * Subject to Article VI, Performance Standards, of this ordinance.
 - P Permitted use.
 - Not permitted.
 - C Conditional use. See Article VII for specific standards.
 - A Accessory use

	Article VI Section	I-3
Residential uses:		
Accessory dwelling unit* 27	78	
Accessory structure*	2	P
Boarding, rooming house*	10	
Bed-and-breakfast*	9	
Cluster development*	18	
Congregate housing*	19	
Duplex/2-family	24	
Home occupation*	38	<u>C5</u>
Manufactured housing*		
Mobile home park*		
Multifamily dwelling*	47	<u>P5</u>
Planned unit developments*	73	
Single-family dwelling 11	2	
Commercial uses:		
Adult business	3	
Amusement center*	5	
Art gallery		
Art studio		
Auto body shops		<u>C6</u>
Automobile graveyard, automobile recycling business, junkyard*	7	
Automobile repair, sales		<u>C6</u>
Boat building, repair, marine services, sales, boat livery, marina, yacht club		<u>C6</u>
Building materials retail sales		P
Carwash*	14	<u>A6</u>
Commercial gardening, commercial greenhouse*	17	
Commercial recreation*	18	C
Commercial school*	53	P
Drugstore/medical supply		P
Financial institution		P
Firewood processing*	33	
Fisheries processing, storage*	34	
Funeral parlor		P

Gasoline service station*	36	C <u>6</u>
Hotel/motel*	40	P
Indoor theater		P
Kennel, veterinary hospital*	42	P
Medical marijuana dispensaries		C23, <u>6</u>
Medical marijuana growing facilities		
Neighborhood convenience store		P
Off-street loading and parking lot and facilities, commercial parking garage	49	A <u>6</u>
Offices, business and professional*	52	P
Planned unit developments*	73	
Publishing, printing		P
Restaurant*	56	P
Retail store		P
Sawmill*	33	
Services		P
Shopping center		C
Telecommunications facilities	71	C <u>6</u>
Wholesale business		P
Industrial uses:		
Air transportation related use		
Air transportation dependent use*		
Airport	4	
Bulk oil terminal*	41	
Contractor's storage yard		
Demolition disposal*	23	
Experimental research and testing laboratory	29	C
Light manufacturing*	41	P <u>6</u>
Light trucking dependent industry*	41	C <u>6</u>
Manufacturing*	41	C <u>6</u>
Planned unit developments*	73	C
Resource recovery facility		
Recycling facilities	76	
Redemption centers		
Storage of bulk gaseous fuels*	41	P <u>6</u>
Transportation facilities		C14, <u>6</u>
Trucking, distribution terminal*		C <u>6</u>
Warehousing and storage*	60	A
Self-storage facilities*	60	C
Educational, institutional public uses:		
Addiction treatment facility 22		
Church, synagogue*		
Civic, convention centers		C <u>6</u>
Community centers, clubs		C
Day care center, adult	22	P
Day care home, adult	22	
Day care home, children's	22	
Day care center, children's	22	C
Essential services	27	C
Fire, police station		P
Group homes, hospice	19	

Hospital*	39	
Municipal use	47.1	P
Museum, library		C
Nursing home*	39	
Public and private schools*	53	
Public facility		P
Rehabilitation facility		
University/college*		C
University uses*		C
Water supply system		C
Outdoor, resource-based uses:		
Agriculture*	3, 31	
Agricultural products processing and storage*	3, 31	
Animal breeding or care	42	
Campground*	13	
Cemetery	14.1	
Extractive industry*	30	
Farm stands* 13	31	
Timber harvesting	64	
Golf course excluding miniature golf		
Parks and recreation*		P

5. Residential uses are not permitted on the ground floor or first floor of any building or structure. Residential uses are also not permitted above off-street parking lots or facilities or other uses identified by Footnote 6 in Table A.
6. Not permitted below any residential uses.

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

2020.74 IN BOARD OF CITY COUNCIL..AUGUST 18, 2020
BE IT ORDERED, that the City Tax Collector and Finance Director be authorized to write off the following uncollected Personal Property taxes as of June 30, 2020:

Fiscal Year 2009-2010	\$44,497.18
Fiscal Year 2010-2011	\$19,212.06
Fiscal Year 2011-2012	\$26,661.23
Fiscal Year 2012-2013	\$18,275.63
Fiscal Year 2013-2014	\$20,047.54
Total to be written off	<u>\$128,693.64</u>

NOTE: Personal Property taxes more than six years old are periodically written off as uncollectible. There is no net effect on traditional fund balance from this action.
On August 18, 2020, the Finance Committee will consider this item.

Motion by Councilor Ready, seconded by Councilor Clearwater to remove the order from the table.
Vote: 8/1; Councilor McCurry opposed.
Councilors Emhiser, St. Cyr, Quattrone, Clearwater, Belanger, Ready, Ortiz and Lessard in favor. Motion carries.

Vote on order: 6/3; Councilors Lessard, Quattrone and McCurry opposed.
Councilors Emhiser, St. Cyr, Clearwater, Belanger, Ready and Ortiz in favor.
Motion carries.

2020.78) Approval/One Year Extension of City Manager Contract

Motion by Councilor Belanger, seconded by Councilor Clearwater to grant a one year extension to the City Manager's Employment Contract.

Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
One citizen addressed her concerns to the Council.

City Manager Report:

City Manager, James Bennett had the following items:

- 1) Staff has started to put together a communication plan for the education of the voters on the Bond Referendums scheduled for the November 3, 2020 election. He encouraged the Council to offer input on the communication plan.
- 2) The Army Corps of Engineers has provided an update on the dredge project, which has been forwarded to the Hills Beach Association.

Other Business:

Councilor Lessard: announced that a Hazardous Waste Day has been scheduled for Saturday, September 12th 8:00 a.m. to noon.

Councilor Emhiser: reiterated what was shared by the City Manager in regards to the Saco River/Biddeford Pool Dredging Project. He has heard from and understands the concerns of the Hills Beach residents and he has tried to work through their issues.

Councilor Clearwater: confirmed about the Sept. 12th Hazardous Waste Day.

She is currently serving on the MMA Legislative Policy Committee and the Committee is currently gathering information on what the priorities are for Maine communities. She asked her fellow Councilors to let her know what their priorities are so she can pass that along.

Councilor Quattrone: noted that School will be back in session within the next week. He wished all the teachers, staff and students luck in the new school year.

He then asked if the Cub Care handbook can be posted and made accessible on the Recreation Department website.

Council President Addressing the Council: Councilor McCurry would like to start exploring the possibility of holding Council Meetings in the Council Chambers again.

He then asked if the Recreation Department is planning to offer Cub Care on Wednesdays since the School Department has decided to use Wednesdays as a flex day and not have students report to school. Recreation Director, Carl Walsh clarified that the Recreation Department is currently planning to offer Cub Care on Wednesday for the full day – 7:30am to 5:30pm. He noted that registration for Cub Care opens Sept. 2nd and applicants will be accepted on a first come, first serve basis.

Executive Session: 1 MRSA 405(6)(A)..Personnel Matter

Motion by Councilor Clearwater, seconded by Councilor Belanger to move into Executive Session.

Vote: Unanimous.

Time: 8:01 p.m.

NOTE: Councilor Clearwater will not be in attendance for the Executive Session.

{The Council came into City Hall to meet in person for the Executive Session; and it was noted that no action would be taken.}

Motion by Councilor Lessard, seconded by Councilor McCurry to move out of Executive Session.

Vote: Unanimous.

Time: 8:44 p.m.

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

Vote: Unanimous.

Time: 8:44 p.m.

Attest by: _____

Carmen J. Morris, City Clerk