

City of Biddeford

City Council

July 16, 2024 at 6:00 PM

City Hall Council Chambers & Zoom

1. Roll Call

Council President LaFountain - all present

Councilor Lessard

Councilor Ortiz

Councilor Emhiser

Councilor Whiting

Councilor Beaupre

Councilor Gross

Councilor Belanger

Councilor Doughty

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

Added 2024.199 City Manager, James Bennett's appointment of Deanne Vail as Assessor for the City of Biddeford

Motion: Councilor Belanger

Second: Councilor Emhiser

Vote: Unanimous in favor.

Motion passed.

Item 6.b will be addressed before 6.a.

4. Recognition

4.a Sam Zaitlin Tribute

A letter from Senator King was read and several community members spoke.

4.b Spirit of America Award Heart of Biddeford

Mayor Grohman presented the award.

4.c The Wall That Heals - Vietnam Veterans Memorial

The Wall will be in Biddeford this week.

5. Public Hearing

5.a Proposed Fourth Amendment to CDBG Year 2 Action Plan

Public Hearing opened at 6:17 pm

There were no public comments.

Jessica Wilson, Community Development Coordinator, explained the program

Time closed: 6:20 pm

5.b Trailside Way Affordable Housing Municipal Development and Tax Increment

Financing District

Public Hearing opened at 6:20 pm

There were no public comments.

Public Hearing closed at 6:21 pm

5.c Thatcher Brook Apartments Affordable Housing Municipal Development and Tax

Increment Financing District

Public Hearing opened at 6:21 pm

There were no public comments.

Public Hearing closed at 6:22 pm

6. Presentation

6.a Grant Presentation - Delilah Poupore of Heart of Biddeford and Cameron Wake of UNE gave a presentation on the grant proposal in support of the Climate Action Plan.

6.b Biddeford Police Advisory Committee Presentation - Fred Olsen gave an update to the Council

7. Resolution

7.a EPA's Community Change -RESOLUTION

Motion: Councilor Whiting

Second: Councilor Belanger

Unanimous in favor.

Motion passed.

8. Appointments

8.a 2024.111 Mayoral Appointments to Citizen Committees

Motion: Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

8.b 2024.112 Approval/MMA LPC Nomination

Motion: Councilor Emhiser

Second: Councilor Beaupre

Vote: Unanimous in favor.

Motion passed.

9. Public Addressing the Council

One citizen praised the efforts for the unhoused and expressed concerns about City Hall.

Two citizens commented on the UNE pier application.

One citizen raised concerns about parking lot flooding in Biddeford Pool.

Two citizens commented about a new parking lot in the Five Points area creating a heat island.

10. Consideration of Minutes

10.a Council Minutes 6-18-24

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

10.b Council Minutes 6-28-24

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

11. Second Reading

11.a 2024.98 Zoning Ordinance Text Amendment: Code of Ordinances, Part III: Land

Development Regulations, Article XII Floodplain Management Ordinance

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

11.b 2024.99 Rezoning Request / 118 Alfred Street (Tax Map & Lot# 38-303-1) from MSRD-

2 to MSRD-1

Motion: Councilor Whiting

Second: Councilor Lessard

Several citizens expressed concerns with late night activities in that area, others spoke about the traffic and against the rezoning.

The Domino's Pizza owner spoke about the reasons for relocating.

Councilor Beaupre asked for percentages of delivery, take out and dine in.

Councilor Lessard discussed the map, the location of the property and the surrounding areas.

Councilor Ortiz expressed concerns with the location.

City Manager Jim Bennett explained the history of the Lincoln Street area and the eminent domain process with DOT. There is no current pending order but it is possible. They might have a response within 4-8 weeks for a 2026 project and it will come back before Council.

Councilor Belanger stated that the Council could consider a contract zone versus ordinance change.

Councilor Whiting will not support this.

Councilor Lessard – point of order, the maker of the motion cannot speak against the item.

Councilor Belanger – motion to suspend the rules to allow Councilor Whiting to speak on it.

Second: Councilor LaFountain

Vote: 8 yeas – Councilors Ortiz, Belanger, Doughty, Whiting, Beaupre, Gross, Emhiser and LaFountain

1 nay – Councilor Lessard.

Motion passed.

Councilor Whiting will not support it at this time, he referenced language in MSRD2.

Councilor LaFountain will vote against it, he walked the area at night. He has received a lot of public comments against it.

Councilor Doughty also received public comments against it.

Councilor Whiting – motion to allow Councilor Belanger to abstain from the vote.

Second – Councilor Lessard

Vote – Unanimous in favor.

Motion passed.

Vote on the order: 7 yeas – Councilors Ortiz, Whiting, Gross, Doughty, Beaupre, Emhiser and LaFountain.

1 yeas – Councilor Lessard

1 abstention – Councilor Belanger

Motion failed.

12. Orders of the Day

12.a 2024.113 Approval/Amendment to CDBG Year 2 Action Plan

Motion: Councilor LaFountain

Second: Councilor Whiting

Councilor Lessard had questions on how the money was being spent.

Councilor Belanger will support it, it is a valuable project using federal money.

Vote: 8 yeas – Councilors Ortiz, Belanger, Doughty, Whiting, Beaupre, Gross, Emhiser and LaFountain

1 nay – Councilor Lessard.

Motion passed.

12.b 2024.114 Approval/Authorization Trailside Way Affordable Housing Tax Increment

Financing District Application

Motion: Councilor LaFountain

Second: Councilor Whiting

Councilor Belanger asked about the recommended account percentages.

Councilor Emhiser requested that they use more of the TIF percentages for sewer operations.

Councilor Lessard supported the idea of more funding for sewer.

Councilor Emhiser — motion to amend to move the full amount of the 25% to sewer operations.

Second: Councilor Belanger

Vote on the amendment: Unanimous in favor.

Amendment passed.

Vote on the order as amended: Unanimous in favor.

Motion passed.

12.c 2024.115 Approval/Authorization Thatcher Brook Affordable Housing Tax Increment

Financing District Application

Motion: Councilor LaFountain

Second: Councilor Whiting

Councilor Lessard asked them to reconsider using “Thatcher Brook” in the name, it has many uses already.

Councilor Emhiser — motion to amend to move the full amount of the 25% to sewer operations.

Second: Councilor Belanger

Vote on the amendment: Unanimous in favor.

Amendment passed.

Vote on the order as amended: Unanimous in favor.

Motion passed.

12.d 2024.116 River Jam Special Event and Alcohol Service Order

Motion: Councilor LaFountain

Second: Councilor Belanger

This is the 10th Anniversary of River Jam, it is a free event, they are expecting a 15% increase in attendance.

Councilor Belanger — motion to amend restricted area, change to “Mechanics Park”

Second: Councilor Lessard

Vote on the amendment: Unanimous in favor

Amendment passed.

Vote on the order as amended: Unanimous in favor.

Motion passed.

12.e 2024.117 Approval/Capital Committee's recommendation for the remaining FY24 CIP

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

12.f 2024.118 Approval/Capital Committee's recommendation for FY25 CIP

Motion: Councilor LaFountain

Second: Councilor Lessard

Vote: Unanimous in favor.

Motion passed.

13. Public Addressing the Council

none

14. City Manager Report

There was a lightning strike at the Community Center.

Storm damage on Ocean Avenue should be eligible for FEMA funds.

An update was sent regarding the unhoused. The transition went amazingly well, he is very proud of the staff efforts.

GA is going well.

The engineering firm that was hired to review the UNE pier application has significant marine experience including Bar Harbor. The purpose is to review the application for completion, when complete it will go to the State agencies for their review. Then it will go to the City Planning Board, then the Harbor Master.

Phil Radding gave an update on the City Hall project. The windows are 80% complete. The project should finish on time.

15. Other Business

Councilor Lessard - requested future funding for a splash pad.

Councilor Belanger – motion to extend the meeting beyond 9:00 pm

Second: Councilor Lessard

Vote: Unanimous in favor.

Meeting extended.

Councilor Ortiz – requested a list of the new/proposed affordable housing units and compare to task force goals. She also supports the splash pad and recommends Mayfield Park.

16. Council President Addressing the Council

Council President LaFountain thanked everyone at Recreation and Public Works for their work getting the beaches and parking lots ready for summer.

17. Mayor Addressing the Council

Mayor Grohman gave an update on the schools - they received a grant for outdoor learning; they are making good progress on hiring and they are working on a plan for solar panels on the rooftop of the high school.

18. Executive Session

Motion to enter Executive Session at 9:07 pm by Council Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

18.a Executive Session 1 MRS 405 6 (c) Real Estate Matters

18.b Executive Session 1 MRS 405 6 (a) Personnel Matters

Motion to come out of Executive Session at 10:10 pm by Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

19. Adjourn

Motion to adjourn at 10:10 pm by Councilor Belanger

Second: Councilor Lessard

Vote: Unanimous in favor.

Meeting adjourned.