

COUNCIL MEETING

JULY 20, 2021

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 6:22 p.m.

Roll Call: John McCurry, Jr., Stephen St. Cyr, Ashanti Williams, Amy Clearwater, Michael Ready, Doris Ortiz, Marc Lessard

William Emhiser and Norman Belanger were excused.

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

Adjustments to the Agenda:

Remove Orders 2021.70; 2021.71; and 2021.77

Update: Climate Control Committee

Chairman of the Climate Control Committee, Steven Reiter gave the update. He spoke about the goals for this Committee; as well as what tasks the Committee are currently working through. The expected duration of this Committee to complete its work is one to two years.

Presentation: Adams Point Tax Increment Financing (TIF) Request

Brooks More, Director of Development at South Portland Housing Authority, gave the presentation. The Adams Point Project is located at 69 Adams Street and is expected to be five stories with 39 affordable, non-age restricted apartments, with a mixture of 1, 2, 3 and 4 bedrooms. The TIF request is for 75% of property taxes over 30 years. The City Council will consider and vote on the requested TIF at a future meeting.

Public Hearing: Member and Public Participation in Governmental Public Meetings

The Public Hearing was opened at 7:02 p.m.

Chief Operating Officer Brian Phinney explained the necessity of this Public Hearing, which is a State Law requirement. The State Law requires that municipalities go through this process in order to continue offering remote access to public meetings; even though members of the meeting body are required to meet in-person.

There were no comments from the public.

The Public Hearing was closed at 7:08 p.m.

Consideration of Minutes: July 6, 2021

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 July 6, 2021.}

2021.58) Amendment/Ch. 46, Parks/Sec. 46-8-Sanitation & Sec. 46-13-Park operating policy/Add Language for Horses

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

Vote: Unanimous.

2021.59) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on Phillips Lane

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

Vote: Unanimous.

2021.60) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-92-Limited Parking/Sec. 42-90-No Parking/Sec. 42-88-One-way Streets/Add on Day’s Landing

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

2021.61) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-64- Fees for parking violations/Add for All Other Violations

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

2021.62) Amendment/Ch. 58, Solid Waste, Sec. 58-163.1, et al./Change Name of Solid Waste Management Commission to Recycling & Waste Management Commission

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

Orders of the Day:

2021.69 **IN BOARD OF CITY COUNCIL..JULY 20, 2021**
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 **2021 River Jam** on August 21, 2021 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 Clearwater, seconded by Councilor McCurry to grant the order.
Vote: 4/3; Councilors Ready, Lessard and McCurry opposed.
Councilors St. Cyr, Williams, Clearwater and Ortiz in favor.
Motion carries.

2021.72) Amendment/Land Development Regulations/Art. XV-Historic Preservation Ordinance/Process for nomination and addition of historic buildings, landmarks and sites/Responsibilities of Historic Preservation Commission

For a copy of the full Ordinance and amendments, see the July 20, 2021 Council Meeting packet found on the City’s website: www.biddefordmaine.org.

Motion by Councilor McCurry, seconded by Councilor Clearwater to grant the first reading of the ordinance amendment.
Vote: Unanimous.

2021.73 **IN BOARD OF CITY COUNCIL..JULY 20, 2021**
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), 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
Educational, institutional public uses:		
Public and private schools*	53	P

Part III (Land Development Regulations), Article VI (Performance Standards):

~~Section 53 (Primary and secondary schools, fraternal organizations, and not-for-profit clubs).~~

~~Schools, fraternal organizations and not-for-profit shall be permitted as a conditional use in accordance with the provisions below:~~

~~A. The buffers standards of this ordinance shall be met.~~

~~B. No building shall be closer than 50 feet from any property line.~~

~~C. When adjacent to residential properties, parking areas and outdoor activity areas shall be effectively screened from view by a continuous vegetative barrier, or stockade fence, not less than six feet in height.~~

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

Vote: All Opposed. Motion fails.

2021.74 IN BOARD OF CITY COUNCIL...JULY 20, 2021

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 565 Elm Street (Tax Map 13, Lot 43) from Business 2 (B-2) to Industrial-1 (I-1).

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

Vote: All Opposed. Motion fails.

2021.75 IN BOARD OF CITY COUNCIL..JULY 20, 2021

BE IT ORDAINED that the City Council of Biddeford, Maine amends Contract Zone #19 for the Maine Governmental Facilities Authority to allow for the installation of photovoltaic (PV) panels in the parking lots east of the courthouse, in addition to PV panels on the roof, and that the amended Contract Zone #19, as recommended by the Planning Board on July 7, 2021, be adopted, and that said Contract Zone as amended be considered an amendment to the Zoning Ordinance and the Official Zoning Map of the City of Biddeford, and

BE IT ORDERED that the City Manager is authorized to sign and execute an Agreement to Amend Contract Zone #19 between the City of Biddeford and the Maine Governmental Facilities Authority.

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

Motion by Councilor Ortiz, seconded by Councilor Clearwater to amend the ordinance amendment by adding language that a fencing requirement shall be included in the Contract Zone, along with the solar panel arrays.

Vote: 4/3; Councilors Lessard, Ready and McCurry opposed.

Councilors St. Cyr, Williams, Clearwater and Ortiz in favor.

Motion carries.

Vote on first reading, as amended: 5/2; Councilors Ready and McCurry opposed.

Councilors St. Cyr, Williams, Clearwater, Ortiz and Lessard in favor.

Motion carries.

2021.76 IN BOARD OF THE CITY COUNCIL... JULY 20, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute an Agreement with SPURWINK to expand the Community Engagement Specialist Partnership with the Biddeford Police Department at a cost not to exceed \$230,000 the first year and \$237,000 in the second year.

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

Vote: Unanimous.

2021.78

IN BOARD OF CITY COUNCIL....JULY 20, 2021

BE IT ORDERED, that the Deputy Finance Director is authorized to create dedicated reserve accounts under the listed fund balance accounts, and transfer remaining funds from the FY 2021 Budget to said dedicated accounts as herein named in amounts not to exceed those stated, as of June 30, 2021 deducting any encumbrances:

10013-30101, General Fund Assigned Fund Balance

<u>Account Description</u>	<u>Amount</u>
Assessing Consultant (for commercial review)	\$50,000
Engagement Position	\$57,500
Engineering Consulting	\$55,000
Grant Matches*	\$85,000
Biddeford Pool Study	\$30,000
Engineering (MERC Tower)	\$30,000
Crosswalk Warning Lights	\$100,000
Software for Mobile App (citizen focus)	\$30,000
Backstop/netting for field #1 for St. Louis Field #1	\$150,000
Total	\$737,500

BE IT FURTHER ORDERED, that the Deputy Finance Director is authorized to create dedicated reserve accounts for all unspent FY21 Capital Improvement Funds (estimated at \$540,000), and transfer remaining funds from the FY 2021 Budget to said dedicated accounts for the same purposes as of June 30, 2021 deducting any encumbrances:

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 July 20, 2021 meeting and vote on recommendation for approval by the City Council.

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

Motion by Councilor St. Cyr, seconded by Councilor McCurry to amend by removing the Engagement Position, ½ of Crosswalk Warning Lights, and Backstop/Netting for Field #1 at St. Louis Field; with those freed up funds to decrease the tax rate.

Vote: 2/5; Councilors St. Cyr and McCurry in favor.

Councilors Williams, Clearwater, Ready, Ortiz and Lessard opposed.

Amendment fails.

Motion by Councilor Lessard, seconded by Councilor McCurry to amend by removing the Engagement Position and ½ of Crosswalk Warning Lights.

Vote: 3/4; Councilors McCurry, St. Cyr and Lessard in favor.

Councilors Williams, Clearwater, Ready and Ortiz opposed.

Amendment fails.

Vote on order as presented: 4/3; Councilors McCurry, St. Cyr and Lessard opposed.

Councilors Williams, Clearwater, Ready and Ortiz in favor.

Motion carries.

2021.79

IN BOARD OF CITY COUNCIL..JULY 20, 2021

BE IT ORDERED, that the City Assessor be authorized to commit property taxes for the fiscal year commencing July 1, 2021 and ending June 30, 2022 in the total sum of **\$50,241,414** with **\$1,331,480** raised for County Taxes, **\$23,245,570** raised for School/Educational use, **\$36,145,876** raised for Municipal use, and **\$1,840,868** raised for TIF funding use, less estimated revenues of **\$12,322,370**, and

BE IT FURTHER ORDERED, that said Property Tax Commitment shall be payable in two equal installments on October 13, 2021 and April 13, 2022 with any odd amount to be due on the first installment, and that interest shall be collected at the rate of 6.00% per annum on any taxes remaining unpaid after each respective installment date.

BE IT FURTHER ORDERED, that the Tax Collector be authorized to accept voluntary prepayments on property taxes and to pay interest on these voluntary prepayments at the rate of 0.00% per annum.

BE IT FURTHER ORDERED, that said Property Tax Commitment be recommended to be at the rate of **\$18.42** per \$1,000 of Property Valuation.

Note: Overlay to be confirmed after commitment by the Assessor.

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

Motion by Councilor Ready, seconded by Councilor Clearwater to suspend the rules to allow for a tabling motion since there are two Councilors absent from this meeting.

Vote: 5/2; Councilors Lessard and McCurry opposed.

Councilors St. Cyr, Williams, Clearwater, Ready and Ortiz in favor.

Motion carries.

Motion by Councilor Ready, seconded by Councilor Clearwater to table this order until the August 3, 2021 Council Meeting.

Vote: 4/3; Councilors Lessard, St. Cyr and McCurry opposed.

Councilors Williams, Clearwater, Ready and Ortiz in favor.

Motion to table carries.

2021.80

IN BOARD OF CITY COUNCIL..JULY 20, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Capital Improvement Projects Master Plan allocation for FY22, in the amount of **\$1,750,000** as recommended by the Capital Projects Committee. (see attached list)

NOTE: The Capital Projects Committee reviewed the FY22 CIP Allocation at their July 13, 2021 meeting and voted to recommend passage by the City Council.

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

Vote: 5/2; Councilors McCurry and St. Cyr opposed.

Councilors Williams, Clearwater, Ready, Ortiz and Lessard in favor.

Motion carries.

2021.81

IN BOARD OF CITY COUNCIL..JULY 20, 2021

BE IT ORDERED, that the City Manager be authorized to purchase one (1) Sutphen Heavy Duty Custom Pumper (Fire Apparatus) as per bid of July 14, 2021 (the "Equipment") from Dingee Machine Company, an Authorized Representative for Sutphen Corporation (the "Vendor") and may pay the Vendor an amount not to exceed \$702,048.00 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 \$702,048.00; ;
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 \$702,048.00, (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 July 20, 2021 and vote to recommend it to the City Council for approval. The lease-purchase of this item is included in the FY22 CIP Budget.

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

2021.82 **IN BOARD OF CITY COUNCIL. July 20, 2021**
BE IT ORDERED, that the Biddeford City Council hereby adopts the *Remote Meeting Participation Policy* in accordance with 1 M.R.S. §403-B. The Policy may be amended from time to time under separate action by the Biddeford City Council.

Motion by Councilor Clearwater, seconded by Councilor Ready to grant the order.
Vote: 5/2; Councilors Lessard and McCurry opposed.
Councilors St. Cyr, Williams, Clearwater, Ready and Ortiz in favor.
Motion carries.

2021.68 **IN BOARD OF CITY COUNCIL...JULY 6, 2021**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve that each non-union employee shall be entitled to a one-time monthly bonus of one hundred twenty-five dollars (\$125.00) per each month worked, for the period covering February 2020 to July 2021 (18 months), payable in full by July 31, 2021. Any employee that worked any hours in a given month is deemed eligible for that month.

NOTE: The Personnel Committee considered this item at their June 29, 2021 meeting and voted 3/1 to recommend passage by the City Council.

No motion was made to remove the Order from the table. This Order will be included on the August 3, 2021 Council Meeting Agenda.

Appointments:

IN BOARD OF CITY COUNCIL...JULY 20, 2021
ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the ***Municipal Service Budget Committee***, to determine the allocation of FY22 Social Service Funds:

Marc Lessard
William Emhiser
Norman Belanger
Ashanti Williams

NOTE: Mayor Casavant also serves on this Committee.

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

IN BOARD OF CITY COUNCIL....JULY 20, 2021
ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

JJ Bennett
General Assistance Administrator

to the *Clayton & Virginia Cartmill Trust*.

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

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
There were not public comments.

There was no City Manager Report.

Other Business:

Councilor Ready asked when the RiverWalk/walkway to the parking garage will be completed. City Manager Jim Bennett will look into this and get back to the Council with an answer. Jim was able to confirm that the permitting process has begun and the design for the RiverWalk/walkway is underway.

Councilor Ready commented on a recent news article that highlighted the work of Jacob Hammer, who is the Community Engagement Specialist working out of the Police Department. He is happy to see the positivity of providing the service that Jacob Hammer brings to the Police Department.

Councilor McCurry asked for an update on the Water-Main-Hill Street project. He also noted that now that the parking garage is open, the City should look into changing the timed parking in the downtown area.

Councilor Lessard cautioned those who do the purchasing for the City to be mindful of the extensive stress currently on the supply chain in general and to plan accordingly for delays and possible unavailability of supplies.

Councilor Clearwater reminded folks that River Jam is coming up on Saturday, August 21st.

Mayor Addressing the Council: Mayor Casavant announced that the section of Pool Street that has not yet been paved is scheduled to be done during the third week of August.

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

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

Vote: 5/2; Councilors Clearwater and Ready opposed.

Councilors McCurry, St. Cyr, Williams, Ortiz and Lessard in favor.

Motion carries.

Time: 8:37 p.m.

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

Vote: Unanimous.

Time: 8:40 p.m.

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

Vote: Unanimous.

Time: 8:40 p.m.

Attest by: _____
Carmen J. Morris, City Clerk