

**COUNCIL MEETING
AUGUST 7, 2018**

Mayor Casavant called the meeting to order at 6:34 p.m.

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Robert Quattrone, Jr., Victoria Foley, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

There were no adjustments to the agenda.

Consideration of Minutes: **July 17, 2018**
Motion by Councilor Swanton, seconded by Councilor Belanger 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 July 17, 2018}

2018.75) Amendment/Ch. 42, Motor Vehicles & Traffic/Add New Sec. 42-8-Parking Authority

Motion by Councilor Ready, seconded by Councilor Foley to grant the second reading of the ordinance amendment.
Vote: 7/2; Councilors Lessard and Swanton opposed.
Councilors McCurry, St. Cyr, Quattrone, Foley, Belanger, Ready and Seaver in favor.
Motion carries.

2018.76) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-62-Identification and use of municipal parking lots/Authority to implement fees

Motion by Councilor Ready, seconded by Councilor McCurry to grant the second reading of the ordinance amendment.
Vote: 6/3; Councilors Lessard, Seaver and Swanton opposed.
Councilors McCurry, St. Cyr, Quattrone, Foley, Belanger and Ready in favor.
Motion carries.

Orders of the Day:
2018.78 **IN BOARD OF CITY COUNCIL..AUGUST 7, 2018**
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 V (Establishment of Zones), Table A (Table of Land Uses):

	I-3
Medical Marijuana Growing Facility	<u>C28</u>

NOTES:
28. This use is not permitted on those properties subject to the Robert G. Dodge Business Park and the Alfred Road Business Park covenants.

NOTE: The Planning Board held a duly noticed Public Hearing on this item (at the request of the City Council) and voted 3-1 to recommend this amendment be approved by the City Council.

Motion by Councilor Swanton, seconded by Councilor Foley to grant the first reading of the ordinance amendment.
Vote: 4/5; Councilors McCurry, Lessard, Seaver, Ready and St. Cyr opposed.
Councilors Swanton, Quattrone, Foley and Belanger in favor.
Motion FAILS.

2018.79

IN BOARD OF CITY COUNCIL..AUGUST 7, 2018

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 VI (Performance Standards),
Section 59 (Signs):**

B.14 Exempt off-premises signs. The following off-premises signs may be erected and maintained without the approval of the Board of Appeals or Code Enforcement Office:

n. Banners on light poles within a public right-of-way that are attached top and bottom to permanent or temporary structural members for the purposes of identifying municipal and institutional zone (university/college) areas and events within the city must be approved by the City of Biddeford Department of Public Works. Approved banners may be erected by the City of Biddeford Department of Public Works, a university/college, or agents of either the City of Biddeford or a university/college. Such banners may not contain any advertising other than that related to the relevant municipal and/or institutional zone entity.

C.7 In the IN Zone, the following signs shall be permitted, provided that no individual sign shall be larger than 32 square feet and that all signs shall be consistent with the design standards set forth in the approved institutional master plan:

h. Banners on light poles within a public right-of-way that are attached top and bottom to permanent or temporary structural members for the purposes of identifying municipal and institutional zone (university/college) areas and events within the city must be approved by the City of Biddeford Department of Public Works. Approved banners may be erected by the City of Biddeford Department of Public Works, a university/college, or agents of either the City of Biddeford or a university/college. Such banners may not contain any advertising other than that related to the relevant municipal and/or institutional zone entity.

NOTE: The Planning Board held a duly noticed Public Hearing on this item and voted 4-0 (unanimously) to recommend this amendment be approved by the City Council.

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

Vote: 3/6; Councilors McCurry, Swanton, Lessard, Seaver, Belanger and Foley opposed.

Councilors St. Cyr, Quattrone and Ready in favor.

Motion FAILS.

2018.80

IN BOARD OF CITY COUNCIL..AUGUST 7, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby advise the Planning Board of its endorsement of the proposed Contract Zone #18 located off Barra Road for a 240-unit multi-family project as outlined in the applicant's letter to the City Planner dated July 27, 2018 and its attached "REQUEST FOR CONSIDERATION AND APPLICATION FOR CONTRACT ZONE PURSUANT TO ARTICLE V, SECTION 9 OF THE ZONING ORDINANCE OF THE CITY OF BIDDEFORD".

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

Vote: 7/2; Councilors McCurry and Swanton opposed.

Councilors St. Cyr, Quattrone, Foley, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2018.81

IN BOARD OF CITY COUNCIL..AUGUST 7, 2018

BE IT ORDERED that the City Council does hereby request the Planning Board to develop Zoning Ordinance amendments, to conduct a Public Hearing on said amendments, and make recommendations to the City Council related to the following:

- Defining "Dog Daycare" as a land use and recommend zones where it might be Permitted, Conditional, or Not Permitted as a land use;
- Develop recommended Performance Standards to regulate "Dog Daycare"; and
- Review the relationship of the existing ordinance pertaining to "Kennel" and "Kennel, boarding" with "Dog Daycare", and if warranted, recommend appropriate amendments related to such relationship.

Motion by Councilor Foley, seconded by Councilor Quattrone to grant the order.

Vote: Unanimous.

2018.82

IN BOARD OF CITY COUNCIL.....AUGUST 7, 2018

BE IT ORDERED, that the City Manager be authorized to purchase a 2019 Ford F-250 pickup as per bid of July 27, 2018 (the "Equipment") from Arundel Ford (the "Vendor") and may pay the Vendor an amount not to exceed \$33,592.00 (before discounts valued at \$4,000.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$33,592.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$33,592.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and
5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on August 6, 2018 and vote to recommend it to the City Council for approval. The purchase of this item is included in the FY19 CIP budget

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

Motion by Councilor McCurry, seconded by Councilor Ready to amend the order, #1 to remove "incur debt to reimburse expenditures" and include language that the vehicle be purchased out right.

Vote: Unanimous.

Vote on order, as amended: Unanimous.

2018.83

IN BOARD OF CITY COUNCIL.....AUGUST 7, 2018

BE IT ORDERED, that the City Manager be authorized to purchase a 2019 GMC One-Ton truck as per bid of July 27, 2018 (the "Equipment") from O'Connor Motor Sales (the "Vendor") and may pay the Vendor an amount not to exceed \$51,466.00 (before discounts valued at \$8,608.00) for the Equipment as follows:

1. The City of Biddeford expects to incur debt to reimburse expenditures to pay the cost of the Equipment;
2. The City of Biddeford reasonably expects that the maximum principal amount of the debt, including for reimbursement purposes, is \$51,466.00;
3. The City Manager, on behalf of the City of Biddeford, is authorized to enter into a lease purchase, loan or other financing agreement for the Equipment provided that (a) the principal amount of such agreement will not exceed \$51,466.00, (b) the term of such agreement will not exceed one hundred and twenty (120) months and (c) any obligation of the City of Biddeford to make lease or loan payments pursuant to such agreement is subject to annual appropriation by the City Council of the City of Biddeford;
4. The City Manager is authorized to advance money from the General Fund of the City for payment of the costs of the Equipment; and

5. The City Manager, on behalf of the City of Biddeford, is authorized to negotiate, enter into, execute, deliver and cause to be performed, and to approve, any and all agreements, instruments, certificates and other documents, and to grant security interests in the Equipment, upon such terms, conditions, limitations and undertakings, which the City Manager determines are necessary and proper for the acquisition and financing of the Equipment, provided that any lease purchase, loan or other financing agreement will be countersigned by both the Mayor and the Treasurer of the City of Biddeford. Without limiting the foregoing, the City Manager, on behalf of the City of Biddeford, in connection with the acquisition of the Equipment, is authorized to sell, transfer, trade in or otherwise dispose of any equipment, which the City Manager determines is no longer useful to the City of Biddeford.

NOTE: The Finance Committee will review this item on August 6, 2018 and vote to recommend it to the City Council for approval. The purchase of this item is included in the FY19 CIP budget

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

2018.84 **IN BOARD OF CITY COUNCIL..AUGUST 7, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute the proposed Police Union Contract substantially in the form presented to the City.

Motion by Councilor Ready, seconded by Councilor Foley to grant the order.
Vote: 6/3; Councilors McCurry, Lessard and St. Cyr opposed.
Councilors Swanton, Quattrone, Foley, Belanger, Ready and Seaver in favor.
Motion carries.

2018.85) Authorization/Master Plan Agreement for 3 Lincoln Street
Motion by Councilor Ready, seconded by Councilor Seaver to move into Executive Session, per 1 MRSA 405(6)(C)...Use of Property.
Vote: Unanimous. Time: 6:48 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Executive Session.
Vote: Unanimous. Time: 7:05 p.m.

Motion by Councilor McCurry, seconded by Councilor Lessard to table this item until the agreement and related documents can be reviewed and revised by legal counsel.
Vote: Unanimous.

Appointments:

MMA Annual Election – Vice President & Executive Committee Members:

Motion by Councilor McCurry, seconded by Councilor Lessard to direct Brian Phinney, Chief Operating Officer to complete the ballot provided by MMA.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...AUGUST 7, 2018
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

Daniel Lamontagne
286 Pool Street
Ward 2

to the *Solid Waste Management Commission*, replacing James Emerson, for a term to expire in December 2020

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

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

City Manager Report:
City Manager, James Bennett, was not present.

Other Business:

Councilor Lessard: now that the Police Department Union Contract has been voted on and approved, he is more than happy to have a conversation with anyone who'd like to hear an explanation of why he voted as he did.

Councilor Lessard made a formal request that City Staff look into what needs to be done to get another Exit on the Turnpike – even if that involves getting in contact with our Augusta Delegation, and also working with surrounding communities who are affected by the Biddeford Turnpike Exit.

Councilor Swanton: is under the impression that the Dept. of Transportation will not allow an Exit within 5 miles of another Exit on the Turnpike, unless there is a certain population density level within that area. He thinks that this issue may need to be handled at the federal level.

Councilor Ready: has spoken with Chief Beaupre about the current Exit here in Biddeford and the need for the City to look into better traffic control in that area, and all the way up to 5 Points. He agrees that this issue needs to be discussed and a solution worked out.

Councilor Quattrone: announced that the program *Finding the Pieces* had it first day of its second year this week, and he thanked the Biddeford School Department, City Administration – especially the City Manager and the Recreation Director, Carl Walsh who have played a part in making this program successful.

Councilor McCurry: expounded on Councilor Quattrone's comments and in turn, thanked Councilor Quattrone for his part in making the *Finding the Pieces* program happen and successful.

Councilor McCurry suggested that the LaKermesse organization start planning for next year's event and come to the City sooner for their necessary approvals.

Councilor McCurry received a call from a constituent who was asking if the City would be interested in creating tenting areas within the City.

Council President Addressing the Council: Councilor McCurry attended the CALEA ceremony a couple of weekends ago and is proud of the Police Department for accomplishing accreditation. He would like to see the Fire Department look into the accreditation process through CFAI; and possibly the Public Works Department as well.

Mayor Addressing the Council: Mayor Casavant attended the Bacon Street Festival this past weekend and was pleased with how well things went. He thanked CDBG Coordinator, Linda Waters and Recreation Director, Carl Walsh for all their efforts in making this event successful. While he was at the Festival, he was able to check out the Community Garden in the Bacon/Sullivan Street area. He feels the garden is another great project that has succeeded in building neighborhood relationships and pride.

Mayor Casavant reminded folks that River Jam is coming up in about a month.

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

Vote: Unanimous.

Time: 7:16 p.m.

Attest by: _____
Carmen J. Morris, City Clerk