

**COUNCIL MEETING
AUGUST 20, 2019**

Mayor Casavant called the meeting to order at 6:06 p.m.

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Michael Ready, Marc Lessard

Robert Quattrone, Jr., Norman Belanger and Laura Seaver were excused.

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

Adjustment to the Agenda:

- Add: Executive Session – 1MRSA 405(6)(E)..Consultation with Legal Counsel

*Public Hearing: **Liquor License – Eat’N Park Hospitality Group, Inc. @ UNE***

The Chair opened the Public Hearing at 6:07 p.m.

There were no public comments.

The Chair closed the Public Hearing at 6:07 p.m.

*Consideration of Liquor License: **Eat’N Park Hospitality Group, Inc. @ UNE***

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend the issuance of a liquor license to Eat’N Park Hospitality Group, Inc. @ UNE.

Vote: Unanimous.

*Special Event Application: **2019 River Jam***

Motion by Councilor McCurry, seconded by Councilor Clearwater to approve the Special Event Permit for **2019 River Jam**.

Vote: 5/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Clearwater and Lessard in favor.

Motion carries.

Consideration of Minutes: **August 6, 2019**

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

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendments and first readings, see the Council Meeting minutes of August 6, 2019}

2019.77) Amendment/Ch. 46, Parks and Recreation/Sec. 46-1-Word usage and definitions/Add Athletic Field

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

2019.78) Amendment/Ch. 46, Parks and Recreation/Sec. 46-13-Park operating policy/Add Dogs on athletic fields

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

2019.79) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Delete on Elm Street and Add on Elm Street from Biddeford/Saco City Line to Biddeford/Arundel Town Line

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2019.80) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/
Delete on Elm Street at intersection with St. Joseph Street**

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2019.81) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-100-Disability
Parking/Delete on Graham Street at intersection with Harding Street**

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

**2019.82) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-88-One-Way Streets/
Amend on Franklin Street**

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: 5/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Clearwater, Ready and Lessard in favor.

Motion carries.

**2019.83) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-89-Stop Intersections/Add
on Franklin Street and Delete on Federal Street**

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the second reading of the ordinance amendment.

Vote: Unanimous.

Orders of the Day:

2019.50 **IN BOARD OF CITY COUNCIL..MAY 21, 2019**

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 III (Official Zoning Map),
is amended to rezone a portion of the property (300 feet deep off Guinea Road) at
226 Guinea Road (Tax Map 78, Lot 1) from R-F to SR-1.**

Motion by Councilor Lessard, seconded by Councilor Swanton to remove the ordinance amendment from the table.

Vote: 5/1; Councilor McCurry opposed.

Councilors Swanton, St. Cyr, Clearwater, Ready and Lessard in favor.

Motion carries.

Vote on first reading: All Opposed.

Ordinance amendment fails.

2019.90 **IN BOARD OF CITY COUNCIL..AUGUST 20, 2019**

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

**Biddeford Code of Ordinances Part III (Land Development Regulations), Article XIV
(Shoreland Zoning):**

Section 15. Land Use Standards.

B. Principal and Accessory Structures.

1. All new principal and accessory structures shall be set back at least 100 feet, horizontal distance from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 100 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that:

- a. ~~i~~In the General Development District the setback from the normal high-water line of the wetland shall be at least 25 feet, horizontal distance;
- b. ~~,i~~In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback;
- c. The setback for structures associated with Essential Services in the Limited Residential District shall be at least 75 feet, horizontal distance; and
- d. ~~,and t~~The setback for structures from the normal high-water line of the wetland shall be at least 75 feet, horizontal distance, in that portion of the Institutional (IN) Zone subject to the Limited Residential (~~LR~~) ~~Shoreland~~ District described as follows:

A certain lot or parcel of land situated on the easterly side of Hills Beach Road, in the City of Biddeford, County of York, State of Maine, and being more specifically bounded and described as follows:

BEGINNING at a point marking the intersection of the north westerly extension of the south westerly sideline of the UNE wastewater treatment plant and the upper edge of the coastal wetland adjacent to the Saco River, thence southerly along a line through the south westerly sideline of the UNE wastewater treatment plant a distance of 310 feet more or less to the intersection of said line with the city of Biddeford Limited Residential (LR) zone boundary;

THENCE: north easterly along said LR zone boundary a distance of 414 feet more or less to a point;

THENCE: northerly 340 feet more or less to a point on the upland edge of the coastal wetland adjacent to the Saco River.

Meaning and intending to encompass a portion of Lot 4, as shown on City of Biddeford Official Tax Map 52.

Within that portion of the Institutional (IN) Zone subject to a Shoreland Zoning District, existing buildings, structures, and roads may be maintained, modified, or replaced but no new buildings shall be built or located and no existing buildings shall be enlarged (including the replacement of existing buildings) except as follows: The existing buildings and roads may be modified to the extent necessary to meet the requirements of applicable local, state, or federal codes or regulations, the existing sewage treatment plant may be expanded or replaced, and the existing Marine Science Center may be expanded through the construction of one additional building, provided that such changes meet all shoreland requirements and the performance standards of Article XIV.

Motion by Councilor Swanton, seconded by Councilor McCurry to grant the first reading of the ordinance amendment.

Vote: Unanimous.

2019.91

IN BOARD OF CITY COUNCIL..AUGUST 20, 2019

BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for Heart of Biddeford to serve liquor at the **2019 Fringe Fest** on September 20th at Shevenell Park, providing that the said Heart of Biddeford is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the request.

Vote: 4/2; Councilors Ready and Lessard opposed.

Councilors Swanton, McCurry, St. Cyr and Clearwater in favor.

Motion carries.

2019.92 **IN BOARD OF CITY COUNCIL...AUGUST 20, 2019**
BE IT ORDERED, that in accordance with the provisions set forth under *Ch. 6, Amusements, Article V – Sales, Possession and Consumption of liquor at and during Special Events on City Public Property*, the City Council of the City of Biddeford does hereby grant approval for Heart of Biddeford to serve liquor at the **2019 River Jam Festival** on September 21st at Mechanics Park, providing that the said Heart of Biddeford is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the request.
Vote: 4/2; Councilors Ready and Lessard opposed.
Councilors Swanton, McCurry, St. Cyr and Clearwater in favor.
Motion carries.

2019.93 **IN BOARD OF CITY COUNCIL....AUGUST 20, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize an increase in the maximum grant award for the Business Improvement Program (formerly Façade Program) from \$15,000 to \$30,000 with a one-to-one match, enabling projects up to \$60,000 to be completed.

Note: Funding for the program is designated through the CDBG program. The current fund balance is \$102,296.

Motion by Councilor Ready, seconded by Councilor Swanton to grant the order.
Vote: 5/1; Councilor McCurry opposed.
Councilors Swanton, St. Cyr, Clearwater, Ready and Lessard in favor.
Motion carries.

2019.94 **IN BOARD OF CITY COUNCIL... AUGUST 20, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the attached Exchange Agreement and Master Lease with Draft Room LLC substantially in the form as presented, for the development of the Riverdam Mill Building.

Motion by Councilor Swanton, seconded by Councilor Ready to grant the order.
Vote: 5/1; Councilor McCurry opposed.
Councilors Swanton, St. Cyr, Clearwater, Ready and Lessard in favor.
Motion carries.

2019.95 **IN BOARD OF CITY COUNCIL... AUGUST 20, 2019**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby direct the City Manager to prepare and release a request for bid (RFB) for professional services for a qualified parking consultant. The RFB shall address reviewing and providing feedback and recommendations specific to on-street parking time limits and layout, public parking lot parking time limits, integrated parking fee and enforcement technology, and overall parking management plan implementation. The RFB shall be issued no later than seven (7) days from the date of this order.

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

Appointment:

IN BOARD OF CITY COUNCIL...AUGUST 20, 2019
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Jeffrey Dorais
71 May Street
Ward 7

to the *Recreation Commission*, replacing Ronald Ouellette, with a term to expire December 2022.

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

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

City Manager Report:

City Manager, James Bennett addressed comments made during the Public Addressing the Council portion of the meeting. He noted that any issues involving City personnel are not within the purview of the City Council, and should be brought to the attention of the City Manager, or his designee when he is not available. It is per State Law that personnel issues not be handled by elected officials, and certainly not in public for the protection of the public employee.

Other Business:

Councilor Lessard – has been watching the economy and noted that we have recently experienced an inverted yield curve. Generally speaking, once this happens, within an average of 32 months, the economy could see a recession. He explained that this is important to know as he makes future financial decisions for the City.

Councilor Swanton – asked about the issue of the Hills Beach Fire Station, which had been tabled at a previous Council meeting. It was noted that this item will be included on the September 3, 2019 Council meeting agenda.

Council President Addressing the Council: Councilor McCurry shared that he and Mayor Casavant met with representatives of the Ice Arena and have come up with a way to ensure better and fair ice times for both the youth hockey program and the Biddeford High School hockey team.

Mayor Addressing the Council: Mayor Casavant thanked the Biddeford Historical Society and the Heart of Biddeford for organizing the Acadia Music event, with Robert Sylvain performing, that took place at the Meetinghouse Building last week. He believes that these types of events are important for community building.

Executive Session:

- **1 MRSA 405(6)(C)..Development Contract Update**
- **1 MRSA 405(6)(E).. Consultation with Legal Counsel, re: legal matter**

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

Vote: Unanimous.

Time: 7:19 p.m.

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

Vote: Unanimous.

Time: 8:31 p.m.

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

Vote: Unanimous.

Time: 8:31 p.m.

Attest by:_____
Carmen J. Morris, City Clerk